



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

17/09821

Attention: Ms Heather Nicholls, Director Environmental Services

Dear Mr Harding,

Planning Proposal (PP_2017_CABON_002_00) to amend Cabonne Council Local Environmental Plan 2013 411 Lower Lewis Pond Road, Clifton Grove.

I am writing in response to Council's letter dated 3 July 2017 requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the Planning Proposal to rezone Lot 9 DP 243046, 411 Lower Lewis Ponds Road, Clifton Grove from RU1 Primary Production to R5 Large Lot Residential.

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 have also agreed, as delegate of the Secretary, the Planning Proposal's consistency with Section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.3 Heritage Conservation Areas, 3.1 Residential Zones, Integrating Land Use and Transport.

The inconsistency with Section 117 Direction 4.4 Planning for Bushfire Protection can be addressed after consultation with NSW Rural Fire Service and provided with the Section 59 Report- refer to condition 3. The inconsistency with Section 5.1 Implementation of Regional Strategies can be addressed prior to community consultation- refer to condition 1. No further approval is required in relation to these Directions.

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. ([Attachment 2](#)).

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.

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 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 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 Jenna McNabb of the Departments Western Region office to assist you. Ms McNabb can be contacted on (02) 6841 2180.

Yours sincerely,



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

27/7/17

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2017_CABON_002_00): to rezone Lot 9 DP 243046, 411 Lower Lewis Ponds Road, Clifton Grove from RU1 Primary Production to R5 Large Lot Residential and change the minimum lot size to 2ha.

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 Cabonne Local Environmental Plan (LEP) 2013 to rezone Lot 9 DP 243046, 411 Lower Lewis Ponds Road, Clifton Grove from zone RU1 Primary Production to zone R5 Large Lot Residential and change the minimum lot size to 2ha should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended to address Section 117 Direction 5.10 - Implementation of Regional Plans. This work is to address the final Central West and Orana Regional Plan.
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 **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 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 and / organisations under Section 56(2)(d) of the *Environmental Planning and Assessment Act* and / or comply with the requirements of relevant Section 117 Directions:
 - NSW Office of Environment and Heritage
 - NSW Rural Fire Service
 - Orange City Council
 - NSW Department of Primary Industries – Water

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 56(2)(e) of the *Environmental Planning and Assessment Act, 1979*. 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. 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.

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

Dated 27th day of July 2017.

A handwritten signature in black ink, appearing to read 'Katrine O'Flaherty', with a long horizontal flourish extending to the right.

Katrine O'Flaherty
Director Regions, Western
Planning Services
Department of Planning and 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_2017_CABON_002_00	Planning Proposal to rezone Lot 9 DP 243046, 411 Lower Lewis Ponds Road, Clifton Grove from RU1 Primary Production to R5 Large Lot Residential and change the minimum lot size to 2ha.

In exercising the Minister's functions under Section 59 of the *Environmental Planning and Assessment Act 1979*, the Council must comply with the Department's "A guide to preparing local environmental plans 2016" and "A guide to preparing planning proposals 2016".

Dated 27th July 2017

Katrine O'Flaherty
Director Regions, Western
Planning Services
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 of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment 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 publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_CABON_002_00
Date Sent to DP&E under s56	3 July 2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	26 July 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		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: