

## Gateway Determination

**Planning proposal (Department Ref: PP-2024-881):** *To introduce exempt development provisions to Schedule 2 of the Gwydir Local Environmental Plan 2013*

I, the Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, 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 Gwydir Local Environmental Plan 2013 to introduce exempt development provisions to Schedule 2 should proceed subject to the following conditions:

1. Prior to agency and community consultation:
  - (a) the planning proposal is to be amended to:
    - (i) Revise the description of the proposal to align with the Gateway determination to accurately reflect the intent of the proposal;
    - (ii) Identify the proposal includes an amendment to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to address clause 1.9(1);
    - (iii) Update the content under the 'Need for the Proposal' heading to consider and address all proposed amendments
    - (iv) Include a disclaimer that the final Schedule 2 wording is subject to drafting by Parliamentary Counsel;
    - (v) Remove the clause numbers from State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and include new Schedule 2 numbering;
    - (vi) Refer to the zones to which each development type will apply;
    - (vii) Amend the proposed wording of 'Balconies, decks, patios, pergolas, terraces and verandahs' to ensure a replacement deck is the same height as existing;
    - (viii) Amend the proposed wording of 'Fences (certain residential zones and Zone RU5)' to remove proposed subclause (4);
    - (ix) Amend the proposed wording of 'Grain silos and grain bunkers' to allow grain to be stored on an adjoining landholding only in the event of an emergency, or if the amount of grain exceeds the amount that can be stored on the land on which it was produced;
    - (x) Remove the amendments for 'Change of use of places of public worship', 'Fuel tanks and gas storage' and 'Subdivision' in their entirety;
    - (xi) Include discussion of the Gwydir Shire Local Strategic Planning Statement 2036, Gwydir Shire Community Strategic Plan 2017-2027 and New England North West Regional Plan 2041; and
    - (xii) Update the planning proposal timeline table.
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 Guideline* (Department of Planning and Environment, August 2023) 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 Guideline* (Department of Planning and Environment, August 2023).
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 Act:
- NSW Rural Fire Service
  - NSW Department of Primary Industries – Agriculture

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 at least 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 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).
5. The LEP should be completed within six months of the date of the Gateway determination.

Dated 5 June 2024



**Jeremy Gray**  
**Director, Hunter and Northern Region**  
**Local Planning and Council Support**  
**Department of Planning, Housing and**  
**Infrastructure**

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