

Gateway Determination

Planning proposal (Department Ref: PP_2020_CLARE_001_00): amend Schedule 5 Environmental Heritage and associated maps of the Clarence Valley LEP 2011 to add additional heritage items and make minor amendments.

I, the Director 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 amend Schedule 5 Environmental Heritage and associated maps to add additional heritage items and make minor amendments should proceed subject to the following conditions:

1. Prior to agency or community consultation, the proposal is to be amended to:
 - (a) ensure the address and Lot/DP details listed in Table 1 are correct;
 - (b) include revised maps that don't have item number labels and labels are not obscuring items;
 - (c) include a map or diagram depicting the current and proposed Ulmarra Heritage Conservation Area;
 - (d) include the draft heritage inventory sheets for the additional items; and
 - (e) update the time frame to accurately reflect the Gateway determination and expected completion date.
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**; 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. 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).

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:

- Heritage NSW
- NSW Rural Fire Service
- NSW National Parks and Wildlife
- NSW Crown Lands

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. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **nine months** following the date of the Gateway determination.

Dated 20 day of May 2020



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

Delegate of the Minister for Planning
and Public Spaces