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Postal:

Mr Anthony McMahon
General Manager
Boorowa Shire Council
PO Box 96
BOOROWA NSW 2586

Our ref: PP_2013_BOORO_001_00
Your ref: P154.14:KC

Dear Mr McMahon

Planning proposal to amend Boorowa Council Local Environmental Plan 2012

I am writing in response to the letter sent by Mr Craig Filmer from Young Shire Council, on behalf of your Council dated 4th December 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 address a deferred matter and rezone a number of sites arising from submissions to Boorowa Local Environmental Plan 2012 .

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.

I have also agreed the planning proposal's inconsistencies with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands, and 3.1 Residential Zones are of minor significance. No further referral or approval is required in relation to these Directions.

The Minister delegated his 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.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 Ann Martin of the Southern Regional office of the Department on 02 42249466.

Yours sincerely,



13 January 2014

Brett Whitworth
General Manager
Southern Region
Growth Planning & Delivery

cc. Mr KC Filmer, Director- Planning Environment & Strategic Services, Young Shire Council.

Gateway Determination

Planning proposal (Department Ref: PP_2013_BOORO_001_00): to address a deferred site and rezone a number of areas to provide for some development potential raised in submissions from the Boorowa LEP 2012.

I, the General Manager, Southern Region 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 Boorowa Local Environmental Plan (LEP) 2012 to address a deferred site and rezone a number of areas to provide for some development potential raised in submissions from the Boorowa LEP 2012 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. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act
 - NSW Rural Fire Service
 - Office of Environment and Heritage
 - Department of Primary Industries (Agriculture)

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.
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 **9 months** from the week following the date of the Gateway determination.

Dated

13

day of

January

2014.



Brett Whitworth
General Manager
Southern Region
Growth Planning & Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning and
Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Boorowa 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_BOORO_001_00	Planning proposal to address a deferred matter and rezones sites for potential development raised in submissions from Boorowa LEP 2012.

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 January 2014



Brett Whitworth
General Manager
Southern Region
Department of Planning and Infrastructure