

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

Dear Mr Lindsay

**Planning Proposal PP_2017_CLARE_008_00 to amend Clarence Valley Council
Local Environmental Plan 2011**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to make various housekeeping amendments to Clarence Valley LEP 2011.

As delegate of the Minister for Planning, I have now determined the Planning Proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistencies with Section 117 Directions 1.2 Rural zones and 6.2 Reserving land for public purposes 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 relevant Section 117 Directions 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.


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 54(2)(d) of the Act if the time frames outlined in this determination are not met.

I note your correspondence on 4 August 2016 seeking the Department's assistance to amend Council's LEP maps involving anomalies with the Pacific Highway Upgrade realignment and introduced National Park boundaries which have occurred post publication of Clarence Valley LEP 2011.

As these map changes would be best suited to be corrected through a general housekeeping planning proposal, and due to Councils concern with these anomalies still existing within its LEP, the Department queries why these areas were not included in this round of general housekeeping amendments. Should Council wish to include these amendments the planning proposal should be updated and submitted to Department of Planning and Environment prior to community consultation.

Should you have any further enquiries about this matter, I have arranged for Ms Jenny Johnson to assist you. Ms Johnson can be contacted on (02) 6641 6614.

Yours sincerely

 10-11-2017

Jeremy Gray
Director Regions, Northern
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2017_CLARE_008_00): to make various housekeeping amendments to Clarence Valley LEP 2011.

I, the Director Regions, Northern, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Clarence Valley Local Environmental Plan (LEP) (2011) to make various housekeeping amendments to Clarence Valley LEP 2011 should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to community consultation to:
 - a) remove reference in Appendix 2 to s117 Direction 5.1 Implementation of Regional Strategies as the Mid North Coast Regional Strategy no longer applies in the direction;
 - b) update Appendix 2 to reflect s117 Direction 5.10 Implementation of Regional Plans.
2. Community consultation is required under sections 56(2)(c) and 57 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 **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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - NSW Rural Fire Service
 - Office of Environment and Heritage

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.



Planning & Environment

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 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 **9 months** following the date of the Gateway determination.

Dated *10* day of *NOVEMBER* 2017.

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

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Clarence Valley Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_CLARE_008_00	Planning proposal to make various housekeeping amendments to Clarence Valley LEP 2011

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated *10 NOVEMBER* 2017



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

Delegate of the Secretary
of the Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_CLARE_008_00
Date Sent to DP&E under s56	25/10/2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	10-11-2017

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: