

Mr Paul Devery
General Manager
Cowra Shire Council
PO Box 342
Cowra NSW 2794

Attention: Dean Steward

Dear Mr Devery,

Planning proposal to Amend Cowra Local Environmental Plan 2012 (Amendment 1) (PP_2014_COWRA_001_00) Lot 1 DP 872743 No. 25 Ranken Street Cowra.

I am writing in response to your Council's letter dated 26 August 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of the Planning Proposal to amend the Cowra Local Environmental Plan 2012 (LEP) to allow development for a dwelling house as an 'Additional Permitted Use' on Lot 1 DP 872743 No. 25 Ranken Street Cowra.

As delegate of the Minister for Planning and Environment, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination (**Attachment 1**).

The Minister delegated his plan making powers 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**).

I have also agreed the planning proposal's inconsistencies with Section 117 Directions 1.1 Business and Industrial Zones, 3.1 Residential Zones, 3.3 Home Occupation and 6.3 Site Specific Provisions are of minor significance in this case. No further approval is required in relation to these Directions.

It is noted that Council is also intending to prepare a Planning Proposal to include existing dwellings located within the Ranken Street area as Additional Permitted Uses in Schedule 1 of the Cowra LEP 2012. It is considered that the existing use rights of the Environmental Planning and Assessment Act 1979 protects the use of the land for a dwelling on these sites, and the use of Schedule 1 for these lots may not be considered appropriate. Council is encouraged to further investigate in a strategic context the potential for the remaining lots to ascertain the best use of this land noting the dominant use appears to be residential.

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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office (parliamentary.counsel@pco.nsw.gov.au) 6 weeks prior to the projected publication date.

A copy of the request should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

The amended LEP maps and GIS data is to be uploaded to the Departments FTP site at ftp://lepup:lep_upload@203.3.194.247/ and the map information emailed to: pcgis@planning.nsw.gov.au and a copy to westernregion@planning.nsw.gov.au.

State Government is committed to reducing the time taken to complete LEP's 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 57(2) (d) of the EP&A Act if the time frames outlined in the determination are not met.

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 to be finalised.

Should you have any further enquiries about this matter, I have arranged for Jenna McNabb from the Western Region office to assist you. Miss McNabb can be contacted on 02 6841 2180.

Yours sincerely,

 16-9-2014

Ashley Albury
General Manager, Western Region
Housing, Growth and Economics

Enclosed:

- Attachment 1 – Gateway Determination
- Attachment 2 – Written Authorisation to Execute Delegation
- Attachment 3 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2014_COWRA_001_00): to amend the Cowra Local Environmental Plan 2012 to allow development for a dwelling house as an 'Additional Permitted Use' on Lot DP 872743 No. 25 Ranken Street Cowra.

I, the General Manager, Western Region at 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 to amend the Cowra Local Environmental Plan 2012 to permit development for dwelling house as an 'Additional Permitted Use' on Lot 1 DP 872743 No. 25 Ranken Street Cowra 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 (EP&A Act) as follows:
 - (a) The planning proposal is required to be made publicly available on exhibition for 14 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).
 - (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.

No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

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.
4. Prior to submission of the planning proposal under section 59 of the EP&A Act the Additional Permitted Use Map is to be compliant with the Department's "Standard technical requirements for LEP Maps".
5. State Environmental Planning Policy No. 55 - Remediation of land is to be addressed in Council's section 59 submission.

Dated 16 day of September 2014.

Ashley Albury
General Manager, Western Region
Housing, Growth and Economics
Department of Planning & Environment

Delegate of the Minister for Planning



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WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Cowra Shire Council is authorised to exercise the functions of the Minister for Planning and Environment 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_2014_COWRA_001_00	To amend the Cowra Local Environmental Plan 2012 to allow development for a dwelling house as an 'Additional Permitted Use' on lot 1 DP 872743 No. 25 Ranken Street Cowra.

In exercising the Minister's functions under section 59, the Council must comply with Planning and Infrastructure's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 16 September 2014

A handwritten signature in black ink, appearing to read "A. Albury".

Ashley Albury
General Manager, Western Region
Housing, Growth and Economics
Department of Planning & Environment

Delegate of the Minister for Planning