

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-3147):** to identify a 'centre-based child care facility' as an additional permitted use with consent at 1 Burgess Street, Inverell (Lot 2 DP 818029)

I, the Director, Northern Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Inverell Local Environmental Plan 2012 to identify a 'centre-based child care facility' as an additional permitted use with consent at 1 Burgess Street, Inverell (Lot 2 DP 818029) should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - clarify that an amendment to the Additional Permitted Uses map is proposed;
  - include an indicative Additional Permitted Uses map detailing the proposed change;
  - acknowledge that final drafting of the amendment will be determined by Legal Services Branch and Parliamentary Counsel at the legal drafting stage;
  - include an assessment against the New England North West Regional Plan 2041;
  - consider the recommendations of a report specifying the findings of a preliminary investigation of the land carried out in accordance with the *Contaminated Land Planning Guidelines*.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
  - NSW Department of Primary Industries – Agriculture
  - Anaiwan Local Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 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 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).
5. The LEP should be completed within 9 months from the date of the Gateway determination.

Dated 28 day of October 2022.

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 and Environment**  
  
**Delegate of the Minister for Planning**