



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

Our ref: PP_2016_QPREG_003_00 (16/12321)

Dear Mr Tegart

Planning proposal to amend Queanbeyan Local Environmental Plan 2012

I am writing in response to your Council's letter dated 14 September 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend Queanbeyan Local Environmental Plan 2012. The purpose of the amendment is to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek.

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 note that a condition of the Gateway determination requires consultation with public authorities. As part of that consultation, the Roads and Maritime Services will be required to confirm that no contributions are required for state infrastructure.

I have agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Direction 1.2 Rural Zone 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 requested to be issued with delegation for this planning proposal. 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 (LEP) is to be finalised within 12 months of the week following 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 for administrative purposes.

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 Mr Graham Judge of the Department's regional office to assist you. Mr Judge can be contacted on (02) 6229 7906.

Yours sincerely



10/11/16

Linda Davis
Acting Director Region, 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_2016_QPREG_003_00): Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek.

I, the Acting 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* (the Act) that an amendment to the Queanbeyan Local Environmental Plan (LEP) 2012 to enable housing within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek should proceed subject to the following conditions:

1. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* prior to Council undertaking community consultation:

- Office of Environment and Heritage (flooding, biodiversity, land capability).
- NSW Rural Fire Service (s117 Direction 4.4 Planning for Bushfire Protection)
- Murrumbidgee Catchment Management Authority
- NSW Environmental Protection Authority (Remediation of Land - SEPP 55)
- NSW Department of Primary Industries - Office of Water
- NSW Department of Primary Industries - Fishing and Aquaculture
- NSW Department of Primary Industries - Minerals and Petroleum
- NSW Department of Primary Industries - Lands
- NSW Fire and Rescue
- NSW Department of Health
- NSW Department of Education and Communities
- Transport for NSW - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

2. The responses from state agencies are to be placed on public exhibition with the planning proposal.

3. 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 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 Infrastructure).

4. The following studies be placed on public exhibition as part of community consultation:

- Flora and Fauna Assessment
- Aquatic Ecology Impact Assessment
- Urban Capability Study
- Site Investigation Report
- Site Environmental Management Plan
- Geotechnical Assessment
- Bushfire Assessment
- Proponents Concept Layout (Calibre and Spacelab October 2015)

5. No public hearing is required to be held into the matter 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).

6. The timeframe for completing the LEP is to be 12 months from the the date of the Gateway determination.

Dated 10th day of November 2016



Linda Davis
Acting Director Region, 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_2016_QPREG_003_00	Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans (2016)*" and "*A guide to preparing planning proposals (2016)*".

Dated 10 / 11 / 2016

Linda Davis
Acting Director Region, Southern
Planning Services
Department of Planning and Environment