



Mr Glenn Carroll
General Manager
Weddin Shire Council
PO Box 125
Grenfell NSW 2810

Attention: Mr Brendan Hayes – Director Environmental Services

Dear Mr Carroll

Planning Proposal (PP_2017_WEDDIN_001_00) to amend Weddin Local Environmental Plan 2011 to include model clauses to permit low impact boundary adjustments on land zone RU1 Primary Production, subdivision for the purpose of intensive agriculture and development near zone boundaries

I am writing in response to iPlan Projects submission on behalf of Council, received on 5 April 2017, requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to include model clauses regarding low impact boundary adjustments, subdivision for the purpose of intensive agriculture and development near zone boundaries.

As delegate of the Minister for Planning, I have now determined that 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's Western Region office (westernregion@planning.nsw.gov.au) for administrative purposes.

All related files for the LEP Amendment, including PDF Maps, Map Cover Sheet, Planning Proposal document, section 59 Reporting 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.

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 uploaded to the Planning Portal 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 and Assessment Act, 1979* if the timeframes outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Jessica Holland of the Department's Western Region office to assist you. Ms Holland can be contacted on (02) 68412180.

Yours sincerely



13.4.17

Katrine O'Flaherty
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_WEDDI_001_00): to amend Weddin Local Environmental Plan 2011 to include model clauses regarding low impact boundary adjustments on land zone RU1 Primary Production, subdivision for the purpose of intensive agriculture and development near zone boundaries.

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 the amendment to the Weddin Local Environmental Plan 2011 (LEP) to include model clauses regarding low impact boundary adjustments on land zone RU1 Primary Production, subdivision for the purpose of intensive agriculture and development near zone boundaries should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to remove reference to the indicative clause wording where provided. The plain English explanation of the intention of the proposed provisions, which has been included, is appropriate in this instance.
2. Prior to community consultation, Council is to prepare draft Development Control Plan content to guide development for the purpose of intensive plant agriculture and intensive livestock agriculture. The content is to be endorsed by the Department of Planning and publicly exhibited with the planning proposal.
3. 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)*.
4. Consultation is required with the following State Agencies under section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979*:
 - (a) Department of Primary Industries – Water and Agriculture
 - (b) Department of Industry - Resources and Energy
 - (c) NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal, the draft Rural Settlement Project documentation and any relevant supporting material, and given at least 21 days to comment on the planning proposal.

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 *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).
6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 13th day of April 2017.



Katrine O'Flaherty
Director Regions, Western
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Weddin 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_WEDDIN_001_00	Insert model clauses regarding low impact boundary adjustments on land zone RU1 Primary Productionss, subdivision of land for the purpose of intensive agriculture and development near zone boundaries.

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

Dated 13th April 2017



Katrine O'Flaherty
Director Regions, Western
Planning Services

Department of Planning and Environment

Delegate of the Minister of 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_WEDDIN_001_00
Date Sent to Department under s56	5 April 2017
Date considered at LEP Review Panel	N/A
Gateway determination date	18 April 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 DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: