

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

Dear Mr Bilske

**Planning Proposal (PP_2015_DENIL_001_00) to amend Deniliquin LEP 2013 –
Rezone land at 69 Hardinge St and Lot 12 DP 1105942 Decimus St**

I am writing in response to Council's letter dated 27 March 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 Deniliquin LEP 2013 to rezone land at 69 Hardinge Street and Lot 12 DP 1105942 Decimus Street, Deniliquin.

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)**.

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 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

 14-14-2015

Ashley Albury
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_DENIL_001_00): to amend the Deniliquin Local Environmental Plan 2013 to rezone land at 69 Hardinge St and Lot 12 DP 1105942 Decimus St, Deniliquin.

I, the 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 Deniliquin Local Environmental Plan (LEP) to rezone land at 69 Hardinge St and Lot 12 DP 1105250 Decimus St, Deniliquin should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended and approved by the Department of Planning and Environment to include amendments to the Minimum Lot Size Map LSZ_005 as follows:

Item 1 - 69 Hardinge Street, Deniliquin: 400m² to nil.

Item 2 - Lot 12 DP 1105250 Decimus Street, Deniliquin: nil to 400m².

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 14 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. Consultation is required with the Civil Aviation Safety Authority under Section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant section 117 Directions and addressed in the Section 59 reporting.

The Civil Aviation Safety 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 planning proposal prior to community consultation.

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. 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'.

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 14th day of April 2015.


Ashley Albury
General Manager, Western Region
Planning & Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Deniliquin 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_DENIL_001_00	Rezone land at 69 Hardinge Street and Lot 12 DP 1105250 Decimus Street, Deniliquin.

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 *14th April* 2015


Ashley Albury
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_DENIL_001_00
Date Sent to DoP&E under s56	27 March 2015
Date considered at LEP Review Panel (if applicable)	Considered by the Ministers Delegate and not considered by the Panel.
Gateway determination date	14 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: