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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING & INFRASTRUCTURE

Planning Operations & Regional Delivery

INVERELL GATEWAY DETERMINATION: PP 2013 INVER 001 00

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

Contact Officer: Gina Davis
Senior Planner – Northern Region
Phone number: 6701 9687

 24 October 2013
Stephen Murray
Regional Director
Northern Region
Planning Operations & Regional Delivery



Mr Paul Henry
General Manager
Inverell Shire Council
PO Box 138
INVERELL NSW 2360

Our ref: PP_2013_INVER_001_00 (13/17516)
Your ref: s18.6.34/05

Dear Mr Henry

Planning proposal to amend Inverell Local Environmental Plan 2012

I am writing in response to your Council's letter dated 4 October 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 Inverell LEP 2012 to permit boundary adjustments on land zoned RU1 Primary Production where one or more lots are below the minimum lot size criteria and to permit subdivision below the minimum lot size within the R1 General Residential Zone if development consent has been granted for certain types of residential accommodation.

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 will still need to obtain the agreement of the Director General to comply with the requirements of the s117 Direction 4.4 Planning for Bushfire Protection. Council should ensure that this occurs prior to the plan being made.

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.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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, please contact Ms Gina Davis of the regional office of the department on 02 6701 9687.

Yours sincerely

 24 October 2013
Stephen Murray
Regional Director
Northern Region
Planning Operations & Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_INVER_001_00): to amend Inverell LEP 2012 to permit boundary adjustments on land zoned RU1 Primary Production where one or more lots are below the minimum lot size criteria and to permit subdivision below the minimum lot size within the R1 General Residential Zone if development consent has been granted for certain types of residential accommodation.

I, the Regional Director, Northern Region 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 Inverell Local Environmental Plan (LEP) 2012 to permit boundary adjustments on land zoned RU1 Primary Production where one or more lots are below the minimum lot size criteria and to permit subdivision below the minimum lot size within the R1 General Residential Zone if development consent has been granted for certain types of residential accommodation should proceed subject to the following conditions:

1. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 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)*.
2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. NSW Rural Fire Service 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.
3. Prior to public exhibition the planning proposal be amended to include appropriate mapping illustrating the land affected by the proposal.
4. 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).
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

24th

day of

October

2013.



Stephen Murray
Regional Director
Northern Region
Planning Operations & Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Inverell 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_INVER_001_00	To amend Inverell LEP 2012 to permit boundary adjustments on land zoned RU1 Primary Production where one or more lots are below the minimum lot size criteria and to permit subdivision below the minimum lot size within the R1 General Residential Zone if development consent has been granted for certain types of residential accommodation.

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 24th October 2013



Stephen Murray
Regional Director

Northern Region
Planning Operations and Regional Delivery
Department of Planning and Infrastructure