



Planning &
Environment

COPY **POSTED**
16/10/14

Mr Hugh Percy
Acting General Manager
Queanbeyan City Council
PO Box 90
QUEANBEYAN NSW 2620

Our ref: 14/16003
Your ref:

Attention: David Carswell/Jacinta Tonner

Dear Mr Percy

**Planning proposal to amend Queanbeyan Local Environmental Plan 2012 and
Queanbeyan Local Environmental Plan (South Tralee) 2012**

I am writing in response to Council's letter dated 19 September 2014 requesting a Gateway determination under section 56(2) of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of those amendments set out in the accompanying planning proposal.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also determined that any inconsistency with section 117 Direction 6.3 Site Specific Provisions is of minor significance in the circumstances. No further approval is required in relation to this Direction.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has now accepted this delegation and has also requested delegations for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should also be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Martin Brown of the Department's Queanbeyan office to assist you. Mr Brown can be contacted on (02) 6229 76913.

Yours sincerely,



15 October 2014

Brett Whitworth
General Manager
Southern Region

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2014_QUEAN_004_00)

I, the General Manager, Southern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') that an amendment to the Queanbeyan Local Environmental Plan (QLEP) 2012 and the Queanbeyan Local Environmental Plan (South Tralee) (QLEPST) 2012 as described in Schedule One should proceed subject to the conditions in Schedule Two:

SCHEDULE ONE

PROPOSED AMENDMENTS TO QUEANBEYAN LEP 2012

- To permit small lots of 130m² within 200 metres of any land zoned B2 Local Centre Zone or land identified as 'Additional Development Area' on the Googong Map.
- To provide for separately titled 'studio apartments' (or 'fonzi flats') in certain locations.
- To amend the Googong Map to show 'Additional Development Areas' 3, 4 and 5 with a 400m diameter for each 'Additional Development Area' footprint.
- To change the shape of the 'Additional Development Area 01' on the Googong Map for Neighbourhood Centre 1A from a sphere to a pattern based on the alignment of the street network.
- To amend the part of the Neighbourhood Centre 1A on the Googong Map to follow a street pattern.
- To amend the Land Zoning Map to rezone part of Neighbourhood Centre 1A from R1 General Residential Zone to Zone B1 Neighbourhood Centre Zone.

PROPOSED AMENDMENTS TO QUEANBEYAN LEP (SOUTH TRALEE) 2012

- To permit small lots of 130m² within 200 metres of any land zoned B4 Mixed Use Zone (provided the land is within a residential zone).
- To provide for separately titled 'studio apartments' (or 'fonzi flats') in certain locations.

SCHEDULE TWO

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure).
2. Consultation is not required with any public authorities under section 56(2)(d) of the EP&A Act.
3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).
4. The time frame for completing the LEP is to be 12 months from the week following the date of the Gateway determination.



5. Council be authorised to use its delegation to complete the LEP following public consultation.
6. The Council is to prepare draft LEP Maps that are consistent with the latest version of the "Standard technical requirements for LEP maps" and the draft maps are to be placed on public exhibition as part of community consultation.
7. No further referral is required in relation to s117 Directions while the planning proposal remains in its current form.

Dated 15th day of October 2014.

A handwritten signature in black ink, appearing to read "Brett Whitworth".

Brett Whitworth
General Manager
Southern Region
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Queanbeyan City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_QUEAN_004_00	PLANNING PROPOSAL TO AMEND QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 AND QUEANBEYAN LOCAL ENVIRONMENTAL PLAN (SOUTH TRALEE) 2012 Proposed Amendments To Queanbeyan LEP 2012 - To permit small lots of 130m² within 200 metres of any land zoned B2 Local Centre Zone or land identified as 'Additional Development Area' on the Googong Map. - To provide for separately titled 'studio apartments' (or 'fonzi flats') in certain locations. - To amend the Googong Map to show 'Additional Development Areas' 3, 4 and 5 with a 400m diameter for each 'Additional Development Area' footprint. - To change the shape of the 'Additional Development Area 01' on the Googong Map for Neighbourhood Centre 1A from a sphere to a pattern based on the alignment of the street network. - To amend the part of the Neighbourhood Centre 1A on the Googong Map to follow a street pattern. - To amend the Land Zoning Map to rezone part of Neighbourhood Centre 1A from R1 General Residential Zone to Zone B1 Neighbourhood Centre Zone. Proposed Amendments To Queanbeyan LEP (South Tralee) 2012 - To permit small lots of 130m² within 200 metres of any land zoned B4 Mixed Use Zone (provided the land is within a residential zone). - To provide for separately titled 'studio apartments' (or 'fonzi flats') in certain locations.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 15 October 2014


Brett Whitworth

General Manager
Southern Region

Department of Planning and Environment