



Mr Andrew Hopkins
General Manager
Cabonne Council
PO Box 17
MOLONG NSW 2866

15/16688

Attention: Heather Nicholls – Director Environmental Services

Dear Mr Hopkins

Planning proposal (PP_2015_CABON_002_00) to amend Cabonne Local Environmental Plan 2012 – Amendment 3 – Rezone land from zone RU1 Primary Production to zone R5 Large Lot Residential with a minimum lot size reduction to 5 hectares at Lot 2 DP 794456, 1099 Ophir Road, Summer Hill Creek, Orange

I am writing in response to your Council's letter received 16 November 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act, 1979 in respect of the planning proposal to rezone Lot 2 DP 794456, 1099 Ophir Road, Summer Hill Creek, Orange. It is proposed to rezone the land from zone RU1 Primary Production to zone R5 Large Lot Residential with a minimum lot size reduction to 5 hectares to facilitate the creation of 14 large lot residential allotments.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination. **(Attachment 1).**

Council is to consult with NSW Rural Fire Service (NSW RFS) to satisfy section 117 Direction 4.4 – Planning for Bushfire Protection. Council is to provide the NSW RFS advice to the Department for approval prior to community consultation being undertaken. This requirement is reflected in condition number 1 of the Gateway determination.

I have also agreed the planning proposal's inconsistencies with section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands have been justified by the approved Blayney Cabonne Orange Rural and Industrial Land Use Strategy dated July 2008. No further approval is required in relation to these Directions.

The Minister delegated 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. **(Attachment 2)**

The amending Local Environmental Plan (LEP) is to be finalised within 12 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, taking into account the end of year close-down period. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office (parliamentary.counsel@pco.nsw.gov.au) 10 weeks prior to the projected publication date.

The mapping and GIS data is to be uploaded to the Departments FTP site at ftp://lepup:lep_upload@203.3.194.247/ and the map information emailed to pcgis@planning.nsw.gov.au and a copy to westernregion@planning.nsw.gov.au

A copy of the request should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

In accordance with "A guide for the preparation of local environmental plans" attachment 5 – Delegated plan making reporting template (**Attachment 3**) is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 59 submission and forwarded to the westernregion@planning.nsw.gov.au when requesting the planning proposal be finalised.

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 Environmental Planning & Assessment Act, 1979 if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Jenna McNabb of the Departments Western Region office to assist you. Ms McNabb can be contacted on (02) 6841 2180.

Yours sincerely,



Azaria Dobson
Acting General Manager
Western Region

Encl:
Attachment 1 – Gateway determination
Attachment 2 – Written Authorisation to Exercise Delegation
Attachment 3 – Delegated Plan Making Reporting template

Gateway Determination

Planning Proposal (Department Ref: PP_2015_CABON_002_00): to amend the Cabonne Local Environmental Plan 2012 to rezone land at Lot 2 DP 794456, 1099 Ophir Road, Summer Hill Creek, Orange from zone RU1 Primary Production to zone R5 Large Lot Residential and change minimum lot size to 5 hectares.

I, the Acting General Manager, Western Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) that an amendment to the Cabonne Local Environmental Plan 2012 (LEP) to rezone land at Lot 2 DP 794456, 1099 Ophir Road, Summer Hill Creek, Orange from zone RU1 Primary Production to zone R5 Large Lot Residential with a minimum lot size reduction to 5 hectares should proceed subject to the following conditions:

1. Prior to community consultation, Council is to consult with the NSW Rural Fire Service to address section 117 Direction 4.4 Planning for Bushfire Protection. Council is to submit the NSW Rural Fire Service advice to the Department of Planning and Environment for approval prior to community consultation being undertaken.
2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
 - (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.
3. Consultation is required with the following State Agencies under Section 56 (2)(d) of the EP&A Act:
 - (a) Office of Environment and Heritage
 - (b) Department of Primary Industries - NSW Office of Water

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 planning proposal prior to community consultation.

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. Prior to submission of the planning proposal under Section 59 of the EP&A Act, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.
6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 1st day of December 2015.



Azaria Dobson
Acting General Manager, Western Region
Planning Services

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Cabonne Council is authorised to exercise the functions of the Minister for Planning 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_2015_CABON_002_00	Planning proposal to rezone land at Lot 2 DP 794456, 1099 Ophir Road, Summer Hill Creek, Orange from zone RU1 Primary Production to zone R5 Large Lot Residential with a minimum lot size reduction to 5 hectares

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 1. 12 2015

Azaria Dobson
Acting General Manager
Western Region
Department of Planning and Environment

Delegate of the Minister for Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	2015_CABON_002_00
Date Sent to Department under s56	16 November 2015
Date considered at LEP Review Panel	Considered by the Ministers Delegate and not referred to Panel
Gateway determination date	1 December 2015

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: