



Planning & Environment

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Mr Gary Lavelle
General Manager
Temora Shire Council
PO Box 262
Temora NSW 2666

Our ref: PP_2016_TEMOR_001_00 (16/13944)
Your ref:

Dear Mr Lavelle

Planning proposal to amend Temora Local Environmental Plan 2010

I am writing in response to your Council's letter dated 21 October 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to reduce the minimum lot size from 2 hectares to 1 hectare for sites zoned R5 Large Lot Residential at Bundawarra Road Estate and Rosella Street Estate, Temora.

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.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has not 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.

The amending Local Environmental Plan (LEP) is to be finalised within six 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment 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 Act 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 Mr Nathan Foster of the Department's regional office to assist you. Mr Foster can be contacted on (02) 4224 9459.

Yours sincerely

 27/10/16

Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_TEMOR_001_00): to reduce the minimum lot size from 2 hectares to 1 hectare for land zoned R5 Large Lot Residential at Bundawarra Road Estate and Rosella Street Estate, Temora.

I, the Acting Director Regions, Southern 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* (the Act) that an amendment to the Temora Local Environmental Plan (LEP) 2010 to reduce the minimum lot size from 2 hectares to 1 hectare for land zoned R5 Large Lot Residential at Bundawarra Road Estate and Rosella Street Estate, Temora, 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* (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 local environmental plans* (Department of Planning and Environment 2016).
2. Consultation is required with the Environment Protection Authority under section 56(2)(d) of the Act in relation to on-site effluent management. The Environment Protection 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. A public hearing is not required to be held into the matter by any person or body under section 56(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).
4. The LEP maps shall be prepared in accordance with the *Standard Technical Requirements for Spatial Datasets and Maps* (Department of Planning and Environment, 2015) when the plan is submitted for finalisation.

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

Dated 27th day of October 2016



Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Temora 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_TEMOR_001_00	Planning proposal to reduce the minimum lot size from 2 hectares to 1 hectare for land zoned R5 Large Lot Residential at Bundawarra Road Estate and Rosella Street Estate, Temora.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 27/10/2016



Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment