



Mr Barry Barlow
Interim General Manager
Edward River Council
PO Box 270
DENILIKUIN NSW 2710

16/14308

Attention: Ms Julie Rogers, Manager Environmental Services

Dear Mr Barlow

**Planning proposal (PP_2016_ERIVE_002_00) to amend Deniliquin Local
Environmental Plan 2013, Barham Road, Deniliquin**

I am writing in response to your Council's email received 1 November 2016 and subsequent information provided via email on 28 March 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to rezone Lots 3 & 4 DP 286006 at Barham Road, Deniliquin from zone RU1 Primary Production to zone IN1 General Industrial with no minimum lot size for the subject land.

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 am satisfied that the planning proposal's inconsistencies with section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands are of minor significance and no further work is required. In relation to State Environmental Planning Policy 55 – Remediation of Land, a preliminary site contamination investigation report is to be prepared and placed on exhibition with the planning proposal. Please refer to Condition No.1 of the Gateway determination.

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. **(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.council@pco.nsw.gov.au) 10 weeks prior to the projected publication date.

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.

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 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 Environmental Planning & Assessment Act, 1979 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 Megan Jones of the Departments Western Region office to assist you. Ms Jones can be contacted on (02) 6841 2180.

Yours sincerely



Katrine O'Flaherty
Director Regions, Western
Planning Services

11/04/2017

Encl:

- 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_ERIVE_002_00): to rezone land from RU1 Primary Production to IN1 General Industrial with no minimum lot size at Lot 3 & 4 DP 286006, Barham Road, Deniliquin.

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 an amendment to the Deniliquin Local Environmental Plan (LEP) 2013 to rezone land from RU1 Primary Production to IN1 General Industrial and remove minimum lot size at Lots 3 & 4 DP 286006, Barham Road, Deniliquin should proceed subject to the following conditions:

1. A preliminary review of the subject land and initial site contamination investigation report are to be prepared to satisfy requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Results of the preliminary review and report are to be placed on public exhibition with the planning proposal.
2. Prior to community consultation the planning proposal documentation is to be amended to only refer to Lots 3 and 4 DP 286006, Barham Road, Deniliquin.
3. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* 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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979*:
 - Road and Maritime Services (RMS)
 - Office of Environment and Heritage (OEH)

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.

5. 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).
6. Prior to submission of the planning proposal under Section 59 of the *Environmental Planning and Assessment Act, 1979*, the LEP maps must be prepared and be compliant

with the Department's 'Standard Technical Requirements for Spatial Datasets and maps' 2015.

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

A handwritten signature in black ink, appearing to read 'K. O'Flaherty', with a long horizontal flourish extending to the right.

Dated

11th

day of

April

2017.

Katrine O'Flaherty
Director Regions, Western
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Edward River 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_ERIVE_002_00	Planning proposal to rezone land from RU1 Primary Production to IN1 General Industrial with no minimum lot size at Lots 3 & 4 DP 286006, Barham Road, Deniliquin.

In exercising the Minister's functions under section 59, 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 11th April 2017

Katrine O'Flaherty
Director Regions, Western
Department of Planning and Environment

Delegate of the Minister for Planning
