



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

Our ref: PP_2014_CLARE_003_00 (14/06416)
Your ref: Treelands Drive PP

Dear Mr Greensill

Planning proposal to amend Clarence Valley Local Environmental Plan 2011

I am writing in response to your Council's letter dated 4 April 2014 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 reclassify part of Treelands Drive Reserve, Yamba.

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

I have also agreed that the planning proposal is consistent with all relevant section 117 Directions. No further approval is required in relation to these.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with section 29 of the *Local Government Act 1993*.

This planning proposal relates to the reclassification of part only of Treelands Drive Reserve. If the separate title for the land proposed to be reclassified is not issued prior to finalisation, this planning proposal may be achieved by use of a Land Reclassification (Part Lots) map. The Gateway determination includes a condition in this regard.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following 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 agency for administrative purposes.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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 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 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 Tamara Prentice of the Grafton regional office on (02) 6641 6616.

Yours sincerely

17 April 2014

Stephen Murray
General Manager, Northern Region
Growth Planning and Delivery



Gateway Determination

Planning proposal (Department Ref: PP_2014_CLARE_003_00): to reclassify part of Treelands Drive Reserve, Yamba from 'community' to 'operational' under section 27 of the Local Government Act 1993.

I, the General Manager, Northern Region at Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that an amendment to the Clarence Valley Local Environmental Plan (LEP) 2011 to reclassify approved lot 1 from 'DA2013/0025', being a boundary adjustment subdivision between Lots 1 & 2 DP 1077069, from 'community' to 'operational' under section 27 of the *Local Government Act 1993* (LG Act), should proceed subject to the following conditions:

1. Community consultation is required under section 57 of the EP&A Act as follows:
 - (a) The planning proposal must be made publicly available for a minimum of 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
2. Council is to conduct a public hearing in accordance with the requirements of section 29 of the LG Act as the planning proposal involves reclassification of land from community to operational.
3. Prior to public exhibition the planning proposal should be amended to include a Land Reclassification (Part Lots) map clearly identifying the subject land.
4. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act.
5. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 17 day of April 2014.


Stephen Murray
General Manager, Northern Region
Growth Planning and Delivery
Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure




WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Clarence Valley Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_CLARE_003_00	Planning proposal to reclassify part of Treelands Drive Reserve, Yamba from 'community' to 'operational' under section 27 of the <i>Local Government Act 1993</i> .

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 17 April 2014


Stephen Murray
General Manager, Northern Region
Growth Planning and Delivery
Planning and Infrastructure