



16/06936

Mr Daniel Simmons
General Manager
Brewarrina Shire Council
PO Box 125
Brewarrina NSW 2839

Attention: Kim Talbert, Manager Environment Health & Building

Planning proposal (PP_2016_BREWA_001_00) to amend Brewarrina Shire Council Local Environmental Plan 2012 – Lot 169 DP 705303 No.1 Burban Street, Brewarrina.

Dear Mr Simmons

I am writing in response to your Council's letter dated 7 June 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979*.

The planning proposal seeks to amend the Brewarrina Local Environmental Plan 2012 by changing the Land Zoning Map to rezone Lot 169 DP 705303 No 1 Burban Street, Brewarrina from zone RE1 Public Recreation to zone RU5 Village. The proposed lot size for this land will also be amended to 800 square metres.

As a delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination (**Attachment 1**).

In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the rezoning of land from RE1 Public Recreation on the basis that the land is held in private ownership. No further approval is required in relation to this Direction.

The Minister delegated plan making powers to Councils in October 2012. I have considered the nature of Council's planning proposal and decided that it is appropriate that Council exercise plan making functions. An authorisation for Council to exercise plan making delegations is provided as **Attachment 2**.

The amended Local Environmental Plan is to be finalised within six (6) 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 (parliamentary.counsel@pco.nsw.gov.au) 10 weeks prior to the projected publication date. A copy of the request should be forwarded to the

Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 *Environmental Planning & Assessment Act 1979* if the time frames outlined in the determination are not met.

In accordance with "A guide for the preparation of local environmental plans", Attachment 5 – Delegated plan making reporting template (**Attachment 3**) is enclosed for Council's information. Table 2 of the attachment is to be completed and forward to westernregion@planning.nsw.gov.au when requesting the planning proposal to be notified.

Should you have any further enquiries about this matter, I have arranged for Tim Collins from the Western Region office to assist you. Mr Collins can be contacted on (02) 6841 2180.

Yours sincerely

 10-6-2016

Ashley Albury
Director Regions, Western
Planning Services

Enclosures: Attachment 1 – Gateway Determination
 Attachment 2 – Written Authorisation to Exercise Delegation
 Attachment 3 – Delegated Plan Making Reporting Template



Gateway Determination

Planning Proposal (Department Ref: PP_2016_BREWA_001): to Rezone Lot 169 DP705030 No1 Burban Street, Brewarrina from zone RE1 Public Recreation to zone RU5 Village and apply a 800m² minimum lot size

I, the Director Regions, Western, 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 (EP&A Act) 1979* that an amendment to the Brewarrina Local Environmental Plan 2012 (LEP) to rezone Lot 169 DP705030 from zone RE1 Public Recreation to zone RU5 Village and apply an 800m² minimum lot size should proceed subject to the following conditions:

1. Community Consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **14 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 LEPs (Department of Planning & Infrastructure 2013)*.
2. Prior to submission of the planning proposal under section 59 of the EP&A Act, the final LEP Maps are to be prepared and be compliant with the Department's "Standard Technical Requirements for Spatial Datasets and Maps" (2015). This is to include the land zoning and lot size maps.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
4. The timeframe for completing the LEP is to be **six (6) months** from the week following the date of the Gateway determination.

Dated 10th day of June 2016.


Ashely Albury
Director Regions, Western
Planning Services

Delegate of the Minister for Planning



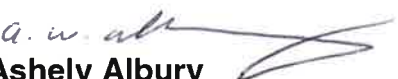
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Brewarrina Shire 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_BREWA_001	To rezone Lot 169 DP705030 No 1 Burban Street, Brewarrina from zone RE1 Public Recreation to zone RU5 Village and apply a 800m ² minimum lot size

In exercising the Minister's functions under section 59, Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 10th June 2016


Ashely Albury
Director Regions, Western
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

► Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP 2016 BREWA 001
Date Sent to Department under s56	08 June 2016
Date considered at LEP Review Panel	considered by the Director Regions, Western and not considered by Panel
Gateway determination date	10 June 2016

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	