

Mr Peter Tegart
Chief Executive Officer
Queanbeyan-Palerang Regional Council
PO Box 90
QUEANBEYAN NSW 2620

Dear Mr Tegart *Peter*

Planning proposal PP_2018_QPREG_002_00 to create a comprehensive Local Environmental Plan for the Queanbeyan-Palerang Local Government Area

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to create a comprehensive Local Environmental Plan (LEP) for the Queanbeyan-Palerang LGA.

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

The planning proposal is supported to proceed on the basis the planning proposal is resubmitted to the Department prior to public consultation in accordance with the Gateway conditions.

I have determined that the planning proposal should focus on the merger of Council's Queanbeyan LEP 2012 and Palerang LEP 2014, excluding the Poplars and South Tralee LEPs as these LEPs include complex and specific provisions and there are already two active planning proposals for these LEPs. Further consideration can be given to incorporating these areas into the planning proposal or the comprehensive LEP as plans for these areas progress.

I have also determined that a number of policy items should be removed from the planning proposal, at this stage, to allow Council to complete its investigations into these matters without delaying the progress of merging the Queanbeyan and Palerang LEPs.

However, the Department would reconsider including the policy matters that have been removed in the current planning proposal at a later date once a more detailed justification of these items is developed by Council.

I note the planning proposal's consistency with section 9.1 Directions remains unresolved at this time. Council will still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of relevant section 9.1 Directions before the plan can be finalised.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway with this request, as it is the Department general practice to be the local plan-making authority for all planning proposals that result in comprehensive LEPs.

The amending LEP is to be finalised within 18 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 8 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Graham Judge, Senior Planning Officer, Southern Region to assist you. Mr Judge can be contacted on 6229 7906.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

23/11/2018
Encl: Gateway determination



Gateway Determination

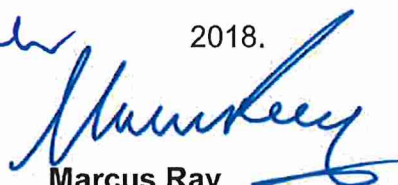
Planning proposal (Department Ref: PP_2018_QPREG_002_00): to create a comprehensive LEP for the Queanbeyan-Palerang LGA.

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that the planning proposal to create a comprehensive local environmental plan (LEP) for the Queanbeyan-Palerang local government area (LGA) should proceed subject to the following conditions:

1. Council is required to submit a revised planning proposal prior to community consultation which;
 - a. includes an assessment of the proposal's consistency with the South East and Tablelands Regional Plan 2036, relevant Section 9.1 Ministerial Directions and relevant State Environmental Planning Policies.
 - b. clearly explains the provisions proposed to be included in the draft instrument and any proposed changes to the LEP Maps,
 - c. excludes land within the South Jerrabomberra urban release area including the Queanbeyan LEP (Poplars) 2013 and Queanbeyan LEP (South Tralee) 2012 from the list of LEPs to be merged into the new comprehensive LEP. This area is to remain a separate standard instrument LEP.
2. The revised planning proposal must remove the following from the list of matters to be addressed in the comprehensive LEP:
 - a. rezoning E4 Environmental Living Zoned land in Bywong and Wamboin,
 - b. requests for additional subdivision opportunities and dwelling entitlements on rural lands in the former Palerang LGA. This requirement does not include the proposed restoration of a dwelling entitlement to Lot 1 DP 555380, Old Cooma Rd,
 - c. new provisions regarding rural signage, and
 - d. new heritage items. The later does not include amendments to correct errors associated with existing items listed in Schedule 5 or on the Heritage Map.
3. The revised planning proposal is to be submitted to the Department for approval prior to consultation with the community and public authorities.

4. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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).
5. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- NSW Premier and Cabinet;
 - Office of Environment and Heritage;
 - Rural Fire Service;
 - Department of Primary Industries;
 - Department of Industries – Water
 - Department of Industries – Crown Land
 - ACT Government;
 - National Capital Authority; and
 - Adjoining LGAs.
- 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.
6. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
7. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 23rd day of November 2018.



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning