



Mr Paul Devery  
General Manager  
Cowra Shire Council  
Private Bag 342  
COWRA NSW 2830

**Attention: Kate Alberry, Director Environmental Services**

Dear Mr Devery

**Planning proposal (PP\_2018\_COWRA\_004\_00) to amend Cowra Local Environmental Plan 2012 – Clause Amendments**

I am writing in response to Council's request for a Gateway determination under section 3.34 of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 7 September 2018 in respect of the planning proposal to:

- Insert model Boundary Adjustment Clause – is the insertion of a model clause that provides for boundary adjustments for the rationalisation or rural and environmental zoned land, where development involves more than one lot that are currently below the minimum lot size.
- Insert model Karst Clause – is the insertion of the model clause and applicable mapping relating to karst topography subsistence risk identified in the Cowra Local Government Area.
- Insert model clause 4.1C – is the insertion of the model clause for the exceptions to minimum lot size subdivision (Torrens) in the R1 General Residential Zone.
- Amend clause 4.2A - Intensive livestock subdivision – the amendment proposes to remove the need for an irrigation license (cause 4.2A(4)(b)) and replace it with an application must demonstrate suitable water supply.
- Amend clause 4.1AA - Community Title – The amendment will amend clause 4.1AA to remove subclause (2)(c) so as not to apply minimum lot size to community title land within zone R1 General Residential.

Please note that the final drafting of the clauses are subject to Parliamentary Counsel opinion and may vary to that proposed.

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.

I have also agreed, as delegate of the Secretary, that the planning proposal is consistent Section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment

Protection Zones, 2.3 Heritage Conservation and 3.4 Integrating Land Use and Transport and no further work is required.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway determination for Council to be authorised as the local plan-making authority.

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.counsel@pco.nsw.gov.au](mailto:parliamentary.counsel@pco.nsw.gov.au)) 10 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](mailto:westernregion@planning.nsw.gov.au)) for administrative purposes.

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.

In accordance with "A guide for the preparation of local environmental plans" Authorised plan making reporting template is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 3.36 submission 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Haydon Murdoch to assist you. Mr Murdoch can be contacted at the Department of Planning and Environment on 6229 7914.

Yours sincerely



5.10.18

**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**

Encl: Gateway determination  
Authorised Plan Making Reporting Template



## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_COWRA\_004\_00): to make Clause Amendments in the Cowra Local Environmental Plan 2012.***

I, the Director Regions, Western at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act, 1979* that an amendment to the Cowra Local Environmental Plan (LEP) 2012 to amend clause 4.2A subdivision for the purpose of intensive livestock agriculture or intensive plant agriculture, amend clause 4.1AA minimum subdivision lot size for community title schemes, and add a model boundary adjustment clause, a model Karst systems clause and varying residential lot sizes standard clauses should proceed subject to the following conditions:

1. Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 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 Local Environmental Plans (Department of Planning & Environment August 2016)*.
2. Consultation is required with the following public authorities under section 3.34(2)(d) of the *Environmental Planning and Assessment Act, 1979* and/or to comply with the requirements of relevant section 117 Directions:
  - NSW Office of Water.
  - NSW Department of Primary Industries.
  - NSW Office of Environment and Heritage.
  - Housing NSW.
  - NSW Department of Primary Industries

Each public authority 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.

3. Prior to submission of the planning proposal under section 3.36 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' 2017.

4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the *Environmental Planning and Assessment Act, 1979* subject to the following:
  - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - c. there are no outstanding written objection from public authorities.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 5<sup>th</sup> day of October 2018.



**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**

## Attachment 5 –Plan making reporting template when Council is authorised to make the local environmental plan

### Reporting template for LEP amendments where Council is authorised to make the plan

#### Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- Planning proposal authority (PPA) is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the PPA should add additional rows to **Table 2** to include this information
- The PPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP tracking system, LEPs Online, is kept up to date
- A copy of this completed report must be provided to the department with the PPA's request to have the LEP notified

**Table 1 – To be completed by the department**

Stage	Date/Details
Planning Proposal Number	PP_2018_COWRA_004_00
Date Sent to DPE under s3.34	Adequate 7 September 2018
Date considered at LEP Review Panel	NA
Gateway determination date	5 October 2018

**Table 2 – To be completed by the PPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date Council requested draft LEP from PCO		
Date draft LEP received from PCO		
Date Council requested final PCO Opinion		
Date Council received final PCO Opinion		
Date Council provided/requested GIS data or maps.		
Date ePlanning confirmed mapping is suitable and sent to PCO.		
LEP Finalisation date (Date LEP made by GM (or other) under delegation)		
Date sent to DPE requesting notification		

**Table 3 – To be completed by the department**

Stage	Date/Details
Notification Date and details	

#### Additional relevant information: