



Mr A Lindsay
General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Att: Terry Dwyer

Dear Mr Lindsay

**Planning Proposal PP_2017_CLARE_002_00 to amend Council Local
Environmental Plan 2011**

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) dated 3 July 2017 in respect of the Planning Proposal to rezone, reclassify and apply a development standard to Lot 1 DP 553965 and Lot 3 DP 564828 being the former Maclean Sewerage Treatment Plant.

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 inconsistencies with Section 117 Directions 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified in accordance with the terms of the Directions. 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 relevant Section 117 Directions 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 now accepted this delegation. 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 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 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 Jenny Johnson to assist you. Ms Johnson can be contacted on (02) 6641 6614.

Yours sincerely

 25-7-2012

Jeremy Gray
Director Regions, Northern
Planning Services

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



Gateway Determination

Planning Proposal (Department Ref: PP_2017_CLARE_002_00): to rezone, reclassify and apply a development standard to Lot 1 DP 553965 and Lot 3 DP 564828 being the former Maclean Sewerage Treatment Plant.

I, the Director Region, 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 Clarence Valley Local Environmental Plan (LEP) (2011) to rezone, reclassify and apply a development standard to Lot 1 DP 553965 and Lot 3 DP 564828 being the former Maclean Sewerage Treatment Plant should proceed subject to the following conditions:

1. The planning proposal is required to be updated prior to community consultation to:
 - (a) rectify the incorrect Lot and DP number listed in Section 3 - Explanation of Provisions;
 - (b) update the s117 Directions to reflect the additional Directions and modifications to the Directions in relation to the North Coast Regional Plan 2036; and
 - (c) include a copy of the land titles.
2. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
 - (d) the planning proposal must be made publicly available for a minimum of **28 days**;
 - (e) 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); and
 - (f) Council is to conduct a public hearing (21 days after completion of the public exhibition period) in accordance with the requirements of section 29 of the Local Government Act 1993 as the planning proposal involves reclassification of land.
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
 - Department of Finance, Services and innovation (Public Works Advisory)



Planning & Environment

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

Dated *25* day of *JULY* 2017.

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

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Clarence Valley 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_CLARE_002_00	Planning proposal to rezone, reclassify and apply a development standard to Lot 1 DP 553965 and Lot 3 DP 564828 being the former Maclean Sewerage Treatment Plant.

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 *25TH JULY* 2017

Jeremy Gray
Director Regions, Northern
Planning Services

**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_CLARE_002_00
Date Sent to DP&E under s56	03/07/2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	25/07/2017

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: