



Planning & Environment

Mr Ray Smith
General Manager
Bland Shire Council
PO BOX 21
WEST WYALONG NSW 2671

17/09332

Attention: Lesley Duncan, Manager Development and Regulatory Services

Dear Mr Smith,

Planning proposal (PP_2017_BLAND_001_00) to make amendments to the Bland Local Environmental Plan 2011

I am writing in response to your Council's letter dated 4 July 2017 requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act, 1979* in respect of the Planning Proposal to make minor amendments to the Bland Local Environmental Plan 2011.

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 Proposals inconsistencies with Section 117 Directions 1.1 Business and industrial Zones, 1.2 Rural Zones and 1.5 Rural Lands. No further approval is required in relation to these Directions. The inconsistency with Section 117 Direction 4.4 Planning for Bushfire Protection can be addressed after consultation with NSW Rural Fire Service and provided with the Section 59 Report- refer to Condition 4.

The Minister delegated plan making powers to Councils in October 2012. I have considered the issue of delegation and determined not to issue an authorisation given Council's interests in the items subject to this proposal.

In relation to the Naradhan Woolshed item, it is advised that Option A is preferred as the prominent use of land is for primary production that can be supported by the proposed function centre. The Planning Proposal will need to be amended to reflect this prior to community consultation – refer to Condition 1 of the Gateway Determination.

I encourage Council to finalise its local landuse strategy and submit this work to the Department for endorsement. Department staff can assist in reviewing this work.

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 for the Department of Planning and Environment to draft and finalise the LEP should be made 10 weeks prior to the projected publication date. Council's request to finalise the LEP should be made to the Department of Planning and Environment (westernregion@planning.nsw.gov.au).

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.

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 Deniz Kilic of the Departments Western Region office to assist you. Mr Kilic can be contacted on (02) 6841 2180.

Yours sincerely,



11.8.17

Katrine O'Flaherty
Director Regions, Western
Planning Services

Encl:
Attachment 1 – Gateway determination



Gateway Determination

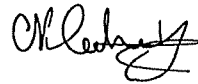
Planning proposal (Department Ref: PP_2017_BLAND_001_00): to make a number of amendments to the Bland Local Environmental Plan 2011.

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 Bland Local Environmental Plan (LEP) 2011 to make a number of amendments should proceed subject to the following conditions:

1. Prior to community consultation, the Planning Proposal is to be amended to reflect Option A as the preferred option for the Naradhan Woolshed matter. Council is also to prepare a Statement of Heritage Significance and include it in the Section 59 Report.
2. Prior to community consultation the Planning Proposal is to be amended to reflect the correct Lot and DP number for the sewage treatment works and electricity substation sites.
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 & Environment 2016)*.
4. Consultation is required with the following public authorities and / organisations under Section 56(2)(d) of the *Environmental Planning and Assessment Act* and / or comply with the requirements of relevant Section 117 Directions:
 - NSW Rural Fire Service
 - NSW Roads and Maritime Services
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 final 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.

Dated 11th day of August 2017.



Katrine O'Flaherty
Director Regions, Western
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning