



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

16/04155

Attention: Mr Laurie Stevens – Development Manager

Dear Mr Perkins

Planning proposal (PP_2016_BERRI_001) to amend Berrigan Shire Council Local Environmental Plan 2013 – Part lot 63 DP1127637, 92 Strathvale Road, Berrigan

I am writing in response to your Council's letter dated 25 February 2016 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal to rezone and change the minimum lot size on part Lot 63 DP1127637.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 117 Direction 3.1 Residential Zones is of minor significance. No further approval is required in relation to this Direction.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has now 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 9 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 (parliamentary.counsel@pco.nsw.gov.au) Office 10 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.

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 forwarded to the westernregion@planning.nsw.gov.au 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 Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Tim Collins of the Department's Western regional office to assist you. Mr Collins can be contacted on (02) 6841 2180

Yours sincerely

A. W. Albury 23-3-2016

Ashley Albury
Director Regions, Western
Planning Services

Encl:

Attachment 1: Gateway Determination

Attachment 2: Written Authorisation to Exercise Delegation

Attachment 3: Attachment 5 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2016_BERRI_001): to rezone and change the minimum lot size on part Lot 63 DP1127637, 92 Strathvale Road, Berrigan.

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* (the Act) that an amendment to the Berrigan Shire Local Environmental Plan 2013 (LEP) to rezone and change the minimum lot size on part Lot 63 DP1127637, 92 Strathvale Road, Berrigan should proceed subject to the following conditions:

1. 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 (Department of Planning and Infrastructure 2013)*.

No consultation is required with public authorities under section 56(2)(d) of the Act.

2. 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).
3. Prior to submission of the planning proposal under section 59 of the Act, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps.'
4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Dated *23rd* day of *March* 2016

Ashley Albury
Director Regions, Western
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Berrigan 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_2016_BERRI_001	Planning proposal to rezone to zone IN1 General Industrial and change the minimum lot size to 10ha on part Lot 63 DP1127637, 92 Strathvale Road, Berrigan.

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

Dated *23 March* 2016


Ashley Albury
Director Regions, Western
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 of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment 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 publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2016_BERRI_001
Date Sent to DPE under s56	25/02/2016
Date considered at LEP Review Panel	Considered by the Ministers Delegate and not by the Panel
Gateway determination date	23/03/2016

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 DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: