



Mr Ross Earl
General Manager
Bourke Shire Council
PO Box 21

14/11602

Attention: Mr Dwayne Willoughby, Manager, Environmental Services

Dear Mr Earl

Planning Proposal (PP_2015_BOURK_001_00) to amend Bourke LEP 2012 – seven (7) amendments.

I am writing in response to Council's letter dated 10 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 that contains seven (7) items to amend the Bourke LEP 2012.

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 her plan making powers to Councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan **(Attachment 2)**.

The amending Local Environmental Plan (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 Parliamentary Counsel's Office (parliamentary.counsel@pco.nsw.gov.au) 10 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.

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

State Government is committed to reducing the time taken to complete LEP's 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 the determination are not met.

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 forwarded to the westernregion@planning.nsw.gov.au when requesting the planning proposal to be notified.

Should you have any queries in regard to this matter, I have arranged for Wayne Garnsey, Team Leader to assist you. Mr Garnsey can be contacted on (02) 6841 2180.

Yours sincerely

a.u. alb 25-03-2015

Ashley Albury
General Manager, Western Region
Planning Services

Enclosures: Attachment 1 – Gateway Determination
Attachment 2 – Written Authorisation to Execute Delegation
Attachment 3 - Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (PP_2015_BOURK_001_00): to amend the Bourke Local Environmental Plan 2012 to amend seven (7) items.

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 Bourke Local Environmental Plan (LEP) 2012 to amend seven (7) items should proceed subject to the following conditions:

1. Community consultation is required under sections section 56(2)(c) and section 57 of the Environmental Planning and Assessment Act 1979 as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 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 and Environment 2013).
2. Consultation is required with the NSW Roads and Maritime Services and the Civil Aviation Safety Authority for the land at North Bourke that has frontage to the Hungerford Road and Mitchell Highway Kidman Way and near the Bourke Airport (Items 1 and 2.)

Bourke Shire Council is to address section 117 Direction 3.5 Development near licensed aerodromes in the section 59 report.

The public authorities are 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 proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act 1979. 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).
4. Bourke Shire Council is to address State Environmental Planning Policy No 55 - Remediation of land in the section 59 report in relation to Items 1 and 2.

5. The Local Environment Plan Maps being amended are to be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps with the section 59 report.
6. The timeframe for completing the LEP is to be 12 months from the week following the date of the gateway determination.

Dated 25th day of March 2015.


Ashley Albury
General Manager, Western Region
Planning & Environment

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bourke 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_BOURK_001_00	Planning proposal to amend the Bourke LEP 2012 – seven (7) items.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 25 March 2015


Ashley Albury
General Manager, Western Region
Planning & 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_2015_BOURK_001
Date Sent to Department under s56	10 March 2015
Date considered at LEP Review Panel	Considered by MInisters Delegate and not considered by Panel
Gateway determination date	25 March 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 DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: