



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

15/12232

Attention: Ms Julie Rogers – Manager Environmental Services

Dear Mr Bilske

Planning Proposal to amend Deniliquin Local Environmental Plan 2013 (Amendment 4) (PP_2015_DENIL_002_00) – Insert “Home industry” as development permissible with consent in the zone R1 General Residential and zone B2 Local Centre land use tables

I am writing in response to your Council's letter dated 4 August 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act, 1979 in respect of the planning proposal to amend the Deniliquin Local Environmental Plan 2013 (LEP) to insert “Home industry” in the land use table as permissible with consent in the zone R1 General Residential and zone B2 Local Centre.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination (**Attachment 1**).

The Minister delegated plan making powers to Council's 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 and authorisation for Council to exercise delegation to make this plan (**Attachment 2**).

I have also agreed the planning proposal's inconsistencies with Section 117 Directions 4.3 Flood Prone Land is justified as being minor inconsistency in this case and no further approval is required in relation to this Direction.

The amending Local Environmental Plan (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) 10 weeks prior to the projected publication date.

A copy of the request should be forwarded to the Department of Planning and Environment's Western Region Office (westernregion@planning.nsw.gov.au) for administrative purposes.

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 timeframes 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 included in Council's section 59 submission and forwarded to the westernregion@planning.nsw.gov.au when requesting the planning proposal to be finalised.

Should you have any further enquiries regarding this matter, I have arranged for Jenna McNabb from the Western Region office to assist you. Ms McNabb can be contacted on 02 6841 2180.

Yours sincerely

 19-8-2015

Ashley Albury
General Manager, Western Region
Planning Services

Enclosed:

Attachment 1 – Gateway Determination
Attachment 2 – Written Authorisation to Exercise Delegation
Attachment 3 – Delegated Plan Making Reporting Template



Gateway Determination

Planning Proposal (Department Ref: PP_2015_DENIL_002_00): to amend the Deniliquin Local Environmental Plan 2013 to insert "Home industry" as development permissible with consent in zone R1 General Residential and zone B2 Local Centre land use tables.

I, the General Manager, Western Region at Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to amend the Deniliquin Local Environmental Plan 2013 to insert "Home industry" as development permissible with consent in zone R1 General Residential and zone B2 Local Centre land use tables 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 required to be made publicly available on exhibition for **14 days** as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).
 - (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.

No consultation with agencies is required.

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. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 19th day of August 2015.


Ashley Albury
General Manager, Western Region
Planning Services
Department of 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_002_00	To insert "Home industry" as development permissible with consent in zone R1 General Residential and zone B2 Local Centre land use tables.

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 *19th August* 2015



Ashley Albury
General Manager, Western Region
Planning Services
Department of 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_DENIL_002_00
Date Sent to Department under s56	4 August 2015
Date considered at LEP Review Panel	Considered by Ministers delegate and not considered by Panel
Gateway determination date	20 August 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: