



Ms Rebecca Ryan
General Manager
Blayney Shire Council
PO Box 62
Blayney NSW 2799

16/05096

Attention: Patsy Moppett, Senior Town Planner

Dear Ms Ryan

Planning Proposal (PP_2016_BLAYN_001) –to amend Blayney Local Environmental Plan 2012 – including deferred matters, model boundary adjustment clause, existing holding time extension and minor amendments to clause 4.2A(3)

Thank you for your letter dated 24 March 2016 (received on 30 March 2016) requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act).

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)**.

Council is to ensure that it actively consults with the community and landowners particularly in relation to the land that is affected by the deferred matters and existing holdings.

I am satisfied that the planning proposal's inconsistencies with section 117 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries are of minor significance as the inconsistency has been justified by an endorsed Strategy. No further approval is required in relation to these Directions.

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 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 (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,

 5-5-2016

Ashley Albury
Director Regions, Western
Planning Services

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_2016_BLAYN_001_00): to resolve deferred matters, include a model provision allowing for boundary adjustments, an extension of time for the existing holding sunset provision, and minor amendments to clause 4.2A(3).

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 EP&A Act 1979 that an amendment to the Blayney Local Environmental Plan 2012 (LEP) to resolve deferred matters, include a model provision to allow for low impact boundary adjustments, an extension of time for the existing holding sunset provision, and minor wording amendments to clause 4.2A 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 State Agencies under Section 56 (2)(d) of the EP&A Act.
 - (a) Office of Environment and Heritage,
 - (b) NSW Department of Primary Industries - Agriculture, and
 - (c) NSW Department of Primary Industries - Water.

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

3. Consultation is required with Cabonne Council and Orange City Council. These local governments are to be provided with a copy of the planning proposal and any relevant supporting material. The results of the consultation with Cabonne Council and Orange City Council are to be submitted to the Department of Planning and Environment as part of the section 59 submission.
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 the LEP maps are to be revised and are to be compliant with the Department's standard technical requirements for maps.

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

Dated 5th day of May 2016.


Ashley Albury
Director Regions, Western
Planning Services

Delegate of the Minister for Planning