

Contact: Graham Judge
Phone: (02) 6229 7906
Fax: (02) 6229 7901
Email: graham.judge@planning.nsw.gov.au

Our ref: PP_2015_GHUME_002_00 (15/15091)

Steve Pinnuck
General Manager
Greater Hume Shire Council
40 Balfour Street
Culcairn NSW 2660

Attention: Colin Kane

Dear Mr Pinnuck

Planning proposal to amend Greater Hume Local Environmental Plan 2012

I am writing in response to your Council's letter dated 27 October 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to rezone part 47 Hawthorn Road (part Lot 11 DP 1164647) Jindera to R5 Large Lot Residential Zone with minimum lot size of 4000 m2 MLS.

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 have also agreed the planning proposal's inconsistency with S117 Direction 3.1 Residential Zones is of minor significance. No further approval is required in relation to this Direction.

I note and support Council's intention to concurrently exhibit with the planning proposal an amendment to Council's land use planning strategy to indicate the subject land is to be now used for residential development and not an extension of the Jindera industrial area.

I have included a requirement that Council undertake community consultation with adjoining landowners and all landowners along Stockwell Road within the Jindera Industrial Area located to the north of the site.

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 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 *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 Graham Judge of the Department's regional office to assist you. Mr Judge can be contacted on (02) 6229 7906.

Yours sincerely


12/11/15

Linda Davis
Acting General Manager
Southern Region
Planning Services

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

Gateway Determination

Planning proposal (Department Ref: PP_2015_GHUME_001_00): to rezone part 47 Hawthorn Road (part Lot 11 DP 1164647) Jindera to R5 Large Lot Residential Zone and 4,000 m2 minimum lot size.

I, the Acting General Manager, Southern Region 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* that an amendment to the Greater Hume Local Environmental Plan (LEP) 2012 to rezone part 47 Hawthorn Road (part Lot 11 DP 1164647) Jindera to R5 Large Lot Residential Zone and 4000 m2 minimum lot size should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* 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)*.

No consultation is required with public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*.

2. Council is required to undertake community consultation with adjoining land owners and landowners along Stockwell Road within the Jindera Industrial Area to the north of the site.
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 *Environmental Planning and Assessment Act 1979*. 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 **12 months** from the week following the date of the Gateway determination.

Dated 12th day of November 2015



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

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Greater Hume 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_2015_GHUME_001_00	Planning proposal to rezone part 47 Hawthorn Road (part Lot 11 DP 1164647) Jindera to R5 Large Lot Residential Zone /4000 m2 MLS.

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 12 / 11 / 2015

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