



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

Our ref: PP_2014_GUNNE_003_00 (14/11896)

Dear Mr Groth

Planning proposal to amend Gunnedah Local Environmental Plan 2012

I am writing in response to your Council's letter dated 10 July 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 662, DP 39633 and part of Lot 680, DP 723481, 299 Kamilaroi Road, Gunnedah, from E3 Environmental Management to R5 Large Lot Residential and amend the minimum lot size map for the land from 40ha to 1.2 ha.

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 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands and 2.1 Environmental Protection Zones are of minor significance. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

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

 29 JULY 2014
Stephen Murray
General Manager, Northern Region
Housing, Growth & Economics

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_GUNNE_003_00): to rezone part of Lot 662, DP 39633 and part of Lot 680, DP 723481, 299 Kamilaroi Road, Gunnedah, from E3 Environmental Management to R5 Large Lot Residential and amend the minimum lot size map for the land from 40ha to 1.2 ha.

I, the General Manager, Northern 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 Gunnedah Local Environmental Plan (LEP) 2012 to rezone part of Lot 662, DP 39633 and part of Lot 680, DP 723481, 299 Kamilaroi Road, Gunnedah, from E3 Environmental Management to R5 Large Lot Residential and amend the minimum lot size map for the land from 40ha to 1.2 ha 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 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).
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and to comply with the requirements of relevant S117 Directions:
 - NSW Rural Fire Service
 - 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.

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 29th day of JULY 2014.



Stephen Murray
General Manager, Northern Region
Housing, Growth & Economics
Department of Planning and Environment

Delegate of the Minister for Planning

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_003_00	Planning proposal to rezone part of Lot 662, DP 39633 and part of Lot 680, DP 723481, 299 Kamilaroi Road, Gunnedah, from E3 Environmental Management to R5 Large Lot Residential and amend the minimum lot size map for the land from 40ha to 1.2 ha.

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 29 JULY 2014



Stephen Murray
General Manager, Northern Region
Housing, Growth & Economics
Department of Planning and Environment