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Our ref: PP_2013_LEETO_002_00 (13/11735)
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") in respect of the planning proposal to amend draft Leeton Local Environmental Plan (LEP) 2012 to reduce the minimum lot size for land at Merungle Hill, Leeton from 150ha to 8ha.

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 inconsistency with S117 Direction 1.2 Rural Zones is of minor significance. No further approval is required in relation to this Direction.

The proposal to reduce the minimum lot size for land at Merungle Hill, Leeton is supported because of the sites limited agricultural viability, current settlement patterns within the locality and contribution to housing supply in the Leeton local government area. However, Council is encouraged to prepare a land use strategy, which addresses the supply and demand for rural residential development, to support any future proposal for rural residential development 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.

The amending 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,



Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery

23.7.13

Gateway Determination

Planning proposal (Department Ref: PP_2013_LEETO_002_00): to amend the minimum lot size for land at Merungle Hill, Leeton.

I, the Executive Director, Rural and Regional Planning 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 reduce the minimum lot size for land at Merungle Hill, Leeton from 150ha to 8ha 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*. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
 2. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land, given there may be historic activities of dipping/spraying of livestock on the subject land. If required, Council is to prepare an initial site contamination investigation report, which is to be placed on public exhibition with the planning proposal.
 1. 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)*.
 2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Department of Trade and Investment - NSW Office of Water
 - Office of Environment and Heritage
 - Department of Primary Industries - Agriculture
 - Murrumbidgee Catchment Management Authority
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Each public authority 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.
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 **9 months** from the week following the date of the Gateway determination.

Dated

23rd

day of

July

2013.



Neil McGaffin

Executive Director

Rural and Regional Planning

Planning Operations and Regional Delivery

Department of Planning and Infrastructure

**Delegate of the Minister for Planning and
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_002_00	Planning proposal to amend draft Leeton Local Environmental Plan (LEP) 2012 to reduce the minimum lot size for land at Merungle Hill, Leeton from 150ha to 8ha.

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 23rd July 2013

Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery
Department of Planning and 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_002_00
Date Sent to Department under s56	04/07/2013
Date considered at LEP Review Panel	18/07/2013
Gateway determination date	23/07/2013

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: