



## Planning & Environment

Mr Rick Warren  
General Manager  
Coonamble Shire Council  
PO Box 249  
COONAMBLE NSW 2829

**Attention: Matthew Cock, Manager Environmental Services**

Dear Mr Warren

**Planning Proposal (PP\_2017\_COONA\_001\_00) to amend Coonamble Local Environmental Plan 2011 to allow a dwelling on Lot 183 DP 753385 Muraiman Street Gulargambone.**

I am writing in response to Council's letter dated 31 October 2017 requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and additional information received on 9 and 14 November 2017 in respect of the planning proposal.

The Department has considered the proposal and, following discussion with Council staff, agree that the most suitable mechanism to achieve Council's intended outcome is to insert an Additional Permitted Use in Schedule 1. This should specify that one dwelling house only is permitted on the land and would prevent further subdivision or uses outside those permitted within the RU1 zone.

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 A).

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with Section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.3 Flood Prone Land and 6.3 Site Specific Provisions is justified in accordance with the terms of the Direction. 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 B)

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of 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 10 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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](mailto: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 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 Amanda Carnegie of the Department's Western Region office to assist you. Ms Carnegie can be contacted on (02) 6841 2180.

Yours sincerely,



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

23/11/2017

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

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2017\_COONA\_001\_00):** to insert an Additional Permitted Use to Schedule 1 that specifies that one dwelling house only is permitted on Lot 183 DP 753385 Muraiman Street Gulargambone.

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 (EP&A Act)* that an amendment to the Coonamble Local Environmental Plan (LEP) 2011 to insert an Additional Permitted Use to Schedule 1 that specifies that one dwelling house only is permitted on Lot 183 DP 753385 Muraiman Street Gulargambone should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended to:
  - Amends Part 2 of the Planning Proposal, Explanation of Provisions, to indicate that the proposal will amend Schedule 1 to permit a single dwelling on the site as an Additional Permitted Use with the precise wording to be resolved with Parliamentary Counsel post exhibition.
  - Address Section 117 Direction 5.10 – Implementation of Regional Plans. This work is to address the final Central West and Orana Regional Plan release on 14 June 2017
  - Update the timeframe to complete the proposal
  - Remove reference to Western Councils Sub Regional Land Use Strategy (2009)
2. Future residential development on Lot 183 DP 753385 Muraiman Street Gulargambone, will be located above the flood level for 1 in 100 year events.
3. 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; 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 & Environment August 2016).
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 from the week following the date of the Gateway determination.

Dated 23<sup>rd</sup> day of November 2017.

A handwritten signature in black ink, appearing to read 'K O'Flaherty', with a stylized flourish at the end.

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

**Delegate of the Minister for Planning**





## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Coonamble 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_COONA_001_00	Planning proposal to insert an Additional Permitted Use to Schedule 1 that specifies that one dwelling house only is permitted on Lot 183 DP 753385 Muraiman Street Gulargambone.

In exercising the Minister's functions under section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans August 2016*" and "*A guide to preparing planning proposals August 2016*".

Dated 23<sup>rd</sup> November 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_COONA_001_00
Date Sent to DP&E under s56	9 November 2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	23 November 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: