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Mr Bob Stewart
General Manager
Tumut Shire Council
76 Capper Street
TUMUT NSW 2720

Our ref: PP_2014_TUMUT_001
Your ref: 294-2,664-0,2646-5

Attention Mr Jim Mumford

Dear Mr Stewart,

Planning proposal to amend Tumut Local Environmental Plan 2012

I am writing in response to your Council's letter dated 23rd December 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 reclassify land from Community to Operational in Adelong and Tumut and rezone a site to RU5 Village in Adelong.

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.

I note there are a number of typographical errors in the planning proposal. The planning proposal seeks to rezone land from RU1 Primary Production to RU5 Village, however, there are a number of references to R5 Large Lot Residential throughout the document that need to be amended. Under 'Explanation of Provisions' the land at Capper Street Tumut in Column 2 of Schedule 4 is incorrectly described as Lot 1 DP361209 and needs to be amended to Lot 1 DP1163661. These amendments are to be made prior to community consultation and a revised copy forwarded to the Southern Region for uploading to the LEP Tracking System.

The maps are considered suitable for exhibition purposes, however, there are a number of technical errors including incorrect title on the 'Land Zoning Map'. The maps will need to comply with the Department's 'Standard technical requirements for LEP maps' when the plan is submitted for finalisation.

I have also agreed the planning proposal's inconsistencies with s117 Directions 1.2 Rural Zones and 1.5 Rural Lands are of minor significance. No further referral or approval is required in relation to any Direction while the planning proposal remains in its current form.

The Minister delegated his plan making powers to councils in October 2012. 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 6 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 Martin Brown of the Southern Regional office of the Department on 02 (62297913).

Yours sincerely,



Brett Whitworth
General Manager
Southern Region
Growth Planning & Delivery

21 January 2014



Gateway Determination

Planning proposal (Department Ref: PP_2014_TUMUT_001_00): to reclassify and rezone a decommissioned reservoir in Adelong and reclassify a property in Tumut that is zoned Residential.

I, 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 Tumut Local Environmental Plan (LEP) 2012 to reclassify and rezone a decommissioned reservoir in Adelong and reclassify a property in Tumut that is zoned residential 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)*.

Consultation is required with the Department of Primary Industries - Forestry under section 56(2)(d) of the EP&A Act. The Department of Primary Industries - Forestry 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.

2. 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, as required here, when reclassifying land).
3. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 21st day of January 2014.

Brett Whitworth
General Manager
Southern Region
Growth Planning & Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning and Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Tumut 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_2014_TUMUT_001_00	Planning proposal to reclassify and rezone a decommissioned reservoir in Adelong and reclassify a property in Tumut that is zoned residential.

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 21 January 2014



Brett Whitworth
General Manager
Southern Region
Department of Planning and Infrastructure