

## Gateway Determination

**Planning proposal (Department Ref: PP\_2019\_CLARE\_002\_00):** to rezone Lots 721 and 722 DP 1148111, River Street, Maclean from IN4 Working Waterfront to B2 Local Centre and apply a 9-metre maximum building height.

I, the Director Regions, Northern at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 rezone Lots 721 and 722 DP 1148111, River Street, Maclean from IN4 Working Waterfront to B2 Local Centre and apply a 9-metre maximum building height should proceed subject to the following conditions:

1. Prior to community consultation a statement of significance is to be undertaken to confirm any heritage significance on the site. The contents of the planning proposal are to be amended in accordance with any findings of the statement.
2. Prior to community consultation the planning proposal is to be amended to include maps which show the proposed zoning and height of building controls for the land.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **28 days**; and
  - (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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
4. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - NSW DPI Fisheries;
  - Office of Environment and Heritage;
  - Fisheries NSW;
  - Roads and Maritime Services;
  - Yaegl Local Aboriginal land Council; and

- NSW Environmental Protection Agency.

Each public authority/organisation 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.

5. Following consultation with NSW Environmental Protection Agency if further site investigations or actions for potential contamination or offsite migration are required, the contents of the planning proposal are to be amended in accordance with any investigations or actions.
6. 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. 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).
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 4 day of March 2019.



**Jeremy Gray**  
**Director Regions, Northern**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**