



Planning

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

10/12055

Dear Mr McPherson

Conversion of Copmanhurst LEP 1990 (Amendment No 13) to a Planning Proposal

I am writing in regard to recent discussions with Council officers regarding the finalisation of the above LEP. As a final Opinion as to whether the draft LEP can legally be made has not yet been received from the Parliamentary Counsel's Office, it is uncertain that the matter will be completed by June 30 2010. Should the plan not be finalised in time for the Minister to consider it before June 30, it would cease to be a pending LEP pursuant to clause 12(1) of the *Environmental Planning and Assessment Regulation 2000*. On this basis, I am converting the plan to a Planning Proposal.

I have determined (as the delegate of the Director-General) under clause 12(2) of the *Regulation* that the former LEP plan-making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the Act now apply.

Furthermore I have, as the delegate for the Minister for Planning, determined under clause 122 (2) of Schedule 6 of the Act to dispense with the conditions precedent prior to section 59(1) of the Act for the making of this draft LEP. Council will note that this dispensation means that the Council will be consulted concerning final drafting of the amendment, once the opinion of the Parliamentary Counsel has been obtained. Following Council's agreement to the drafting, a decision by the Minister (or delegate) will be necessary for the LEP to be finalised.

Should you have any queries in regard to this matter, please contact Jenny Vallis of the Northern Region Office on 02 6641 6600.

Yours sincerely

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
(as delegate of the Minister and the Director-General)

**FOR
DEPUTY DIRECT
GENERAL'S
SIGNATURE
IF APPROVE**