

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

Dear Mr Lindsay

Planning proposal PP_2018_CLARE_001_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 27 March 2018 in respect of the planning proposal to reclassify Council owned land from community to operational Land.

As delegate of the Minister for Planning, I have now determined 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 2.1 Environment Protection Zones and 2.3 Heritage Conservation 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 Department's Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

I have determined not to condition the Gateway for Council to be the local plan making authority for the following reasons:

- To respect Council's resolution of 15 November 2016, not to seek authorisation as the local plan making authority.
- To promote transparency in the Gateway and plan-making process.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 8 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 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 Heidi Naylor to assist you. Ms Naylor can be contacted on 6641 6604.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Gray', is positioned above the date.

23/4/2018

Jeremy Gray
Director Regions, Northern
Planning Services

Encl: Gateway Determination