

Gateway Determination

Planning Proposal (Department Ref: PP_2017_TENTE_001_00): to amend Tenterfield LEP 2013 to remove the RU3 Forestry Zone, rezone all existing RU3 Forestry zoned land to RU1 Primary Production and amend the associated minimum lot size.

I, the Director Regions, Northern, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Tenterfield Local Environmental Plan (LEP) 2013 to remove the RU3 Forestry Zone, rezone all existing RU3 Forestry zoned land to RU1 Primary Production and amend the associated minimum lot size should proceed subject to the following conditions:

1. Prior to exhibition the planning proposal is to be amended to include:
 - (a) an updated timeline;
 - (b) a discussion of how the Planning Proposal will affect the minimum lot size of land proposed to be rezoned; and
 - (c) mapping that clearly shows the extent of proposed changes to both land zoning and minimum lot size.
2. Community consultation is required under sections 56(2)(c) and 57 of the 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 local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - NSW Rural Fire Service
 - Office of Environment and Heritage
 - Forestry Corporation of NSW

Each public authority/organisation 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.



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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 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 **12 months** following the date of the Gateway determination.

Dated 22 day of SEPTEMBER 2017.

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

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Tenterfield Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_TENTE_001_00	Planning proposal to amend Tenterfield LEP 2013 to remove the RU3 Forestry Zone, rezone all existing RU3 Forestry zoned land to RU1 Primary Production and amend the associated minimum lot size

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated *22 SEPTEMBER* 2017

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

**Delegate of the Secretary
of the Department of Planning and Environment**



Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_TENTE_001_00
Date Sent to DP&E under s56	05/09/2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	22-9-2017

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information:



Ms Kylie Smith
Acting Chief Executive
Tenterfield Shire Council
PO Box 214
TENTERFIELD NSW 2372

Attention: Tamai Davidson

Dear Ms Smith

Planning Proposal PP_2017_TENTE_001_00 to amend Tenterfield Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend Tenterfield LEP 2013 to remove the RU3 Forestry Zone, rezone all existing RU3 Forestry zoned land to RU1 Primary Production and amend the associated minimum lot size

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, as delegate of the Secretary, the planning proposal's inconsistency with section 117 Direction 4.3 Flood Prone Land is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of section 117 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 12 months of 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.

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 Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Gina Davis to assist you. Ms Davis can be contacted on (02) 6701 9687.

Yours sincerely



22-9-2017.

Jeremy Gray
Director Regions, Northern
Planning Services

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