

Gateway Determination

Planning proposal (Department Ref: PP_2019_CLARE_003_00): to allow function centres as permitted with consent in the RU1 Primary Production and RU2 Rural Landscape zone and insert an associated local provision.

I, the Director Regions, Northern 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 Clarence Valley Local Environmental Plan (LEP) 2011 to allow function centres as permitted with consent in the RU1 Primary Production and RU2 Rural Landscape zone and insert an associated local provision should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended as follows:
 - Amend page 4 to include function centres as permitted with consent in the B5 Business Development zone in the Clarence Valley Local Environmental Plan 2011; and
 - Amend Appendix 5 to delete the words '3.5 Development Near Licensed Aerodromes', replace with '3.5 Development Near Regulated Airports and Defence Fields' and amend the planning proposal to include an assessment against this new direction.
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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
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 Department of Primary Industries;
 - NSW Rural Fire Service; and
 - NSW Roads and Maritime Services.

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 12 day of April 2019.



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

Delegate of the Minister for Planning