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Mr Warwick Bennett
General Manager
Goulburn Mulwaree Council
Locked Bay 22
Goulburn NSW 2580

Our ref: PP_2016_GOULB_001_00 (16/05835)
Your ref: REZ0003/1415

Attention: William Oxley, Strategic Planning Officer

Dear Mr Bennett

Planning proposal to amend Goulburn-Mulwaree Local Environmental Plan 2009

I am writing in response to your Council's letter dated 8 April 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") in respect of the planning proposal seeking to rezone land identified as lot 2 in DP 746614 from SP2 Infrastructure (Public Utility Undertaking) Zone to R1 General Residential 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.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environment Protection Zones, 4.3 Flood Prone Land and 5.2 Sydney Drinking Water Catchment. Council should ensure further consultation occurs with the Department in this regard prior to the plan being made.

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 that it is appropriate for Council to exercise delegation to make this plan. Please see attached an authorisation for Council to exercise delegation for this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of 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 Mr George Curtis of the Department's Southern regional office to assist you. Mr Curtis can be contacted on (02) 4224 9465.

Yours sincerely,

A handwritten signature in cursive script, followed by the date '16/5/16' written in a similar style.

Linda Davis
**A/Director, Southern
Planning Services
Department of Planning and Environment**

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

Gateway Determination

Planning proposal (Department Ref: PP_2016_GOULB_001_00): to rezone land identified as lot 2 in DP 746614 from SP2 Infrastructure (Public Utility Undertaking) Zone to R1 General Residential Zone.

I, the A/Director, Southern 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 Goulburn Mulwaree Local Environmental Plan (LEP) 2009 to *rezone land identified as lot 2 in DP 746614 from SP2 Infrastructure (Public Utility Undertaking) Zone to R1 General Residential Zone* should proceed subject to the following conditions:

1. The studies and investigations identified in the planning proposal and in Water NSW's 29 March 2016 letter are to be prepared and included in the exhibition materials.
2. An updated project timeline is prepared to reflect the Gateway determination date and other milestones.
3. 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).
4. 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:
 - Department of Primary Industries (Minerals & Office of Water)
 - Water NSW
 - Department of Transport (Rail)
 - Office of Environment and Heritage

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.

5. 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).
6. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.



Gateway Determination (cont')

Planning proposal (Department Ref: PP_2016_GOULB_001_00): to rezone land identified as lot 2 in DP 746614 from SP2 Infrastructure (Public Utility Undertaking) Zone to R1 General Residential Zone.

7. The LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" (Department of Planning and Environment 2015).

Dated 16th day of May 2016.

**Linda Davis
A/Director, Southern
Planning Services
Department of Planning and Environment**

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Goulburn Mulwaree 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_2016_GOULB_001_00	Planning proposal to rezone land identified as lot 2 in DP 746614 from SP2 Infrastructure (Public Utility Undertaking) Zone to R1 General Residential 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 16 May 2016

Linda Davis
A/Director, Southern
Planning Services
Department of Planning and Environment