



Mr Ken Trethewey
Interim General Manager
Cootamundra – Gundagai Regional Council
PO Box 420
Cootamundra NSW 2590

Our ref: PP_2016_GUNDA_001_00 (16/13003)

Dear Mr Trethewey

Planning Proposal to Amend Cootamundra Local Environmental Plan (2013)

I am writing in response to Cootamundra-Gundagai Regional Council's letter dated 28 September requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the land use table for the IN3 Heavy industrial Zone and remove Item No.46 from Schedule 5 (Environmental heritage) from the Cootamundra LEP 2013.

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 also note that Council's planning proposal includes information under the heading of Legislative Framework. This section includes information not relevant to this proposal and should be removed prior to consultation to avoid any confusion. Additionally, the Planning Proposal will need to be amended to include the correct reference to Heritage item no. 46 (rather than item no. 47), prior to consultation.

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.

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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 and 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 Mr Nathan Foster of the Department's regional office to assist you. Mr Foster can be contacted on (02) 4224 9459.

Yours sincerely



27/10/16

Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2016_GUNDA_001_00): to amend the land use table for the IN3 (Heavy Industrial) Zone and remove Item No.46 from Schedule 5 (Environmental heritage) from the Cootamundra LEP 2013.

I, the Acting Director Regions, Southern 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* (the Act) that an amendment to the Cootamundra Local Environmental Plan (LEP) 2013 to amend the land use table for the IN3 (Heavy Industrial) Zone and remove Item No.46 from Schedule 5 (Environmental heritage) from the Cootamundra LEP 2013 should proceed subject to the following conditions:

1. The planning proposal is to be amended, prior to public consultation, to remove all references to 'Item No.47' and replace with the correct reference 'Item No.46' for the "Pise house" Lot 9 DP26262, 150 Thompson Street Cootamundra. A copy of the revised Planning Proposal is to be submitted to the Acting General Manager, Southern Region, prior to community consultation.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing LEPs (Department of Planning and Environment 2013)* and 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 and Environment 2016)*.
3. No consultation is required with public authorities under section 56(2)(d) of the Act.
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 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).

5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 27th day of October 2016



Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Cootamundra – Gundagai Regional 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_2016_GUNDA_001_00	Planning proposal to amend the land use table for the IN3 (Heavy Industrial) Zone and remove Item No.46 from Schedule 5 (Environmental heritage) from the Cootamundra LEP 2013.

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

Dated 27 / 10 / 2016



Linda Davis
Acting Director, Southern
Planning Services
Department of Planning and Environment