

Mr Donald Ramsland
Walgett Shire Council
PO Box 31
Walgett NSW 2832

16/15702

Attention: Mr Matthew Clarkson, Town Planner

Dear Mr Ramsland

Planning Proposal (PP_2016_WALGE_001_00) to amend Walgett LEP 2013 – housekeeping amendment – includes amendment to clause 6.2 Flood Planning, changes to local heritage items and minor rezoning of various land.

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to amend the Walgett LEP 2013.

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

The proposal to amend the Walgett LEP 2013 Land Use Table to make Waste or Resource Management Facilities permissible with consent in zones RU1 Primary Production and zone SP1 Special Activities zones is not required given these land use zones are permissible under Division 23 of the State Environmental Planning Policy (Infrastructure) 2007. Please refer to Condition No. 1 of the Gateway determination that requires the planning proposal to be amended to remove this item prior to proceeding to community consultation.

Council is to consult with the Civil Aviation Safety Authority with regard to the amendment of the Lightning Ridge Airport land zoning and also consult with Office Environment and Heritage on the amendment of Schedule 5 Environmental Heritage of the LEP.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 2.3 Heritage Conservation are justified in accordance with the terms of the Direction. In relation to section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis the changes are of minor significance. No further approval is required in relation to these Directions.

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 in this case.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of 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 administration purposes.

All related files for the LEP Amendment, including 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.

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 Jenna McNabb of the Department's Western Region office to assist you. Ms McNabb can be contacted on (02) 68412180.

Yours sincerely

 23-12-2016

Ashley Albury
Director Regions, Western
Planning Services

Encl:

Attachment 1 – Gateway determination

Attachment 2 – Authorisation to Exercise Delegation

Attachment 3 – Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_WALGE_001_00): to amend the Walgett Local Environmental Plan 2013 by amending clause 6.2 Flood Planning, Schedule 5 Environmental Heritage and undertaking various housekeeping matters.

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 Walgett Local Environmental Plan 2013 (LEP) *to amend the Walgett Local Environmental Plan 2013 by amending clause 6.2 Flood Planning, Schedule 5 Environmental Heritage and undertaking various housekeeping matters*, should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to submit to the Department of Planning and Environment for approval an amended planning proposal to omit Item 9 – relating to the insertion of Waste or Resource Management Facilities in the land use table for RU1 – Primary Production and SP1 Special Activities zones as this use is permissible under Division 23 of State Environmental Planning Policy (Infrastructure) 2007.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act, 1979 Act as follows:
 - (a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
 - (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.
3. Consultation is required with the following agencies under section 56 (2)(d) of the Environmental Planning and Assessment Act, 1979:
 - (a) Office of Environment and Heritage, and
 - (b) Civil Aviation Safety Authority.

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.

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 *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).

5. Prior to submission of the planning proposal under section 59 of the Environmental Planning and Assessment Act 1979, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.
6. 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 December 2016.



Ashley Albury
Director Regions, Western
Planning Services
Department of Planning and
Environment

**Delegate of the Minister for
Planning**



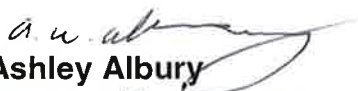
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Walgett 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_WALGE_001_00	to amend the Walgett Local Environmental Plan 2013 by amending clause 6.2 Flood Planning, Schedule 5 Environmental Heritage and undertaking various housekeeping matters.

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 23rd December 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_WALGE_001_00
Date Sent to DP&E under s56	2 December 2016
Date considered at LEP Review Panel (if applicable)	Considered by Ministers Delegate and not by Panel
Gateway determination date	23 December 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		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
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: