



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

Attention: Kate Alberry, Director Environmental Services

Dear Mr Devery

Planning proposal (PP_2018_COWRA_001_00) to amend Cowra Local Environmental Plan 2012 Schedule 5 Environmental Heritage

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 28 June 2018 in respect of the planning proposal to amend Schedule 5 Environmental Heritage of the Cowra Local Environmental Plan 2012.

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 determined, as delegate of the Secretary, in relation to the proposed removal of Heritage Item 35 inconsistency with section 9.1 Direction 2.3 Heritage Conservation Areas and 5.10 Implementation of Regional Plans is of minor significance and no further work is required. This determination is based on Council advice that it intends to undertake a Council wide Community Based Heritage Study in consultation with the community that will inform possible future changes to the Cowra LEP 2012.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has now accepted this delegation. 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 (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) 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 on 6229 7914.

Yours sincerely



26.7.18

Damien Pfeiffer
Director Regions, Western
Planning Services

Encl: Gateway determination
Written Authorisation to Exercise Delegation
Authorised Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2018_COWRA_001_00): to amend the Cowra Local Environmental Plan (LEP) 2012 to amend Schedule 5 Environmental Heritage.

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 5 Environmental heritage should proceed subject to the following conditions:

1. Community consultation is required under sections 2.22 and 3.34(2)(c) 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. 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:
 - Office of Environment and Heritage
 - Department of Industry Crown Lands

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 & 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. 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 26th day of July 2018.



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



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Cowra Shire Council is authorised to exercise the functions of the Minister for Planning under section 3.36 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_2018_COWRA_001_00	Cowra LEP 2012 Schedule 5 Heritage Item Amendments

In exercising the Minister's functions under section 3.36, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 26th July 2018

Damien Pfeiffer
Director Regions, Western
Department of Planning and Environment

Delegate of the Minister for Planning

Attachment 5 – Authorised plan-making reporting template

Reporting template for authorised LEP amendments

Notes:

- The planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:
[Name]
[Title]
[Council name]
Delegate of [Council name], the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

Table 1: To be completed by the Department of Planning and Environment

Stage	Date/Details
Planning proposal number	PP_2018_COWRA_001_00
Date sent to DPE under section 3.34(1)	28/06/2018
Gateway determination date	26/07/2018

Table 2: To be completed by the local plan-making authority

Stage	Date/Details	Notified regional office
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date draft LEP requested from PCO		
Date draft LEP received from PCO		
Date PCO Opinion requested		
Date PCO Opinion received		
Date GIS data or maps provided/requested		
Date ePlanning confirmed mapping is suitable and sent to PCO		
Date LEP finalised		
Date sent to DPE requesting notification		

Table 3: To be completed by the Department of Planning and Environment

Stage	Date/Details
Notification date and details	

Additional relevant information: