

Ms Laura Black
General Manager
Clarence Valley Council
Locked Bad 23
Grafton NSW 2460

Our ref: IRF23/2446

Via email: council@clarence.nsw.gov.au

Dear Ms Black

Planning proposal (PP-2023-1754) to amend Clarence Valley Local Environmental Plan 2011 for Housekeeping Amendments 2023

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to undertake several housekeeping amendments to Clarence Valley LEP 2011.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act 5.2 Reserving Land for Public Purposes, 6.1 Residential Zones, 8.1 Mining, Petroleum Production and Extractive Industries, 9.1 Rural Zones and 9.2 Rural Lands are justified in accordance with the terms of the Direction.

In relation to Direction 5.2 Reserving Land for Public Purposes, I have agreed to the rezoning of land for public purposes on the basis that the zone changes reflect the current and future nature of the sites for infrastructure and there will be no loss of existing or future public open space associated with the rezonings.

No further approval is required in relation to these Directions.

Council will still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

Following a request from Council staff and the NSW National Parks and Wildlife Service, I have conditioned the Gateway to require the planning proposal be amended to identify the proposed listing of the Cunglebung Homestead Complex in the Nymboida National Park within Part 1 Heritage Items of Schedule 5 of the LEP.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 6 months of the Gateway determination date. As this is a minor amendment, Council is to request

Parliamentary Counsel's Office commence drafting as soon as practicable. A copy of the request should be forwarded to the Department of Planning and Environment.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Mr Sam Tarrant to assist you. Mr Tarrant can be contacted on 6643 6410.

Yours sincerely



13/11/2023

Jeremey Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination