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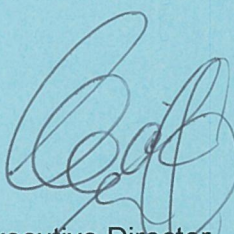
DEPARTMENT OF PLANNING & INFRASTRUCTURE

Plan Making and Urban Renewal

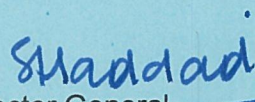
URALLA GATEWAY DETERMINATION: PP 2013 URALL 001 00

The attached draft Gateway determination and letter is submitted for the Director General's signature, if approved.

Note: Uralla Council has requested delegation for making this planning proposal, which reclassifies land from 'community' to 'operational'. Council has confirmed that the Governor's approval is not required in this instance. The LEP Review Panel has recommended issuing delegations to Council.


12.2.13
Executive Director
Planning Operations

Contact Officer: Sabina Miller
Senior Planner
Planning Operations Coordination
Phone number: 9228 6589


Director General

22/2/2013.



Office of the Director General

Mr Tom O'Connor
General Manager
Uralla Shire Council
PO Box 106
URALLA NSW 2358

Contact: Jon Stone
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Postal: PO Box 550, Tamworth NSW 2340

Our ref: PP_2013_URALL_001_00 (13/01798)
Your ref: U12/6915

Dear Mr O'Connor,

Planning proposal to amend the Uralla Local Environmental Plan 2012

I am writing in response to your Council's letter dated 7 January 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to reclassify land at Bingara Road and Muirhead Street, Bundarra and Queen Street and Kliendienst Road, Uralla from 'community' to 'operational' land.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department's Practice note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan. Council is reminded that it must not use its delegation where the Governor's approval is required in relation to the removal of covenants or trusts relating to the land.

The amending LEP is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Jon Stone of the Regional Office of the Department on 02 6701 9689.

Yours sincerely,

SHaddad

Sam Haddad
Director General

22/2/2013

Gateway Determination

Planning proposal (Department Ref: PP_2013_URALL_001_00): to reclassify land at Bundarra and Uralla from 'community' to 'operational'.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Uralla Local Environmental Plan (LEP) 2012 to reclassify land at Bingara Road and Muirhead Street, Bundarra and Queen Street and Kliendienst Road, Uralla from 'community' to 'operational' land should proceed subject to the following conditions:

1. It is understood that a heritage study will be undertaken to support the planning proposal. If appropriate, Council is to amend the planning proposal to reflect the outcomes of this work, prior to undertaking public exhibition.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to address matters under Part 3 'Justification' in *A Guide to Preparing Planning Proposals*.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning must be made publicly available for **28 days**; and
 - (b) the relevant planning 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)*.
4. Consultation is not required with public authorities under section 56(2)(d) of the EP&A Act.
5. A public hearing is not required to be held into the matter by any person or body under section 56(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).
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 22nd day of February 2013.


Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure

Uralla LEP 2012 - Amendment No 2 - Reclassification of 4 lots

Proposal Title : Uralla LEP 2012 - Amendment No 2 - Reclassification of 4 lots

Proposal Summary : This Planning Proposal aims to reclassify 4 lots of land from 'Community' to 'Operational' to rectify errors in classification and align existing land uses with the classification of land.

PP Number : PP_2013_URALL_001_00

Dop File No :

13/01798

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :

Additional Information : **It is recommended that;**

1. The planning proposal should proceed as a 'routine' planning proposal.
2. The planning proposal is to be completed within 9 months.
3. That a community consultation period of 28 days is necessary.
4. A public hearing is required to be held into the reclassification of the 4 lots in accordance with the requirements of section 29 of the Local Government Act 1993.
5. No consultation is required with public authorities.

Supporting Reasons : This Planning Proposal is supported as it will amend the LEP so that the 4 lots are reclassified to 'Operational' to ensure that their land uses match their classification.

Panel Recommendation

Recommendation Date : 24-Jan-2013

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : The Planning Proposal should proceed subject to the following conditions:

1. It is understood that a heritage study will be undertaken to support the planning proposal. If appropriate, Council is to amend the planning proposal to reflect the outcomes of this work, prior to undertaking public exhibition.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to address matters under Part 3 'Justification' in A Guide to Preparing Planning Proposals.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning must be made publicly available for 28 days; and
 - (b) the relevant planning 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012).
4. Consultation is not required with public authorities under section 56(2)(d) of the EP&A Act.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may

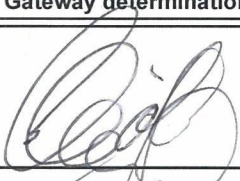
Uralla LEP 2012 - Amendment No 2 - Reclassification of 4 lots

otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____


Neil McGaffin Date: 11.2.13

Uralla LEP 2012 - Amendment No 2 - Reclassification of 4 lots

Proposal Title : **Uralla LEP 2012 - Amendment No 2 - Reclassification of 4 lots**

Proposal Summary : **This Planning Proposal aims to reclassify 4 lots of land from 'Community' to 'Operational' to rectify errors in classification and align existing land uses with the classification of land.**

PP Number : **PP_2013_URALL_001_00** Dop File No : **13/01798**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

Additional Information : **It is recommended that;**

1. The planning proposal should proceed as a 'routine' planning proposal.
2. The planning proposal is to be completed within 9 months.
3. That a community consultation period of 28 days is necessary.
4. A public hearing is required to be held into the reclassification of the 4 lots in accordance with the requirements of section 29 of the Local Government Act 1993.
5. No consultation is required with public authorities.

Supporting Reasons : **This Planning Proposal is supported as it will amend the LEP so that the 4 lots are reclassified to 'Operational' to ensure that their land uses match their classification.**

Panel Recommendation

Recommendation Date : **24-Jan-2013**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

1. It is understood that a heritage study will be undertaken to support the planning proposal. If appropriate, Council is to amend the planning proposal to reflect the outcomes of this work, prior to undertaking public exhibition.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to address matters under Part 3 'Justification' in A Guide to Preparing Planning Proposals.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
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under section 56(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).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Gateway Determination

Decision Date : Gateway Determination : **Passed with Conditions**

Decision made by : **Director General**

Exhibition period : **28 Days**

LEP Timeframe : **9 Month**

Gateway Determination : **The Planning Proposal should proceed subject to the following conditions:**

1. It is understood that a heritage study will be undertaken to support the planning proposal. If appropriate, Council is to amend the planning proposal to reflect the outcomes of this work, prior to undertaking public exhibition.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to address matters under Part 3 'Justification' in A Guide to Preparing Planning Proposals.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning must be made publicly available for 28 days; and
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4. Consultation is not required with public authorities under section 56(2)(d) of the EP&A Act.
5. A public hearing is not required to be held into the matter by any person or body under section 56(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).
6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:

Sam Haddad

Printed Name:

Sam Haddad

Date:

22/2/2013.



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Uralla Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_URALL_001_00	The planning proposal seeks to amend the Uralla Local Environmental Plan (LEP) 2012 to reclassify land at Bingara Road and Muirhead Street, Bundarra and Queen Street and Kliendienst Road, Uralla from 'community' to 'operational' land.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 22 / 2 / 2013

Sam Haddad
DIRECTOR GENERAL
Department of Planning and Infrastructure