

14/14909

Mr Des Bilske
General Manager
Deniliquin Council
PO BOX 270
DENILQUIN NSW 2710

Attention: Julie Rogers, Manager Environmental Services

Dear Mr Bilske

Planning Proposal (PP_DENIL_002_00) model clause inclusion for subdivision of land in zone RU1 Primary Production

I refer to your letter of 28 August 2014 requesting a Gateway determination under section 56(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) with respect to the planning proposal to insert a model clause into the Deniliquin Local Environmental Plan 2013 to permit the subdivision of land to create a lot that is less than the minimum lot size in zone Ru1 Primary Production for a use permitted (other than residential purposes) under an existing development consent for that land.

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**).

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue authorisation for Council to exercise delegation and make this plan (**Attachment 2**).

The amended 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's office (parliamentary.counsel@pco.nsw.gov.au) 6 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.

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 included in Council's section 59 submission and forwarded to the westernregion@planning.nsw.gov.au when requesting the planning proposal to be finalised.

Should you have any further enquiries about this matter, I have arranged for Rebecca Kell from the Western Region office to assist you. Miss Kell can be contacted on 02 6841 2180.

Yours sincerely

A. W. Albury 16-9-2014
Ashley Albury
General Manager, Western Region
Housing, Growth and Economics



Gateway Determination

Planning proposal (Department Ref: PP_2014_DENIL_002_00): to insert a model clause to permit the subdivision of land to create a lot that is less than the minimum lot size in the zone RU1 Primary Production where Council is satisfied that the lot would be used for a use permitted under an existing development consent for that land.

I, the General Manager, Western Region 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) that an amendment to the Deniliquin Local Environmental Plan (LEP) 2013 by inserting a model clause into Part 4 that permits the subdivision of land that is less than the minimum lot size in zone RU1 Primary Production for a use permitted under an existing development consent should proceed subject to the following conditions:

1. Community consultation is required under section 57 of the EP&A Act as follows:
 - a. The planning proposal is required to be made publicly available on exhibition for 14 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012)
 - 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.

No consultation with agencies is required.

2. 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).
3. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination

Dated 16 day of September 2014


Ashley Albury
General Manager, Western Region
Growth, Housing and Economics
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Deniliquin 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_2014_DENIL_002_00	To insert a model clause to permit the subdivision of land to create a lot that is less than the minimum lot size in the zone RU1 Primary Production where Council is satisfied that the lot would be used for a use permitted (other than residential purposes) under an existing development consent for that land.

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 16 September 2014

Ashley Albury
General Manager, Western Region
Housing, Growth and Economics
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_2014_DENIL_002_00
Date Sent to Department under s56	28/8/2014
Date considered at LEP Review Panel	Considered by Ministers Delegate and did not go to Panel
Gateway determination date	16/9/2014

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: