



Planning & Environment

Mr Phillip McMurray
General Manager
Gundagai Shire Council
PO Box 34
Gundagai NSW 2722

Our ref: PP_2015_GUNDA_001_00
Your ref: BL:gp

Attention: Brent Livermore

Dear Mr McMurray

Planning proposal to amend Gundagai Local Environmental Plan 2011

I am writing in response to your Council's letter received on 14 August 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to:

- allow 'function centres' to be permissible with consent in the RU1 Primary Production Zone, and
- allow subdivision to 450sq.m in the R1 General Residential Zone where the land can be connected to the Council's reticulated sewer system.

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.

I have also agreed that any inconsistencies between the planning proposal and section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 3.1 Residential Zones are of minor significance. No further approval is required in relation to these Directions.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has now accepted this delegation. 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 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 Act if the time frames outlined in this determination are not met.

Planning and Environment - Southern Region

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Should you have any queries in regard to this matter, I have arranged for Martin Brown of the Department's regional office to assist you. Martin can be contacted on (02) 6229 7913.

Yours sincerely



25 August 2015

**Brett Whitworth
General Manager
Southern Region
Planning Services**

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2015_GUNDA_001_00): to amend the land use table for the RU1 Primary Production Zone to allow function centres with consent, and, to introduce an 'enabling clause' to allow Council to consider the subdivision of land for dwelling houses in the R1 General Residential Zone in Gundagai township to a minimum of 450sqm where an applicant can demonstrate the proposal can be connected to the Council's reticulated sewer.

I, Brett Whitworth, General Manager, Southern Region, Planning Services, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Gundagai Local Environmental Plan (LEP) 2011* to amend the land use table for the RU1 Primary Production Zone to allow function centres with consent, and, to introduce an 'enabling clause' to allow Council to consider the subdivision of land for dwelling houses in the R1 General Residential Zone in Gundagai township to a minimum of 450sqm where an applicant can demonstrate the proposal can be connected to the Council's reticulated sewer should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for **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 local environmental plans (Planning and Infrastructure, 2013)'.
2. Consultation is not required with the any public authorities.
3. No public hearing is required to be held into the matter under section 56(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).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.
5. Council is authorised to use the Minister's plan making functions under sections 59(2), (3)&(4) of the Act.

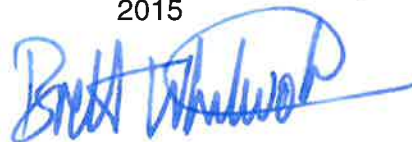
Dated

25

day of

August

2015



Brett Whitworth
General Manager
Southern Region
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning

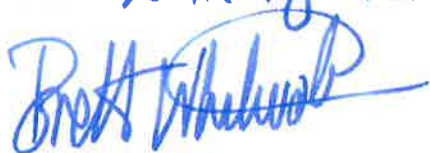
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Gundagai Shire 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_GUNDA_001_00	Planning proposal to amend the land use table for the RU1 Primary Production Zone to allow function centres with consent, and, to introduce an 'enabling clause' to allow Council to consider the subdivision of land for dwelling houses in the R1 General Residential Zone in Gundagai township to a minimum of 450sqm where an applicant can demonstrate the proposal can be connected to the Council's reticulated sewer.

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

Dated 25th August 2015



Brett Whitworth
General Manager
Southern Region
Planning Services
Department of Planning and Environment