

16/01511

David Carswell
Executive Manager
Strategic Planning
Queanbeyan City Council
PO Box 90
Queanbeyan NSW 2620

Dear Mr Carswell

I refer to your recent enquiry seeking clarification on Council's ability to use its delegation for plan making for post exhibition changes to planning proposal PP 2013 QUEAN 001 00, South Jerrabomberra.

The exhibited planning proposal included maps showing proposed changes to the Land Zoning Map and Lot Size Map in accordance with condition 2 of the Gateway Determination issued on the 18 September 2013.

The exhibited planning proposal incorporated a 150 wide metre buffer area to reduce land use conflict between future residential development in South Jerrabomberra and the Hume Industrial Estate located within the Australian Capital Territory (ACT). The buffer width comprised 100 metres within NSW (RE2 Private Recreation Zone) and 50 metres within the ACT. The planning proposal also stated that the buffer would assist in providing protection for future residents against any potential noise and vibration impacts from the Goulburn/Bombala railway line (currently disused).

In its submission to Council on the exhibited planning proposal, dated 18 September 2015, the ACT requested Council retain the 250 metre wide buffer separation within NSW consistent with the buffer between the Hume Industrial Area and the South Tralee estate to the north.

Council's post exhibition decision to reduce the width of the buffer area to 105 metres represents a significant change to the exhibited planning proposal. Council is therefore advised that it cannot use its delegation for plan making to approve the revised draft local environmental plan.

If Council wishes to proceed with the amended planning proposal the Department will need to assess the justification for the post exhibition changes and decide if an altered Gateway Determination should be issued to Council.

Should the Department issue an altered Gateway Determination for Council's revised planning proposal it is likely that Council will be required to re-exhibit the proposal (community consultation) for comment and to also undertake consultation with relevant State agencies, including the NSW Environmental Protection Authority and the relevant rail authority.

If an Altered Gateway Determination is issued for the revised planning proposal the Department would also require justification for the proposed changes and commentary on the status of the options for a second road access to the urban release area.

Justification for the revised buffer area in the planning proposal should take into consideration any NSW or ACT standards for ameliorating potential noise and odour impacts from the Hume Industrial Area and the adjoining railway line.

Dependent upon the justification provided and the outcomes of any agency and/or community submissions, the Department may require a buffer width of 250 metres consistent with the buffer provided to South Tralee and Council's Landscape Character and Visual Assessment Report.

It is noted that the Department does not have copies of the additional information prepared to satisfy condition 3 of the Gateway Determination and referenced in the exhibited planning proposal. It would be appreciated if Council could provide the Department with copies of this additional information and the exhibited planning proposal (preferably in PDF format), for our records and to place on the Department's LEP Tracking website.

Should you have any further enquiries, please contact Graham Judge, Planning Services, at the Department on (02) (02) 6229 7906.

Yours sincerely



Graham Towers
Acting General Manager
Southern Region
Planning Services