



Mr Paul Devery
General Manager
Council Shire Council
Private Bag 342
COWRA NSW 2794

Attention: Kate Albury, Director of Environmental Services

Dear Mr Devery

Planning proposal [PP_2020_COWRA_002_00] to amend Cowra Local Environmental Plan 2012 – Reclassification and associated amendments of part Lot 1 DP1001729, Binni Creek Road, Cowra

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 15 May 2020 in respect of the planning proposal to reclassify from community to operational, remove public reserve status, rezone to R1 General Residential and impose a minimum lot size of 700m² on part Lot 1 DP1001729, Binni Creek Road, Cowra.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis of the existing encroachment of private structures on a 93.6m² strip of community land has already made the land inaccessible to the community for over 30 years. No further approval is required in relation to this Direction.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority as local councils do not have delegation to make plans where Council will remove interests on the title of public and.

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 for the Department of Planning, Industry and Environment Western Region

(westernregion@planning.nsw.gov.au) to draft and finalise the LEP should be made 12 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 www.planningportal.nsw.gov.au. To submit the data, Council is requested to create an account and log in using these details.


Council is reminded of its obligations to undertake a Public Hearing in relation to the proposed reclassification of land in accordance with the Departments LEP Practice Note PN 16-001 – Classification and reclassification of public land through a local environmental plan.

Council is also reminded of its obligation under the *Local Government Act, 1993* when undertaking reclassification of land.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

If you have any further questions, please contact Ms Nikki Pridgeon, Planning Officer, at the Department of Planning, Industry and Environment, Western Region office, on 5852 6800.

Yours sincerely



3.6.20

Damien Pfeiffer
Director, Western Region
Local and Regional Planning

Encl: Gateway determination