

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-383):** to rezone Lots 27 and 28 DP 755474, 210 Bushs Lane, Gunnedah from RU4 Primary Production Small Lots to R5 Large Lot Residential and amend the minimum lot size.

I, the Director, Northern Region at the Department of Planning 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* (EP&A) that an amendment to the Gunnedah Local Environmental Plan 2012 to rezone Lots 27 and 28 DP 755474, 210 Bushs Lane, Gunnedah from RU4 Primary Production Small Lots to R5 Large Lot Residential and amend the minimum lot size should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed within six months from the date of the Gateway determination.

### Gateway Conditions

1. Prior to agency and community consultation the planning proposal is to be amended to:
  - (a) update the objectives and intended outcomes of the proposal to remove reference to the draft Gunnedah Shire Local Housing Strategy;
  - (b) remove references to the New England North West Regional Plan 2036 and address the New England North West Regional Plan 2041;
  - (c) address the Gunnedah Local Environmental Study (Bridging Report) 2010 which incorporates the Gunnedah Shire Rural Lands Strategy 2007;
  - (d) remove references to and any mapping related to the concept subdivision;
  - (e) extend the proposed land zoning and minimum lot size to the Robert Gordon Road, road reserve adjoining the land;
  - (f) update the project timeframe table; and
  - (g) address consolidated State Environmental Planning Policies.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
- Red Chief Local Aboriginal Land Council
  - Heritage NSW
  - Transport for NSW
  - NSW Department of Primary Industries – Agriculture
  - Biodiversity and Conservation Division
  - NSW Natural Resources Access Regulator
  - Mining, Exploration and Geoscience

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given 30 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 3.34(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).

Dated 28 day of June 2023.



**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**