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Our ref: PP\_2010\_BERRI\_001\_00 (10/12937)  
Your ref: LS:KW

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

Dear Mr Perkins,

**Re: Planning Proposal to rezone land at Bruton Street, Tocumwal**

I am writing in response to your Council's letter dated 10 June 2010 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Berrigan Local Environmental Plan 1992 to rezone land at Bruton Street, Tocumwal (Part of Lot 33 DP 1100718) from 1(c) (Rural Small Holdings Zone) to 2(v) (Village or Urban Zone).

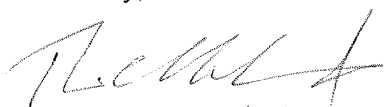
As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Simon Duffy of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,



9/7/10  
**Tom Gellibrand**  
Deputy Director General  
Plan Making & Urban Renewal

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2010\_BERRI\_001\_00):** to rezone land at Bruton Street, Tocumwal (Part of Lot 33 DP 1100718) from 1(c) (Rural Small Holdings Zone) to 2(v) (Village or Urban Zone).

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Berrigan Local Environmental Plan 1992 to rezone land at Bruton Street, Tocumwal (Part of Lot 33 DP 1100718) from 1(c) (Rural Small Holdings Zone) to 2(v) (Village or Urban Zone) 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Department of Environment, Climate Change and Water
  - Department of Primary Industry (Mining)
  - Civil Aviation Safety Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

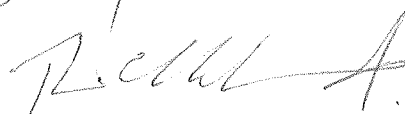
Dated

9<sup>th</sup>

day of

July

2010.



Tom Gellibrand  
Deputy Director General  
Plan Making & Urban Renewal  
Delegate of the Minister for Planning