



Our ref: PP_2017_SMONA_001_00 ; (17/03950)

Mr Dean Lynch
Administrator
Snowy Monaro Regional Council
81 Commissioner Street
COOMA NSW 2630

Dear Mr Lynch

Planning Proposal (PP_2017_SMONA_001_00) to amend Council Local Environmental Plan 2012.

I am writing in response to a letter from Council's consultant, Zenith Town Planning, dated 6 March 2017 requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* and additional information received on 9 March 2017 in respect of the Planning Proposal to rezone land near Bombala to SP2 Infrastructure (Water Storage Facility) Zone.

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, that the Planning Proposal's inconsistencies with Section 117 Directions 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are justified based on the additional information provided by Zenith Town Planning on the 9 March 2017.

Please note that the conditions of the Gateway Determination require that the planning proposal is to be revised prior to community consultation to address any inconsistencies with Directions 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes based on the additional information provided by Council's consultant Zenith Town Planning.

The amending Local Environmental Plan (LEP) 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 has not requested, and has not been issued with, an Authorisation to use its delegation for plan making. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made six 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 Graham Judge of the Department's Southern Region office to assist you. Mr Judge can be contacted on 6229 7906.

Yours sincerely

 29/3/17
Karen Armstrong
Director Regions, Southern
Planning Services
Department of Planning and Environment

Encl:
Gateway Determination

Gateway Determination

Planning Proposal (Department Ref: PP_2017_SMONA_001_00): to rezone land near Bombala to SP2 Infrastructure Zone for a water storage facility.

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 the Bombala Local Environmental Plan (LEP) 2012 to rezone land near Bombala to SP2 Infrastructure for a water storage facility should proceed subject to the following conditions:

1. The planning proposal is to be revised prior to community consultation and consultation with state agencies to address s117 Direction 4.3 Flood Prone Land and include additional information on any potential flood impacts associated with the expansion of the water storage facility.
2. The planning proposal is to be revised prior to community consultation and consultation with state agencies to address s117 Direction 6.2 Reserving Land for Public Purposes.
3. The Explanation of Provisions in the planning proposal is to be revised to indicate that the Lot Size Map will be amended to show 'nil' minimum lot size for land proposed to be zoned SP2 Infrastructure Zone.
4. Council is to provide a copy of the revised planning proposal to the Department's Director Regions, Southern for consideration prior to consultation with state agencies and the community.
5. 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)*.
6. Council must notify all affected private landholders as part of the community consultation.
7. 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 (biodiversity and flooding)
 - WaterNSW
 - Department of Primary Industries – Fisheries
 - Land and Property Management Authority
 - Transport for NSW
 - Forestry Corporation

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.



Planning & Environment

8. 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).
9. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.
10. 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 29th day of MARCH 2017

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

Delegate of the Minister for Planning