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Our ref: PP_2013_GHUME_001_00 (13/12711)

Mr Steven Pinnuck
General Manager
Greater Hume Shire Council
PO Box 99
HOLBROOK NSW 2644

Dear Mr Pinnuck,

Planning proposal to amend Greater Hume Local Environmental Plan 2012

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone part of Lot 12 DP 1074222 at Halford Drive, Holbrook from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size to 2ha for land currently zoned R5 at part Lot 12 DP 1074222.

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

Prior to undertaking public exhibition, Council is to prepare an amendment to the Greater Hume Strategic Land Use Plan 2007-2030 (SLUP) to identify the subject land at Holbrook for large lot residential purposes. This amendment is to be placed on public exhibition with the planning proposal. Council is also encouraged to undertake a review of its Strategic Land Use Plan to further consider environmental matters including biodiversity and flooding, supply and demand analysis and the availability of essential infrastructure.

I have also agreed the planning proposal's inconsistency with S117 Direction 1.2 Rural zones is of minor significance. No further approval is required in relation to this Direction.

The Minister delegated his plan making powers to councils 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 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, please contact Graham Judge of the regional office of the department on 02 6229 7900.

Yours sincerely,



Neil McGaffin

**Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery**

26.8.13

Encl:

- Gateway determination
- Written Authorisation to Exercise Delegation
- Attachment 5 - Delegated plan making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2013_GHUME_001_00): to rezone and amend the minimum lot size for land at Halford Drive, Holbrook.

I, the Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Greater Hume Local Environmental Plan (LEP) 2012 to rezone part of Lot 12 DP 1074222 at Halford Drive, Holbrook from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size to 2ha for land currently zoned R5 at part Lot 12 DP 1074222 should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - include existing and proposed land zoning and lot size maps, which are at an appropriate scale and clearly identify the subject land;
 - include a project timeline, consistent with Section 2.6 Part 6 of the *A Guide to Preparing Planning Proposals*. The project timeline is to provide a mechanism to monitor the progress of the planning proposal; and
 - correctly reference the Greater Hume Local Environmental Plan (LEP) 2012 in Part 3 - 'explanation of provisions' within the planning proposal.
2. 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 & Infrastructure 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Department of Primary Industries - Agriculture

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 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).



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

Dated *26th* day of *August* 2013.

Neil McGaffin
Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

**Delegate of the Minister for Planning &
Infrastructure**



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Greater Hume Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_GHUME_001_00	Planning proposal to rezone part of Lot 12 DP 1074222 at Halford Drive, Holbrook from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size to 2ha for land currently zoned R5 at part Lot 12 DP 1074222.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated *26. August* 2013

Neil McGaffin
Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department 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 department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_GHUME_001_00
Date Sent to Department under s56	July 2013
Date considered at LEP Review Panel	15/08/2013
Gateway determination date	26/08/2013

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 DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: