



Contact: Carlie Boyd
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Carlie.Boyd@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP_2012_CLARE_003_00 (12/08113)
Your ref: Centenary Drive PP

Mr Scott Greensill
General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Dear Mr Greensill,

Planning proposal to rezone land at Centenary Drive Car Park, Maclean, from SP2 Infrastructure to B2 Local Centre

I am writing in response to your Council's letter dated 04 May 2012 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 Clarence Valley Local Environmental Plan 2011 to rezone land at Centenary Drive Car Park, Maclean (part of Lot 101 DP 1110269), from SP2 Infrastructure to B2 Local Centre in order to facilitate the development of a supermarket on the site.

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.

In relation to the consistency of the planning proposal with S117 Direction 4.1 Acid Sulfate Soils, it is noted that a preliminary investigation has been undertaken that has identified a portion of the site as having a probability of containing acid sulphate soils. It is acknowledged that Council has included options and recommendations for the treatment and/or removal of potentially affected acid sulphate soils in the event that excavation of soils is required, and that the Clarence Valley LEP 2011 contains adequate provisions to ensure the site is properly managed. Therefore, the planning proposal is considered to be consistent with the requirements of the S117 Direction. Nevertheless, Council is to consult the Office of Environment and Heritage in relation to this matter.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 Carlie Boyd of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,


Sam Haddad
Director-General

25/5/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_CLARE_003_00): to rezone land at Centenary Drive Car Park, Maclean, from SP2 Infrastructure to B2 Local Centre in order to facilitate the development of a supermarket on the site.

I, the Director General, Department of Planning and Infrastructure 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 Clarence Valley Local Environmental Plan 2011 to rezone land at Centenary Drive Car Park, Maclean (part Lot 101 DP 1110269), from SP2 Infrastructure to B2 Local Centre in order to facilitate the development of a supermarket on the site 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:

- Office of Environment and Heritage

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 **12 months** from the week following the date of the Gateway determination.

Dated

25th

day of

May

2012.



Sam Haddad

Director-General

Delegate of the Minister for Planning and
Infrastructure