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Our ref: PP_2013_LEETO_001_00 (13/11734)
Your ref: AR/KT/EF10/431

Mr David Laughher
General Manager
Leeton Shire Council
23-25 Chelmsford Place
LEETON NSW 2705

Dear Mr Laughher,

Planning proposal to amend draft Leeton Local Environmental Plan 2012

I am writing in response to your Council's letter dated 4 July 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") and subsequent additional information dated 8 August 2013 in respect of the planning proposal to permit the subdivision of Lot 1 DP 848120 at Koonadan Road, Leeton into two allotments and the erection of a dwelling house on each allotment, as an additional permitted use.

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

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

While the proposal to permit the subdivision and the erection of a dwelling house on land at Koonadan Road, Leeton is supported, Council is to require any dwelling on the new lot to maximise the buffer to adjacent productive agricultural land and potential spray drift. I note that a buffer of 150m is achievable against a preferred 200m buffer. Council should also require any development application for the subject site to address groundwater issues and the disposal of effluent.

Council is to complete a rural land use strategy, which is to be endorsed by the Director General of the department, prior to submitting any future planning proposal for residential land release or the subdivision of rural land in Leeton.

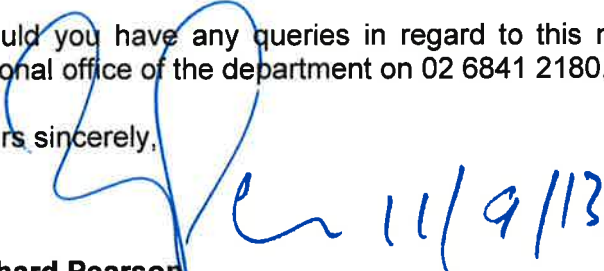
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan. Council is reminded that it must not use its delegation where there is an unresolved agency objection to the proposal. In this instance, Council is to contact the regional office of the department to seek assistance in resolving the matter so that the plan may proceed under delegation.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department 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 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 Daniel Wagner of the regional office of the department on 02 6841 2180.

Yours sincerely,



Richard Pearson
Deputy Director General
Planning Operations & Regional Delivery

Encl:
Gateway determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated plan making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2013_LEETO_001_00): to permit the subdivision and erection of a dwelling house as an additional permitted use on land at Leeton.

I, the Deputy Director General, Planning Operations and Regional Delivery at the 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 draft Leeton Local Environmental Plan (LEP) 2012 to permit the subdivision of Lot 1 DP 848120 at Koonadan Road, Leeton into two allotments and the erection of a dwelling house on each allotment, as an additional permitted use should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of the *A Guide to Preparing Planning Proposals*. Council is to also place on public exhibition with the planning proposal, the additional information provided to the department in Council's letter dated 8 August 2013.
2. 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 must be made publicly available for a minimum of **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 LEPs (Department of Planning & Infrastructure 2013)*.
3. Consultation is required with the Department of Primary Industries (DPI) - Agriculture under section 56(2)(d) of the EP&A Act. DPI 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.
4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

11

day of

September

2013.



Richard Pearson
Deputy Director General
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning &
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Leeton Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_LEETO_001_00	Planning proposal to permit the subdivision of Lot 1 DP 848120 at Koonadan Road, Leeton into two allotments and the erection of a dwelling house on each allotment, as an additional permitted use.

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

Dated 11 September 2013

Richard Pearson
Deputy Director General
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

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_2013_LEETO_001_00
Date Sent to Department under s56	04/07/2013
Date considered at LEP Review Panel	18/07/2013
Gateway determination date	11/09/2013

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	

Additional relevant information: