



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

15/03784

Attention: Mark Dicker
Director Planning and Environmental Services

Dear Ms Ryan

Planning Proposal (PP_2015_BLAYN_001_00) to amend Blayney Local Environmental Plan 2012 to rezone land from E3 Environmental Management to RU1 Primary Production

I am writing in response to Council's letter dated 20 February 2015 requesting a Gateway determination under section 56(1) of the *Environmental Planning and Assessment Act 1979* (the Act) for a planning proposal to amend the *Blayney Local Environmental Plan 2012* (LEP) to rezone land from E3 Environmental Management to RU1 Primary Production and amend the RU1 Primary Production land use table.

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

In making this decision, I note that emergency services facilities are permitted with consent in the RU1 Primary Production zone through clauses 47 and 48 of the *State Environmental Planning Policy (Infrastructure) 2007*. It is therefore not necessary to include this use in the RU1 Primary Production land use table.

The Minister delegated plan making powers to Councils in October 2012. I note that Council has accepted this delegation. Having considered the nature of Council's planning proposal, I have decided to issue the attached authorisation for Council to exercise its delegation to make this plan.

The amending 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 the Parliamentary Counsel's office 10 weeks before the projected publication date (parliamentary.counsel@pco.nsw.gov.au).

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

The amended LEP maps and GIS data must be uploaded to the Departments FTP site at ftp://lepup:lep_upload@203.3.194.247/ and the map information emailed to pocgis@planning.nsw.gov.au (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 Act if the time frames outlined in this determination are not met.

In accordance with the Department's *A guide for the preparation of local environmental plans*, Attachment 5 – Delegated plan making reporting template is enclosed for Council's information. Table 2 of the attachment must be completed and forward to westernregion@planning.nsw.gov.au when requesting that the planning proposal be notified.

Should you have any queries in regard to this matter, please contact Ms Nicole Dukinfield, Planning Officer of the Western region, at the Department on (02) 6841 2180.

Yours sincerely

 25-03-2015

Ashley Albury
General Manager, Western Region

Enclosures: Attachment 1 - Gateway Determination
Attachment 2 - Written Authorisation to Exercise Delegation
Attachment 3 - Delegate Plan Making Reporting Template

Gateway Determination

Planning proposal (PP_2015_BLAYN_001_00) to amend the Blayney Local Environmental Plan 2012 to rezone land from zone E3 Environmental Management to zone RU1 Primary Production.

I, the General Manager, Western Region of 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* (the Act) that an amendment to the *Blayney Local Environmental Plan 2012* (LEP) to rezone land from zone E3 Environmental Management to zone RU1 Primary Production should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be amended to remove the reference to 'emergency services facilities' in zone RU1 Primary Production as such use is permitted under clauses 47 and 48 of *State Environmental Planning Policy (Infrastructure) 2007*.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act 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* (Planning & Infrastructure 2013).
3. Consultation is required with the following agencies under Section 56(2)(d) of the Act:
 - Department of Planning and Environment - Office of Environment and Heritage
 - Local Land Services - Central Tablelands
 - Department of Primary Industries – Agriculture
 - Department of Health
 - NSW Office of Water
 - NSW Rural Fire Service
 - State Water Corporation

The agencies 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.

4. Consultation is required with Bathurst Regional Council, Cabonne Council, Cowra Shire Council and Orange City Council. The Councils are to be provided with a copy of the planning proposal and any relevant supporting material.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
6. Prior to submission of the planning proposal under section 59 of the Act, LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP Maps'.
7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 25 day of March 2015.



Ashley Albury
General Manager, Western Region
Planning & Environment

Delegate of the Minister for Planning



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_2015_BLAYN_001_00	The planning proposal seeks to rezone land from zone E3 Environmental Management to zone RU1 Primary Production.

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 25 March 2015

Ashley Albury
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_BLAYN_001_00
Date Sent to Department under s56	20 February 2015
Date considered at LEP Review Panel	Considered by the Ministers delegate and not referred to 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: