



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

Our ref: PP_2014_NARRB_001_00 (14/08516)

Dear Ms Hood

Planning proposal to amend Narrabri Local Environmental Plan 2012

I am writing in response to your Council's letter dated 15 May 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 Narrabri Local Environmental Plan 2012 to: include additional uses in the land use tables for Zones RU1, RU4, B1, IN1, IN2 and RE1; insert a heads of consideration clause for detached dual occupancies in the RU1 and RU4 Zones; rezone Lots 8 and 9, Section 28, DP 758756, Wukuwa St, Narrabri from RE1 to R1, and rezone Lot 169 DP 755475, 80 Walton St, Boggabri from SP2 to R1.

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.

I have also agreed the planning proposal's inconsistencies with S117 Directions 4.3 Flood Prone Land, and 6.2 Reserving Land for Public Purposes are of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the subject lots are held in private ownership and the current land zoning does reflect the current or likely future use of the land. No further approval is required in relation to these Directions.

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 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 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



5 June 2014

Stephen Murray
General Manager, Northern Region
Growth Planning and Delivery

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2014_001_00): to amend Narrabri Local Environmental Plan 2012 to include additional uses in the land use tables for Zones RU1, RU4, B1, IN1, IN2 and RE1; insert a heads of consideration clause for detached dual occupancies in the RU1 and RU4 Zones; rezone Lots 8 and 9, Section 28, DP 758756, Wukuwa St, Narrabri from RE1 to R1, and rezone Lot 169 DP 755475, 80 Walton St, Boggabri from SP2 to R1.

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 additional uses in the land use tables for Zones RU1, RU4, B1, IN1, IN2 and RE1; insert a heads of consideration clause for detached dual occupancies in the RU1 and RU4 Zones; rezone Lots 8 and 9, Section 28, DP 758756, Wukuwa St, Narrabri from RE1 to R1, and rezone Lot 169 DP 755475, 80 Walton St, Boggabri from SP2 to R1 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 (Department of Planning and Environment 2013)*.
2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. 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 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. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

5. A revised project time line (that addresses all the additional steps to be completed by Council due to an authorisation to exercise delegation being issued) be included in the Planning Proposal prior to public exhibition.
6. The Planning Proposal be amended prior to exhibition to remove the proposed detached dual occupancies in Zones RU1 and RU4 clause and replace it with a plain English explanation of the intent of the proposed clause.

Dated *5th* day of *JUNE* 2014.



Stephen Murray
General Manager, Northern Region
Growth Planning and Delivery
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_001_00	Planning proposal to amend Narrabri Local Environmental Plan 2012 to include additional uses in the land use tables for Zones RU1, RU4, B1, IN1, IN2 and RE1; insert a heads of consideration clause for detached dual occupancies in the RU1 and RU4 Zones; rezone Lots 8 and 9, Section 28, DP 758756, Wukuwa St, Narrabri from RE1 to R1, and rezone Lot 169 DP 755475, 80 Walton St, Boggabri from SP2 to R1.

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 5 JUNE 2014


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