



Planning & Environment

COPY

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

Our ref: PP_2015_PALER_001 (15/01890)
Your ref: PROJ0053

POSTED
2015

Dear Mr Bascomb

Planning proposal to amend Palerang Local Environmental Plan 2014

I am writing in response to your Council's letter dated 17 December 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) to amend Clause 4.2A(3) (c) in the Palerang Local Environmental Plan 2014.

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 inconsistencies with S117 Directions 2.1 Environment Protection Zones, 4.4 Planning for Bushfire Protection and 5.2 Sydney Drinking Water Catchments are of minor significance. No further approval is required in relation to these Directions.

Please note that Council is required to consult with the Sydney Catchment Authority and the Commissioner of the NSW Rural Fire Service in accordance with s117 Directions 4.4 Planning for Bushfire Protection and 5.2 Sydney Drinking Water Catchments.

Plan making powers were delegated to councils by the Minister 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 Local Environmental Plan is to be finalised within 9 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 Local Environmental Plan 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 of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 *Environmental Planning and Assessment Act 1979* (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 Mr Martin Brown of the Department's regional office to assist you. Mr Brown can be contacted on (02) 62297913.

Yours sincerely

 20/1/15

Linda Davis
Acting General Manager
Southern Region
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template



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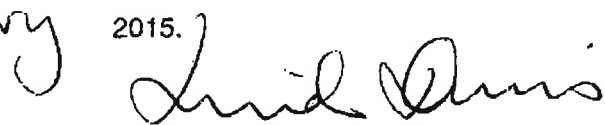
Gateway Determination

Planning proposal (Department Ref: PP_2015_PALER_001) to amend Clause 4.2A(3)(c) to permit the erection of dwelling houses on land in certain rural, residential and environmental protection zones in the Palerang LEP 2014.

I, the Acting 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* (the Act) that an amendment to the Palerang Local Environmental Plan 2014 to amend Clause 4.2A(3)(c) 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 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 and Environment 2013).
2. Consultation is required with the Southern Rivers Catchment Management Authority and the Commissioner of the NSW Rural Fire Service under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* (the Act). These agencies are 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.
3. Consultation with the Commissioner of the NSW Rural Fire Service is to be undertaken prior to community consultation in accordance with s117 Direction 4.4 Planning for Bushfire Protection.
4. A public hearing is not required to be held into the matter by any person or body 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 if reclassifying land).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 20th day of January 2015.


Linda Davis
Acting General Manager
Southern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



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WRITTEN AUTHORISATION TO EXERCISE DELEGATION

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

Number	Name
PP_2015_PALER_001	Planning proposal to amend Clause 4.2A(3)(c) under Palerang LEP 2014.

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 20/1/2015

Linda Davis
Acting General Manager
Southern Region
Planning Services
Department of Planning and Environment



Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2015_PALER_001) to amend Clause 4.2A(3)(c) to permit the erection of dwelling houses on land in certain rural, residential and environmental protection zones in the Palarang LEP 2014.

I, the Acting 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* (the Act) that an amendment to the Palarang Local Environmental Plan 2014 to amend Clause 4.2A(3)(c) 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 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 and Environment 2013).
2. Consultation is required with the Sydney Water Catchment Authority and the Commissioner of the NSW Rural Fire Service under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* (the Act). These agencies are 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.
3. Consultation with the Commissioner of the NSW Rural Fire Service is to be undertaken prior to community consultation in accordance with s117 Direction 4.4 Planning for Bushfire Protection.
4. A public hearing is not required to be held into the matter by any person or body 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 if reclassifying land).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 20th day of January 2015.

Linda Davis
Acting General Manager
Southern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



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Department of Planning &
Environment
Southern Region

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NSW 2500

PO Box 5475 Wollongong NSW
2520

With Compliments

*Please replace the enclosed Gateway Determination
document as there is an error in the one originally*

Posted on 21/11/15.

Regards Kate Liskar