

Mr Steve Loane
General Manager
Warrumbungle Shire Council
PO Box 191
Coonabarabran NSW 2357

16/14094

Dear Mr Loane

Planning Proposal (PP_2017_WARRU_001_001) to amend the Warrumbungle Local Environmental Plan 2013 to allow dwelling house opportunities on lots affected by the 2013 Wambelong bushfire

I am writing in response to your Council's letter dated 20 October 2016 and further information provided on 13 April 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act, 1979* in respect of the planning proposal to amend the Warrumbungle Local Environmental Plan 2013 (LEP) to provide a dwelling house opportunity on land affected by the 2013 Wambelong Bushfire.

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 **(Attachment 1)**.

I am satisfied that the planning proposal is consistent with the relevant section 117 Directions including 1.2 Rural Zones and 1.5 Rural Lands and no further work is required. In relation to section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with NSW Rural Fire Service and satisfy this Direction prior to undertaking community consultation.

Council advised that the planning proposal applies to properties listed on the Council Wambelong Bushfire Recovery Centre List. Council has reduced the number of properties on this list where existing planning controls permit a dwelling house. Council should contact all landowners of the properties listed on the original Council Wambelong Bushfire Recovery Centre List during the community consultation period to explain the process of how dwelling house opportunities may be best achieved.

Plan making powers were delegated 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)**.



Planning & Environment

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) 10 weeks prior to the projected publication date.

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.

A copy of the request should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) 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 *Environmental Planning & Assessment Act, 1979* 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 Tim Collins of the Departments Western Region office to assist you. Mr Collins can be contacted on 02 6841 2180.

Yours sincerely

Katrine O'Flaherty
Director Regions, Western
Planning Services

24/04/2017

Attachment 1 – Gateway determination
Attachment 2 – Written Authorisation to Exercise Delegation
Attachment 3 – Delegated Plan Making Reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2017_WARRU_001): provide dwelling house opportunity on land affected by the 2013 Wambelong Bushfire.

I, the Director Regions, Western 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* that an amendment to the Warrumbungle Local Environmental Plan 2013 to provide dwelling house opportunity on land affected by the 2013 Wambelong Bushfire should proceed subject to the following conditions:

1. Prior to community consultation Council is to consult with NSW Rural Fire Service to satisfy Section 117 Direction 4.4 Planning for Bushfire Protection. Council is to provide the response from NSW Rural Fire Service and address how this section Direction is satisfied to the Department of Planning and Environment and seek approval to proceed to community consultation.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days;
 - (b) the list of properties included in the planning proposal is to form part of the community consultation package; and
 - (c) 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 & Infrastructure 2013)*.
3. Consultation is required with the Director of the Research School of Astronomy and Astrophysics at the Australian National University. The Observatory Director is to be provided with a copy of the planning proposal (as amended) and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. Prior to submission of the planning proposal under section 59 of the *Environmental Planning and Assessment Act, 1979*, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 24th day of April 2017.



Katrine O'Flaherty
Director Regions, Western
Planning Services
Department of Planning and
Environment

**Delegate of the Minister for
Planning**



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Warrumbungle 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_2017_WARRU_001_00	Planning proposal to amend the Warrumbungle Local Environmental Plan 2013 to provide dwelling house opportunity on land affected by the 2013 Wambelong Bushfire.

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

Dated 24th April 2017

Katrine O'Flaherty
Director Regions, Western
Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

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
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA 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 is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2017_WARRU_001_00
Date Sent to Department under s56	13 April 2017
Date considered at LEP Review Panel	NA
Gateway determination date	24 April 2017

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: