

Gateway Determination

Planning proposal (Department Ref: PP-2023-2315): to reclassify Lots 1 and 2 DP 1270948, 300 Powell Street, Grafton from Community to Operational land

I, the Acting 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 reclassify Lots 1 and 2 DP 1270948, 300 Powell Street, Grafton from Community to Operational land should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to 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 Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).
2. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act.
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. Council must ensure that all relevant obligations in relation to the reclassification of public land through the LEP are undertaken in accordance with the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan.
5. 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 EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed within six months from the date of the Gateway determination.

Dated 4 December 2023

A handwritten signature in black ink, appearing to read 'Renee Trezise', is centered within a light gray rectangular box.

**Renee Trezise
A/Director, Northern Region
Local and Regional Planning
Department of Planning and Environment**

**Delegate of the Minister for Planning and
Public Spaces**