



Planning



qB141880

10/07387

Department Generated Correspondence (Y)

Mr Stuart McPherson
General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Contact: Jenny Vallis
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Jenny.Vallis@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP_2010_CLARE_002_00 (10/05134)
Your ref: LEP Hirst Gulmarrad

Dear Mr McPherson,

Re: Planning Proposal to consolidate and rezone land at Gulmarrad

I am writing in response to your Council's letter dated 24 February 2010 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 amend the Maclean Local Environmental Plan 2001 to consolidate certain farmland lots and to rezone three (3) of these lots to 1(r) Rural (Residential) to allow a maximum of seven (7) rural residential lots.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The prohibition of dwellings on the remaining thirteen (13) lots must be ensured as part of this amending LEP. It is the Department's view that the most appropriate method of carrying this prohibition into Council's Principal Plan would be via an amendment to the minimum allotment size map.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Jenny Vallis of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,

3/3/10

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_CLARE_002_00): to consolidate 16 farmland lots and to rezone 3 of these lots (Lot 16 DP 751372, Lot 22 DP 751372 and Lot 3 DP 126699) to 1(r) Rural (Residential).

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Maclean Local Environmental Plan 2001 to consolidate 16 farmland lots and to rezone 3 of these lots (Lot 16 DP 751372, Lot 22 DP 751372 and Lot 3 DP 126699) to 1(r) Rural (Residential) should proceed subject to the following conditions:

1. Removal of that part of subject land which is designated as Regionally Significant Farmland in the Mid North Coast Regional Strategy.
2. The inclusion of an appropriate buffer between the Rural Residential land and the Regionally Significant Farmland as set out in the Mid North Coast Farmland Mapping Project.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 days**; and
 - (b) the relevant planning 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 section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change and Water
 - Department of Primary Industries (Agriculture)
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
5. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

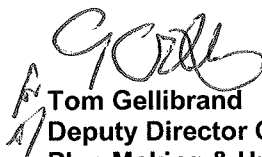
Dated

01

day of

April 2010

2010.


Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning
01.04.2010