



Planning



qB148639

10/13832

Department Generated Correspondence (Y)

Contact: Nita Lennon
Phone: (02) 6841 2180
Fax: (02) 6884 8483
Email: Nita.Lennon@planning.nsw.gov.au
Postal: PO Box 58, Dubbo NSW 2830

Our ref: PP_2010_WAKOO_001_00 (10/11616)
Your ref: I09/4176

Mr Chris Chapman
General Manager
The Council of the Shire of Wakool
Private Bag 40
MOULAMEIN NSW 2733

Dear Mr Chapman,

Re: Planning Proposal to rezone land at East Barham Road, Barham

I am writing in response to your Council's letter dated 3 June 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 Wakool Local Environmental Plan 1992 to rezone land in East Barham Road, Barham (Lot 1 DP 1094360).

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

It is considered that flooding is potentially a major issue in relation to the final zoning and development potential of this site. In this regard, the Gateway Determination has been conditioned so that the detailed flood study, which is understood to be in the course of preparation, is finalised prior to the public exhibition of the planning proposal and that the planning proposal be amended to reflect the results of the study.

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 Nita Lennon of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

7/7/10

Gateway Determination

Planning Proposal (Department Ref: PP_2010_WAKOO_001_00): to rezone land in East Barham Road, Barham (Lot 1 DP 1094360).

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Wakool Local Environmental Plan 1992 to rezone land in East Barham Road, Barham (Lot 1 DP 1094360) from Rural to Residential should proceed subject to the following conditions:

1. The detailed flood study, which is in the course of preparation, being completed prior to the exhibition of the planning proposal which is to be amended to reflect the findings of the study.
2. The planning proposal should use zonings which are consistent with those contained in the existing Wakool LEP rather than using zone names and land use tables from the Standard Instrument template.
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 **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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Aboriginal Land Council
 - Catchment Management Authority – Murray
 - Department of Environment, Climate Change and Water
 - Department of Primary Industries (Agriculture)
 - Department of Primary Industries (Fisheries)
 - Department of Primary Industries (Mining)
 - NSW Transport and Infrastructure

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. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.

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

Dated 7th day of July 2010.



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