

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

Attention: Heather Nicholls, Director of Environmental Services

Dear Mr Hopkins,

**Planning Proposal to amend Cabonne Local Environmental Plan 2012
(PP_2014_CABON_001_00) Lot 10 DP 243046, 381 Lower Lewis Ponds Road
Clifton Grove, Orange.**

I am writing in response to your Council's letter dated 28 August 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 amend the Cabonne Local Environmental Plan 2012 to rezone Lot 10 DP 243046, 381 Lower Lewis Ponds Road Clifton Grove, Orange, from zone RU1 Primary Production to zone R5 Large lot Residential with a minimum lot size of 1ha.

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

The Minister accepted this delegation and his 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 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 endorsed Blayney Cabonne Orange Rural and Industrial Land Use Strategy dated July 2008. No further approval is required in relation to these Directions.

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. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office (parliamentary.council@pco.nsw.gov.au) 6 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: pccgis@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 57(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. Miss McNabb can be contacted on 02 6841 2180.

Yours sincerely,

a.w. alb 16-07-2014

Ashley Albury
General Manager, Western Region
Housing, Growth and Economics

Enclosed:

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



Gateway Determination

Planning proposal (Agency Ref: PP_2014_CABON_001_00): to rezone Lot 10 DP 243046, 381 Lower Lewis Ponds Road Clifton Grove, Orange, from zone RU1 Primary Production to zone R5 Large lot Residential.

I, the 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 to amend the Cabonne Local Environmental Plan 2013 to rezone Lot 10 DP 243046, 381 Lower Lewis Ponds Road Clifton Grove, Orange, from zone RU1 Primary Production to zone R5 Large lot Residential with a minimum lot size of 1ha, should proceed subject to the following conditions:

1. 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 must be made publicly available for a minimum of **28 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 (Planning & Infrastructure 2013)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Planning and Environment - Office of Environment and Heritage
 - Essential Energy
 - NSW Rural Fire Service

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 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 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).
4. Prior to submission of the planning proposal under section 59 of the EP&A Act the Land Zoning Map and Lot Size Map are to be compliant with the Department's "Standard technical requirements for LEP Maps". The following maps are to be amended:
 - Land Zoning Map (LZN_004); and
 - Lot Size Map (LSZ_004)

5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 16 day of September 2014.



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

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_2014_CABON_001_00	To amend the Cabonne Local Environmental Plan 2012 to rezone Lot 10 DP 243046, 381 Lower Lewis Ponds Road Clifton Grove, Orange, from zone RU1 Primary Production to zone R5 Large lot Residential with a minimum lot size of 1ha.

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

Dated 16 September 2014


Ashley Albury
General Manager, Western Region
Housing, Growth and Economics
Department of Planning and Environment

Delegate of the Minister for Planning