



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

Our ref: PP_2015_CLARE_009_00 (15/15766)
Your ref: REZ2015/0005

Dear Mr Greensill

Planning proposal to amend Clarence Valley Local Environmental Plan 2011

I am writing in response to your Council's letter dated 20 October 2015 and additional information provided on 2 November 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land at Tyndale for general industrial purposes and to alter the maximum building height controls for the subject land.

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

Council should consider the suitability for amending the zoning for the adjoining land which has also been developed and is being used for employment / manufacturing purposes. To ensure the timely rezoning of the current site however, this matter could be considered under a separate planning proposal process.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified in accordance with the terms of the Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils by the Minister 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 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 as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 8 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment's Northern Region office for administrative purposes.

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 Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Luke Blandford of the Department's Northern Regional office to assist you. Mr Blandford can be contacted on (02) 6641 6612.

Yours sincerely



10 November 2015

Brett Whitworth
Acting Executive Director, Regions
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2015_CLARE_009_00): to rezone land at Tyndale for general industrial purposes and to alter the maximum building height controls for the subject land.

I, the Acting Executive Director, Regions, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Clarence Valley Local Environmental Plan (LEP) 2011* to rezone land at Tyndale for general industrial purposes and to alter the maximum building height controls for the subject land should proceed subject to the following conditions:

1. Prior to the commencement of community consultation, Council is to:
 - (a) update the documentation to be consistent with the format for planning proposals as required under the Department's *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)*;
 - (b) revise the planning proposal so that Council's timeline for completing the LEP amendment is incorporated into the body of the planning proposal; and
 - (c) prepare revised maps that correctly show the proposed zone and building height standards for the site and surrounding land.
2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - Roads and Maritime Services

Council is to consult with these public agencies prior to undertaking community consultation and, if required, update the planning proposal to reflect any comments made.
3. Community consultation is required under sections 56(2)(c) and 57 of the 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 and Infrastructure 2013)*.
4. A public hearing is not required to be held into the matter by any person or body under section 56(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 timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 10th day of November 2015

**Brett Whitworth
Acting Executive Director, Regions
Planning Services
Department of Planning and Environment**

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Clarence Valley Council is authorised to exercise the functions of the Minister for Planning 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_2015_CLARE_009_00	Planning proposal to rezone land at Tyndale for general industrial purposes and to alter the maximum building height controls for the subject land.

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

Dated 10th November 2015



10 November 2015

Brett Whitworth
Acting Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning