



Contact: Graham Judge
Phone: (02) 6229 7906
Fax: (02) 62297901
Email: graham.judge@planning.nsw.gov.au

Our ref: PP_2013_GHUME_002_00 (13/15112)

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 permit function centres in the RU1 Primary Production Zone and RU4 Primary Production Small Lots Zone, insert a new local rural subdivision clause 4.2A and to insert the model Flood Planning clause.

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.

Council's attention is drawn to a potential wording error with one of the headings on page 3 of the proposal. Council is encouraged to change the heading under Part 2 to state: "*Changes to land use table for the RU1 and RU4 zones*" – this will assist with community understanding of the planning proposal.

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 9 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 Mr Graham Judge of the Southern Regional office of the Department on 02 6229 7906.

Yours sincerely



18 September 2013

Brett Whitworth
Regional Director
Southern Region
Planning Operations and Regional Delivery
As delegate of the Minister for Planning and Infrastructure



Gateway Determination

Planning proposal (Department Ref: PP_2013_GHUME_002_00): to permit function centres in the RU1 and RU4 land use table, insert clause 4.2A that allows rural subdivision for permitted uses (other than for a dwelling houses or dual occupancies) and to insert the model Flood Planning clause.

I, the Regional Director, Southern Regional Team 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:

- i) Permit 'function centres' with consent in the RU1 Primary Production Zone and RU4 Primary Production Small Lots Zone;
- ii) Insert a new local clause 4.2A to permit the subdivision on land zoned RU1 Primary Production Zone to create a lot of any size for uses that are permitted in the zone, other than for the purpose of a dwelling houses or dual occupancies; and
- iii) Insert the model Flood Planning clause;

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 ("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).
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

18th

day of

September

2013.

Brett Whitworth
Regional Director
Southern Region
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

**Delegate of the Minister for Planning and
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_002_00	Planning proposal to permit function centres in the RU1 and RU4 Zones land use tables, insert clause 4.2A that allows rural subdivision for permitted uses (other than for a dwelling house or dual occupancy) in the RU1 Zone and to insert the model Flood Planning clause.

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

Dated 18 September 2013

Brett Whitworth
Regional Director
Southern Region
Department of Planning and Infrastructure