

## Gateway Determination

***Planning proposal (Department Ref: PP-2021-5562): to undertake housekeeping amendments to the Glen Innes Severn Local Environmental Plan 2012***

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 Glen Innes Severn Local Environmental Plan (LEP) 2012 to make housekeeping amendments should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) Amend Item 1 to number the proposed clause as 7.2A, or the next available number 7.7, removing references to the proposed renumbering of clauses 7.3-7.6;
  - (b) Amend Item 4 No. 2, Glen Innes Sewage Treatment Plant, to read 'Part of Lot 221 DP1174923', or, if the entire lot is to be rezoned and the minimum lot size amended, then the maps should be amended to include the entire lot;
  - (c) Amend Item 4 No. 3, Deepwater Landfill Facility, to remove the reference RU1 on the proposed map;
  - (d) Amend the maps and description for Item 4 Nos. 4 & 5, Deepwater Water & Sewage Treatment Plants, from R5 Village to read RU5 Village; and remove IN1 from the proposed map;
  - (e) Amend Items 4 and 5 to include the relevant associated minimum lot size (MLS) changes in sections 1.2 and 2.1;
  - (f) Include a statement acknowledging that final drafting for all proposed clauses will be subject to legal opinion to recognise the clauses as proposed may not be as reflected within the final LEP;
  - (g) Amend the reference to "Coffs Harbour LEP 2013" under Direction 2.3;
  - (h) Note Lot 306 DP753323 also has bushfire mapped land under Direction 4.4;
  - (i) Remove references to SEPP 55 – Remediation of Land; clause 6 has been repealed and replaced by section 9.1 Direction 2.6 Remediation of Contaminated Land; and
  - (j) Nominate the reasons that the urban release areas are proposed to be removed, as per the report to the Ordinary Meeting of Council on 22 July 2021.

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 must be made publicly available for a minimum of **28 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 following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - NSW Rural Fire Service
  - NSW Mining, Exploration and Geoscience

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.'

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 13 day of October 2021

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

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

**Delegate of the Minister for Planning**  
**and Public Spaces**