



Mr Jack O'Hara  
General Manager  
Walcha Shire Council  
PO Box 2  
WALCHA NSW 2354

Attention: Lacey Latham

Dear Mr O'Hara

**Planning Proposal PP\_2018\_WALCH\_001\_00 to undertake various housekeeping amendments to Walcha Local Environmental Plan 2012**

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 undertake various housekeeping amendments to Walcha Local Environmental Plan 2012 including changes to the landuse tables, maps and local planning provisions.

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, the planning proposal's inconsistencies with section 9.1 Directions 1.5 Rural Lands, 2.1 Environmental Protection Zones and 4.3 Flood Prone Land are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

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 9 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 Ms Gina Davis to assist you. Ms Davis can be contacted on (02) 6701 9687.

Yours sincerely



10/8/2018

**Jeremy Gray**  
**Director Regions, Northern**  
**Planning Services**

Encl: Gateway Determination  
Delegated Plan Making Reporting Template

## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_WALCH\_001\_00): to undertake various housekeeping amendments to Walcha Local Environmental Plan 2012 including changes to the landuse tables, maps and local planning provisions.***

I, the Director Regions, Northern 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 an amendment to the Walcha Environmental Plan (LEP) 2012 to undertake various housekeeping amendments including changes to the landuse tables, maps and local planning provisions should proceed subject to the following conditions:

1. Prior to agency or community consultation, the proposal shall be amended to:
  - (a) remove the discussion on the New England Strategic Regional Land Use Plan 2012;
  - (b) include maps that clearly show the proposed zoning and minimum lot size for Items 2.4 (Include a minimum lot size in the E2 and E4 Zone) and 2.5 (Rezone land from E1 to RU1 Zone); and
  - (c) apply the proposed boundary adjustment clause (Item 2.1) to the additional zones of E2 Environmental Conservation, E4 Environmental Living and R5 Large Lot Residential.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 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).
3. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act. The NSW Rural Fire Service 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

4. 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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 10 day of August 2018.

**Jeremy Gray**  
Director Regions, Northern  
Planning Services  
Department of Planning and  
Environment

**Delegate of the Minister for Planning**

## Attachment 5 – Authorised plan-making reporting template

### Reporting template for authorised LEP amendments

#### Notes:

- The planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:  
[Name]  
[Title]  
[Council name]  
Delegate of [Council name], the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

**Table 1: To be completed by the Department of Planning and Environment**

| Stage                                  | Date/Details         |
|--|----------------------|
| Planning proposal number               | PP_2018_WALCH_001_00 |
| Date sent to DPE under section 3.34(1) | 26 July 2018         |
| Gateway determination date             | 10/08/2018           |

**Table 2: To be completed by the local plan-making authority**

| Stage  | Date/Details | Notified regional office |
|--|--------------|--------------------------|
| Dates draft LEP exhibited                                    |              |                          |
| Date of public hearing (if held)                             |              |                          |
| Date draft LEP requested from PCO                            |              |                          |
| Date draft LEP received from PCO                             |              |                          |
| Date PCO Opinion requested                                   |              |                          |
| Date PCO Opinion received                                    |              |                          |
| Date GIS data or maps provided/requested                     |              |                          |
| Date ePlanning confirmed mapping is suitable and sent to PCO |              |                          |
| Date LEP finalised   |              |                          |
| Date sent to DPE requesting notification                     |              |                          |

**Table 3: To be completed by the Department of Planning and Environment**

| Stage                         | Date/Details |
|-------------------------------|--------------|
| Notification date and details |              |

**Additional relevant information:**