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Department Generated Correspondence (Y)

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Our ref: PP_2011_GUNNE_004_00 (11/18245)

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 22, DP 1103680, 1-21 Silversmith Place, Gunnedah, from 40ha to 2000sq.m

I am writing in response to your Council's letter dated 6 October 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 Shire Local Environmental Plan LEP 1998 to reduce the minimum lot size for subdivision of Lot 22, DP 1103680, 1-21 Silversmith Place, Gunnedah, from 40ha to 2000sq.m.

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.

The Department supports the proposed outcome of achieving 7 residential allotments with a minimum lot size of 2000sq.m and accepts the use of Clause 11 in the Gunnedah LEP 1998 as a mechanism to permit the subdivision. However, Council is reminded that the minimum lot size of 2000sq.m will need to be reflected on the Minimum Lot Size Map in the draft Gunnedah Standard Instrument LEP 2011.

In light of the fact that the draft Gunnedah LEP 2011 is currently being exhibited showing a minimum lot size which differs from the minimum lot size in this planning proposal, Council is to amend the planning proposal prior to community consultation to include an explanation of the proposed zoning and minimum lot size as reflected in the Comprehensive LEP, and Council's intentions to subsequently amend the draft Comprehensive Gunnedah LEP 2011. This is required to provide clarity and certainty to the community regarding Council's intentions for the subject land.

Prior to public exhibition, Council is to update the planning proposal to include appropriate maps which clearly identify the site. In addition, Council is to rectify the typographical error in Part 1 of the planning proposal by replacing reference to Clause 12 with reference to Clause 11.

The Director General's delegate has agreed that the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is 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 Northern Regional Office of the Department on 02 6701 9688.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Gellibrand', with a stylized flourish at the end. Below the signature are four vertical lines of varying heights, likely a stamp or a mark.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_GUNNE_004_00): to reduce the minimum lot size for subdivision of Lot 22, DP 1103680, 1-21 Silversmith Place, Gunnedah, from 40ha to 2000sq.m.

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 Shire Local Environmental Plan (LEP) 1998 to reduce the minimum lot size for subdivision of Lot 22, DP 1103680, 1-21 Silversmith Place, Gunnedah, from 40ha to 2000sq.m should proceed subject to the following conditions:

1. Council is to amend the planning proposal prior to community consultation to include an explanation of the proposed zoning and minimum lot size as reflected in the Comprehensive LEP currently being exhibited, as well as Council's intentions to subsequently amend the draft Comprehensive LEP.
2. Prior to public exhibition, Council is to update the planning proposal to include appropriate maps which clearly identify the site.
3. Council is to rectify the typographical error in Part 1 of the planning proposal by replacing reference to Clause 12 with reference to Clause 11, prior to proceeding with community consultation.
4. 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)*.
5. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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

18th

day of

November

2011.



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