



Planning & Environment

Mr John Batchelor
General Manager
Leeton Shire Council
23 - 25
Chelmsford Place
Leeton NSW 2705

15/04057

Dear Mr Batchelor

Planning Proposal (PP_2015_LEETO_001_00) to amend Leeton LEP 2014 – Various amendments

I am writing in response to Council's letter dated 20 February 2015 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 amend the Leeton LEP 2014 including various amendments.

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 plan making powers to Councils in October 2012. I note that Council has accepted this delegation. Having considered the nature of Council's planning proposal, I have decided to issue the attached authorisation for Council to exercise its delegation to make this plan **(Attachment 2)**.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land under the Local Government Act 1993 and in accordance with the Department's Practice Note *PN09-003 Classification and reclassification of public land through a local environmental plan*.

The amending LEP is to be finalised within 12 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 the Parliamentary Counsel's office 10 weeks before the projected publication date (parliamentary.counsel@pco.nsw.gov.au).

A copy of this request should also be forwarded to the Department for administrative purposes (westernregion@planning.nsw.gov.au).

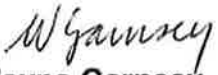
The amended LEP maps and GIS data must be uploaded to the Departments FTP site at ftp://lepup:lep_upload@203.3.194.247/ and the map information emailed to pocgis@planning.nsw.gov.au (copy to westernregion@planning.nsw.gov.au).

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.

In accordance with the Department's *A guide for the preparation of local environmental plans*, Attachment 5 – Delegated plan making reporting template is enclosed for Council's information (**Attachment 3**). Table 2 of the attachment must be completed and forward to westernregion@planning.nsw.gov.au when requesting that the planning proposal be notified.

Should you have any queries in regard to this matter, please contact Ms Nicole Dukinfield, Planning Officer of the Western Region, at the Department on (02) 6841 2180.

Yours sincerely

 10/4/15
Wayne Garnsey
Acting General Manager, Western Region

Enclosures: Attachment 1 - Gateway Determination
 Attachment 2 - Written Authorisation to Exercise Delegation
 Attachment 3 - Delegate Plan Making Reporting Template



Gateway Determination

Planning proposal (PP_2015_LEETO_001_00): to amend the Leeton Local Environmental Plan 2014 including various amendments.

I, the Acting General Manager, Western Region at Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act, 1979 that an amendment to the Leeton Local Environmental Plan (LEP) 2014 including various amendments should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to amend the planning proposal for item 5 so that a 100m setback is applicable to zones RU1 Primary Production and SP2 Infrastructure under the riverfront areas definition. The amended planning proposal is to be sent to the Department of Planning and Environment prior to undertaking community consultation.
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 is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
 - (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.
3. No consultation with agencies is required.
4. Leeton Shire Council is to conduct a public hearing in accordance with the requirements of section 29 of the Local Government Act 1993 as the proposal involves reclassification of the land from community to operational.
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.
3. Prior to submission of the planning proposal under Section 59 of the EP&A Act, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.
4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 10th day of April 2015.

Wayne Garnsey
Acting General Manager, Western Region
Planning & Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Leeton 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_2015_LEETO_001_00	The planning proposal includes various housekeeping amendments.

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

Dated 10th April 2015


Wayne Garnsey
Acting General Manager, Western Region
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 of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment 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 publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2015_LEETO_001_00
Date Sent to DoP&E under s56	26 March 2015
Date considered at LEP Review Panel (if applicable)	Considered by the Ministers Delegate and not considered by the Panel.
Gateway determination date	10 April 2015

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 DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: