

Gateway Determination

Planning proposal (Department Ref: PP-2023-1754): Housekeeping Amendments 2023

I, the Director, Northern Region at the Department of Planning 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 2011 to undertake various housekeeping amendments should proceed subject to the following conditions.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 6 months of the Gateway determination date.

Gateway Conditions

1. Prior to agency and community consultation, the planning proposal is to be amended to:
 - (a) Remove Item 11 being a rezoning at Hampton Road, Waterview Heights of C2 Environmental Conservation land as this amendment is no longer required;
 - (b) Have a consistent amendment number when referencing 90 Victoria Street, Grafton;
 - (c) Remove reference to amending the C2 Environmental Conservation zone for item 9;
 - (d) Include current and proposed Height of Buildings maps for items 9 and 10 and a current and proposed Lot Size Map for item 10 to align with the amended zoning;
 - (e) Include the appropriate SP2 zoning annotations for Item 2 (classified road) and Item 12 (water supply system);
 - (f) Extend the SP2 Infrastructure zoning to the boundary of the R1 General Residential zone in Item 2;
 - (g) Clarify that Item 14 seeks to amend clause 4.2D(2)(c);
 - (h) The proposed land zoning map for Item 13 is updated to only apply to the area to which the 4000m² lot size applies and include a proposed minimum lot size map that removes the existing lot size for the subject area; and

- (i) Include an additional item to list Cunglebung Homestead Complex in the Nymboida National Park within Part 1 Heritage Items of Schedule 5 of the LEP.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (j) the planning proposal is categorised as basic as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 10 working days; and
- (k) 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- Heritage NSW
 - Crown Lands NSW
 - NSW Mining, Exploration and Geoscience
 - NSW Rural Fire Service
 - Transport for NSW
 - NSW National Parks and Wildlife Service
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
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. 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).

Dated 13 November 2023



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

Delegate of the Minister for Planning and
Public Spaces

