



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

Dear Mr Trethewey

Planning Proposal (PP_CGREG_2017_001_00) to amend Cootamundra Local Environmental Plan 2013

I am writing in response to Council's letter dated 21 April 2017 requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the Planning Proposal to amend Schedule 1 of the Cootamundra LEP 2013 to allow two additional permitted uses, being a 'Service station' and a 'Liquid Fuel Depot' on land zoned SP2 Infrastructure (Railway) on Hovell Street, Cootamundra.

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.

The Department has, in consultation with the Office of Environment and Heritage (OEH), identified concerns regarding the adequacy of the planning proposal's consideration of the potential impacts upon surrounding state and locally listed heritage items. Council is required to prepare, in consultation with OEH, a Heritage Impact Statement (HIS) including a more thorough assessment of the matters previously identified by OEH, and revise the planning proposal as relevant.

Further, it is noted that NSW Roads and Maritime have previously requested a traffic impact assessment be undertaken and provided for consultation as part of the planning proposal process. This should be prepared in consultation with RMS.

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.

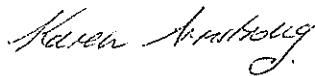
The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary 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.

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 Act if the time frames outlined in this determination are not met.

Should you have any queries in regards to this matter, I have arranged for Nathan Foster of the Department's Southern Region office to assist you. Mr Foster can be contacted on 4224 9459.

Yours sincerely



Karen Armstrong 19/5/17
**Director Regions, Southern
Planning Services
Department of Planning and Environment**

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



Gateway Determination

Planning Proposal (Department Ref: PP_2017_CGREG_001_00): *The planning proposal seeks to amend Schedule 1 of the Cootamundra LEP 2013 to allow two additional permitted uses, being a 'Service station' and a 'Liquid Fuel Depot' on land zoned SP2 Infrastructure (Railway) on Hovell Street, Cootamundra.*

I, the 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* that an amendment to the Cootamundra Local Environmental Plan (LEP) 2013 to amend Schedule 1 to allow two additional permitted uses, being a 'Service station' and a 'Liquid Fuel Depot' on land zoned SP2 Infrastructure (Railway) on Hovell Street, Cootamundra should proceed subject to the following conditions:

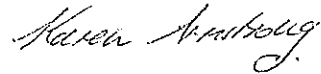
1. Prior to undertaking community consultation, the Planning Proposal is to be amended and resubmitted to the Department for the Director's consideration, to include:
 - an appropriately prepared Heritage Impact Statement (HIS); and
 - an appropriately prepared Traffic Impact Assessment.
2. Community consultation is required under Sections 56(2)(c) and 57 of the Act 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 and Environment 2016)*.
3. Consultation is required with the following public authorities and / or organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Office of Environment and Heritage (Heritage Division)
 - NSW Roads and Maritime Service
 - Australian Rail Track Corporation (ARTC)

Each public authority/organisation 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.

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 **18 months** following the date of the Gateway determination.

Dated: 19th day of May 2017



Karen Armstrong
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_2017_CGREG)_001_00	Planning proposal to amend Schedule 1 of the Cootamundra LEP 2013 to allow two additional permitted uses, being a 'Service station' and a 'Liquid Fuel Depot' on land zoned SP2 Infrastructure (Railway) on Hovell Street, Cootamundra.

In exercising the Minister's functions under Section 59 of the Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 19th May 2017

Karen Armstrong
Director Regions, Southern
Planning Services
Department of Planning and Environment