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Mr Rod Shaw
General Manager
Lockhart Shire Council
Po Box 21
LOCKHART NSW 2656

Our ref: PP_2014_LOCKH_001_00
Your ref: DB:BR: P25-030

Dear Mr Shaw

Planning proposal to amend Lockhart Local Environmental Plan (2012)

I am writing in response to your Council's letter dated 13 January 2014 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 implement a number of the outcomes of Council's 'Lockhart Rural Lands Study' and 'Lockhart Rural Settlements & Industrial Land Rezoning Study'.

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 note that Appendix 3 of Council's planning proposal sets out the intended wording for new clauses to be inserted into Lockhart LEP 2012. Although the intention of the proposed amendments is supported, Council should be aware that the legal drafting stage of the planning proposal may require some changes to the wording that has been exhibited. In addition I note the intention to insert a definition for 'rural supplies', however, this standard definition already exists in the Lockhart LEP and should be removed from the planning proposal prior to consultation.

There is also an inconsistency in the boundary of 'area B' at Lockhart between Figure 1 and Appendices 1 & 3. This should be corrected prior to consultation. Otherwise the maps are considered appropriate for consultation, however, Council will have to provide mapping consistent with the Department's 'Standard technical requirements for LEP maps 2013' when the plan is submitted for finalisation. Should the Council have difficulty in producing final maps please contact the Department for assistance.

I have also agreed the planning proposal's inconsistencies with s117 Directions 1.2 (Rural Zones), 1.5 (Rural Lands) and 3.4 (Integrating Land Use and Transport) are justified by the above Director General endorsed studies. No further referral or approval is required in relation to these Directions. In relation to s117 Direction 4.4 Planning for Bushfire Protection, Council is required to consult with and give consideration to the comments of the NSW Rural Fire Service prior to public consultation. This response is to be exhibited with the planning proposal.

Council is to exhibit copies of the Lockhart Rural Lands Study 2013 and Lockhart Rural Settlement and Industrial Land Rezoning Study 2013 with the planning proposal.

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 as soon as possible. Council's request for the Department to draft and finalise the LEP should be made 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 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 Nathan Foster of the Southern Regional office of the Department on 02 4224 9459.

Yours sincerely,



Brett Whitworth
General Manager
Southern Region
Growth Planning & Delivery

30 January 2014

Gateway Determination

Planning proposal (Department Ref: PP_2014_LOCKH_001_00): to implement a number of the outcomes of Council's Lockhart Rural Lands and Lockhart Rural Settlement & Industrial Land Rezoning Studies.

I, 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 Lockhart Local Environmental Plan (LEP) 2012 to implement a number of the outcomes of Councils Lockhart Rural Lands and Lockhart Rural Settlements & Industrial Land Rezoning Studies should proceed subject to the following conditions:

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 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 local environmental plans' (Department of Planning and Infrastructure 2013).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Murray Local Land Services
- Office of Environment and Heritage
- NSW Department of Primary Industries - Agriculture
- NSW Rural Fire Service
- State Emergency Service
- Adjoining LGAs

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 it will require additional time to comment on the proposal. A public authority may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter 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 time frame for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Dated 30th day of January 2014.

**Brett Whitworth
General Manager
Southern Region
Growth Planning & Delivery
Department of Planning & Infrastructure**

**Delegate of the Minister for Planning
and Infrastructure**