



Mr Hein Basson
General Manager
Glen Innes Severn Council
PO Box 61
GLEN INNES NSW 2370

Our ref: PP_2014_GLENI_001_00 (14/20063)
Your ref: GWP:GD

Attention: Greg Doman

Dear Mr Basson

Planning proposal to amend Glen Innes Severn Local Environmental Plan 2012

I am writing in response to your Council's letter dated 1 December 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 Glen Innes Severn LEP 2012 to: rezone an unformed section of Taylor St, Glen Innes, from RU1 Primary Production to R1 General Residential consistent with the adjoining land; amend the Dwelling Opportunity Map to include additional parcels that have been identified as containing a dwelling opportunity; amend the Zone RU5 Village land use table to prohibit 'Animal boarding or training establishments'; include a rural boundary adjustment provision for Zone RU1 Primary Production; and rezone Lots 2, 3 & 4 Section 52 DP 758447 & Lots 5 & 6 DP 592608, Grafton St, Glen Innes from R1 General Residential to IN1 General Industrial.

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

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates and 4.3 Flood Prone Land are of minor significance.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils by the Minister 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 six (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 of Planning and Environment 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 9687.

Yours sincerely

 10 December 2014
Stephen Murray
General Manager, Northern Region
Planning Services

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

Gateway Determination

Planning proposal (Department Ref: PP_2014_GLENI_001_00): to rezone an unformed section of Taylor St, Glen Innes, from RU1 Primary Production to R1 General Residential consistent with the adjoining land; amend the Dwelling Opportunity Map to include additional parcels that have been identified as containing a dwelling opportunity; amend the Zone RU5 Village land use table to prohibit 'Animal boarding or training establishments'; include a rural boundary adjustment provision for Zone RU1 Primary Production; and rezone Lots 2, 3 & 4 Section 52 DP 758447 & Lots 5 & 6 DP 592608, Grafton St, Glen Innes from R1 General Residential to IN1 General Industrial.

I, the General Manager, Northern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Glen Innes Severn Local Environmental Plan (LEP) 2012 to: rezone an unformed section of Taylor St, Glen Innes, from RU1 Primary Production to R1 General Residential consistent with the adjoining land; amend the Dwelling Opportunity Map to include additional parcels that have been identified as containing a dwelling opportunity; amend the Zone RU5 Village land use table to prohibit 'Animal boarding or training establishments'; include a rural boundary adjustment provision for Zone RU1 Primary Production; and rezone Lots 2, 3 & 4 Section 52 DP 758447 & Lots 5 & 6 DP 592608, Grafton St, Glen Innes from R1 General Residential to IN1 General Industrial 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 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 and Environment 2013)*.
2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. The 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. 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).
4. The Planning Proposal is to be amended prior to exhibition to address the following matters:
 - (a) the project time line is to include all the additional steps to be completed by Council due to an authorisation to exercise delegation being issued;
 - (b) the proposal will include only a plain English explanation of the intent of the proposed rural boundary adjustment clause;
 - (c) mapping prepared in accordance with the Department's standard technical requirements for LEP maps is to be included;

- (d) references to 'animal boarding and breeding establishment' are to be amended to 'animal boarding or training establishments' in accordance with the Standard Instrument LEP dictionary; and
 - (e) references to Lots 2, 3 & 4 DP 758447 are to be amended to Lots 2, 3 & 4 Section 52 DP 758447.
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 10th day of December 2014.


Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Glen Innes Severn Council is authorised to exercise the functions of the Minister for Planning 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_2014_GLENI_001_00	Planning proposal to amend Glen Innes Severn LEP 2012 to: rezone an unformed section of Taylor St, Glen Innes, from RU1 Primary Production to R1 General Residential consistent with the adjoining land; amend the Dwelling Opportunity Map to include additional parcels that have been identified as containing a dwelling opportunity; amend the Zone RU5 Village land use table to prohibit 'Animal boarding or training establishments'; include a rural boundary adjustment provision for Zone RU1 Primary Production; and rezone Lots 2, 3 & 4 Section 52 DP 758447 & Lots 5 & 6 DP 592608, Grafton St, Glen Innes from R1 General Residential to IN1 General Industrial.

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

Dated 10 December 2014


Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment