



Mr Rowan Perkins
General Manager
Berrigan Shire Council
PO Box 137
Berrigan NSW 2712

14/16668

Attention: Mr Laurie Stevens, Development Manager

Dear Mr Perkins

Thank you for your letter dated 25 September 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 amend the Berrigan LEP 2013, Schedule 1 Additional Permitted Uses to permit a dwelling house on land at Lot 133 DP 773957 Barooga Road, Tocumwal.

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 though have requested not to be authorised to exercise delegation for this matter. Council is not being authorised to exercise delegation in this case.

The amended 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 to draft and finalise the LEP should be made to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) 6 weeks prior to the projected publication date.

Once an Opinion is issued by Parliamentary Counsels office that the plan can be made, a copy will be forwarded for Councils consideration. Council must resolved to adopt the draft LEP and forward a request to the Department of Planning and Environment that the Minister make the Plan. The Plan comes into effect on the day on which the LEP is published on the legislation website.

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 make take action under section 54(2)(d) of the EP&A Act if the time frames outlined in the determination are not met.

Should you have any further enquiries, I have arranged for Jessica Holland, Planning Officer to assist you. Ms Holland may be contacted at the Departments Western Region Office on (02) 6841 2180.

Yours sincerely

a. w. albury 30-10-2014

Ashley Albury
General Manager, Western Region

Enclosed:

Attachment 1 – Gateway Determination



Gateway Determination

Planning Proposal (Department Ref:PP_2014_BERRI_001_00): to amend the Berrigan Local Environmental Plan (LEP) 2013 – inclusion of dwelling house in Schedule 1 Additional Permitted Use, Lot 133 DP 773957 Barooga Road, Tocumwal.

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 EP&A Act that an amendment to the Berrigan LEP 2013 to include dwelling house as an additional permitted use in Schedule 1 Additional Permitted Uses 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 a minimum of **14 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. Prior to undertaking public exhibition, Council is to amend the planning proposal to demonstrate the proposal's consistency, or justify any inconsistency with Section 117 Directions 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection.
3. Council is to prepare an Additional Permitted Uses map which is at an appropriate scale and clearly identifies the subject land for the Section 59 submission. The map shall comply with the Department's Standard technical requirements for LEP maps.
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. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 30th day of October

2014.


Ashley Albury
General Manager, Western Region
Planning Services

Delegate of the Minister for Planning