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Department Generated Correspondence (Y)

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Our ref: PP_2011_CLARE_005_00 (11/17503)
Your ref: DWS 790476

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

Dear Mr. McPherson,

Re: Planning proposal to include 41 items of environmental heritage in Schedule 1 of Grafton Local Environmental Plan 1988

I am writing in response to your Council's letter dated 21 September 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 Grafton Local Environmental Plan 1988 to include 41 additional items of environmental heritage in Schedule 1 of the LEP.

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

It is noted that the preparation of draft Clarence Valley LEP 2011 is well advanced and has already been publicly exhibited. In order to ensure progression of the planning proposal regardless of the timing of Council's Principal Plan, Council are to exhibit the proposal as both an amendment to Grafton LEP 1988 and as an amendment to the draft Clarence Valley LEP 2011. In doing so, Council is to map the heritage items in accordance with the Department's Standard Technical Requirements for LEP Maps and exhibit the maps with the planning proposal. Council is also to amend 'Section 2 Objective or Intended Outcome' of the planning proposal to include the proposed amendment to Grafton LEP 1988 and provide an explanation as to the relationship of the proposal to the progression of the Comprehensive LEP.

It is noted that Council has undertaken considerable community consultation in the process of preparing the Grafton Community Based Heritage study and has held discussions with a number of property owners as part of that process. Nevertheless, Council should consider formally notifying property owners of the public exhibition of this planning proposal.

The Director General's delegate has determined that the planning proposal is consistent with S117 Direction 2.3 Heritage Conservation. However, Council is to consult the Office of Environment and Heritage as part of the public consultation process. No further approval is required in relation to this Direction.

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 Jenny Johnson of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,



19/10/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_CLARE_005_00): to include 41 items of environmental heritage in Schedule 1 of Grafton Local Environmental Plan 1988

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Grafton Local Environmental Plan 1988 to include 41 additional items of environmental heritage in Schedule 1 of the LEP should proceed subject to the following conditions:

1. Council is to map the heritage items in accordance with the Department's Standard Technical Requirements for LEP Maps and include the maps with the planning proposal for exhibition purposes.
2. Council is to exhibit the planning proposal as an amendment to the Grafton LEP 1988 and as an amendment to the draft Clarence Valley LEP 2011, and amend the planning proposal accordingly prior to the commencement of public exhibition.
3. 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)*.
4. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The 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. The public authority may request additional information or additional matters to be addressed in the planning proposal.
5. 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).



6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 19th day of October 2011.

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