



Planning & Environment

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

Our ref: 15/01358

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 10 December 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:

1. amend the land zoning applying to part of Lot 118, DP 1176830, Sunnyside Farm Drive, Gunnedah, part of Lot 114, DP 1176830 and part of Lot 115, DP 1176830 Dries Avenue, Gunnedah to align the zoning of the land to property boundaries;
2. amend the minimum lot size applying to part of Lot 118, DP 1176830, Sunnyside Farm Drive, Gunnedah, part of Lot 114, DP 1176830 and part of Lot 115, DP 1176830 Dries Avenue, Gunnedah, part of Lot 2, DP 1146441, part of lot 1 DP 613545 and part of Lot 21 DP 1003636, Wandobah Road, Gunnedah to align the minimum lot size for the land to property boundaries;
3. correct the labelling of the Gunnedah Waste Management Facility on the land zoning map (lot 12, DP 1020147, Quia Road, Gunnedah); and
4. insert a new local clause enabling the alteration of boundaries under certain circumstances between lots in the RU1 Primary Production and the E3 Environmental Management zones.

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 1.2 Rural Zones, 1.5 Rural Lands, and 4.3 Flood Prone Land are justified as 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.

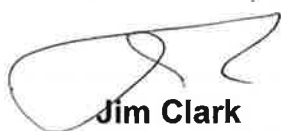
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise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

The amending Local Environmental Plan (LEP) is to be finalised within 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 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 Northern Region office to assist you. Mr Stone can be contacted on (02) 6701 9688.

Yours sincerely



Jim Clark
A/General Manager, Northern Region
Planning Services

16 January 2015

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

Gateway Determination

Planning proposal (Department Ref: PP_2015_GUNNE_001_00):

- 1. To amend the land zoning applying to part of Lot 118, DP 1176830, Sunnyside Farm Drive, Gunnedah, part of Lot 114, DP 1176830 and part of Lot 115, DP 1176830 Dries Avenue, Gunnedah to align the zoning of the land to property boundaries;*
- 2. To amend the minimum lot size applying to part of Lot 118, DP 1176830, Sunnyside Farm Drive, Gunnedah, part of Lot 114, DP 1176830 and part of Lot 115, DP 1176830 Dries Avenue, Gunnedah, part of Lot 2, DP 1146441, part of lot 1 DP 613545 and part of Lot 21 DP 1003636, Wandobah Road, Gunnedah to align the minimum lot size for the land to property boundaries;*
- 3. To correct the labelling of the Gunnedah Waste Management Facility on the land zoning map (lot 12, DP 1020147, Quia Road, Gunnedah); and*
- 4. To insert a new local clause enabling the alteration of boundaries under certain circumstances between lots in the RU1 Primary Production and the E3 Environmental Management zones.*

I, the Acting 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;

1. amend the land zoning applying to part of Lot 118, DP 1176830, Sunnyside Farm Drive, Gunnedah, part of Lot 114, DP 1176830 and part of Lot 115, DP 1176830 Dries Avenue, Gunnedah to align the zoning of the land to property boundaries;
2. amend the minimum lot size applying to part of Lot 118, DP 1176830, Sunnyside Farm Drive, Gunnedah, part of Lot 114, DP 1176830 and part of Lot 115, DP 1176830 Dries Avenue, Gunnedah, part of Lot 2, DP 1146441, part of lot 1 DP 613545 and part of Lot 21 DP 1003636, Wandobah Road, Gunnedah to align the minimum lot size for the land to property boundaries;
3. correct the labelling of the Gunnedah Waste Management Facility on the land zoning map (lot 12, DP 1020147, Quia Road, Gunnedah); and
4. insert a new local clause enabling the alteration of boundaries under certain circumstances between lots in the RU1 Primary Production and the E3 Environmental Management zones,

should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to remove the proposed clause in Part 2 of the planning proposal and replace it with a plain English explanation of the objectives, application and heads of consideration of the proposed clause;
2. Council is to consult with the NSW Rural Fire Service as per the requirements of section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary to take into consideration any comments made prior to undertaking public exhibition.

3. Community consultation is required under sections 56(2)(c) and 57 of the EP&A 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).
4. Consultation is required with the NSW Office of Environment and Heritage under section 56(2)(d) of the EP&A Act. The Office of Environment and Heritage 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.
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 16th day of January 2015.



Jim Clark
Acting General Manager, Northern Region
Planning Services
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_2015_GUNNE_001_00	Planning proposal to: 1. amend the land zoning applying to part of Lot 118, DP 1176830, Sunnyside Farm Drive, Gunnedah, part of Lot 114, DP 1176830 and part of Lot 115, DP 1176830 Dries Avenue, Gunnedah to align the zoning of the land to property boundaries; 2. amend the minimum lot size applying to part of Lot 118, DP 1176830, Sunnyside Farm Drive, Gunnedah, part of Lot 114, DP 1176830 and part of Lot 115, DP 1176830 Dries Avenue, Gunnedah, part of Lot 2, DP 1146441, part of lot 1 DP 613545 and part of Lot 21 DP 1003636, Wandobah Road, Gunnedah to align the minimum lot size for the land to property boundaries; 3. correct the labelling of the Gunnedah Waste Management Facility on the land zoning map (lot 12, DP 1020147, Quia Road, Gunnedah); and 4. insert a new local clause enabling the alteration of boundaries under certain circumstances between lots in the RU1 Primary Production and the E3 Environmental Management zones

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 *16th January* 2015



Jim Clark
Acting General Manager, Northern Region
Planning Services
Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

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_2015_GUNNE_001_00
Date Sent to DP&E under s56	10/12/2014
Date considered at LEP Review Panel	N/A
Gateway determination date	16/01/2015

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 DP&E requesting notification		

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

Stage	Date/Details
Notification Date and details	

Additional relevant information: