



Contact: Ann Martin
Phone: (02) 4224 9466
Fax: (02) 4224 9470
Email: ann.martin@planning.nsw.gov.au

Mr Peter Smith
Director of Environmental Services
Cooma-Monaro Shire Council
PO Box 714
Cooma NSW 2630

Our ref: PP_2015_COOMA_004_00 (15/15639)
Your ref: 23.2015.2.1

Attention: Mark Adams – Planning Manager

Dear Mr Smith

Planning proposal to amend Cooma-Monaro Local Environmental Plan 2013

I am writing in response to your Council's letter dated 21 October 2015 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 change the minimum lot size for Lot 101 DP 1183622 Yallakool Road, Cooma.

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 agreed that the planning proposal is consistent with S117 Directions 3.1 Residential Zones and 3.4 Integrating Land Use and Transport or any inconsistency is of minor significance. No further approval is required in relation to these Directions.

Further information is required concerning the planning proposal's consistency with S117 Direction 2.1 Environment Protection Zones. Council should provide this additional information to the Department prior to finalisation of the planning proposal.

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 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 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 EP&A 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 Ms Ann Martin of the Department's Southern regional office to assist you. Ms Martin can be contacted on (02) 4224 9465.

Yours sincerely,



10/11/15

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_2015_COOMA_004_00): to change the minimum lot size for Lot 101 DP 1183622 Yallakool Road, Cooma.

I, the Acting 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 EP&A Act that an amendment to the Cooma-Monaro Local Environmental Plan (LEP) 2013 to change the minimum lot size for Lot 101 DP 1183622 Yallakool Road, Cooma 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 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 EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Roads and Maritime Service
 - Transgrid
 - Essential Energy
 - NSW Office of Environment and Heritage
 - Commonwealth Department of Environment

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 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 **12 months** from the week following the date of the Gateway determination.

Dated 10th day of November 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

Cooma-Monaro 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_2015_COOMA_004_00	Planning proposal to change the minimum lot size for Lot 101 DP 1183622 Yallakool Road, Cooma.

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 10 / 11 / 2015

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