

5 November 2020

Ms Sarah Lees
The Director - Southern Region
Department of Planning, Industry and Environment

Email: Will.Mayes@planning.nsw.gov.au

Dear Ms Lees

Planning proposal to rezone certain land from E4 Environmental Living to R5 Large Lot Residential

On the 27 April 2020 Queanbeyan-Palerang Regional Council sent the Department of Planning, Industry and Environment (DPIE) a request for a Gateway determination for a planning proposal to rezone certain land at Bywong and Wamboin. Council did not seek delegation of authority to make the plan. The DPIE subsequently requested that Council provide justification for choosing not to seek delegation and that the planning proposal be amended to provide the grounds for including 'extensive agriculture' as a land use permitted without consent on land proposed to be rezoned to R5 Large Lot Residential.

The application of the E4 Environmental Living zone on land in Bywong and Wamboin has been an on-going concern for the community since the introduction of the standard instrument. Numerous reports have been prepared by Council investigating the matter and each report supported the application of the E4 Environmental Living zone in Bywong and Wamboin, however community concerns continued unabated and in 2017 Council engaged an independent consultant to review and report on the application of the E4 Environmental Living zone in Bywong and Wamboin. That report supported rezoning part of Bywong and Wamboin to R5 Large Lot Residential and a planning proposal was then prepared.

This has been a long-standing and highly sensitive matter and at the 9 September 2020 Planning and Strategy meeting it was resolved [Minute No. PLA136/20] that:

1. Council request the NSW Minister for Planning and Public Spaces or if delegated by the Minister, the Department of Planning, Industry and Environment to be the Local Plan Making Authority for the Bywong and Wamboin E4 lands Planning Proposal.
2. The Department Planning, Industry and Environment be advised that this request is to allow the continuation of the additional scrutiny and "arm's length" approach adopted by Council in the preparation of the review of the E4 zoning under the Palerang Local Environmental Plan 2014 and the subsequent Planning Proposal.

In addition to rezoning certain land at Bywong and Wamboin, the planning proposal seeks to include 'extensive agriculture' as permissible without consent for properties proposed to be rezoned to R5 Large Lot Residential. This will ensure that property owners of land

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proposed to be rezoned to R5 Large Lot Residential are not prohibited from practicing a land-use that they were previously entitled to. The existing use provision under the *Environmental Planning and Assessment Act 1979* only applies to those property owners who have exercised this right and would preclude property owners who have not commenced the use.

The planning proposal has been amended to provide justification for including 'extensive agriculture' as permissible without consent on those lots proposed to be rezoned to R5 Large Lot Residential.

If you have further enquiries please contact Tanja Hogg of Council Land-Use Planning branch on 6238 8115.

Yours sincerely



David Carswell
Service Manager - Land-Use Planning
Queanbeyan-Palerang Regional Council

Encl: Planning Proposal Revision 06 – October 2020
Report to Council 9 September 2020