

Mr Kent Boyd
General Manager
Parkes Shire
PO Box 337
Parkes NSW 2870

14/12401

Attn: Annalise Cummings, Manager Planning Services

Dear Mr Boyd

Planning Proposal (PP_2014_PARKE_003_00) – housekeeping amendments

I refer to your letter of 22 July 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to amend the *Parkes Local Environmental Plan 2012* (LEP) by:

- Including the land use term of 'hospital' in a Zone SP2 Road Infrastructure Facilities located between the Broken Hill Railway Line and the Newell Highway, generally through Medlyn Street Parkes
- Including the permissibility of 'caravan park' and 'market' in Zone RE1 Public Recreation
- Including the permissibility of 'water storage facility' in Zone RU1 Primary Production
- Correcting an omission to the Lot Size Map and Land Zone Map by rezoning land from Zone R5 Large Lot Residential to Zone R1 General Residential at some properties along Molong Road, Parkes
- Amending wording and minor type error of Clause 4.2A Erection of dwelling houses, dual occupancies (attached) and secondary dwellings.

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

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue authorisation for Council to exercise delegation to make this plan (**Attachment 1**).

The amended LEP is to be finalised within 9 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) 6 weeks prior to the projected publication

date. A copy of the request should be forwarded to Planning and Environment (planmaking.monitoring@planning.nsw.gov.au) for administrative purposes.

The amended LEP maps and GIS data is to be uploaded to the Department's FTP site at ftp://lepup:lep_upload@203.3.194.247/ and the map information emailed to pcgis@planning.nsw.gov.au and a copy to planmaking.monitoring@planning.nsw.gov.au and 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 57(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

In accordance with "A Guide for the preparation of local environmental plans" attachment 5 – Delegated plan making reporting template (**Attachment 2**) is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 59 submission.

Should you have any further enquiries about this matter, I have arranged for Ryan Thomas, Housing, Growth and Economics – Western Region, at the Department of Planning and Environment to assist you. Mr Thomas can be contacted on telephone number 02 6841 2180.

Yours sincerely

 8-8-2014

Ashley Albury
General Manager, Western Region
Housing, Growth and Economics
Department of Planning and Environment

Encl.

Attachment 1 – Written Authorisation to Exercise Delegation

Attachment 2 – Delegated plan making reporting template



Gateway Determination

Planning proposal (Agency Ref: PP_2014_PARKE_003_00) to amend the Parkes Local Environmental Plan 2012 by: including the land use term of 'hospital' in a Zone SP2 Road Infrastructure Facilities located between the Broken Hill Railway Line and the Newell Highway, generally through Medlyn Street Parkes; including the permissibility of 'caravan park' and 'market' in the Zone RE1 Public Recreation and 'water storage facility' in Zone RU1 Primary Production; correcting an omission to the Lot Size Map and Land Zone Map by rezoning land from Zone R5 Large Lot Residential to Zone R1 General Residential Molong Road Parkes; and amending minor typing and wording in Clause 4.2A Erection of dwelling houses, dual occupancies (attached) and secondary dwellings.

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 *Environmental Planning & Assessment Act 1979* (EP&A Act) that an amendment to the Parkes Local Environmental Plan (LEP) 2012 to resolve anomalies, improve wording in clauses and to increase permissibility in zones, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Planning & Infrastructure 2013)* and 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 (Planning & Infrastructure 2013)*.

No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

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. 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).
3. Prior to submitting the planning proposal under Section 59 of the EP&A Act the LEP maps are to be compliant with the Department's Standard technical requirements for LEP maps.
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated § day of August 2014.

Ashley Albury
General Manager, Western Region
Housing, Growth and Economics
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Parkes 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_2014_PARKE_003_00	To amend the <i>Parkes Local Environmental Plan 2012</i> by: including the land use term of 'hospital' in a Zone SP2 Road Infrastructure Facilities located between the Broken Hill Railway Line and the Newell Highway, generally through Medlyn Street Parkes; including the permissibility of 'caravan park' and 'market' in the Zone RE1 Public Recreation and 'water storage facility' in Zone RU1 Primary Production; correcting an omission to the Lot Size Map and Land Zone Map by rezoning land from Zone R5 Large Lot Residential to Zone R1 General Residential Molong Road, Parkes; and amending minor typing and wording in Clause 4.2A Erection of dwelling houses, dual occupancies (attached) and secondary dwelling..

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 8 August 2014

Ashley Albury
General Manager, Western Region
Housing, Growth and Economics
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 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_2014_PARKE_003_00
Date Sent to Department under s56	22/7/2014
Date considered at LEP Review Panel	
Gateway determination date	8/8/2014

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: