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Ms Emma-Jayne Leckie  
Business Manager Planning and Strategic Outcomes  
Goulburn-Mulwaree Council  
Locked Bag 22  
Goulburn NSW 2580

Our ref: PP\_2016\_GOULB\_002\_00 (16/10072)  
Your ref: REZ/0002/1516

Dear Ms Leckie

## Planning proposal to amend Goulburn-Mulwaree Local Environmental Plan 2009

I am writing in response to your Council's letters dated 5 October and 25 July 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to remove the West Goulburn Urban Release Area for land north of Ducks Lane including Bonnett Drive, Park Close, and Shannon Drive, West Goulburn from the LEP.

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 note your 5 October advice that Council staff and the NSW Office of Environment and Heritage have had extensive discussions with landowners in the Shannon Drive portion of the release area about the significant ecological attributes present on the land identified for subdivision. I also understand that OEH has ground-truthed and mapped these attributes and has provided copies of the map to the landowners and their planning consultant.

I consider that there is merit for Council to update the relevant Terrestrial Biodiversity Map in the Goulburn-Mulwaree LEP 2009 to recognise this significant vegetation to ensure that it is considered in any development assessment process.

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 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 six 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.

Council should submit copies of the draft LEP maps and spatial data (as well as a copy of the final Planning Proposal and Council's Section 59 Report) to the Department via the NSW Planning Portal which can be accessed via <http://www.planningportal.nsw.gov.au>. It would be appreciated if Council could also email the Southern Region office to notify that it has uploaded this information to the Portal.

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. He can be contacted on (02) 4224 9465.

Yours sincerely,



**Linda Davis**  
**Acting Director, Regions, 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\_002\_00):** to delete the Urban Release Area from land north of Ducks Lane including Bonnett Drive, Park Close, and Shannon Drive, West Goulburn.

I, Linda Davis, the Acting Director Regions, Southern, Planning Services 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* (the Act) that an amendment to the *Goulburn-Mulwaree Local Environmental Plan 2009* as described above should proceed subject to the following conditions:

1. Council is to revise the planning proposal to include an updated Terrestrial Biodiversity Map that identifies the areas of native vegetation that have been mapped by the Office of Environment and Heritage, particularly for the Shannon Drive site, prior to community consultation. The revised planning proposal is to include a revised "Part 2 - Explanation of provisions" to reflect the inclusion of an updated Terrestrial Biodiversity Map.
2. Community consultation is required under sections 56(2)(c) and 57 of the 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).
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
  - The Office of Environment and Heritage
  - WaterNSW (S.117 Direction 5.2 Sydney Drinking Water Catchments)
  - NSW Rural Fire Service (S.117 Direction 4.4)

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.

4. 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).
5. The LEP maps shall be prepared in accordance with the *Standard Technical Requirements for Spatial Datasets and Maps* (Department of Planning and Environment, 2015).

## Gateway Determination

*Planning proposal (Department Ref: PP\_2016\_GOULB\_002\_00): to delete the Urban Release Area from land north of Ducks Lane including Bonnett Drive, Park Close, and Shannon Drive, West Goulburn.*

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

Dated

20<sup>th</sup>

day of

October

2016.



Linda Davis

Acting Director, Regions, 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_002_00 | Planning proposal to delete the Urban Release Area from land north of Ducks Lane including Bonnett Drive, Park Close, and Shannon Drive, West Goulburn. |

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 20 / 10 / 2016

**Linda Davis**  
**Acting Director, Regions, Southern**  
**Planning Services**  
**Department of Planning and Environment**