



Department of Planning, Housing and Infrastructure

Ms Laura Black
General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Our ref: IRF24/1940

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

Dear Ms Black

Planning proposal (PP-2023-2270) to amend Clarence Local Environmental Plan 2011

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 for an Additional Permitted Use (Hotel and Motel Accommodation) and the application of a 9-metre building height to part of Lot 11 DP 1269790, 75-79 Spenser Street, Iluka.

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 4.1 Flooding and 4.5 Acid Sulfate Soils is justified in accordance with the terms of the Direction. No further approval is required in relation to the Direction.

Council may 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.

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 9 months of the Gateway determination date. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

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, Housing and Infrastructure, 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 Melissa Thomson to assist you. Ms Thomson can be contacted on 5778 1486.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the date.

30/8/24

Jeremy Gray
Director, Hunter and Northern Region
Local Planning and Council Support

Encl: Gateway determination