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Our ref: PP_2010_UPLAC_001_00 (10/23842)
Your ref: F10/221

Mr John Bell
General Manager
Upper Lachlan Shire Council
PO Box 10
CROOKWELL NSW 2583

Dear Mr Bell,

Re: Planning Proposal to remove three heritage items from Schedule 5 of the Upper Lachlan LEP 2010 and to correct a number of misdescriptions, incorrect references and spelling errors

I am writing in response to your Council's letter dated 25 November 2010 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 the Upper Lachlan Local Environmental Plan 2010 to remove three heritage items from Schedule 5 of the Upper Lachlan LEP 2010 and to correct a number of misdescriptions, incorrect references and spelling errors.

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

It is noted that no maps were included with the planning proposal submitted to the Department. Council is to prepare maps identifying the location of the existing heritage items clearly noting which items are proposed to be deleted from the heritage schedule. Council is to include these maps with the planning proposal for exhibition purposes.

Council is to provide justification on heritage grounds in support of the removal of the heritage items from Schedule 5 of the Upper Lachlan LEP 2010, and include this in the planning proposal for exhibition purposes.

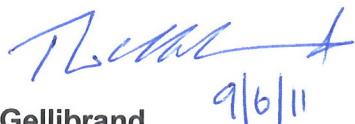
The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 2.3 Heritage Conservation are of minor significance. No further approval is required in relation to this Direction.

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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(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 Martin Brown of the Regional Office of the Department on 02 6229 7900.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_UPLAC_001_00): to remove three heritage items from Schedule 5 of the Upper Lachlan LEP 2010 and to correct a number of misdescriptions, incorrect references and spelling errors

I, the Deputy Director General, Plan Making & Urban Renewal 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 Upper Lachlan Local Environmental Plan 2010 to remove three heritage items from Schedule 5 of the Upper Lachlan LEP 2010 and to correct a number of misdescriptions, incorrect references and spelling errors should proceed subject to the following conditions:

1. Council is to provide justification on heritage grounds in support of the removal of the heritage items from Schedule 5 of the Upper Lachlan LEP 2010, and include this in the planning proposal for exhibition purposes.
2. Council is to prepare maps identifying the location of the existing heritage items clearly noting which items are proposed to be deleted from the heritage schedule
3. 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 classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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 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).



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

Dated *24th* day of *June* 2011.

**Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure**