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Department Generated Correspondence (Y)

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Our ref: PP_2012_BLAYN_004_00 (12/01949)
Your ref: 330933

Mr Aaron Jones
General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

Dear Mr Jones,

Re: Planning Proposal to rezone land at 137 Newbridge Road, Blayney from Zones part 1(a) General Rural and part 7(a) Environmental Protection - Scenic to Standard Instrument zones part IN1 General Industrial, part RU2 Rural Landscape and part SP2 Infrastructure

I am writing in response to your Council's letter dated 23 January 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Blayney Local Environmental Plan 1998 to rezone land at 137 Newbridge Road, Blayney from Zones part 1(a) General Rural and part 7(a) Environmental Protection - Scenic to Standard Instrument zones part IN1 General Industrial, part RU2 Rural Landscape and part SP2 Infrastructure.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that Council's Standard Instrument LEP is currently on exhibition. Due to the uncertainty around the timing for the completion of the principal LEP, Council should proceed with this planning proposal as an amendment to both the current Blayney LEP 1998 and the draft Blayney LEP 2011. Council should therefore identify appropriate zones under its current LEP for the proposal. All material prepared for public exhibition should clearly demonstrate the intent and proposed outcomes under both instruments and include minimum lot size maps, FSR maps and building height maps as required under the SI LEP.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.3 Flood Prone Land, are of minor significance. No further approval is required in relation to these Directions.

In relation to the planning proposal's consistency with Direction 1.3 Mining, Petroleum Production and Extractive Industries, Council is to consult with the Department of Primary Industries (Minerals and Petroleum) prior to proceeding to public exhibition. The planning proposal should be amended (if necessary) to reflect the outcomes of this consultation.

It is noted that the subject site is adjacent to an item of local heritage significance. Council is to consult with the Office of Environment and Heritage in relation to the proposal and the potential impacts on this item.

The site is also adjacent to an existing railway corridor. Council is to consult with Transport NSW - Railcorp in relation to the potential impacts of the planning proposal on rail infrastructure.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Tessa Parmeter of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,


Sam Haddad
Director-General

21/2/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_BLAYN_004_00): to rezone land at 137 Newbridge Road, Blayney from Zones part 1(a) General Rural and part 7(a) Environmental Protection - Scenic to Standard Instrument zones part IN1 General Industrial, part RU2 Rural Landscape and part SP2 Infrastructure.

I, the Director General, Department of Planning and Infrastructure, as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Blayney Local Environmental Plan 1998 to rezone land at 137 Newbridge Road, Blayney from Zones part 1(a) General Rural and part 7(a) Environmental Protection - Scenic to Standard Instrument zones part IN1 General Industrial, part RU2 Rural Landscape and part SP2 Infrastructure should proceed subject to the following conditions:

1. Council is to proceed with this planning proposal as an amendment to both its existing LEP 1998 and its draft LEP 2011. All exhibition material is to be prepared demonstrating how the intent and outcomes of the proposal will be achieved under both instruments.
2. Council is to prepare and include appropriate mapping for exhibition. This will include a land zoning map and minimum lot size map reflecting amendments to the draft SI LEP 2011 and zoning and associated maps describing the amendments under the existing Blayney LEP 1998.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. In relation to the planning proposal's consistency with Direction 1.3 Mining, Petroleum Production and Extractive Industries, Council is to consult with the Department of Primary Industries (Minerals and Petroleum) prior to proceeding to public exhibition. The planning proposal should be amended (if necessary) to reflect the outcomes of this consultation.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Department of Primary Industries - Minerals and Petroleum
 - Transport NSW - Railcorp
 - Office of Environment and Heritage

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.

6. 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).

7. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

21st

day of

February

2012.

Sam Haddad

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure