



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2011_CLARE_001_00 (11/03574)
Your ref: CVC: 63986

Mr Stuart McPherson
General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Dear Mr McPherson,

Re: Planning Proposal to rezone Lot 9 DP 233144 and Part Lot 16 DP 746368 Yamba Road, Yamba from 2(a) Residential (Low Density) to 3(a) Business under the Maclean LEP 2001.

I am writing in response to your Council's letter dated 18 February 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the MacLean Local Environmental Plan 2001 to rezone Lot 9 DP 233144 and Part Lot 16 DP 746368 Yamba Road, Yamba from 2(a) Residential (Low Density) to 3(a) Business.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that the Clarence Valley LEP 2010 is well advanced and on track for finalisation and notification by June 2011. Should the planning proposal fail to be finalised ahead of the draft Principal LEP, the proposal would either cease to exist as it would propose to amend a repealed Instrument, or would require re-exhibition as an early amendment to Clarence Valley LEP 2010. Therefore, Council are to exhibit the proposal as both an amendment to the MacLean LEP 2001 and as an amendment to the Clarence Valley LEP 2011, to ensure the proposal can progress regardless of the timing of council's Principal Plan. The planning proposal is to provide an explanation as to the relationship of the proposal to the progress of councils Comprehensive LEP.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Denise Wright of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,



10/3/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_CLARE_001_00): to rezone Lot 9 DP 233144 and Part Lot 16 DP 746368 Yamba Road, Yamba from 2(a) Residential (Low Density) to 3(a) Business under the Maclean LEP 2001.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the MacLean Local Environmental Plan 2001 to rezone Lot 9 DP 233144 and Part Lot 16 DP 746368 Yamba Road, Yamba from 2(a) Residential (Low Density) to 3(a) Business 2001 should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Roads and Traffic Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 10th day of March 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning