



Mr Derek Francis
General Manager
Bogan Shire Council
PO Box 221
Nyngan NSW 2825

Attention: Mr Timothy Riley, Manager Development and Environmental Services

Dear Mr Francis

Planning Proposal (PP_2014_BOGAN_002_00) to amend Bogan LEP 2011 – Rezone land in rail corridor, Mitchell Highway, Nyngan.

Thank you for your letter dated 22 September 2014 requesting a Gateway Determination under Section 56(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) with respect to the Planning Proposal to amend the land use zoning on land forming part of the rail corridor on the Mitchell Highway, Nyngan.

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

The Minister delegated his 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 and make this plan (**Attachment 2**).

The amended 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) 6 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 is 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.

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 make take action under section 54(2)(d) of the EP&A Act if the time frames outlined in the determination are not met.

In accordance with 'A guide for the preparation of local environmental plans', the Delegated Plan Making Reporting Template (**Attachment 3**) is enclosed for your reference. Table 2 of the document is to be completed and forwarded to westernregion@planning.nsw.gov.au when requesting the Planning Proposal to be notified, in accordance with section 59 of the EP&A Act.

Should you have any further enquiries, I have arranged for Jessica Holland, Planning Officer to assist you. Ms Holland may be contacted at the Departments Western Region Office on (02) 6841 2180.

Yours sincerely

 16-10-2014
Ashley Albury
General Manager, Western Region

Enclosed:

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



Gateway Determination

Planning Proposal (Department Ref: PP_2014_BOGAN_002_00): to amend the Bogan LEP 2011 – Rezone land in Rail Corridor, Mitchell Highway, Nyngan from SP2 Rail Infrastructure Facilities to B6 Enterprise Corridor.

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 EP&A Act that an amendment to the Bogan Local Environmental Plan 2011 (LEP) to zone land in the Rail Corridor, Mitchell Highway, Nyngan to zone B6 Enterprise Corridor 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 (EP&A 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 (Department of Planning & Infrastructure 2013)*.
2. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - NSW Roads and Maritime Services
 - John Holland Pty Ltd, on behalf of the NSW Country Rail Infrastructure Authority
3. A copy of the Environmental Site Audit, or report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines is to be made publicly available during the public exhibition of the planning proposal.
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 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).
5. Prior to submission of the Planning Proposal under section 59 of the EP&A Act a Land Zoning Map that applies to the subject land is to be prepared and be compliant with the Department's "Standard technical requirements for LEP Maps".
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated *16th* day of *October* 2014.


Ashley Albury
General Manager, Western Region
Planning Services

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bogan 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 10 October 2014, in relation to the following planning proposal:

Number	Name
PP_2014_BOGAN_002_00	To rezone land in the Rail Corridor, Mitchell Highway, Nyngan from zone SP2 Rail Infrastructure Facilities to zone B6 Enterprise Corridor.

In exercising the Minister's functions under section 59, Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated *10 October* 2014

Ashley Albury
General Manager, Western Region
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_2014_BOGAN_002_00
Date Sent to Department under s56	29 September 2014
Date considered at LEP Review Panel	Considered by the Director Generals Delegate 16 October 2014
Gateway determination date	16 October 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: