



Mr Peter Vlatko  
General Manager  
Cobar Shire Council  
PO Box 223  
COBAR NSW 2835

Attention: Melissa Gunn, Environmental Supervisor

Dear Mr Vlatko

Planning proposal (PP\_2018\_COBAR\_001\_00) – Additional permitted use for Newey Reserve, Cobar (Lot 25 DP 837494)

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 31 July 2018 in respect of the planning proposal to amend Cobar Local Environmental Plan 2012 by inserting 'camping ground' as an additional permitted use within the Newey Reserve (Lot 25 DP 837494), Cobar under Schedule 1.

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 Minister delegated plan making powers to Councils in October 2012. It is noted that Council has not requested to exercise plan making delegations. I have considered that nature of Council's planning proposal and have decided that Council should not exercise plan making functions in this instance, due to Council's interest in the land.

The Department acknowledges that consultation with Crown Lands and Water has already taken place. It is recommended that Council continue to consult with Crown Lands and Water about their legislative requirements prior to the land being used as a camping ground.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 10 weeks before 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.

In accordance with "A guide for the preparation of local environmental plans" Authorised plan making reporting template (**Attachment B**) 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 Tim Collins, Planning Officer, Department of Planning and Environment, Western Region, to assist you. Mr Collins can be contacted on 6841 2180.

Yours sincerely



13.8.18

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

Encl: Gateway determination  
Authorised Plan Making Reporting Template



## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_COBAR\_001\_00):** *camping ground as an additional permitted use for Newey Reserve (Lot 25 DP 837494), Cobar.*

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 (the Act)*, that an amendment to the Cobar Local Environmental Plan (LEP) 2012 to insert 'camping ground' as an additional permitted use within the Newey Reserve Lot 25 DP837494), Cobar under Schedule 1, should proceed subject to the following conditions:

1. Community consultation is required under sections 2.22 and 3.34(2)(c) of the Act as follows:
  - a. The planning proposal is required to be made publicly available on exhibition for 28 days as described in *A Guide to Preparing LEPs* (Department of Planning and Environment, 2016).
  - 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*.
2. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - Office of Environment and Heritage;
  - Department of Industry – Crown Lands and Water;
  - Rural Fire Service; and
  - NSW Police.
3. 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 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).
4. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's *Standard Technical Requirements for Spatial Datasets and Maps* 2017.

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

Dated 13<sup>th</sup> day of AUGUST 2018.



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

**Delegate of the Minister for Planning**