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Department Generated Correspondence (Y)

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Our ref: PP_2012_CLARE_001_00 (12/02179)
Your ref:

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

Dear Mr McPherson

Re: Planning proposal to amend the Clarence Valley LEP 2011 to enable the development of a medical centre with Council consent on land zoned R2 Low Density Residential

I am writing in response to your Council's letter dated 25 January 2012 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 Clarence Valley Local Environmental Plan 2011 to enable the development of a medical centre with Council consent on land zoned R2 Low Density Residential.

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

The Department generally supports the intended outcome of Council's planning proposal. However, in this instance, Council's preferred approach of proceeding by permitting this development as a '*Schedule 1 – Additional Permitted Use*' is not supported. Instead, Council is to proceed by amending the planning proposal to rezone the site to either R1 General Residential or R3 Medium Density Residential. Land use permissibility can then be addressed through the *State Environmental Planning Policy SEPP (Infrastructure) 2007* which identifies both the R1 and R3 as 'Prescribed zones' for Health services facilities. Council would then be able to undertake a merit based assessment of an application for a 'Medical centre' on the subject site.

Council should also ensure that appropriate FSR, minimum lot size, and building height controls are identified for the site and included in the planning proposal. In doing so, Council is to prepare and exhibit appropriate maps for these development standards.

It is noted that the planning proposal has been submitted to facilitate a specific outcome for the site. Council should therefore consider placing a Development Application for the intended medical centre use on exhibition concurrently with the planning proposal to clearly demonstrate to the community its intended outcome for the site.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 3.1 Residential Zones are of minor significance. No further approval is required in relation to this Direction. Notwithstanding this, Council should ensure that the planning proposal is amended to provide an assessment against all S117 Directions taking into consideration the revised approach of proceeding by rezoning the subject site. Any inconsistency with relevant S117 Directions should be justified for further consideration following public exhibition.

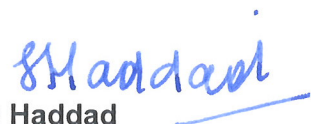
The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the

exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 on 02 6641 6600.

Yours sincerely,


Sam Haddad
Director-General


Gateway Determination

Planning proposal (Department Ref: PP_2012_CLARE_001_00): to amend the Clarence Valley LEP 2011 to enable the development of a medical centre with Council consent on land zoned R2 Low Density Residential.

I, the Director General, 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 2011 to enable the development of a medical centre with Council consent on land zoned R2 Low Density Residential should proceed subject to the following conditions:

1. Council is to amend the planning proposal to proceed by rezoning the site to either R1 General Residential or R3 Medium Density Residential. Land use permissibility can then be addressed through the *State Environmental Planning Policy SEPP (Infrastructure) 2007* which identifies both the R1 and R3 as 'Prescribed zones' for Health services facilities.
2. Council should also ensure that appropriate FSR, minimum lot size, and building height controls are identified for the site and included in the planning proposal. In doing so, Council is to prepare and exhibit appropriate maps for these development standards.
3. Council is to ensure that all mapping prepared for exhibition purposes including site location and context maps, and the above development standard maps, clearly identify the site and provide the community with a clear indication of the intent and outcomes of the planning proposal.
4. Following revision of the planning proposal Council is to ensure that the proposal is consistent with all relevant S177 Directions. Where additional information is required to be provided to demonstrate consistency with a S177 Direction, this information is to be prepared and placed on public exhibition with the planning proposal.
5. 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)*.
6. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:
 - NSW Maritime and Road Services

This public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The 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.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 20th day of February 2012.



Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure