



Mr Des Bilske
General Manager
Deniliquin Council
PO BOX 270
DENILIQUIN NSW 2710

15/16877

Attention: Julie Rogers, Manager Environmental Services

Dear Mr Bilske

Planning proposal (PP_2015_DENIL_003_00) to amend Deniliquin Local Environmental Plan 2013 - boundary adjustment clause.

Thank you for your letter dated 12 November 2015 (received on 19 November 2015) requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect to the planning proposal to include a clause to permit low impact boundary adjustments in certain rural, residential and environmental management zones.

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

In assessing the planning proposal I have determined that the proposed subclause that acknowledges existing dwelling entitlements is unnecessary as clause 4.2B(3)(e) addresses this issue. Council is also required to include a plain English version of the intent of the proposed amendment in the planning proposal, rather than the specified clause. Please refer to condition No. 1 of the Gateway determination in relation to this matter.

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 an authorisation for Council to exercise delegation to make this plan **(Attachment 2)**.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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.



Planning & Environment

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

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 EP&A Act 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 forward to westernregion@planning.nsw.gov.au when requesting the planning proposal to be notified.

Should you have any queries in regard to this matter, I have arranged for Tim Collins, Planning Officer to assist you. Mr Collins can be contacted on (02) 6841 2180.

Yours sincerely,


4.12.15

Azaria Dobson
Planning Services
Acting General Manager, Western Region

Enclosures: 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_DENIL_003_00): to include a provision which permits low impact boundary adjustments in certain rural, residential and environmental management zones.

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 EP&A Act 1979 that an amendment to the Deniliquin Local Environmental Plan 2013 (LEP) to include a model provision which permits low impact boundary adjustments in zones RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management should proceed subject to the following conditions:

1. Prior to undertaking community consultation the planning proposal is to be amended to remove the reference to the draft clause from Part 2 Explanation of Provisions, and instead provide a plain English explanation of the intent of the proposed provisions. The planning proposal is not to be placed on exhibition until the Department of Planning and Environment is satisfied this matter has been adequately addressed.
2. 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 **14 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)*.

No consultation with agencies is required.

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

Dated 4th day of December 2015.



Azaria Dobson
Acting General Manager, Western Region
Planning Services

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Deniliquin 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_DENIL_003_00	To include a model provision which permits low impact boundary adjustments in certain rural, residential and environmental management zones.

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 4 . 12 2015

Azaria Dobson
Acting 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 2015_DENIL_003_00
Date Sent to Department under s56	12 November 2015
Date considered at LEP Review Panel	considered by the Acting General Manager, Western Region and not considered by Panel
Gateway determination date	04 December 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: