



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Harden Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_HARDE_001_00	Planning proposal to amend Schedule 1 to permit storage premises on Lot 20 Section 29 DP758737

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 13 August 2013

Brett Whitworth
Regional Director
Southern Region
Department of Planning and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP_2013_HARDE_001_00): to amend Schedule 1 to permit storage premises on Lot 20, Section 29, DP 758737.

I, the Regional Director, Southern Regional Team at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Harden Local Environmental Plan (LEP) 2013 to amend Schedule 1 to permit storage premises 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 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).
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 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).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

13th

day of

August

2013.



Brett Whitworth
Regional Director
Southern Region
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



Contact: Meredith McIntyre
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Our ref: PP_2013_HARDE_001_00 (13/11480-1)
Your ref: Amdt No 1 (2013-Parker)

Mr Max Kershaw
General Manager
Harden Shire Council
PO Box 110
HARDEN NSW 2587

Dear Mr Kershaw,

Planning proposal to amend Harden Local Environmental Plan 2011

I am writing in response to your Council's letter dated 4 July 2013 requesting 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 Schedule 1 to permit storage premises on Lot 20, Section 29, DP 758737, 136 Neill Street, Harden.

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

To specifically support this interim land use only on the subject land, the Department considers that the wording in Schedule 1 should be qualified being, "Development for the purposes of storage premises being the storage for motor vehicles". This will help to ensure that the site is not used for other storage purposes.

I would also request that in any future strategic planning, Council should examine whether a commercial zone is more appropriate for this site.

Prior to public exhibition, Council should submit a suitable timeline in accordance with the Department's *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* to the Regional Office.

I am satisfied that the planning proposal's inconsistency with S117 Direction 3.1 Residential Zones is of minor significance. No further approval is required in relation to any section 117 Direction while the planning proposal remains in its current form.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. 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 6 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 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, please contact Ms Meredith McIntyre of the Southern Regional office of the department on 02 6229 7912.

Yours sincerely,

 13 August 2013
Brett Whitworth
Regional Director
Southern Region
Planning Operations and Regional Delivery