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Our ref: PP_2013_CLARE_004_00 (13/05926)
Your ref: DWS 962301

Mr Scott Greensill
General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Dear Mr Greensill,

Planning proposal to amend Clarence Valley Local Environmental Plan 2011

I am writing in response to your Council's letter dated 26 March 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to reduce the minimum lot size for lots 4 and 5 Section 9 DP 758532 at 4454 Lawrence Road, Ilarwill from 40ha to 2580sqm.

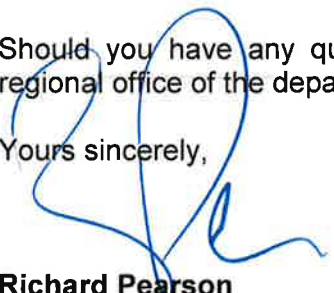
As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should not proceed. The reasons for not proceeding with this proposal are identified below and outlined in the attached Gateway determination.

The planning proposal is not supported because the proposal to reduce the minimum lot size for land at Lawrence Road, Ilarwill is inconsistent with the Mid North Coast Regional Strategy as it enables an additional dwelling house to be constructed on rural land in a flood risk area. The subject land is not identified in a department endorsed local residential strategy and does not satisfy the sustainability criteria for development outside agreed growth area boundaries. I also understand that there is an adequate supply of land within the Ilarwill village, which is not flood prone land, to cater for future residential growth.

While the planning proposal is not supported at this time, should Council wish to pursue an amendment to the development standards applicable to the subject land, it should undertake further strategic planning work, including addressing flooding and evacuation matters in consultation with State Emergency Services and addressing potential land use conflict with adjoining regionally significant farmland.

Should you have any queries in regard to this matter, please contact Paul Garnett of the regional office of the department on 02 6641 6600.

Yours sincerely,


19/4/13
Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_CLARE_004_00): to reduce the minimum lot size for land at Lawrence Road, Ilarwill.

I, the Deputy Director General, Planning Operations and Regional Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Clarence Valley Local Environmental Plan (LEP) 2011 to reduce the minimum lot size for lots 4 and 5 Section 9 DP 758532 at 4454 Lawrence Road, Ilarwill from 40ha to 2580sqm should not proceed for the following reasons:

1. The proposal is inconsistent with the Mid North Coast Regional Strategy because it enables an additional dwelling house to be constructed on rural land in a high flood risk area, that is not identified in a department endorsed local residential strategy and does not satisfy the sustainability criteria for development outside agreed growth area boundaries.
2. The proposal is inconsistent with S117 Directions 1.5 Rural Lands, 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies as the proposal to reduce the minimum lot size applying to land zoned for rural purposes is inconsistent with the Mid North Coast Regional Strategy and is located on land below the 1 in 100 year flood level.
3. The proposal will increase the potential for land use conflict with adjoining regionally significant farmland.

Dated

19

day of

April

2013.



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure