



Mr Warwick Bennett  
General Manager  
Goulburn Mulwaree Council

By email: [council@goulburn.nsw.gov.au](mailto:council@goulburn.nsw.gov.au)

Attention: David Kiernan, Senior Strategic Planner

Dear Mr Bennett

**Planning proposal PP-2021-2000 to amend Goulburn Mulwaree Local Environmental Plan 2009**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal for housekeeping review of heritage items in Schedule 5 "Environmental Heritage" of Goulburn Mulwaree LEP 2009.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 5.2 Sydney Drinking Water Catchments is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

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 within 6 months of the gateway determination. 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, Industry and Environment.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr George Curtis, Senior Planner, to assist you. Mr Curtis can be contacted on 4247 1824.

Yours sincerely

 8/3/21

**Graham Towers**  
**Acting Director, Southern Region**  
**Local and Regional Planning**

Encl: Gateway determination  
Authorised plan-making reporting template



## Gateway Determination

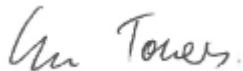
**Planning proposal (Department Ref: PP-2021-2000):** to make various administrative/housekeeping amendments to Schedule 5 – Environmental heritage of the Goulburn Mulwaree Local Environmental Plan 2009, including the associated heritage maps.

I, the Acting Director Southern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 as described above should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be updated to clearly identify the proposed changes to Schedule 5 “Environmental Heritage” such as by providing track changes in the updated Schedule 5 list provided in Appendix 1 of the planning proposal.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;

- (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 8<sup>th</sup> day of March 2021



**Graham Towers**  
**Acting Director, Southern Region**  
**Local and Regional Planning**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**