



Planning

Office of the Director-General

Contact: Paul Garnett
Phone: (02) 6641 6607
Fax: (02) 6641 6601
Email: paul.garnett@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP_2009_CLARE_001_00

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

Dear Mr McPherson,

Re: Planning Proposal to list a Bunya Pine tree at 264-268 Pound Street, Grafton as an item of environmental heritage in Schedule 1 of the Grafton LEP 1988

I am writing in response to your Council's letter received on 20 November 2009 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 Grafton Local Environmental Plan 1988 to list a Bunya Pine tree at 264-268 Pound Street, Grafton (Lot 1 DP 431537) as an item of environmental heritage.

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 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 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 Paul Garnett of the Regional Office of the Department.

Yours sincerely,


Sam Haddad
Director-General

30/12/2009

Gateway Determination

Planning Proposal (Department Ref: PP_2009_CLARE_001_00): To list a Bunya Pine tree at 264-268 Pound Street, Grafton (Lot 1 DP 431537) as an item of environmental heritage in Schedule 1 of the Grafton Local Environmental Plan 1988.

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Grafton Local Environmental Plan 1988 to list a Bunya Pine tree at 264-268 Pound Street, Grafton (Lot 1 DP 431537) as an item of environmental heritage should proceed, subject to the following conditions:

1. 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).
2. No consultation is required with State or Commonwealth public authorities under section 56(2)(d) of the EP&A Act.
3. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 30th day of December 2009.


Sam Haddad
Delegate for the Minister for Planning