

Mr Stephen Harding
General Manager
Cabonne Council
PO Box 17
MOLONG NSW 2866

Attention: Heather Nicholls, Director Environmental Services

Dear Mr Harding

Planning proposal (PP_2018_CABON_002_00) to amend Cabonne Local Environmental Plan 2012 – 75 Belgravia Road, Mullion Creek, Orange.

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone Lot 650 DP788871, 75 Belgravia Road, Mullion Creek, Orange to zone R5 Large lot residential and change minimum lot size to 2ha.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands and 3.1 Residential Zones and 5.10 Implementation of Regional Plans are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 4.4 Planning for Bushfire Protection and consultation is required with NSW Rural Fire Service. Refer to condition 1 of the Gateway determination and this is required prior to community consultation.

I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

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 ten (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.

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, planning proposal document and GIS Data, if available, must be submitted to the Department via the Planning Portal Website at <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>. To submit the data, Council is required to create an account and log in using these details.

In accordance with "A guide for the preparation of local environmental plans" Authorised plan making reporting template is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 3.36 submission when requesting the planning proposal be finalised.

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 3.32(2)(d) of the 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 Mr Haydon Murdoch of the Department of Planning and Environment, Western Region office, to assist you. Mr Murdoch can be contacted on 6229 7914.

Yours sincerely



25.10.18

Damien Pfeiffer
Director Regions, Western
Planning Services

Encl: Gateway determination
Authorised plan-making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2018_CABON_002_00): to rezone land at 75 Belgravia Road Mullion Creek, Orange.

I, the Director Regions, Western at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Cabonne Local Environmental Plan (LEP) 2012 to rezone land at Lot 650 DP 788871, 75 Belgravia Road, Mullion Creek, Orange from zone RU1 Primary production to zone R5 Large lot residential and change minimum lot size to 2ha should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to consult with the NSW Rural Fire Service in relation to planning proposal and to address consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection.

Council is to provide the response from NSW Rural Fire Service is to be provided to the Department of Planning and Environment and seek approval to proceed to community consultation.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Department of Industry (Water)
 - Office of Environment and Heritage
 - Local Land Services Central Tablelands

Each public authority/organisation 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 3.34(2)(e) of the 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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
6. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 25th day of October 2018.



Damien Pfeiffer
Director Regions, Western
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

Attachment 5 –Plan making reporting template when Council is authorised to make the local environmental plan

Reporting template for LEP amendments where Council is authorised to make the plan

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- Planning proposal authority (PPA) is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the PPA should add additional rows to **Table 2** to include this information
- The PPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP tracking system, LEPs Online, is kept up to date
- A copy of this completed report must be provided to the department with the PPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2018_CABON_002_00
Date Sent to DPE under s3.34	10 October 2018
Date considered at LEP Review Panel	NA
Gateway determination date	25 October 2018

Table 2 – To be completed by the PPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date Council requested draft LEP from PCO		
Date draft LEP received from PCO		
Date Council requested final PCO Opinion		
Date Council received final PCO Opinion		
Date Council provided/requested GIS data or maps.		
Date ePlanning confirmed mapping is suitable and sent to PCO.		
LEP Finalisation date (Date LEP made by GM (or other) under delegation)		
Date sent to DPE requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: