



Department of Planning, Housing and Infrastructure

Ms Karina Ewer
Chief Executive Officer
Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Our ref: IRF24/1848

Dear Ms Ewan

Planning proposal (PP-2024-989) to amend Berrigan Local Environmental Plan 2013

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to introduce zone R1 General Residential to the Berrigan LEP 2013, rezone land to zone R1 General Residential and reduce the minimum lot size to 450m² at part Lot 6 DP1275427, Bruton Street, Tocumwal.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act (*4.4 Remediation of Contaminated Land* and *6.2 Caravan Parks and Manufactured Home Estates*) are justified in accordance with the terms of the Directions. No further approval is required in relation to the Directions.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.


The proposed local environmental plan (LEP) is to be finalised on or before 9 May 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the Gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Llyan Smith to assist you. Ms Smith can be contacted on 02 9274 6347.

Yours sincerely

A handwritten signature in purple ink, appearing to read 'llhe' followed by a long horizontal stroke.

19/8/2024

Chantelle Chow
Acting Director, Southern, Western and Macarthur Region
Local Planning and Council Support

Encl: Gateway determination