

Contact: Nathan Foster
 Phone: (02) 4224 9450
 Fax: (02) 4224 9470
 Email: Nathan.Foster@planning.nsw.gov.au
 Postal: PO Box 5475, Wollongong NSW 2520

Our ref: PP_2012_COOMA_001_00 (11/22640)

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

Dear Mr Vucic,

Re: Planning Proposal to enable a dwelling to be erected (with consent) on Lot 69, DP751813, Smiths Road, Clear Range in the Cooma Monaro Shire.

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 Cooma-Monaro Local Environmental Plan 2002 to enable a dwelling to be erected (with consent) on Lot 69, DP751813, Smiths Road, Clear Range in the Cooma Monaro Shire.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should not proceed for the reasons outlined in the attached Gateway Determination.

At this stage insufficient strategic justification has been provided to progress the proposal. Of principal concern is the lack of a comprehensive assessment of the potential cumulative impacts which development may have in the general area. It is noted that the proposal seeks to provide for a single dwelling entitlement on an allotment that is significantly smaller than the existing minimum lot size for that area. Due to the broader planning implications associated with allowing unplanned rural residential development in this general vicinity, the Department is currently unable to support the progression of the planning proposal. Furthermore, due to the uncertainty around the issue of whether dwelling entitlements exist for all lots within the vicinity of the subject site, the Department is unwilling to support a proposal which could potentially result in more than 50 unplanned rural residential dwellings being constructed in this area, generating impacts on the environmental values of the area.

While the planning proposal is not supported at this stage, should Council wish to pursue the requested outcome in this area in the future, additional information will be required to support the proposal. Council should ensure that any future proposal addresses, as a minimum, the following key planning considerations:

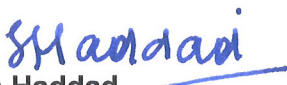
- Whether there is demand for lower density/rural residential development within the Smiths Road, Clear Range area and how this demand relates to the supply within the LGA and the immediate surrounding area;
- Whether there is the ability to draw water from the Murrumbidgee River to service development in this area and what impacts would there be from development with respect to the management of the water and hydrological cycles in the catchment, in consultation with the Australian Capital Territory Government;
- What impacts development would have on identified critical threatened species habitat and broader environmental management values of the area;

- Whether an appropriate servicing strategy can be developed for the entire area which takes into consideration the supply of essential infrastructure (water, sewer) and vehicular access arrangements and the expected costs associated with supplying additional or augmenting existing infrastructure; and
- How future development would occur in an area subject to potential bushfire and flooding hazard and what measures would be implemented to address flood and fire free emergency access.

Should Council seek to submit a planning proposal in the future there should be some demonstration that the above issues have been discussed with key agencies and that there is as a minimum 'in principle' support that the key issues can be addressed with appropriate planning responses. Council should also consult with the Department's Regional Planning Team on the key planning matters and scope of any future studies should a planning proposal be considered in the future prior to lodging any proposal.

Should you have any queries in regard to this matter, please contact Nathan Foster of the Regional Office of the Department on 02 4224 9450.

Yours sincerely,


Sam Haddad
Director-General
20/4/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_COOMA_001_00): to enable a dwelling to be erected (with consent) on Lot 69, DP751813, Smiths Road, Clear Range in the Cooma Monaro Shire.

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 Cooma-Monaro Local Environmental Plan 2002 to enable a dwelling to be erected (with consent) on Lot 69, DP751813, Smiths Road, Clear Range in the Cooma Monaro Shire should not proceed for the following reasons:

1. Sufficient strategic planning justification has not been provided to support the planning proposal proceeding.
2. The proposal does not provide sufficient justification in relation to a number of key planning issues to support it proceeding. The following information has not been provided:
 - a. An assessment of the impacts on the proposal on the existing environmental values of the area and in particular on areas of identified habitat for threatened species;
 - b. How the development will be serviced (water and sewer) and how access to the development will be provided in times of flood or bushfire hazard;
 - c. How any additional or augmented servicing to the area will be funded; and
 - d. Whether the development will have an impact on water management within the Murrumbidgee River catchment.
3. Proceeding with the planning proposal potentially creates a precedent in the area for further rural residential development which would proceed in the absence of an agreed coordinated residential development strategy.

Dated 28th day of April 2011.



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