



Mr Waid Crocket
General Manager
Upper Hunter Shire Council
PO Box 208
SCONE NSW 2337

Our ref: PP_2015_UPHUN_001_00 (15/04197)

Attention: Mathew Pringle

Dear Mr Crocket

Planning Proposal to amend Upper Hunter Local Environmental Plan 2013 - Murrurundi

I am writing in response to your Council's letter dated 25 February 2015 requesting 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 land along Mayne Street, Murrurundi and to include two additional permitted uses under Schedule 1 of the Upper Hunter Local Environmental Plan 2013.

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.

In respect to the Minister's s117 Direction 1.1 Business and Industrial Zones, I approve the planning proposal's inconsistency as a matter of minor significance. The planning proposal is considered consistent with the underlying objectives of this direction, which encourages employment growth in suitable locations and supports the viability of existing centres. Council may still need to obtain the Secretary's agreement to satisfy the requirements of any other relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

Also, Council should update its planning proposal to advise that it is consistent with the Minister's s117 Direction 4.3 Flood Prone Land because the proposed B4 Mixed Use zoning will not result in an increase flood risk to development relative to that under the existing residential zoning of the land.

The Minister delegated 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. Please note that Council is unable to use the Minister's plan making delegations if there is an unresolved objection from another Government agency.

The amendment of 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 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 EP&A Act if the time frames outlined in this determination are not met.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, I have arranged for Trent Wink from the Hunter office to assist you. Mr Wink can be contacted on (02) 4904 2716.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'D. Rowland', is written over a faint, light-colored signature line.

23 March 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2015_UPHUN_001_00): to rezone land along Mayne Street at Murrurundi and to include two additional permitted uses under Schedule 1 of the Upper Hunter Local Environmental Plan 2013.

I, the General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Upper Hunter Local Environmental Plan (LEP) 2013 to rezone land along Mayne Street at Murrurundi and to include two additional permitted uses under Schedule 1, should proceed subject to the following conditions:

1. Before commencing community consultation, update the planning proposal and the draft zoning maps as follows:-
 - (a) retain the R1 General Residential zones for the existing bus depot located at Lots 1 and 2, Section 5, DP 758738, and Lot 1 DP 742085, Boyd Street, Murrurundi, and
 - (b) rezone the existing vehicle body repair located at Lot 1 DP 1 12569 and Lot 2 DP 770132, Mayne Street, Murrurundi from R1 General Residential to B4 Mixed Use to be consistent with surrounding properties.
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 & Environment 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Roads and Maritime Services

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. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.
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).

5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 23rd day of March 2015.



David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Cessnock 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_UPHUN_001_00	to rezone land along Mayne Street at Murrurundi and to include two additional permitted uses under Schedule 1 of the Upper Hunter Local Environmental Plan 2013

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

Dated 23 March 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment