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Our ref: PP_2011_CLARE_003_00 (11/10881)
Your ref: Morven St Maclean Planning Proposal

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

Dear Mr McPherson,

Re: Planning Proposal to rezone land at Morven Street, Maclean from 2(a) Residential (Low Density) to 3(a) Business under the Maclean LEP 2001 or from R2 Low Density Residential to B2 Local Centre under the draft Clarence Valley LEP 2010

I am writing in response to your Council's letter dated 21 June 2011 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 rezone land at Morven Street, Maclean from 2(a) Residential (Low Density) to 3(a) Business under the Maclean LEP 2001 or from R2 Low Density Residential to B2 Local Centre under the draft Clarence Valley LEP 2010.

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

It is noted that the draft Clarence LEP 2010 contains clause 5.3 Development near zone boundaries, which is intended to provide Council with flexibility and opportunities for more logical and appropriate development of land. Council should consider the applicability of clause 5.3 in the context of the planning proposal if the draft Plan were to amend Clarence Valley LEP 2010. Should Council determine to proceed using clause 5.3 of the draft Clarence Valley LEP 2010, a planning proposal may not be required.

Council is to prepare a traffic impact assessment that considers the impact of traffic movements associated with the rezoning. Council is to include this assessment with the planning proposal for exhibition purposes.

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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(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 John Finlay of the Regional Office of the Department on 02 6641 6605.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Gellibrand', with a stylized flourish at the end.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

14/7/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_CLARE_003_00): to rezone land at Morven Street, Maclean from 2(a) Residential (Low Density) to 3(a) Business under the Maclean LEP 2001 or from R2 Low Density Residential to B2 Local Centre under the draft Clarence Valley LEP 2010

I, the Deputy Director General, Plan Making & Urban Renewal 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 Maclean Local Environmental Plan 2001 to rezone land at Morven Street, Maclean from 2(a) Residential (Low Density) to 3(a) Business or to amend the draft Clarence Valley LEP 2010 from R2 Low Density Residential to B2 Local Centre should proceed subject to the following conditions:

1. Council is to prepare a traffic impact assessment and include this assessment with the planning proposal for exhibition purposes.
2. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 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).
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

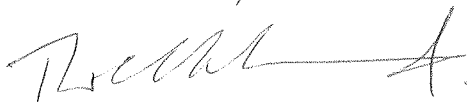
Dated

14th

day of

July

2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure