

Gateway Determination

Planning proposal (Department Ref: PP -2021-2313): to rezone privately owned E3 Environmental Management land to RU1 Primary Production.

I, the Executive Director, Local and Regional Planning at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Gunnedah Local Environmental Plan (LEP) 2012 to rezone privately owned E3 Environmental Management land to RU1 Primary Production should proceed subject to the following conditions:

1. The planning proposal is to be amended to:
 - (a) include a biodiversity overlay map to the Gunnedah LEP 2012 and an appropriate heads of consideration clause for development on land subject to the overlay;
 - (b) the biodiversity overlay map is to identify all privately owned land that is currently zoned E3 Environmental Management and more than 5km from Gunnedah. Cleared agricultural land used for residential or farm infrastructure purposes, intensive animal production, the grazing of modified pastures, mining and utility infrastructure is to be excluded from the 'biodiversity overlay'. The overlay map is to be prepared in consultation with the NSW Biodiversity and Conservation Division;
 - (c) the heads of consideration clause is to apply to land shown on the biodiversity overlay map and must include objectives that protect native fauna and flora, and the ecological processes necessary for their continued existence, and encourage the conservation and recovery of native fauna and flora and their habitats;
 - (d) include discussion on the planning proposal's consistency with the Gunnedah Local Strategic Planning Statement 2020; and
 - (e) update the existing references to s117 Directions to s9.1 Directions.
2. Prior to public exhibition, the planning proposal is to be revised to address condition 1 and forwarded to the Department of Planning, Industry and Environment for review and approval.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **14 days**; and

- (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- NSW Biodiversity and Conservation Division
 - NSW Rural Fire Service
 - NSW Department of Primary Industries
- Each public authority/organisation 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 3.34(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).
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 28th day of April 2021.



Monica Gibson
Executive Director
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces