

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

Our ref: IRF23/1074

Via email: council@infogunnedah.com.au
blakeomullane@infogunnedah.com.au

Dear Mr Groth

Planning proposal PP-2022-81 to amend Gunnedah Local Environmental Plan 2012

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in respect of the planning proposal to rezone Lot 1 DP 861697, 170 Bushs Lane, Gunnedah from RU4 Primary Production Small Lots to R5 Large Lot Residential and amend the minimum lot size.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination. However, I note the Gunnedah Local Housing Strategy was exhibited in October – November 2021. Should the Local Housing Strategy and the planning proposal both progress to the finalisation stage, I strongly encourage Council to ensure the lot size specified for the land and the final Local Housing Strategy are aligned.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the EP&A Act 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.4 Remediation of Contaminated Land, 8.1 Mining, Petroleum Production and Extractive Industries, 9.1 Rural Zones and 9.2 Rural Lands. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised six months from the date of Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning and Environment team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Georgia Weallans to assist you. Ms Weallans can be contacted on 5778 1413.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

23/6/2023

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination