



Mr Rowan Perkins
General Manager
Berrigan Shire Council
PO Box 137
Berrigan NSW 2712

15/16874

Attention: Mr Laurie Stevens – Development Manager

Dear Mr Perkins

Planning proposal (PP_2015_BERRI_001_00) to amend Berrigan Local Environmental Plan 2013 (Amendment No.2) to list the Scots Presbyterian Church at 13-19 Denison Street, Finley as a local Heritage Item

I am writing in response to your Council's letter received on 19 November 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to amend the Berrigan Local Environmental Plan 2013 (LEP) to list the Scots Presbyterian Church at 13-19 Denison Street, Finley as a local Heritage Item in Schedule 5 of the LEP.

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 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 are to be uploaded to the Departments 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 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 54(2)(d) of the Environmental Planning & Assessment Act, 1979 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 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.

Should you have any further enquiries about this matter, I have arranged for Mr Ben Eveleigh from the Western Region office to assist you. Mr Eveleigh can be contacted on 02 6841 2197.

Yours sincerely,



Azaria Dobson
Acting 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_BERRI_001_00): to amend the Berrigan Local Environmental Plan 2013 (LEP) to list the Scots Presbyterian Church at 13-19 Denison Street, Finley as a local Heritage Item in Schedule 5 of the LEP.

I, the Acting 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 and Assessment Act 1979 that an amendment to the Berrigan Local Environmental Plan (LEP) 2013 to include the Scots Presbyterian Church at 13-19 Denison Street, Finley as a local Heritage Item in Schedule 5 of the LEP 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 and Heritage (OEH) under section 56(2)(d) of the Environmental Planning and Assessment Act, 1979. 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. Prior to the submission of the planning proposal under section 59 of the EP&A Act, a 'Heritage Map' is to be prepared compliant with the Department's "Standard technical requirements for LEP Maps".
4. 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).
5. 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 November 2015.

Azaria Dobson
Acting General Manager
Western Region
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Berrigan 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_BERRI_001_00	Planning proposal to amend the Berrigan Local Environmental Plan 2013 (LEP) to list the Scots Presbyterian Church at 13-19 Denison Street, Finley as a local Heritage Item in Schedule 5 of the LEP.

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 26 . 11 2015



Azaria Dobson
Acting General Manager
Western Region
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_2015_BERRI_001_00)
Date Sent to Department under s56	19 November 2015
Date considered at LEP Review Panel	The matter was considered under delegation and not by the Panel
Gateway determination date	26 November 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: