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

Our ref: PP\_2014\_CLARE\_002\_00 (14/04234)  
Your ref: DWS#1240194

Dear Mr Greensill,

### **Planning proposal to amend Clarence Valley Local Environmental Plan 2011**

I am writing in response to your Council's letter dated 3 March 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 permit an explosives depot, machinery storage and an Ammonium Nitrate Emulsion (ANE) mixing plant as additional permitted uses on land at Tullymorgan-Jackybulbin Road, Mororo.

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 the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 5.1 Implementation of Regional Strategies are of minor significance. No further approval is required in relation to these Directions.

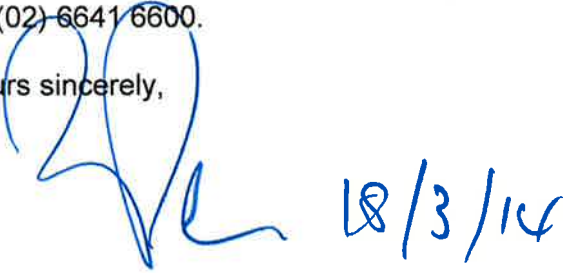
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The 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 6 weeks prior to the projected publication date. A copy of the request should be forwarded to Planning and Infrastructure 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 EP&A 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 Ms Katrina Burbidge of the Planning and Infrastructure regional office to assist you. Ms Burbidge can be contacted on (02) 6641 6600.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'R. Pearson', followed by the date '18/3/14' written in the same ink.

**Richard Pearson**  
**Deputy Director General**  
**Growth Planning & Delivery**

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

## Gateway Determination

**Planning proposal (Agency Ref: PP\_2014\_CLARE\_002\_00):** to permit an Ammonium Nitrate Emulsion (ANE) mixing plant, depot and storage at Tullymorgan-Jackybulbin Road, Mororo.

I, the Deputy Director General, Growth Planning and Delivery at 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 (LEP) 2011 to permit an explosives depot, machinery storage and an Ammonium Nitrate Emulsion (ANE) mixing plant as additional permitted uses on land at Tullymorgan-Jackybulbin Road, Mororo 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 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 (Planning & Infrastructure 2013)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
  - NSW Trade and Investment - Minerals and Petroleum
  - Department of Primary Industries (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
  - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the 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 **9 months** from the week following the date of the Gateway determination.

Dated

18

day of

March

2014.



**Richard Pearson**  
Deputy Director General  
Growth Planning & Delivery  
Planning & Infrastructure

**Delegate of the Minister for Planning & 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:

<b>Number</b>	<b>Name</b>
PP_2014_CLARE_002_00	Planning proposal to permit an explosives depot, machinery storage and an Ammonium Nitrate Emulsion (ANE) mixing plant as additional permitted uses on land at Tullymorgan-Jackybulbin Road, Mororo.

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

18 March

2014

A handwritten signature in blue ink, appearing to read "R. Pearson".

Richard Pearson  
**Deputy Director General  
Growth Planning & Delivery  
Planning & Infrastructure**

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the department**

Stage	Date/Details
Planning Proposal Number	PP_2014_CLARE_002_00
Date Sent to Department under s56	3 March 2014
Date considered at LEP Review Panel	13 March 2014
Gateway determination date	18/03/2014

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

**Table 3 – To be completed by the department**

Stage	Date/Details
Notification Date and details	

#### Additional relevant information: