



Contact: Jon Stone
Phone: (02) 6701 9689
Fax: (02) 6701 9690
Email: Jon.Stone@planning.nsw.gov.au
Postal: PO Box 550, Tamworth NSW 2340

Our ref: PP_2014_GUNNE_002_00 (14/07106)

Mr Eric Groth
General Manager
Gunnedah Shire Council
PO Box 63
GUNNEDAH NSW 2380

Dear Mr Groth,

Planning proposal to amend Gunnedah Local Environmental Plan 2012

I am writing in response to your Council's letter dated 15 April 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 rezone part of Lot 5 DP828373 at Boundary Road, Gunnedah from RU1 Primary Production to R2 Low Density Residential, amend the minimum lot size of Lots 1 and 5 DP 828373 to 6,000sqm and proposed Lot 5 to 650sqm and permit vehicle sales or hire premises, vehicle repair stations, warehouse or distribution centre, wholesale supplies, highway service centre, function centre, landscaping material supplies and garden centre as additional permitted uses on proposed Lots 1 to 3.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the variations outlined in the conditions in the attached Gateway determination.

As discussed with Council, the proposal to permit various commercial uses on land at Boundary Road, Gunnedah is not supported because it is inconsistent with the Department endorsed Gunnedah Commercial and Industrial Land Use Strategy (2008) and the Gunnedah Satellite Development Strategy Report, which concluded that the site was not considered to be appropriate for general commercial/retail purposes. Furthermore the site is isolated from other existing commercial developments and there are other areas in Gunnedah which are more appropriately located for the type of development proposed. Consequently, Council is to amend the planning proposal to remove the proposed additional permitted uses and accompanying 6,000sqm minimum lot size.

Council is encouraged to carry out further strategic work, including revisiting its strategic documents to address current economic conditions and availability and cost of land which permits commercial uses, including vehicle sales yard.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

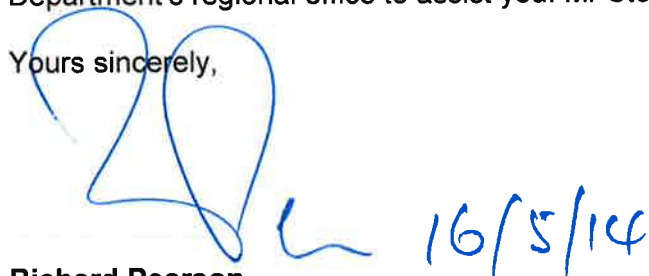
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise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

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following 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 Mr Jon Stone of the Department's regional office to assist you. Mr Stone can be contacted on (02) 6701 9688.

Yours sincerely,



Richard Pearson
Deputy Director General
Growth Planning and Delivery

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_GUNNE_002_00): to permit residential and commercial uses on land at Boundary Road, Gunnedah.

I, the Deputy Director General, Growth Planning and Delivery 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 Gunnedah Local Environmental Plan (LEP) 2012 to rezone part of Lot 5 DP828373 at Boundary Road, Gunnedah from RU1 Primary Production to R2 Low Density Residential, amend the minimum lot size of Lots 1 and 5 DP 828373 to 6,000sqm and proposed Lot 5 to 650sqm and permit vehicle sales or hire premises, vehicle repair stations, warehouse or distribution centre, wholesale supplies, highway service centre, function centre, landscaping material supplies and garden centre as additional permitted uses on proposed Lots 1 to 3 should proceed subject to the variations as outlined in the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to remove the provision to permit vehicle sales or hire premises, vehicle repair stations, warehouse or distribution centre, wholesale supplies, highway service centre, function centre, landscaping material supplies and garden centre as additional permitted uses on land at Boundary Road, Gunnedah and remove the provision to amend the minimum lot size to 6,000sqm for the subject land.
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 and Environment 2013)* and must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2013)*.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

16

day of

May

2014.



Richard Pearson
Deputy Director General
Growth Planning and Delivery
Department of Planning and Environment

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Gunnedah 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:

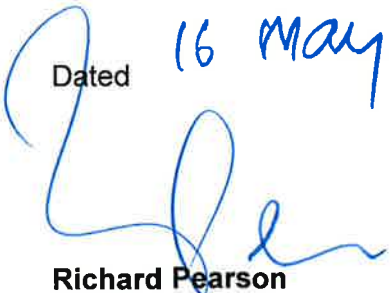
Number	Name
PP_2014_GUNNE_002_00	Planning proposal to rezone part of Lot 5 DP828373 at Boundary Road, Gunnedah from RU1 Primary Production to R2 Low Density Residential and amend the minimum lot size of proposed Lot 5 to 650sqm.

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

16 May

2014


Richard Pearson
Deputy Director General
Growth Planning and Delivery
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_GUNNE_002_00
Date Sent to DoP&E under s56	15/04/2014
Date considered at LEP Review Panel	08/05/2014
Gateway determination date	16/05/2014

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		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

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

Stage	Date/Details
Notification Date and details	

Additional relevant information: