



Mr Scott Greensill
General Manager
Clarence Valley Council
Locked Bag 23
Grafton NSW 2460

Our ref: PP_2016_CLARE_002_00 (16/08302)
Your ref: REZ2016/0004

Dear Mr Greensill

Planning proposal to amend Clarence Valley Local Environmental Plan 2011

I am writing in response to your Council's letter dated 11 July 2016 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to reclassify nine parcels of Council owned land to operational status to rectify errors in the previous reclassification processes.

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.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following 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 and Environment to draft and finalise the LEP should be made 6 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 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Tamara Prentice of the Department's regional office to assist you. Ms Prentice can be contacted on (02) 6641 6610.

Yours sincerely



21 July 2016

Craig Diss
Acting Director Regions, Northern
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_CLARE_002_00): to reclassify nine parcels of Council owned land to operational status to rectify errors in the previous reclassification processes.

I, the Acting 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 reclassify nine parcels of Council owned land to operational status to rectify errors in the previous reclassification processes should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended as follows:
 - (a) the information relating to the reclassification of part of Lot 103 DP 1189229 is to include an aerial photograph, a zoning map and a concept plan for the supermarket, each overlayed with the area to be reclassified so as to clearly indicate the existing and proposed land uses on the land proposed to be reclassified;
 - (b) the comments relating to S117 Direction 4.4 Planning for Bushfire Protection are to be corrected to clarify that none of the subject land is bush fire prone land; and
 - (c) appendix 5 is to be updated to include consideration of the Clarence Valley Open Spaces Strategic Plan 2012 as listed in section 4.4 of the planning proposal.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**;
 - (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 LEPs (Department of Planning and Infrastructure 2013)*; and
 - (c) Any mapping material must meet the specifications in the current *Standard Technical Requirements for Spatial Datasets and Maps* (Department of Planning and Environment 2015).
3. No consultation is required with public authorities under section 56(2)(d) of the Act.

4. A public hearing is required to be held into the reclassification of the various land parcels from community to operational in accordance with the requirements of section 29 of the *Local Government Act 1993*. 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.
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 21 day of July 2016



Craig Diss
Acting Director Regions, Northern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for
Planning