



Mr Paul Henry
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Inverell Shire Council
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Via email: Anthony.Alliston@inverell.nsw.gov.au
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Dear Mr Henry

Planning proposal PP-2021-3868 – Alteration of Gateway Determination

I refer to your letter in relation to revisions to the above planning proposal to remove the requirement for consultation with Heritage NSW and to remove 3 Chester Street, Inverell, from Schedule 5 and the Inverell LEP 2012 heritage map to facilitate redevelopment of the land to facilitate the redevelopment of land at the corner of Glen Innes Road and Chester Street, Inverell.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 16 August 2021 for PP-2021-3868. The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Sandra Bush to assist you. Sandra can be contacted on 6588 5535.

Yours sincerely

27/8/2021

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Alteration of Gateway Determination



Alteration of Gateway Determination

Planning proposal (DPIE Ref: PP-2021-3868)

I, 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(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 16 August 2021 for the proposed amendment to the Inverell Local Environmental Plan 2012 as follows:

1. Delete Condition No.1:

“1. Prior to agency and community consultation, the planning proposal is to be updated to:

- (a) clarify the need for the Additional Permitted Use;
- (b) remove all reference to the service station use as a ‘specialised retail premises’; and
- (c) include a preliminary site investigation for potential contamination confirming the suitability of the site for the proposal or any necessary remediation actions.”

and replace with a new Condition No.1:

“1. Prior to agency and community consultation, the planning proposal is to be updated to:

- (a) clarify the need for the Additional Permitted Use;
- (b) remove all reference to the service station use as a ‘specialised retail premises’;
- (c) include a preliminary site investigation for potential contamination confirming the suitability of the site for the proposal or any necessary remediation actions; and
- (d) remove local heritage item Lot 1 DP 326225, 3 Chester Street, Inverell from Schedule 5 Environmental Heritage and the associated Inverell LEP 2021 Heritage Map.”

2. Delete Condition No.3:

“3. Consultation is required with Heritage NSW under section 3.34(2)(d) of the Act. Heritage NSW 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.”

And replace with a new Condition No.3:

“3. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.”

Dated 27 day of August 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



Mr Paul Henry
General Manager
Inverell Shire Council
PO Box 138
INVERELL NSW 2360

Via email: Christopher.Faley@inverell.nsw.gov.au
council@inverell.nsw.gov.au

Dear Mr Henry

Planning proposal PP-2021-3868 to amend Inverell Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone certain land at the corner of Glen Innes Road and Chester Street, Inverell, from R1 General Residential to B1 Neighbourhood Business, amend associated lot size controls and identify 'specialised retail premises' as an additional permitted use with consent.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones, 2.3 Heritage Conservation and 3.1 Residential Zones are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 2.6 Remediation of Contaminated Land. Council should ensure this occurs prior to the plan being made.

I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within nine (9) 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Sandra Bush to assist you. Sandra can be contacted on (02) 6588 5535.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', written in a cursive style.

16/8/2021

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP-2021-3868): to rezone certain land at the corner of Glen Innes Road and Chester Street, Inverell, from R1 General Residential to B1 Neighbourhood Business, amend associated lot size controls and identify 'specialised retail premises' as an additional permitted use with consent.

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 Inverell Local Environmental Plan (LEP) 2012 to rezone certain land at the corner of Glen Innes Road and Chester Street, Inverell, from R1 General Residential to B1 Neighbourhood Business, amend associated lot size controls and identify 'specialised retail premises' as an additional permitted use with consent should proceed subject to the following conditions:

1. Prior to agency and community consultation, the planning proposal is to be updated to:
 - (a) clarify the need for the Additional Permitted Use;
 - (b) remove all reference to the service station use as a 'specialised retail premises'; and
 - (c) include a preliminary site investigation for potential contamination confirming the suitability of the site for the proposal or any necessary remediation actions.
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 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 Heritage NSW under section 3.34(2)(d) of the Act. Heritage NSW 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 **9 months** following the date of the Gateway determination.

Dated 16 day of August 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