



Mr Adam McSwain
General Manager
Edward River Council
PO Box 270
DENILQUIN NSW 2710

Attention: Julie Rogers – Manager Environmental Services

Dear Mr McSwain

Planning proposal (PP_2018_ERIVE_001_00) to amend both the Deniliquin Local Environmental Plan 2013 and the Deniliquin Local Environmental Plan 1997 - to update Flood Planning Maps and Clauses

I am writing in response to Council's request for a Gateway determination under section 3.34 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend Deniliquin LEP 2013 and Deniliquin LEP 1997 to update Flood Planning Maps and Clauses.

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 9.1 Direction, 1.1 Business and Industrial Zones is justified in accordance with the terms of the Direction. 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 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 (**Attachment 2**) to make this plan.

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.

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, planning proposal document 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.

In accordance with "A guide for the preparation of local environmental plans" Authorised 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 3.36 submission 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Haydon Murdoch to assist you. Mr Murdoch can be contacted on (02) 68412180.

Yours sincerely



26.4.18

Damien Pfeiffer
**Director Regions, Western
Planning Services**

Encl: Attachment 1 - Gateway determination
Attachment 2 - Written Authorisation to Exercise Delegation
Attachment 3 - Authorised Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2018_ERIVE_001): to amend Deniliquin LEP 2013 and Deniliquin LEP 1997 to update Flood Planning Maps and Clauses.

I, the Director Regions, Western at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 3.34(2) of the Environmental Planning and Assessment Act, 1979 (the Act) that an amendment to the Deniliquin Local Environmental Plan 2013 (DLEP 2013) and the Deniliquin Local Environmental Plan 1997 (DLEP 1997) to update Flood Planning Maps and Clauses should proceed subject to the following conditions:

1. Prior to undertaking community consultation and consultation with NSW Office of Environment and Heritage and NSW State Emergency Service, the planning proposal is to be amended to include revised flood planning maps that clearly identify the flood planning area. The maps are to be endorsed by the Department prior to consultation being undertaken.
2. Community consultation is required under sections 2.22 and 3.34(2)(c) 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 & Environment August 2016)*.
3. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act.
 - NSW Office of Environment and Heritage
 - NSW State Emergency Service

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 3.34(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).
5. Prior to submission of the planning proposal under section 3.36 of the Act, 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 **12 months** from the week following the date of the Gateway determination.

Dated 26 day of April 2018.



Damien Pfeiffer
Director Regions, Western
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Edward River Council is authorised to exercise the functions of the Minister for Planning under section 3.36 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_2018_ERIVE_001_00	Planning proposal to amend Deniliquin LEP 2013 and Deniliquin LEP 1997 to update Flood Planning Maps and Clauses.

In exercising the Minister's functions under section 3.36, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 26 April 2018

Damien Pfeiffer
Director Regions, Western
Department of Planning and Environment

Delegate of the Minister for Planning

Attachment 5 –Plan making reporting template when Council is authorised to make the local environmental plan

Reporting template for LEP amendments where Council is authorised to make the plan

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
- Planning proposal authority (PPA) is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the PPA should add additional rows to **Table 2** to include this information
- The PPA 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, LEPs Online, is kept up to date
- A copy of this completed report must be provided to the department with the PPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2018_ERIVE_001_00
Date Sent to DPE under s3.34	22 March 2018
Date considered at LEP Review Panel	N/A
Gateway determination date	26 April 2018

Table 2 – To be completed by the PPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date Council requested draft LEP from PCO		
Date draft LEP received from PCO		
Date Council requested final PCO Opinion		
Date Council received final PCO Opinion		
Date Council provided/requested GIS data or maps.		
Date ePlanning confirmed mapping is suitable and sent to PCO.		
LEP Finalisation date (Date LEP made by GM (or other) under delegation)		
Date sent to DPE requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: