



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

Our ref: 14/07131
Your ref: LJ/td CAS-17318-P9GW

Dear Ms Jackson

Planning proposal to amend Tenterfield Local Environmental Plan 2013

I am writing in response to your 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 reclassify various parcels of Council owned land from community to operational.

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.

As advised by Council staff it is understood that the reclassification of the operational land to community land will be undertaken by a separate process under the Local Government Act 1993. The Gateway determination has been conditioned to remove reference to those parcels of land.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the department's practice note PN09-003, *Classification and reclassification of public land through a local environmental plan*.

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. As the planning proposal requires the approval of the Governor to discharge the interests on some of the lands, I am unable to grant Council plan making delegations in this instance.

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 for the department to draft and finalise the LEP should be made six weeks prior to the projected publication date.

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

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

Gateway Determination

Planning proposal (Department Ref: PP_2014_TENTE_002_00): to amend Tenterfield LEP 2013 to reclassify various parcels of Council owned land from community to operational.

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 Local Environmental Plan (LEP) 2013 to reclassify various parcels of Council owned land from community to operational 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
 - (c) the public exhibition must include details of the trusts to be discharged in relation to the reclassification of the land.
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. That a public hearing on the reclassification of the subject land in accordance with section 29 of the Local Government Act 1993 and section 57 of the Environmental Planning and Assessment Act 1979 be held after the completion of the public exhibition period;
4. The Planning Proposal is to be amended prior to public exhibition to make the following changes:
 - by removing reference to those parcels of land where the status is proposed to be changed from Operational to Community; and
 - the project timeline is to be revised to include a 28 day public exhibition period.
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 & Delivery
Department of Planning and Environment

Delegate of the Minister for Planning