



Mr Peter Vlatko
General Manager
Cobar Shire Council
PO Box 223
Cobar NSW 2835

17/09387

Attention: Garry Ryman, Director Planning & Environmental Services

Dear Mr Vlatko,

Planning proposal (PP_2017_COBAR_001_00) to amend Cobar Local Environmental Plan 2012 to permit health service facilities with consent in zone R2 low density residential

I am writing in response to your Council's letter dated 4 July 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 zone R2 low density residential to permit a health services facility.

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 applicable section 117 Directions. No further approval is required in relation to the Directions.

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has requested not to be issued with delegation for this planning proposal. I have considered Council's request and agree in this instance not to issue Council authorisation to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 10 weeks prior to the projected publication date. Council's request to draft and finalise the LEP should be made to the Department of Planning and Environment (westernregion@planning.nsw.gov.au).

All related files for LEP Amendment, including Planning Proposal documents, 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.

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.



Katrine O'Flaherty
Director Regions, Western
Planning Services

11/7/2017

Encl:
Attachment 1 – Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2017_COBAR_001_00) to permit health services facility with consent in zone R2 low density residential.

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 Cobar Local Environmental Plan (LEP) 2012 to permit health services facility with consent in zone R2 low density residential 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 as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 14 days;
 - (b) 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 2016)*.

No consultation with agencies is required.

2. 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).
3. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Dated 11th day of July 2017.

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

**Delegate of the Minister for
Planning**