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Department Generated Correspondence (Y)

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Our ref: PP_2012_UPHUN_001_00 (12/02592)
Your ref: OUT-843/12

Mr Daryl Dutton
General Manager
Upper Hunter Shire Council
PO Box 208
SCONE NSW 2337

Dear Mr Dutton,

Re: Planning proposal to amend the Merriwa LEP 1992 to require development consent for dwellings in Zone No 2 V (Village or Township Zone)

I am writing in response to your Council's letter dated 24 January 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 Merriwa Local Environmental Plan 1992 to require development consent for dwellings in Zone No 2 V (Village or Township Zone).

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

While the intent of Council's planning proposal is supported, it is noted that the operation of *State Environmental Planning Policy (SEPP) No 60 – Exempt and Complying Development* may already allow for development of dwelling houses to proceed in the 2(v) Village "V" zone. Council is encouraged to consider the inter-relationship of the SEPP with its LEP following the completion of this proposed amendment.

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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(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 James Shelton of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,


Sam Haddad
Director-General

21/2/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_UPHUN_001_00): to amend the LEP to require development consent for dwellings in the 2(v) Village "V" zone.

I, the Director General, Department of Planning and Infrastructure 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 Merriwa Local Environmental Plan 1992 to require development consent for dwellings in the 2 (v) Village "V" zone 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act:
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 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).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 21st day of February 2012.



Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure