



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

15/01587

Attention: Heather Nicholls, Director of Environmental Services

Dear Mr Hopkins

Planning Proposal to amend Cabonne Local Environmental Plan 2012 (Amendment 2) (PP_2015_CABON_001_00) Rezoning of industrial land at Eugowra, rezoning of one allotment to E1 zone and renaming of Federation Way

I am writing in response to your Council's letter dated 8 January 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal to amend the Cabonne Local Environmental Plan 2012 (LEP) to rezone 19 hectares (27 allotments) of industrial land at Eugowra to zone RU5 Village, rezone of one allotment that has been acquired by NPWS to zone E1 and the renaming of Federation Way to Henry Parkes Way.

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**).

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**).

I am satisfied the planning proposal's inconsistencies with section 117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land are of minor significance in this case and no further work is required. The inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection in respect to land at Nanima Street Eugowra can be addressed by Council in its section 59 submission after consultation with NSW Rural Fire Service.

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 as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office (parliamentary.council@pco.nsw.gov.au) 10 weeks prior to the projected publication date.

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

The amended LEP maps 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.

State Government is committed to reducing the time taken to complete LEP's 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 the determination are not met.

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 to be finalised.

Should you have any further enquiries about this matter, I have arranged for Jenna McNabb from the Western Region office to assist you. Ms McNabb can be contacted on 02 6841 2180.

Yours sincerely,

 23/1/15
Wayne Garnsey
Acting General Manager, Western Region
Planning Services

Enclosed:

Attachment 1 – Gateway Determination
Attachment 2 – Written Authorisation to Execute Delegation
Attachment 3 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2015_CABON_001_00): to amend the Cabonne Local Environmental Plan 2012 rezone 19 hectares (27 allotments) of industrial land at Eugowra to zone RU5 Village, rezone of one allotment to E1 Dripping Rock Road Eugowra and the and the renaming of Federation Way to Henry Parkes Way.

I, the Acting General Manager, Western Region at 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) to amend the Cabonne Local Environmental Plan 2012 to rezone 19 hectares (27 allotments) of industrial land at Eugowra, rezone one allotment to zone E1 National parks and nature Reserves and the renaming of Federation Way to Henry Parkes Way should proceed subject to the following conditions:

1. 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 2012).
 - (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.
2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act to comply with the requirements of section 117 Direction 4.4 Planning for Bushfire Protections. Council is to address this Direction in the section 59 submission.

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.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act 1979 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).
4. Prior to submission of the planning proposal under Section 59 of the EP&A Act, LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP Maps'.

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

Dated *23rd* day of *January* 2015.



Wayne Garnsey
Acting General Manager, Western
Region
Planning Services
Department of Planning & Environment

Delegate of the Minister for Planning