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Our ref: PP_2012_COOMA_002_00 (12/03404-1)

Mr John Vucic
General Manager
Cooma-Monaro Shire Council
PO Box 714
COOMA NSW 2630

Dear Mr Vucic,

Re: Planning Proposal to Rezone approximately 16ha of Rural 1(a)(General Rural Zone) to Rural 1(d) (Rural Residential Zone) to enable it to be subdivided it into 2 lots of approximately 4ha and 12ha.

I am writing in response to your Council's letter requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Yarrowlumla LEP 2002 to Rezone approximately 16ha of Rural 1(a) (General Rural Zone) to Rural 1(d) (Rural Residential Zone) to enable it to be subdivided it into 2 lots of approximately 4ha and 12ha.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that Council is yet to provide a preliminary site contamination report in accordance with the provisions of State Environmental Planning Policy No 55 – Remediation of Land. Council is to undertake this preliminary study prior to commencing public exhibition to ensure that the site is capable of supporting future residential development. The study is to be placed on public exhibition with the planning proposal.

It is also noted that Council is progressing the preparation of its comprehensive Standard Instrument LEP. It is anticipated a request for a certificate to enable the exhibition of the draft plan will be submitted to the Department soon. Council should continue to liaise with the Department's Regional Planning Team as both plans progress to ensure that the planning proposal proceeds as an amendment to the appropriate plan to avoid the need for a possible re-exhibition of this proposal.

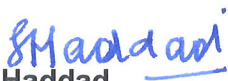
I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and, 1.5 Rural Lands, are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the planning proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Meredith McIntyre of the Regional Office of the Department on 02 6229 7900.

Yours sincerely,


Sam Haddad
Director-General

12/4/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_COOMA_002_00): to rezone approximately 16ha of Rural 1(a)(General Rural Zone) to Rural 1(d) (Rural Residential Zone) to enable it to be subdivided it into 2 lots of approximately 4ha and 12ha.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Yarrowlumla Local Environmental Plan 2002 to Rezone approximately 16ha of Rural 1(a) (General Rural Zone) to Rural 1(d) (Rural Residential Zone) to enable it to be subdivided it into 2 lots of approximately 4ha and 12ha should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - NSW Department of Primary Industries - Agriculture
 - Department of Trade and Investment – Office of Water
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.



5. Further to Condition 2 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. If necessary, the planning proposal is to be amended prior to exhibition to take into consideration any comments made by the NSW Rural Fire Service.

Dated 12th day of April 2012.

SHaddad
Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure