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Department Generated Correspondence (Y)

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Our ref: PP_2012_GUNNE_001_00 (12/01598)
Your ref:

Mr Robert Campbell
General Manager
Gunnedah Shire Council
PO Box 63
GUNNEDAH NSW 2380

Dear Mr Campbell,

Re: Planning Proposal to reduce the minimum lot size for subdivision of Lot 84 DP 755503, 243 Stock Road, Gunnedah from 40ha to 3000m2 to permit the creation of approximately 22 low density residential allotments

I am writing in response to your Council's letter dated 4 January 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 the Gunnedah Local Environmental Plan 1998 to reduce the minimum lot size for subdivision of Lot 84 DP 755503, 243 Stock Road, Gunnedah from 40ha to 3000m2 to permit the creation of approximately 22 low density residential allotments.

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.

It is noted that there is a typographical error in the planning proposal relating to an incorrect reference to an LEP clause number. The planning proposal incorrectly refers to the amendment relating to clause 12 of the LEP when in fact clause 11 of Council's LEP is to be amended. Council is to review the planning proposal and amend it to refer to the correct clause prior to proceeding to public exhibition.

Council is also to ensure that the planning proposal contains appropriate mapping for the purposes of public exhibition to ensure that the community is able to identify the subject lot.

Due to the timing of this planning proposal and the staged preparation of Council's Standard Instrument LEP, Council is to exhibit this planning proposal as both an amendment to its current LEP 1998 and to the draft Gunnedah LEP so that the community is aware of the impacts this planning proposal may have on both instruments.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 1.2 Rural Zones are of minor significance. No further approval is required in relation to this Direction.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of the Local Planning Direction.

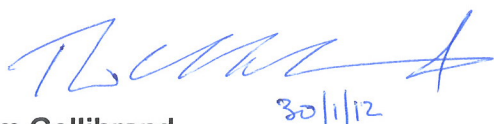
The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this

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 Jon Stone of the Regional Office of the Department on 02 6701 9688.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2012_GUNNE_001_00): to reduce the minimum lot size for subdivision of Lot 84 DP 755503, 243 Stock Road, Gunnedah from 40ha to 3000m² to permit the creation of approximately 22 low density residential allotments.

I, the Deputy Director General, Plan Making & Urban Renewal 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 Camden Local Environmental Plan 1998 to reduce the minimum lot size for subdivision of Lot 84 DP 755503, 243 Stock Road, Gunnedah from 40ha to 3000m² to permit the creation of approximately 22 low density residential allotments should proceed subject to the following conditions:

1. Council is to exhibit this planning proposal as both an amendment to its current LEP 1998 and to the draft Gunnedah LEP so that the community is aware of the impacts this planning proposal may have on both instruments.
2. 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)*.
3. Council is to exhibit this planning proposal as both an amendment to its current LEP 1998 and to the draft Gunnedah LEP so that the community is aware of the impacts this planning proposal may have on both instruments.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
6. 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).



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

Dated 30th day of January 2012.

**Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure**