



Planning & Environment

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Mr Ken Trethewey
General Manager
Cootamundra Shire Council
PO Box 420
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Our ref: PP_2014_COOTA_002_00 (14/18672)
Your ref: REC-1411105-JMG-123906.doc

POSTED
14/1/15

Dear Mr Trethewey

PLANNING PROPOSAL PP_2014_COOTA_002_00

I am writing in response to your Council's letter dated 10 December 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to provide greater flexibility for the assessment of boundary adjustments in the RU1 Primary Production Zone, RU2 Rural Landscape Zone, RU4 Primary Production Small Lots Zone and E3 Environmental Management Zone.

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.

In regards to the planning proposal's consistency with S117 Direction 4.4 Planning for Bushfire Protection, Council is required to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation.

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 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 as soon as possible. Council's request to draft and finalise the Local Environmental Plan should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 *Environmental Planning and Assessment Act 1979* (the Act) if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Nathan Foster of the Department's Southern Regional office to assist you. Mr Foster can be contacted on (02) 4224 9459.

Yours sincerely



13/1/15

Linda Davis
Acting General Manager
Southern Region
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_COOTA_002_00): to provide greater flexibility for the assessment of boundary adjustments in the RU1 Primary Production Zone, RU2 Rural Landscape Zone, RU4 Primary Production Small Lots Zone and E3 Environmental Management Zone.

I, the A/General Manager, Southern Region 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* (the Act) that an amendment to the Cootamundra Local Environmental Plan 2013 to provide greater flexibility for the assessment of boundary adjustments in the RU1 Primary Production Zone, RU2 Rural Landscape Zone, RU4 Primary Production Small Lots Zone and E3 Environmental Management Zone 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* (the Act) as follows:
 - (a) the planning proposal is classified as low impact as described in A Guide to Preparing Local Environmental Plans (Department of Planning and Environment 2013) and 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 and Environment 2013).
2. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* (the Act) and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - NSW Department of Primary Industries (Agriculture)
 - NSW Rural Fire Service

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. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979* (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. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

13th

day of

January

2015

Linda Davis
Acting General Manager
Southern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Cootamundra Shire 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_2014_COOTA_002_00	Planning proposal to provide greater flexibility for the assessment of boundary adjustments in the RU1 Primary Production Zone, RU2 Rural Landscape Zone, RU4 Primary Production Small Lots Zone and E3 Environmental Management Zone

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

Dated 13 | 11 | 2015



Linda Davis
Acting General Manager
Southern Region
Planning Services
Department of Planning and Environment