

Gateway Determination

Planning proposal (Department Ref: PP_2019_TENTE_001_00): to undertake various minor housekeeping matters including prohibiting crematoriums in the RU5 Village Zone and correcting misdescriptions and errors in Schedule 5 Environmental Heritage of Tenterfield LEP 2013.

I, the Director Regions, Northern, at the Department of Planning, Industry and Environment, 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 Tenterfield Local Environmental Plan (LEP) 2013 to undertake various minor housekeeping matters including prohibiting crematoriums in the RU5 Village Zone and correcting misdescriptions and errors in Schedule 5 Environmental Heritage should proceed subject to the following conditions:

1. Prior to community consultation the proposal is to be amended to include:
 - (a) maps showing the locations of the RU5 Village Zone affected by the proposal along with the existing and proposed heritage mapping of affected items; and
 - (b) additional detail in Part 3 of the proposal explaining the need and justification of the proposed changes, particularly in relation to the proposed prohibition of crematoriums in the RU5 Village Zone.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016) and must be made publicly available for a minimum of **14 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016).
3. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the 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.

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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 15 day of August 2019.



Jeremy Gray
Director Regions, Northern
Planning Services
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces