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Department Generated Correspondence (Y)

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Our ref: PP_2011_GUNNE_005_00 (11/21554)

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 1 DP 1102185, 56-58 Kamilaroi Road, Gunnedah from 40ha to 6200m2 to permit the creation of 5 low density residential allotments

I am writing in response to your Council's letter dated 28 November 2011 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 LEP 1998 to reduce the minimum lot size for subdivision of Lot 1 DP 1102185, 56-58 Kamilaroi Road, Gunnedah from 40ha to 6200m2 to permit the creation of 5 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 the planning proposal contains a typographical error in relation to the Lot and DP description for the subject site. The planning proposal at Part 2 (page 2 of 6) refers to Lot 1 DP110185. The correct property description is Lot 1 DP 110285. Council is to amend the planning proposal to address this error.

Council is also to ensure that the planning proposal includes appropriate maps which clearly identify the subject site and the intended outcome of the planning proposal for exhibition purposes.

It is noted that Council has exhibited its draft comprehensive LEP 2011. In progressing this planning proposal Council is to consider how the intent of this proposal will be achieved under its new comprehensive LEP. Depending on the timing for the adoption of the comprehensive LEP, Council may need to amend this planning proposal to progress as an amendment to the Gunnedah LEP 2011. Council should liaise closely with the Department's Regional Planning team while progressing this planning proposal to ensure that the proposal and subsequent LEP amendment relates to the planning controls in force at that time. Council may therefore need to consider preparing a map for exhibition purposes which identifies the change in minimum lot size on the relevant draft Gunnedah 2011 MLS map.

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

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 9689.

Yours sincerely,

 22.12.11
Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_GUNNE_005_00): to reduce the minimum lot size for subdivision of Lot 1 DP 1102185, 56-58 Kamilaroi Road, Gunnedah from 40ha to 6200m² to permit the creation of 5 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 Gunnedah Local Environmental Plan LEP 1998 to reduce the minimum lot size for subdivision of Lot 1 DP 1102185, 56-58 Kamilaroi Road, Gunnedah from 40ha to 6200m² to permit the creation of 5 low density residential allotments should proceed subject to the following conditions:

1. Council is to amend the planning proposal to refer to the correct Lot and DP description for the site at Part 2 of the planning proposal.
2. Council is to include appropriate mapping in the planning proposal to identify the subject site and to clearly identify the proposed intent of the planning proposal for exhibition purposes.
3. 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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Australian Rail Track Corporation (ARTC)

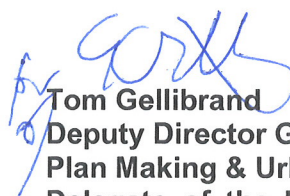
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may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

5. 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).

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

Dated

22 day of December 2011.



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