

Gateway Determination

Planning proposal (Department Ref: PP_2018_SVALL_001_00): to amend the Tumut LEP 2012 by rezoning land currently zoned RU1 Primary Production and RU3 Forestry to IN1 General Industrial with a 2 hectare minimum lot size and inserting a new LEP clause to facilitate the subdivision of split zoned land.

I, the Director Regions, Southern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Tumut Local Environmental Plan (LEP) 2012 to rezone land currently zoned RU1 Primary Production and RU3 Forestry to IN1 General Industrial with a 2 hectare minimum lot size and insert a new LEP clause to facilitate the subdivision of split zoned land should proceed subject to the following conditions:

1. The planning proposal shall be updated prior to community consultation to include an assessment of the planning proposal's consistency with the Riverina Murray Regional Plan 2036.
2. The planning proposal shall be updated prior to community consultation to clearly state whether the proposal is consistent with relevant 9.1 Ministerial Directions.
3. The planning proposal shall be updated prior to community consultation to include additional information in relation to how Council has addressed the issues raised by the NSW Office of Environment and Heritage when the subject land was proposed to be rezoned in 2007.
4. 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
5. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - NSW Rural Fire Service;
 - NSW Department of Primary Industries (Agriculture);
 - NSW Office of Environment and Heritage; and



- NSW Roads and Maritime Services.

Consultation with the NSW Rural Fire Service and NSW Office of Environment and Heritage is to be undertaken prior to community consultation.

Each public authority/organisation 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.

6. 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).
7. 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.
8. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 16th day of August 2018.

Sarah Lees
Director Regions, Southern
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning