

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-81):** to rezone Lot 1 DP 861697, 170 Bushs Lane, Gunnedah land 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 Act) that an amendment to the Gunnedah Local Environmental Plan 2012 to rezone Lot 1 DP 861697, 170 Bushs Lane, Gunnedah land 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 nine months from the date of the Gateway determination.

### Gateway Conditions

1. Prior to community consultation:

- (a) the planning proposal is to be updated to:
  - (i) remove references to the New England North West Regional Plan 2036 and address the New England North West Regional Plan 2041;
  - (ii) address the Gunnedah Local Environmental Study (Bridging Report) 2010 which incorporates the Gunnedah Shire Rural Lands Strategy;
  - (iii) remove references to and any mapping related to the concept subdivision;
  - (iv) identify an upgrade to the pumping capacity at Links Road Reservoir is required and execution of a VPA will guarantee the land will be serviced by Council's reticulated water supply;
  - (v) extend the proposed land zoning and minimum lot size to the Bushs Lane and Hunts Road, road reserves adjoining the land;
  - (vi) reduce the proposed minimum lot size to less than 1 hectare;
  - (vii) update the project timeframe table;
  - (viii) address consolidated State Environmental Planning Policies; and
  - (ix) address the recommendations of the reports required by condition 1(b).

(b) prepare reports in relation to:

- (i) contamination; and

- (ii) aboriginal cultural heritage.
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
  - Transport for NSW
  - NSW Department of Primary Industries – Agriculture
  - Biodiversity and Conservation Division
  - Mining, Exploration and Geoscience
  - Essential Energy
  - Transgrid

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 23 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**