



Planning & Environment

Ms Rebecca Ryan
General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

17/07608

Attention: Mr Mark Dicker, Director Planning and Environmental Services

Dear Ms Ryan,

Planning proposal (PP_2017_BLAYN_001_00) to amend Blayney Local Environmental Plan 2012 – Rezoning 61 Forest Reefs Road, Millthorpe from zone RU1 Primary Production to RU5 Village.

I am writing in response to your Council's letter dated 23 May 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act, 1979* in respect of the planning proposal to rezone land from RU1 Primary Production to RU5 Village at 61 Forest Reefs Road, Millthorpe, Lot 286 DP 1018875.

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**).

Council is commended for making a resolution to review the Blayney Settlement Strategy 2012. Any future expansions to the RU5 Village zone in Millthorpe should be justified by an endorsed local landuse strategy.

I am satisfied of the planning proposal's consistency with relevant section 117 Directions. No further approval is required in relation to these Directions.

The Minister delegated 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.

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, Planning Proposal document and GIS Data, if available, must be submitted to the Department via the Planning Portal Website at <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>. To submit the data, Council is required to create an account and log in using these details.

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

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 be finalised.

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 54(2)(d) of the *Environmental Planning & Assessment Act, 1979* if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Jenna McNabb of the Department's Western Region office to assist you. Ms McNabb can be contacted on 02 6841 2180.

Yours sincerely,



26.6.17

Azaria Dobson
Acting Director Regions, Western
Planning Services

Encl:

- 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_2017_BLAYN_001_00): to rezone land from RU1 Primary Production to RU5 Village and reduce the Minimum Lot Size from 100ha to part 450m2 and part 1.25ha to facilitate an additional 19-lot residential subdivision at 61 Forest Reefs Road, Millthorpe, Lot 286 DP 1018875.

I, the Director Regions, Western at the 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* that an amendment to the *Blayney Local Environmental Plan (LEP) 2012* to rezone land 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* 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 & Infrastructure 2013)*.
2. Consultation is required with the Office of Environment & Heritage (OEH) under section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979* and/or to comply with the requirements of relevant section 117 Directions. OEH is 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. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated **26th** day of June 2017.

Azaria Dobson
Acting Director Regions, Western
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Blayney 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_2017_BLAYN_001_00	Planning proposal to rezone land from RU1 Primary Production to RU5 Village and reduce the Minimum Lot Size from 100ha to part 450m2 and part 1.25ha to facilitate an additional 19-lot residential subdivision at 61 Forest Reefs Road, Millthorpe, Lot 286 DP 1018875.

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 26th day of June 2017

Azaria Dobson
Acting Director Regions, Western
Planning Services
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_2017_BLAYN_001_00
Date sent to Department under s56	8 June 2017
Date considered at LEP review Panel	
Gateway determination date	26 June 2017

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 DPE requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and Details	

Additional relevant information: