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Our ref: PP_2012_GUYRA_001_00 (12/11173)

Mr David Cushway
General Manager
Guyra Shire Council
PO Box 207
GUYRA NSW 2365

Dear Mr Cushway,

Planning proposal to amend either the Guyra Local Environmental Plan (LEP) 1988 or the draft Guyra Local Environmental Plan (LEP) 2012

I am writing in response to your Council's letter dated 2 July 2012 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 either the Guyra Local Environmental Plan (LEP) 1988 or the draft Guyra Local Environmental Plan (LEP) 2012 to rezone land in Oban Street and Tuckeys Lane, Guyra from industrial to rural residential. If the planning proposal is to amend the draft Guyra Local Environmental Plan (LEP) 2012, it also proposes to amend the minimum lot size of the subject land to 8000m².

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.

I have also agreed that the planning proposal's inconsistency with S117 Direction 1.1 Business and Industrial Zones is of minor significance. No further approval is required in relation to this Direction.

It is noted that a Development Application to subdivide the subject site at Guyra has been submitted to Council. Council is encouraged to consider exhibiting the planning proposal concurrently with the Development Application, to clearly articulate the intended outcome of the planning proposal to the community.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 Craig Diss of the Regional Office of the Department on 02 6701 9689.

Yours sincerely,


Sam Haddad
Director-General

27/7/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_GUYRA_001_00): to amend either the Guyra Local Environmental Plan (LEP) 1988 or the draft Guyra Local Environmental Plan (LEP) 2012 to rezone land in Oban Street and Tuckeys Lane, Guyra from industrial to rural residential. If the planning proposal is to amend the draft Guyra Local Environmental Plan (LEP) 2012, it also proposes to amend the minimum lot size of the subject land to 8000m².

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 either the Guyra Local Environmental Plan (LEP) 1988 or the draft Guyra Local Environmental Plan (LEP) 2012 to rezone land in Oban Street and Tuckeys Lane, Guyra from industrial to rural residential and if appropriate amend the minimum lot size of the subject land 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. Consultation is not 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 **9 months** from the week following the date of the Gateway determination.

Dated 27th day of July 2012.


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