

Mr Peter Vlatko
General Manager
Young Shire Council
Locked Bag 5
YOUNG NSW 2594

Ref: PP_2014_YOUNG_001 (14/12439)

Dear Mr Vlatko

Planning Proposal No. 7 – Functional amendments to Young Local Environmental Plan 2010

I am writing in response to Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Young Local Environmental Plan 2013 to:

- amend the Land Use Tables for various zones;
- enable the parking & storage of buses, heavy vehicles & plant machinery as Complying Development in various zones by adding this use (with relevant controls) to Schedule 3;
- amend the definition of 'Farm stay accommodation' in clause 5.4 by increasing the maximum number of bedrooms from 3 to 8;
- amend clause 6.1(3)(b) to clarify ambiguous wording which may permit dwelling houses in unintended circumstances, contrary to the intent of the clause;
- amend Schedule 1 Item 5 relating to certain land at Telegraph Rd and Murringo Rd Young to enable 'agricultural produce industries' with consent; and
- correct a mapping error which has Keith Cullen Oval identified as R1 instead of RE1.

As delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Please note that in relation to Issue 3 – Farm stay accommodation, Clause 5.4 is a standard clause and, while Council is able to specify the maximum number of bedrooms, the definition can not be amended to add the words 'in one or more buildings'. The omission of these words will not change the intent of the proposal as the clause does not specify that the bedrooms must be in a single building. The clause applies in circumstances where a number of farm buildings are used as farm stay accommodation.

The Minister's plan making powers were delegated to councils in October 2012. As this proposal is considered to deal with matters of local significance, I have decided that it is appropriate for Council to use its delegations. I have issued an authorisation for Council to exercise delegation to make this plan.

Council is reminded that it must not use its delegation where there is an unresolved agency objection to the proposal. In the event there is an unresolved agency objection, Council should contact the regional office of the Department to seek assistance in resolving the matter so that the plan may proceed under delegation.

In issuing this Gateway determination, I have found that the planning proposal is consistent with relevant s117 Directions, or that any inconsistencies are of minor significance. No further approval is required in relation to s117 Directions while the proposal remains in its current form.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department 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 EP&A 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 Louise Wells of the Department's Southern Regional office to assist you. Louise can be contacted on (02) 4224 9463.

Yours sincerely


2/10/14

Linda Davis
A/General Manager
Southern Region
Planning Services

Enc: Gateway determination

Authorisation to use delegation

Reporting Template



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Young 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_2014_YOUNG_001_00	Planning proposal 7 – Functional Amendments.

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 2/10 / 2014

Linda Davis
Acting General Manager
Southern Region
Department of Planning and Environment

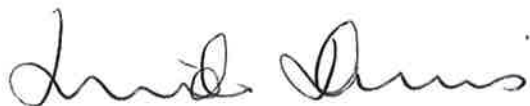
Gateway Determination

Planning proposal (PP_2014_YOUNG_004_00): to amend the Land Use Tables for various zones; enable the parking & storage of buses, heavy vehicles & plant machinery as Complying Development in various zones by adding this use (with relevant controls) to Schedule 3; amend the definition of 'Farm stay accommodation' in clause 5.4 by increasing the maximum number of bedrooms from 3 to 8; amend clause 6.1(3)(b) to clarify ambiguous wording which may permit dwelling houses in unintended circumstances, contrary to the intent of the clause; amend Schedule 1 Item 5 relating to certain land at Telegraph Rd and Murringo Rd Young to enable 'agricultural produce industries' with consent; and correct a mapping error which has Keith Cullen Oval identified as R1 instead of RE1.

I, the Acting General Manager, Southern Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Young Local Environmental Plan (LEP) 2010 as described above 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 ("EP&A Act") as follows:
 - (a) the planning proposal is to be made publicly available for 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 Infrastructure 2013).
2. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A 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).
3. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 2nd day of October 2014.



Linda Davis
Acting General Manager,
Southern Region
Planning Services
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 following receipt of the planning proposal
- The Department 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 Department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department with the RPA's request to have the LEP notified

Table 1 – To be completed by the Department

Stage	Date/Details
Planning Proposal Number	PP_2014_YOUNG_001_00
Date Sent to Department under s56	29/09/2014
Date considered at LEP Review Panel	2/10/2014
Gateway determination date	2/10/2014

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		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the Department

Stage	Date/Details
Notification Date and details	

Additional relevant information: