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Ms Lotta Jackson  
General Manager  
Tenterfield Shire Council  
PO Box 214  
TENTERFIELD NSW 2372

Our ref: PP\_2013\_TENTE\_002\_00 (13/20389)  
Your ref: LJ/td CAS-11061-J1N6/td

Dear Ms Jackson,

### **Planning proposal to amend Tenterfield Local Environmental Plan 2013**

I am writing in response to your Council's letter dated 9 December 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 amend Tenterfield Local Environmental Plan 2013 to:

- include 3 areas for the purpose of Heritage Conservation;
- add 11 additional items to Schedule 5 Environmental Heritage; and
- correct errors contained within the existing Schedule 5 Environmental Heritage.

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 to ensure that all affected land owners and occupiers of the subject land are notified of the proposed heritage amendments.

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.

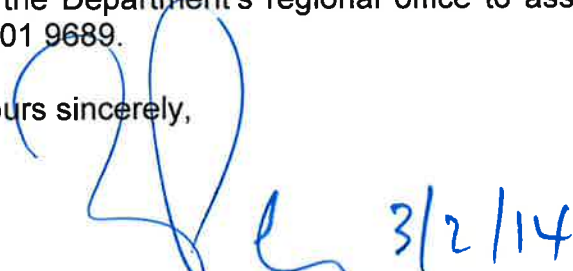
Council is reminded that it must not use its delegation where there is an unresolved agency (Office of Environment and Heritage) objection to the proposal. In this instance, Council is to contact the regional office of the department to seek assistance in resolving the matter so that the plan may proceed under delegation.

The amending Local Environmental Plan (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 section 54(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, I have arranged for Ms Gina Davis of the Department's regional office to assist you. Ms Davis can be contacted on (02) 6701 9689.

Yours sincerely,

A handwritten signature in blue ink, which appears to be 'Richard Pearson', followed by the date '3/2/14' written in the same ink.

**Richard Pearson**  
**Deputy Director General**  
**Growth Planning & Delivery**

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated Plan Making Reporting Template

## Gateway Determination

**Planning proposal (Department Ref: PP\_2013\_TENTE\_002\_00):** to include 3 Heritage Conservation Areas and 11 heritage items and correct errors within Schedule 5.

I, the Deputy Director General, Growth Planning and Delivery at the 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 Tenterfield Local Environmental Plan (LEP) 2013 to:

- include 3 areas for the purpose of Heritage Conservation;
- add 11 additional items to Schedule 5 Environmental Heritage; and
- correct errors contained within the existing Schedule 5 Environmental Heritage,

should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to ensure that the planning proposal includes maps prepared at an appropriate scale that clearly identify the Heritage Conservation Areas and the additional heritage items.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to explain the rationale behind the proposed enlargement of the Town Centre Heritage Conservation Area and its relationship to the Tenterfield Shire Heritage Management Plan 2002.
3. Prior to undertaking public exhibition, Council is to update the planning proposal to reflect public exhibition and timeframe for completing the LEP as required by this Gateway determination.
4. 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 proposal must be made publicly available for a minimum of **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 2013)*.
5. Consultation is required with the NSW Office of the Environment and Heritage – Heritage Branch (S117 Direction 2.3 Heritage Conservation) under section 56(2)(d) of the EP&A Act. NSW Office of the Environment and Heritage is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
6. 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).



## Planning & Infrastructure

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

Dated 3 day of February 2014.

A handwritten signature in blue ink, appearing to be "R. Pearson".

**Richard Pearson**  
**Deputy Director General**  
**Growth Planning & Delivery**  
**Department of Planning & Infrastructure**

**Delegate of the Minister for Planning & Infrastructure**



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Tenterfield 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:

<b>Number</b>	<b>Name</b>
PP_2013_TENTE_002_00	Planning proposal to: <ul style="list-style-type: none"><li>• include 3 areas for the purpose of Heritage Conservation;</li><li>• add 11 additional items to Schedule 5 Environmental Heritage; and</li><li>• correct errors contained within the existing Schedule 5 Environmental Heritage.</li></ul>

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

Dated

3 February

2014

**Richard Pearson  
Deputy Director General  
Growth Planning & Delivery  
Department of Planning & Infrastructure**

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the department**

Stage	Date/Details
Planning Proposal Number	PP_2013_TENTE_002_00
Date Sent to Department under s56	9/12/2013
Date considered at LEP Review Panel	24/01/2014
Gateway determination date	03/02/2014

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

**Table 3 – To be completed by the department**

Stage	Date/Details
Notification Date and details	

#### Additional relevant information: