

Mr Ashley Lindsay
General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Dear Mr Lindsay

Planning proposal PP_2019_CLARE_003_00 to amend Clarence Valley Local Environmental Plan 2011

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 22 March 2019 in respect of the planning proposal to allow function centres as permitted with consent in the RU1 Primary Production and RU2 Rural Landscape zone and implement a local provision.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.5 Rural Land, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.5 Development Near Regulated Airports and Defence Fields, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 4.4 Planning for Bushfire Protection is unresolved until consultation with the NSW Rural Fire Service has been undertaken. Council should ensure this occurs prior to the plan being made.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within nine months of 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Katrina Burbidge to assist you. Ms Burbidge can be contacted on 6643 6406.

Yours sincerely



12-4-2019

Jeremy Gray
Director Regions, Northern
Planning Services

Encl: Gateway determination