

Gateway Determination

Planning proposal (Department Ref: PP-2021-3616): to add additional heritage items to Schedule 5 Environmental Heritage of the Tenterfield Local Environmental Plan 2013

I, the Director, Northern Region, 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 add additional heritage items to Schedule 5 Environmental Heritage of the Tenterfield LEP 2013 should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be amended to:
 - (a) update the property description for item I140 to consistently refer to 'Part' lot or not throughout the planning proposal and correct the description for Lot 70 to DP 705186;
 - (b) list the trees on Clarence and Cowper Streets for proposed item I141 as two separate items with different item numbers;
 - (c) update the property description for item I144 to correctly refer to Lot 1 DP 1161580;
 - (d) update Part 4 Mapping to include the proposed amended map tile HER_003B; and
 - (e) include relevant discussion of the Tenterfield Local Strategic Planning Statement.
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 and Environment, 2018) 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 and Environment, 2018).
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 **six months** following the date of the Gateway determination.

Dated 7 day of June 2021.



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces