



Planning & Environment

Gateway Determination

Narrabri LEP 2012 - Rural Boundary Adjustments clause

Proposal Title : **Narrabri LEP 2012 - Rural Boundary Adjustments clause**

Proposal Summary : **The Insertion of provisions into Narrabri LEP 2012 that will allow for greater flexibility for rural boundary adjustment subdivisions in the RU1, RU3, RU4, R5 and E3 zones whilst ensuring that existing dwelling entitlements are not lost as a result of such boundary adjustments.**

PP Number : **PP_2014_NARRB_005_00** Dop File No : **14/17345**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones
1.5 Rural Lands
2.1 Environment Protection Zones
3.1 Residential Zones
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements**

Additional Information : **It is recommended that:**

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 14 days;**
- 3. The Planning Proposal be completed within 6 months;**
- 4. That the RPA consult with the Commissioner of the NSW Rural Fire Services in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection;**
- 5. That the Director General (or his delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection and that it is anticipated this inconsistency will need to be resolved prior to the proposal being finalised;**
- 6. That an authorisation to exercise delegation be issued to Council; and**
- 7. That the Planning Proposal be amended prior to exhibition so that the project time line addresses all the additional steps to be completed by Council due to an authorisation to exercise delegation being issued and the 'Explanation of Provisions' include only a plain English explanation of the intent of the proposed clause.**

Supporting Reasons : **The Planning Proposal will insert a provision into Narrabri LEP 2012 that will create greater flexibility with respect to the subdivision of rural and certain environmental, residential and forestry zoned land whilst ensuring that existing dwelling entitlements will not be lost as a result of future boundary adjustments.**

Panel Recommendation

Recommendation Date : **15-Oct-2014**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the General Manager. Therefore the planning proposal will not be considered by the panel.**

Gateway Determination

Decision Date : **16-Oct-2014**

Gateway Determination : **Passed with Conditions**

Decision made by : **General Manager, Northern Region**

Exhibition period : **14 Days**

LEP Timeframe : **6 months**

Gateway Determination : **The Planning Proposal should proceed subject to the following conditions:**

Narrabri LEP 2012 - Rural Boundary Adjustments clause

1. Prior to undertaking public exhibition, Council is to amend the 'explanation of provisions' within the planning proposal to remove the draft clause and provide a plain English explanation of the intention of the proposed provision. The clause will be drafted by Parliamentary Counsel's Office, in consultation with Council, after public exhibition. The project timeline is also to be amended to reflect the additional steps to be completed by Council due to an authorisation to exercise delegation being issued.

2. 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 and Environment 2013) and must be made publicly available for a minimum of 14 days; and

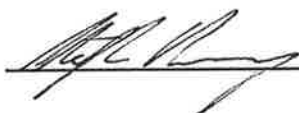
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).

3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. The NSW Rural Fire Service 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 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 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

STEPHEN MURREY

Date:

16 OCTOBER 2014