



Planning & Environment



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

Our ref: PP_2014_COOTA_001_00

Dear Mr Trethewey

Planning proposal PP_2014_COOTA_001_00 to amend Cootamundra Local Environmental Plan 2013

I am writing in response to your Council's letter dated 13 June requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal to make a number of amendments to the Cootamundra Local Environmental Plan 2013.

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.

Further to the conditions of the Gateway determination, Council is required to update the objectives of the planning proposal to indicate that it intends to insert a new clause 4.1B to establish clear development standards in relation to lot size requirements for the development of dual occupancies, multi-dwelling housing and residential flat buildings in the R1 and R3 Zones.

Council is also required to update the mapping in the planning proposal prior to public exhibition to include maps that clearly identify the before and after zonings for items 2 and 3 proposed in the planning proposal. When the planning proposal is forwarded to Parliamentary Counsel for finalisation, mapping will be required that achieves the Department's 'Standard technical requirements for Local Environmental Plan maps'.

I have also agreed the planning proposal's inconsistency with s117 Direction 3.1- Residential Zones is of minor significance. No further referral is required in relation to this or any other Direction while the planning proposal remains in its current form.

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 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 Wollongong office to assist you. Mr Foster can be contacted on (02) 4224 9459.

Yours sincerely



11/7/14

Linda Davis
Acting General Manager
Southern Region
Growth Planning

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

Gateway Determination

Planning proposal (Department Ref: PP_2014_COOTA_001_00): Amendment No.1 - Various matters.

I, the Acting General Manager, Southern Region, Growth Planning 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 (EP&A Act) that an amendment to the Cootamundra Local Environmental Plan (LEP) 2014 to address various matters should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the 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. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act
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.

Dated 11th day of July 2014.



Linda Davis
Acting General Manager
Southern Region
Growth Planning
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_001_00	Planning proposal to correct some anomalies, rezone a number of sites, introduce minimum lot size controls for dual occupancies, multi-dwelling housing, residential flat buildings in the R1 and R3 Zones, and to amend the land use tables to permit <i>Service stations</i> in the IN2 and B3 Zones.

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 11 / 7 / 2014



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

As delegate of the Minister for Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2014_COOTA_001_00
Date Sent to DoP&E under s56	17 June 2014
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: