



Planning & Environment

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

Our ref: 15/06422

Attention: Brendan Williams

Dear Mr Groth

Planning proposal to amend Gunnedah Local Environmental Plan 2012

I am writing in response to your Council's letter dated 26 March 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone Lots 684 and 685 DP 728405, Lot 644 DP 755503 and Lot 2 DP 1191803, 1 Kamilaroi Highway, Gunnedah, from part RE1 Public Recreation and part SP2 Infrastructure (Stock and Saleyard) to IN1 General Industrial and amend the Floor Space Ratio Map.

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 inconsistency with s117 Direction 6.2 Reserving Land for Public Purposes is of minor significance. In relation to s117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the land has not been actively used for public open space purposes, and other adequate public open space is available for the community in the locality. No further approval is required in relation to this Direction.

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 6 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 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 Northern Region office to assist you. Mr Stone can be contacted on (02) 6701 9688.

Yours sincerely

 1 May 2015
Stephen Murray
General Manager, Northern Region
Planning Services

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

Gateway Determination

Planning proposal (Department Ref: PP_2015_GUNNE_004_00): to rezone Lots 684 and 685 DP 728405, Lot 644 DP 755503 and Lot 2 DP 1191803, 1 Kamilaroi Highway, Gunnedah, from part RE1 Public Recreation and part SP2 Infrastructure (Stock and Saleyard) to IN1 General Industrial and amend the Floor Space Ratio Map.

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 *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Gunnedah Local Environmental Plan (LEP) 2012 to rezone Lots 684 and 685 DP 728405, Lot 644 DP 755503 and Lot 2 DP 1191803, 1 Kamilaroi Highway, Gunnedah, from part RE1 Public Recreation and part SP2 Infrastructure (Stock and Saleyard) to IN1 General Industrial and amend the Floor Space Ratio Map should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to:
 - (a) include appropriate reference, justification and mapping within the planning proposal for the application of a Floor Space Ratio of 0.6:1 on the subject land; and
 - (b) include appropriate legends within all mapping to clarify what zones are being changed and what zone is being implemented.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal 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. Consultation is required with the NSW Roads and Maritime Service under section 56(2)(d) of the Act. The NSW Roads and Maritime Service 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.

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 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 **6 months** from the week following the date of the Gateway determination.

Dated *15th* day of *May* 2015



Stephen Murray
General Manager, Northern Region
Planning Services
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_2015_GUNNE_004_00	Planning proposal to rezone Lots 684 and 685 DP 728405, Lot 644 DP 755503 and Lot 2 DP 1191803, 1 Kamilaroi Highway, Gunnedah, from part RE1 Public Recreation and part SP2 Infrastructure (Stock and Saleyard) to IN1 General Industrial and amend the Floor Space Ratio Map

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

1 May

2015

Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment