



Planning & Environment

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Ms Kay Whitehead
General Manager
Tumbarumba Shire Council
PO Box 61
TUMBARUMBA NSW 2653

Our ref: PP_2014_TUMBA_001_00 (14/16403)
Your ref: D1-1

Attention: Mr Gus Cox

Dear Ms Whitehead

Planning proposal to amend Tumbarumba Local Environmental Plan 2010

I am writing in response to your Council's letter dated 23 September 2014 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 amend the Tumbarumba Local Environmental Plan 2010 to:

- Alter the range of land uses within the RU1 Primary Production Zone.
- Alter the range of land uses within the RU3 Forestry Zone to accommodate future public water supply infrastructure development.
- Introduce exceptions to minimum lot size requirements in rural and environmental protection zones.
- Alter Schedule 1 to support a site specific indoor recreation development in Tumbarumba.
- Alter the minimum lot size for land immediately adjoining the village of Rosewood.

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 the planning proposal's inconsistencies with S117 Directions 1.2 'Rural Zones' and 1.5 'Rural Land' are of minor significance. In relation to S117 Direction 4.4 'Planning for Bushfire Protection', I am satisfied that the proposal will be consistent with the Direction when Council has consulted with the Rural Fire Service prior to undertaking community consultation. No further approval is required in relation to these Directions.

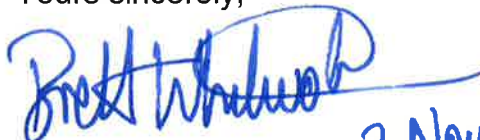
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan. The amending Local Environmental Plan (LEP) is to be finalised within 12 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 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.

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

Yours sincerely,



2 November 2014

Brett Whitworth
General Manager
Southern Region
Planning Services

Encl:

1. Gateway Determination
2. Written Authorisation to Exercise Delegation
2. Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_TUMBA_001_00) to:

I, the General Manager, Southern 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 Tumbarumba Local Environmental Plan (LEP) 2010 to:

- Alter the range of land uses within the RU1 Primary Production Zone, consistent with the Land Use Matrix supporting the LEP Standard Instrument;
- Alter the range of land uses within the RU3 Forestry Zone to accommodate future public water supply infrastructure development;
- Introduce exceptions to minimum lot size requirements in rural and environmental protection zones to meet the needs of existing and permissible land uses;
- Alter Schedule 1 to support a site specific indoor recreation development in Tumbarumba;
- Alter the minimum lot size for land immediately adjoining the village of Rosewood to accommodate for closer settlement;

should proceed subject to the following conditions:

1. Council shall provide a project timeline for the planning proposal to the Department prior to exhibition.
2. Council is to prepare a preliminary investigation report carried out in accordance with the contaminated land planning guidelines in relation to the rural land proposed for large lot residential development adjoining Rosewood village. This information is to be provided to the Department and included in the exhibition materials.
3. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2013)* and 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)*.
4. 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:
 - NSW Rural Fire Service prior to public consultation (s117 Direction 4.4)
 - Department of Primary Industries (Agriculture)
 - NSW Office of Water
 - NSW Forests
 - Office of Environment and Heritage

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.

5. 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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 2nd 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

Tumbarumba 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_2014_TUMBA__001_00	Planning proposal to: • Alter the range of land uses within the RU1 Primary Production Zone, consistent with the Land Use Matrix supporting the LEP Standard Instrument; • Alter the range of land uses within the RU3 Forestry Zone to accommodate future public water supply infrastructure development; • Introduce exceptions to minimum lot size requirements in rural and environmental protection zones to meet the needs of existing and permissible land uses; • Alter Schedule 1 to support a site specific indoor recreation development in Tumbarumba; • Alter the minimum lot size for land immediately adjoining the village of Rosewood to accommodate for closer settlement.

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 2 November 2014



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

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP 2014_TUMBA_001_00
Date Sent to DP&E under s56	23 September 2014 (further information received 27 October 2014).
Date considered at LEP Review Panel (if applicable)	
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: