

## Alteration of Gateway Determination

### ***Planning proposal (Department Ref: PP\_2020\_CLARE\_003\_00)***

I, Director, Northern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 3 September 2020 for the proposed amendment to the Clarence Valley Local Environmental Plan 2011 as follows:

1. Change the name and description of the planning proposal

#### **From**

***“Planning proposal (Department Ref: PP\_2020\_CLARE\_003\_00): to amend the lot size map at Mountain View Estate and Cronin Estate to facilitate the retention of the existing dwelling entitlements***

I, the Director at the Department of Planning, Industry 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 (LEP) 2011 to amend the lot size map at Mountain View Estate and Cronin Estate to facilitate the retention of the existing dwelling entitlements should proceed subject to the following conditions:”

#### **To**

***“Planning proposal (Department Ref: PP\_2020\_CLARE\_003\_00): to amend lot size maps to facilitate the retention of existing dwelling entitlements in certain R5 Large Lot Residential areas***

I, the Director at the Department of Planning, Industry 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 (LEP) 2011 to amend lot size maps to facilitate the retention of existing dwelling entitlements in certain R5 Large Lot Residential areas should proceed subject to the following conditions:”

2. Delete condition 6:

“6. The time frame for completing the LEP is to be 9 months following the date of the Gateway determination.”

and replace with a new condition 6:

“6. The time frame for completing the LEP is by 3 December 2021.”

3. Delete condition 1:

“1. Prior to agency or community consultation, the proposal is to be amended to:

- (a) amend the proposal to apply a 2,500m<sup>2</sup> minimum lot size to the subject land in the Mountain View Estate;
- (b) amend the objectives of the planning proposal 3(ii) to replace ‘subject land’ with ‘Lot 132 DP1263591’;
- (c) include new legible current lot size maps for both subject areas;
- (d) amend proposed LSZ\_007H to show Lot 132 DP 1263591 with a 2,000m<sup>2</sup> minimum lot size labelled ‘V1’;
- (e) amend the Mountain View Estate site identification map and proposed LSZ\_007 map to include Lot 13 DP1244553 identified with a 2,500m<sup>2</sup> minimum lot size labelled ‘V2’ corresponding to the Mountain View Estate subject lots; and
- (f) update the project timeline to accurately reflect the Gateway determination and expected completion date.”

and replace with a new condition 1:

“1. Prior to agency or community consultation, the revised planning proposal is to be amended to:

- (a) Amend proposed LSZ\_007H to show Lot 132 DP 1263591 with a 2000m<sup>2</sup> minimum lot size labelled ‘V1’;
- (b) Amend the Mountain View Estate site identification map and proposed LSZ\_007 map to include Lot 13 DP 1244553 identified with a 2500m<sup>2</sup> minimum lot size labelled ‘V2’ corresponding to the Mountain View Estate subject lots;
- (c) Amend Lot 3 DP 857120, 20 Erikas Drive, Ashby, with a minimum lot size of 5000m<sup>2</sup> and labelled ‘X’;
- (d) Amend Lot 7 DP 1047034, Merle Anne Court, Ashby, with a minimum lot size of 5000m<sup>2</sup> and labelled ‘X’;
- (e) Amend Lot 33 DP 881130, 115 Crisp Drive, Ashby Heights, with a minimum lot size of 5000m<sup>2</sup> and labelled ‘X’;
- (f) Amend Lot 1 DP 1192542, 90 Patemans Road, Ashby, with a minimum lot size of 5000m<sup>2</sup> and labelled ‘X’;
- (g) Amend ‘2. Part 2: Explanation of Provision (i)’ to include a 2500m<sup>2</sup> minimum lot size for the lots in the Mountain View Estate to prevent any further subdivision;
- (h) Amend ‘2. Part 2: Explanation of Provision (ii)’ to replace ‘subject land’ with ‘Lot 132 DP1263591’;
- (i) Amend the minimum lot size ‘Y – 1.5ha’ to ‘Y2 – 1.5ha’ wherever it appears in the revised planning proposal and associated maps;
- (j) Update the project timeline to accurately reflect the Gateway determination, Gateway alteration and expected completion date; and
- (k) Include new legible current and proposed lot size maps for all the subject lots at Appendix A of the revised planning proposal.”

4. Delete condition 3:

“3. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.”

and replace with new condition 3:

“3. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act to comply with the requirements of relevant section 9.1 Directions. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.”

Dated 13 day of July 2021

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

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

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