

Gateway Determination

Planning proposal (Department Ref: PP_2020_CLARE_004_00): to reclassify five lots at Westringia Place and Witonga Drive, Yamba, from Community land to Operational land under the Local Government Act 1993

I, the Director, Northern Region, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Clarence Valley Local Environmental Plan (LEP) 2011 to reclassify five lots at Westringia Place and Witonga Drive, Yamba, from Community land to Operational land under the Local Government Act 1993 should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be amended by updating Appendix 3, Items 14, 15 and 16 of both Westringia Place and Witonga Drive property statements to advise of licence fees on waterway structures and how Council will financially utilise the fees.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**;
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018); and
 - (c) a copy of Practice Note PN16-001 Classification and reclassification of public land through a local environment plan is to be included in the public exhibition material.
3. No consultation is required with public authorities/organisations under section 3.34(2)(d) of the Act.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. Council must however arrange a public hearing in respect of the planning proposal to reclassify community land as operational land in accordance with the requirements of the *Local Government Act 1993*.

5. The time frame for completing the LEP is to be **nine months** following the date of the Gateway determination.

Dated 13 day of November 2020.

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

Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces