



## Planning & Environment

Mr Ken Trethewey  
General Manager  
Cootamundra Shire Council  
PO Box 420  
Cootamundra NSW 2590

Our ref: PP\_2015\_COOTA\_002\_00 (15/09318)

Dear Mr Trethewey

### **Planning proposal to amend Cootamundra Local Environmental Plan (2013)**

I am writing in response to your Council's letter dated 27 May requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to make 'Livestock processing industries' a permissible land use in the RU1 Primary Production 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.

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 (LEP) is to be finalised within 6 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 *Environmental Planning and Assessment Act 1979* 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 regional office to assist you. Mr Foster can be contacted on (02) 42249459.

Yours sincerely

**Brett Whitworth**  
General Manager  
Southern Region  
Planning Services

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

**Planning and Environment - Southern Region**

PO Box 5475 Wollongong NSW 2520 | T 02 4224 9450 | F 02 4224 9470 | [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)



## Gateway Determination

**Planning proposal (Department Ref: PP\_2015\_COOTA\_002\_00):** to make 'Livestock processing industries' a permissible land use in the RU1 Primary Production Zone.

I, the 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 Cootamundra Local Environmental Plan (LEP) 2013 to make 'Livestock processing industries' a permissible land use in the RU1 Primary Production 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 ("EP&A Act") as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing LEPs (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 Department of Primary Industries (Agriculture) under section 56(2)(d) of the Act. Department of Primary Industries (Agriculture) 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 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 **6 months** from the week following the date of the Gateway determination.

Dated

16<sup>th</sup>

day of

June

2015

**Brett Whitworth**  
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_2015_COOTA_002_00 | Planning proposal to make 'Livestock processing industries' a permissible land use in the RU1 Primary Production 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 16th June 2015

**Brett Whitworth  
General Manager  
Southern Region  
Planning Services  
Department of Planning and Environment**