



Planning & Environment

Mr Peter Bascomb
General Manager
Palerang Council
PO Box 348
BUNGENDORE NSW 2621

14/19562

Attention: John Wright/Sue Robb

Dear Mr Bascomb

Planning proposal to amend Palerang Local Environmental Plan 2014

I am writing in response to your Council's letter dated 17 November 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to reclassify land at Captains Flat from 'community' to 'operational' status.

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 agreed the planning proposal's inconsistency with any S117 Directions is of minor significance in the circumstances. No further approval is required in relation to any S117 Directions.

Council cannot use its delegation to complete the Local Environmental Plan (the LEP) as the draft plan will need to be forwarded to the Governor for approval. Following public consultation, Council should forward all final documentation to the Regional Office requesting the plan be made.

The amending 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

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 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 Martin Brown of the Department's regional office in Queanbeyan to assist you. Mr Brown can be contacted on (02) 6229 7913.

Yours sincerely

Brett Whitworth
General Manager
Southern Region - Planning Services

4 December 2014

Encl: 1. Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2014_PALER_001_00): to reclassify Lot 18 Section 2 DP 18452, Foxlow Street, Captains Flat from Community Land to Operational Land.

I, the General Manager-Southern Region, as delegate of the Minister for Planning and Environment, determine under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Palerang Local Environmental Plan 2014 to reclassify Lot 18 Section 2 DP 18452, Foxlow Street, Captains Flat from Community Land to Operational Land, should proceed subject to the following conditions.

1. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* (the 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 2013).

2. Consultation is required with the following public authorities under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979* (the Act) and/or to comply with the requirements if relevant S117 Directions.

- NSW Rural Fire Service

They are to be provided with a copy of the planning proposal and any supporting material, and given at least 21 days to comment.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979* (the 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 as required here when reclassifying land).

It is noted this proposal is to reclassify land and Council will need to fulfil any obligations under the *Local Government Act 1993*.

4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.



Brett Whitworth
General Manager
Southern Region
Planning Services
Department of Planning and Environment

Dated 4th day of December 2014

Delegate of the Minister for Planning