



Planning & Environment

POSTED
12/11/14

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

Contact: Ann Martin
Phone: 02 4224 9466
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Our ref: PP_2014_TUMUT_002 (14/05160-1)

COPY

Attention: 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 15 October 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to implement many of the outcomes of the Tumut Growth Strategy 2013-2033 and other miscellaneous amendments.

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 encourage Council to consider changing the proposed B4 Mixed Use zone to an 'open' zone prior to exhibition of the proposal. It is considered that Council's proposal for a 'closed' B4 zone unnecessarily restricts the uses that are permitted with consent in the zone and would result in several uses that are currently permitted on the land being prohibited. Additionally, the use of a 'closed' zone has greater potential for the creation of existing use rights.

I have agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 3.4 Integrating Land Use and Transport are justified by Council's endorsed Growth Strategy. 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 is to be finalised within 18 months of 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 Local Environmental Plan 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.

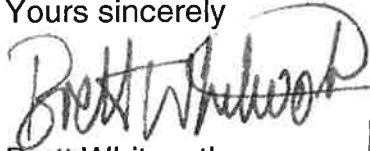
Department of Planning & Environment, Southern Region

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The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 *Environmental Planning and Assessment Act 1979* (the Act) if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Ann Martin of the Department's regional office to assist you. Ann can be contacted on (02) 4224 9466.

Yours sincerely



11 November 2014

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_2014_TUMUT_002_00): to undertake a range of amendments to implement the Tumut Shire Growth Strategy 2013-2033 relating to:

1. *Rezoned land at Batlow from B2, R3, RE1 and IN1 to B4 Mixed Use Zone;*
2. *Rezoned land at Batlow (known as Yellowin Road Investigation Area) from RU1 to R5 Large Lot Residential with a minimum lot size of 2ha;*
3. *Rezoned land at Batlow (known as Keenan's Road Investigation Area) from R5 to RU1 Primary Production with a minimum lot size of 30ha;*
4. *Rezoned land at Boundary Street, Tumut from R2 to R5 Large Lot Residential;*
5. *Amend the Lot Size Map for land at Boundary Street West, Tumut from 5000sqm to 1ha;*
6. *Rezoned land at Tumut (known as the South East Investigation Area) from R5 and RU1 to R3, R2 and E3 zones;*
7. *Rezoned land between Bundarra Cres and East Street, Tumut from R5 to R2 Low Density Residential with a minimum lot size of 600sqm;*
8. *Permit dwellings ancillary to an industrial use and amend the minimum lot size from 750sqm to 1ha on land at Sturt Close, Tumut;*
9. *Rezoned land on Merivale Street, Tumut from R3 to B2 Local Centre;*
10. *Permit a home business of Piano Research and Development with a maximum gross floor area of 1000sqm on East Street, Tumut;*
11. *Amend the land use table to insert a new SP1 Special Activities Zone, B4 Mixed Use Zone, and E3 Environmental Management Zone;*
12. *Amend Schedule 5 to include new items of environmental heritage;*
13. *Insert new Urban Release Area clauses and maps.*

I, the 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 the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Tumut Local Environmental Plan 2012 (to undertake a range of amendments to implement the Tumut Shire Growth Strategy 2013-2033 relating to the rezoning of land, amending lot sizes and other miscellaneous amendments) 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* (the 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 and Environment 2013)*.



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2. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Rural Fire Service (prior to public consultation)
- Office of Environment and Heritage (biodiversity and heritage issues)

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.

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 *Environmental Planning and Assessment Act 1979* (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 Local Environmental Plan is to be **18 months** from the date of the Gateway determination.

Dated 11th day of November 2014

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

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Tumut Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* (the Act) 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_002_00	<p>Planning proposal to undertake a range of amendments to implement the Tumut Shire Growth Strategy 2013-2033 relating to:</p> <ol style="list-style-type: none">1. Rezone land at Batlow from B2, R3, RE1 and IN1 to B4 Mixed Use Zone;2. Rezone land at Batlow (known as Yellowin Road Investigation Area) from RU1 to R5 Large Lot Residential with a minimum lot size of 2ha;3. Rezone land at Batlow (known as Keenan's Road Investigation Area) from R5 to RU1 Primary Production with a minimum lot size of 30ha;4. Rezone land at Boundary Street, Tumut from R2 to R5 Large Lot Residential;5. Amend the Lot Size Map for land at Boundary Street West, Tumut from 5000sqm to 1ha;6. Rezone land at Tumut (known as the South East Investigation Area) from R5 and RU1 to R3, R2 and E3 zones;7. Rezone land between Bundarra Cres and East Street, Tumut from R5 to R2 Low Density Residential with a minimum lot size of 600sqm;8. Permit dwellings ancillary to an industrial use and amend the minimum lot size from 750sqm to 1ha on land at Sturt Close, Tumut;9. Rezone land on Merivale Street, Tumut from R3 to B2 Local Centre;10. Permit a home business of Piano Research and Development with a maximum gross floor area of 1000sqm on East Street, Tumut;11. Amend the land use table to insert a new SP1 Special Activities Zone, B4 Mixed Use Zone, and E3 Environmental Management Zone;12. Amend Schedule 5 to include new items of environmental heritage;13. Insert new Urban Release Area clauses and maps.

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 11 November 2014

Brett Whitworth
General Manager
Southern Region
Department of Planning and Environment