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Department Generated Correspondence (Y)

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Our ref: PP_2011_LEETO_001_00 (11/07634)
Your ref: CM/EF11-103/11

Mr David Laugher
General Manager
Leeton Shire Council
23-25 Chelmsford Place
LEETON NSW 2705

Dear Mr Laugher,

Re: Planning Proposal to rezone land at 106 Kurrajong Avenue in Leeton, from Residential 2(c) to Special Business 3(b).

I am writing in response to your Council's letter dated 6 May 2011 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 amend the Leeton Local Environmental Plan No. 4 to rezone land at 106 Kurrajong Avenue in Leeton, from Residential 2(c) to Special Business 3(b).

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

Council are encouraged to consider including additional land as part of the planning proposal, namely all properties fronting Kurrajong Avenue between Coolabah Street and Acacia Avenue. The Department considers that, by extending the area being considered under the planning proposal a more strategic land use planning outcome may be achieved. If Council wishes to include this additional area all mapping associated with the planning proposal should be amended accordingly for exhibition purposes.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 3.1 Residential Zones are of minor significance. No further approval is required in relation to this Direction.

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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (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 s54(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 Megan Jones of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,



1/6/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LEETO_001_00): to spot rezone land at 106 Kurrajong Avenue in Leeton (Lot 3, Section 12, DP 758606), from Residential 2(c) to Special Business 3(b) to facilitate development of a funeral home and chapel at the site.

I, the Deputy Director General, Plan Making & Urban Renewal 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 Leeton Local Environmental Plan No. 4 to spot rezone land at 106 Kurrajong Avenue in Leeton (Lot 3, Section 12, DP 758606), from Residential 2(c) to Special Business 3(b) to facilitate development of a funeral home and chapel at the site should proceed subject to the following conditions:

1. Council is to prepare draft Land Zoning Maps that clearly illustrate the proposed amendments, and include them in the planning proposal for exhibition purposes.
2. The Director General's delegate has agreed that the planning proposal's inconsistencies with the requirements of S117 Direction 3.1 Residential Zones are of minor significance and agrees with the rezoning of land for the purposes of this planning proposal.
3. 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 classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Roads and Traffic Authority

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 they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. 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).



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

Dated 1st day of June 2011.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure