



Our ref: PP_2017_QPREG_003_00 ; (17/08616)
Your ref:

Mr Peter Tegart
General Manager
Queanbeyan-Palerang Regional Council
PO Box 90
QUEANBEYAN NSW 2620

Dear Mr Tegart

Planning Proposal (PP_2017_QPREG_003_00) to amend Queanbeyan Local Environmental Plan 2012

I am writing in response to Council's letter dated 1 June 2017 requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the Planning Proposal to amend Queanbeyan Local Environmental Plan 2012 relating to making corrections to property descriptions in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending item 22 in Schedule 1 Additional Uses, amending the Flood Planning Map, including a new heritage item in Schedule 5 and on the Heritage Map and including an additional item in Schedule 2 Exempt Development.

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, as delegate of the Secretary, the Planning Proposal's inconsistency with Section 117 Direction 3.5 Development near Licensed Aerodromes is justified in accordance with the terms of the Direction because the inconsistency is of minor significance. 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. 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 12 months of 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 regarding this matter, I have arranged for Haydon Murdoch of the Department's Southern Region office to assist you. Haydon can be contacted on 6229 7914.

Yours sincerely

 22/6/17
Karen Armstrong
Director Regions, Southern
Planning Services
Department of Planning and Environment

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

Gateway Determination

Planning Proposal (Department Ref: PP_2017_QPREG_003_00): to amend Queanbeyan Local Environmental Plan 2012 relating to making corrections to property descriptions in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending item 22 in Schedule 1 Additional Uses, amending the Flood Planning Map, including a new heritage item in Schedule 5 and on the Heritage Map and including an additional item in Schedule 2 Exempt Development.

I, the Director Regions, Southern, 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* that an amendment to Queanbeyan Local Environmental Plan 2012 relating to making corrections to property descriptions in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending item 22 in Schedule 1 Additional Uses, amending the Flood Planning Map, including a new heritage item in Schedule 5 and on the Heritage Map and including an additional item in Schedule 2 Exempt Development should proceed subject to the following conditions:

1. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
 - (a) the Planning Proposal must be made publicly available for a minimum of **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 Environment 2016)*.
2. The relevant planning authority must provide notification to land owners in writing affected by Amendment Numbers 2 (Amend Item 22 in Schedule 1 Additional Permitted Uses) and 5 (include Shepherds Ruin, 1291 Old Cooma Road as a new heritage item) within the planning proposal.
3. Consultation is required with the following public authorities and / or organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Office of Environment and Heritage – Heritage
 - Office of Environment and Heritage – Flood Unit
 - NSW Rural Fire Service (s117 Direction 4.4 Planning for Bushfire Protection)

Each public authority/organisation 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.

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 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 **12 months** following the date of the Gateway determination.
6. The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" Vers: 1.0 November 2015.

Dated 22ND day of JUNE 2017



Karen Armstrong
Director Regions, Southern
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Queanbeyan-Palerang Regional 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_2017_QPREG_003_00	Planning proposal to amend Queanbeyan Local Environmental Plan 2012 relating to making corrections to property descriptions in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending item 22 in Schedule 1 Additional Uses, amending the Flood Planning Map, including a new heritage item in Schedule 5 and on the Heritage Map and including an additional item in Schedule 2 Exempt Development

In exercising the Minister's functions under Section 59 of the Act, the Council must comply with the Department's "A guide to preparing local environmental plans 2016" and "A guide to preparing planning proposals 2016".

Dated 22ND JUNE 2017



Karen Armstrong
Director Regions, Southern
Planning Services
Department of Planning and Environment