



Mr Ashley Lindsay
General Manager
Clarence Valley Council
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GRAFTON NSW 2460

Via email council@clarence.nsw.gov.au
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Dear Mr Lindsay

Planning proposal PP_2020_CLARE_004_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) in respect of the planning proposal to reclassify five lots from Community to Operational at Westringia Place and Witonga Drive, Yamba.

As delegate of the Minister for Planning and Public Spaces, 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 2.2 Coastal Management, 3.1 Residential Zones and 4.1 Acid Sulfate Soils are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

I have determined not to condition the Gateway for Council to be the local plan-making authority in respect of Council's resolution of 15 November 2016, not to seek authorisation as the local plan making authority, helping to promote transparency in the Gateway and plan making process.

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 for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight 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.

If you have any questions in relation to this matter, I have arranged for Ms Helen Willis to assist you. Ms Willis can be contacted on 5778 1489.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

13/11/2020

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination