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Our ref: PP_2011_WARRU_002_00 (11/12599)
Your ref: LU0001

Mr Kevin Tighe
General Manager
Warrumbungle Shire Council
PO Box 191
COONABARABRAN NSW 2357

Dear Mr Tighe,

Re: Planning Proposal to reclassify 21 sites in Warrumbungle LGA from 'community' to 'operational'

I am writing in response to your Council's letter dated 28 June 2011 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 Coonabarabran Local Environmental Plan 1990 and Coolag Local Environmental Plan 2000 to reclassify 21 sites in Warrumbungle LGA from 'community' to 'operational'.

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.

Council is reminded of its obligations for the preparation of an LEP involving the reclassification of public land as described in *PN 09-003 Classification and reclassification of public land through a local environmental plan* and the *Best Practice Guideline for LEPs and Council Land (January 1997)* issued by the Department. Accordingly, Council is to identify any trusts, estates, interests, dedications, conditions, restrictions and covenants applying to the land together with a statement to clarify whether any of these will be discharged as part of the reclassification process. This information is to be provided for exhibition purposes.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 3.1 Residential Zones, 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions. Council is required to consult with the Rural Fire Service to demonstrate consistency with S117 Direction 4.4 Planning for Bushfire Protection. In addition Council is to provide additional justification for any inconsistency with S117 Direction 6.2 Reserving Land for Public Purposes. Further information in relation to these S117 Directions is to be placed on public exhibition.

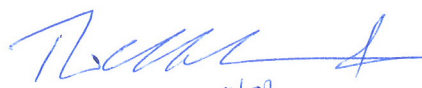
Council is also to ensure that all data relating to the lots proposed to be reclassified is cross checked for accuracy and correctness. It is noted that Council's report supplied with the planning proposal refers to 23 sites however the planning proposal itself refers to 21 sites. Council should ensure that the planning proposal refers to the correct lots and that the location of the land to be reclassified is appropriately identified in all supporting material.

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 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 Anna Patton of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,


8/8/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WARRU_002_00): to reclassify 21 sites in Warrumbungle LGA from 'community' to 'operational'.

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 Coonabarabran Local Environmental Plan 1990 and Coolag Local Environmental Plan 2000 to reclassify 21 sites in Warrumbungle LGA from 'community' to 'operational' 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Council is required to exhibit the planning proposal in accordance with *PN 09-003 Classification and reclassification of public land through a local environmental plan* and the *Best Practice Guideline for LEPs and Council Land (January 1997)* issued by the Department.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service

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.
4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 8th day of August 2011.



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