



Mr Greg Lamont
General Manager
Narromine Shire Council
PO Box 115
Narromine NSW 2821

Attention: Kylie Rowe, Manager of Planning

Dear Mr Lamont

Planning Proposal (PP_2014_NARRO_002_00) to amend Narromine Local Environmental Plan 2011 – Lots 51 & 52 DP 233201 and Lot 8 DP 755121 Tomingley Road, Narromine

I refer to your letter of 17 June 2014 requesting a Gateway determination under section 56(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) in respect to the planning proposal to amend the Narromine LEP 2011 by changing minimum lot size for part of Lot 51 DP 233201 from 400 hectares to 80 hectares and to consolidate the remainder of the land into one lot.

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

The inconsistency with section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands has been considered as being of minor significance in this case because of the nature of the proposal and proposed outcome and as such, no further work is required in this regard.

Council may also consider amending the Narromine LEP 2011 to include a model clause to provide flexibility for changes in rural land boundaries. A copy of a model clause is provided as **Attachment 2**.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested not to be authorised to use delegation for this planning proposal.

Council is to request that the Department of Planning and Environment draft and finalise the LEP six (6) weeks prior to the projected publication date.

The amending Local Environmental Plan 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.

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 further enquiries about this matter, I have arranged for Rebecca Kell from the Western Region office to assist you. Miss Kell can be contacted on 02 6841 2180.

Yours sincerely

A. W. Albury 21-07-2014

Ashley Albury
General Manager, Western Region
Growth Planning

Encl:

Attachment 1 – Gateway Determination
Attachment 2 – Boundary Adjustment Model Clause



Gateway Determination

Planning proposal (Department Ref: PP_2014_NARRO_002_00): to amend the minimum lot size for part of Lot 51 DP 233201 from 400 hectares to 80 hectares and consolidation of the remaining land under the Narromine Local Environmental Plan 2011.

I, the 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 Narromine Local Environmental Plan (LEP) 2011 for part of Lot 51 DP 233201 from 400 hectares to 80 hectares and consolidation of the remaining land should proceed subject to the following conditions:

1. Community consultation is required under section 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 & 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

No consultation is required with public authorisation under section 56(2)(d) of EP&A Act.

2. 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).
3. Prior to submission of the Planning Proposal under section 59 of the EP&A Act the lot size map (LSZ_004) is to be compliant with the Department's Standard Technical Requirements for LEP Maps.
4. The timeframe for completing the LEP is 9 months from the week following the date of the Gateway determination.

Dated 21

day of July

2014.

a. m. albury

Ashley Albury
General Manager, Western Region
Growth Planning
Department of Planning & Environment

Delegate of the Minister for Planning

Example

Boundary Adjustment

1 Boundary changes between lots in certain rural, residential and environment protection zones (d01.06)

- (1) The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.

Drafting direction for subclause (1).

A Council may choose to restrict the application of this clause to just 2 adjoining lots by omitting "or more" from subclauses (1) and (3).

- (2) This clause applies to land in any of the following zones:

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone RU3 Forestry,
- (d) Zone RU4 Primary Production Small Lots,
- (e) Zone RU6 Transition,
- (f) Zone R5 Large Lot Residential,
- (g) Zone E1 National Parks and Nature Reserves,
- (h) Zone E2 Environmental Conservation,
- (i) Zone E3 Environmental Management,
- (j) Zone E4 Environmental Living.

Drafting direction for subclause (2).

If any of the above rural, residential or environment protection zones are not used in the Plan they should be omitted from subclause (2).

- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the subdivision will not result in any of the following:

- (a) an increase in the number of lots,
- (b) an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots.

Drafting direction for subclause (3).

If the intention is to permit secondary dwellings or dual occupancies as well as dwelling houses, then the specific types of dwellings for which the clause is to apply should be included in the appropriate places.

- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following:

- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - (d) whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,
 - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
 - (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
- (5) This clause does not apply:
- (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
 - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.