



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

Our ref: PP_2014_TENTE_001_00 (14/07130)

Dear Ms Jackson

Planning proposal to amend Tenterfield Local Environmental Plan 2013

I am writing in response to Council's letter dated 14 April 2014 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 include a clause in Tenterfield LEP 2013 that introduces a 1000m buffer zone around the Tenterfield saleyards and provides a number of matters for consideration when assessing relevant development applications.

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.

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 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, please contact Ms Gina Davis of the department's regional office on 02 6701 9687.

Yours sincerely


Stephen Murray 5 May 2014
General Manager, Northern Region
Growth Planning and Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2014_TENTE_001_00): to include a clause in Tenterfield LEP 2013 that introduces a 1000m buffer zone around the Tenterfield saleyards and provides a number of matters for consideration when assessing relevant development applications.

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 Tenterfield LEP 2013 to include a clause that introduces a 1000m buffer zone around the Tenterfield saleyards and provides a number of matters for consideration when assessing relevant development applications 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**;
 - (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)*; and
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 public exhibition to make the following changes:
 - Part 5 is to be amended to include notification of the proposal on Council's website; and
 - the project timeline is to be revised to include a 28 day public exhibition period and the additional steps associated with Council exercising its plan making delegations.
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 5th day of May 2014.


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

Delegate of the Minister for Planning