



Planning

Office of the Director-General

Mr Stuart McPherson
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Our ref: PP_2009_CLARE_002_00

Dear Mr McPherson,

Re: Planning Proposal to rezone land at 206 Arthurt Street, Grafton from Public Recreation 6(a) to Living Area 2(a)

I am writing in response to Council's letter of 24 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 rezone land at 206 Arthur Street, Grafton (Lot 3 DP 746578, Part Lot 2 Section 126 DP 758470 and Part Lot 5 Section 126 DP 758470) from 6(a) Public Recreation to 2(a) Living Area.

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.

It is noted that Council's reason for supporting this planning proposal is to enable the extension of an existing aged care facility. However, as the planning proposal will allow all development permissible within the 2(a) Living Area Zone, this should be made clear in the documentation made available at public exhibition. In addition, flooding issues should be addressed when this proposed rezoning is resubmitted to the Department following its exhibition.

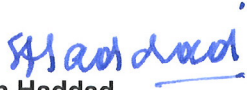
The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

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_002_00): to rezone land at 206 Arthur Street, Grafton (Lot 3 DP 746578, Part Lot 2 Section 126 DP 758470 and Part Lot 5 Section 126 DP 758470) from 6(a) Public Recreation to 2(a) Living Area to enable the extension of an aged care facility at Dougherty Villa.

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 rezone land at 206 Arthur Street, Grafton (Lot 3 DP 746578, Part Lot 2 Section 126 DP 758470 and Part Lot 5 Section 126 DP 758470) from 6(a) Public Recreation to 2(a) Living Area to enable the extension of an aged care facility at Dougherty Villa 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. Consultation is required with Department of Environment, Climate Change and Water; Department of Lands and State Emergency Services under section 56(2)(d) of the EP&A Act.
3. 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.
4. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
5. 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.

SHaddad

Sam Haddad
Delegate for the Minister for Planning