NSW GOVERNMENT | Planning & Infrastructure

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Our ref: PP_2013_QUEAN_002_00 (13/16524)
Your ref: SF130815 C1399795

Mr Gary Chapman
General Manager
Queanbeyan City Council
PO Box 90
QUEANBEYAN NSW 2620

Dear Mr Chapman,

Planning proposal to amend Queanbeyan Local Environmental Plan (2011)

I am writing in response to your Council's letter dated 25 September 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to include certain signage within Schedule 2 Exempt Development of Queanbeyan Local Environmental Plan (LEP) 2012 and to permit home businesses and home industries in zones where dwellings are permitted.

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

Council's proposal to include 'signs on motor vehicles' in Schedule 2 Exempt Development is not supported because this is controlled under other legislation. Consequently, Council is to remove the provision to include 'signs on motor vehicles' from the planning proposal prior to public exhibition.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. 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 LEP is to be finalised within 6 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 be forwarded to the department 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, please contact Martin Brown of the regional office of the department on 02 6229 7900.

Yours sincerely,

6.11.13

Neil McGaffin
Acting Deputy Director General
Planning Operations & Regional Delivery

Encl:
Gateway determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated plan making reporting template

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Gateway Determination

***Planning proposal (Department Ref: PP_2013_QUEAN_002_00)**: to list additional exempt development and permit home businesses and home industries where dwellings are permitted.*

I, the Acting Deputy Director General, Planning Operations and Regional Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Queanbeyan Local Environmental Plan (LEP) 2012 to include certain signage within Schedule 2 Exempt Development of the LEP and to permit home businesses and home industries in zones where dwellings are permitted should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to remove the proposal to include 'signs on motor vehicles' within Schedule 2 Exempt Development because 'signs on motor vehicles' is controlled under other legislation.

2. Prior to undertaking public exhibition, Council is to update the planning proposal to include all relevant information consistent with the *A Guide to Preparing Planning Proposals* including a project timeline consistent with Section 2.6 Part 6.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

   (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 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 LEPs (Department of Planning & Infrastructure 2013)*.

4. Consultation is required with the Roads and Maritime Services (RMS) under section 56(2)(d) of the EP&A Act. RMS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body 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).

6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 6th day of November 2013.

Neil McGaffin
Acting Deputy Director General
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning & Infrastructure

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WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Queanbeyan City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_QUEAN_002_00	Planning proposal to include certain signage within Schedule 2 Exempt Development of Queanbeyan Local Environmental Plan (LEP) 2012 and to permit home businesses and home industries in zones where dwellings are permitted.

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

Dated 6. November 2013

Neil McGaffin
Acting Deputy Director General
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	**PP_2013_QUEAN_002_00**
Date Sent to Department under s56	**25/09/2013**
Date considered at LEP Review Panel	**24/10/2013**
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: