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Department Generated Correspondence (Y)

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Our ref: PP_2011_NARRB_001_00 (11/06096)
Your ref: NAW:MR

Mr Phil Marshall
General Manager
Narrabri Shire Council
PO Box 261
NARRABRI NSW 2390

Dear Mr Marshall,

Re: Planning Proposal to rezone Lots 18, 19, and 20, Section 8 DP 758756, known as 31-35 Cooma Rd, Narrabri from 2(b) Residential to 3(a) General Business

I am writing in response to your Council's letter dated 1 March 2011 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 Narrabri Local Environmental Plan No 2 to rezone Lots 18, 19, and 20, Section 8 DP 758756, known as 31-35 Cooma Rd, Narrabri from 2(b) Residential to 3(a) General Business.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

Further consideration and investigation needs to be carried out in regards to possible localised contamination of the subject land in accordance with the requirements of Clause 6 of SEPP 55 Remediation of Land. It is noted that the Office of Environment and Heritage (formerly Department of Environment, Climate Change and Water) have determined that contamination of the site is not significant enough to warrant regulation, however, the planning proposal is to further address this to demonstrate that the site is suitable for redevelopment.

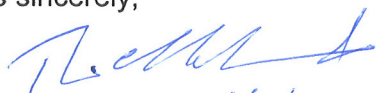
The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 3.1 Residential Zones and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(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, please contact Gina Davis of the Regional Office of the Department on 02 6701 9687.

Yours sincerely,



6/5/11
Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_NARRB_001_00): rezone Lots 18, 19 and 20, Section 8 DP 758756, known as 31-35 Cooma Rd, Narrabri from 2(b) Residential to 3(a) General Business.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Narrabri Local Environmental Plan No 2 to rezone Lots 18, 19 & 20 Sec 8 DP 758756, 31-35 Cooma Rd, Narrabri from 2(b) Residential to 3(a) General Business should proceed subject to the following conditions:

1. The planning proposal is to further address possible localised contamination of the subject land in accordance with the requirements of Clause 6 of SEPP 55 Remediation of Land, in order to demonstrate that the site is suitable for redevelopment.
2. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Roads and Traffic Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

6th

day of

May

2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure