



qA338843

14/17415

Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING AND ENVIRONMENT

Planning Services

NARRABRI GATEWAY DETERMINATION: PP 2014 NARRB 005 00

The attached draft Gateway determination and letter is submitted for the General Manager's **signature**, if approved.

 16 October 2014
Stephen Murray
General Manager, Northern Region
Planning Services

Contact Officer: Gina Davis
Senior Planner, Northern Region
Phone number: 02 67019687



Ms Dianne Hood
General Manager
Narrabri Shire Council
PO Box 261
NARRABRI NSW 2390

Our ref: PP_2014_005_00 (14/17345)
Your ref: PP3/2014:TM:HM:MR

Dear Ms Hood

Planning proposal to amend Narrabri Local Environmental Plan 2012

I am writing in response to your Council's letter dated 7 October 2014 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 include provisions into Narrabri LEP 2012 that will allow for greater flexibility for rural boundary adjustments 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.

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.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils by the Minister 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.

The amending Local Environmental Plan (LEP) is to be finalised within six (6) 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. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 EP&A Act 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 Ms Gina Davis of the Department's regional office to assist you. Ms Davis can be contacted on (02) 6701 9687.

Yours sincerely

 16 October 2014
Stephen Murray
General Manager, Northern Region
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_005_00): to include provisions into Narrabri LEP 2012 that will allow for greater flexibility for rural boundary adjustments 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.

I, the General Manager, Northern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Narrabri Local Environmental Plan (LEP) 2012 to include 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 should proceed subject to the following conditions:

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.

Dated 16th day of October 2014.



Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Narrabri Shire 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_2014_NARRB_005_00	Planning proposal to include provisions into Narrabri LEP 2012 that will allow for greater flexibility for rural boundary adjustments 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.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 16 October 2014



Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment