



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_003_00) to amend Cowra Local Environmental Plan 2012 - Reclassification of 21 sites in the Cowra Shire Council from 'community' land to 'operational' land.

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) in respect of the planning proposal to reclassify 21 sites from 'community' land to 'operational' land.

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, in relation to site 1 and the inconsistency with section 9.1 Direction 6.2 Reserving Land for Public Purposes to the reduction of land for public purposes on the basis that the reclassification is of a minor significance. No further approval is required in relation to this Direction.

Council have not requested to be the local plan-making authority. Given the nature of the proposal and Council owning the land, it is considered not appropriate to issue delegation in this instance.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land under the Local Government Act, 1993 and in accordance with the Department's Practice Note PN16-001 – Classification and reclassification of public land through a local environmental 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 forwarded to the Department of

Planning and Environment (westernregion@planning.nsw.gov.au) 10 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 <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 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 Western Region office, Department of Planning and Environment on 6229 7914.

Yours sincerely



13/09/2018

Damien Pfeiffer
Director Regions, Western
Planning Services

Encl: Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP_2018_COWRA_003_00): to amend Schedule 4 of the Cowra Local Environmental Plan (LEP) 2012 to include the reclassification of 21 sites from 'community' to 'operational' land in the Cowra Shire Council Local Government Area.

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 Schedule 4 of the Cowra LEP 2012 to include the reclassification of 21 sites from 'community' to 'operational' 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 LEPs (Department of Planning & Environment August 2016)*.
2. Cowra Shire Council is to conduct a public hearing in accordance with the requirements of section 29 of the *Local Government Act, 1993* as the proposal involves reclassification of public land from 'community' land to 'operational' land.
3. No consultation is required with public authorities under section 3.34(2)(d) of the *Environmental Planning & Assessment Act, 1979*.
4. 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).
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 13 day of September 2018.


Damien Pfeiffer
Director Regions, Western
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning

