



Office of the Director General

Mr Scott Greensill
General Manager
Clarence Valley Council
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Our ref: PP_2012_CLARE_004_00 (12/16131)
Your ref:

Dear Mr Greensill,

Planning proposal to amend Clarence Valley Local Environmental Plan 2011

I am writing in response to your Council's letter dated 5 October 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 rezone land at Boundary Road, Gulmarrad for residential and conservation purposes.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should not proceed for the reasons outlined in the attached Gateway determination.

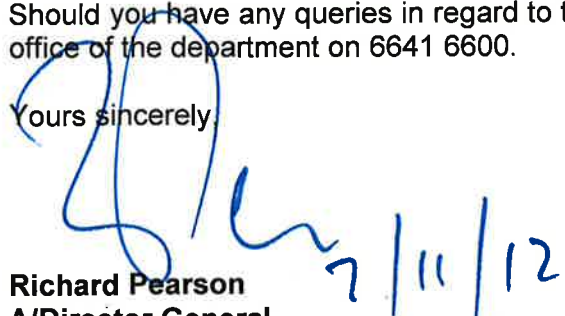
The department does not support the planning proposal in its current form as the proposal provides poor justification to support a departure from the Mid North Coast Regional Strategy (MNCRS) and Council's Local Growth Management Strategy (LGMS).

Further investigations would be required which improve the standard of information to justify the proposal. Should Council decide to resubmit the planning proposal, Council would be encouraged to:

- undertake preliminary investigations with the Office of Environment and Heritage and the NSW Rural Fire Service and provide evidence of their requirements,
- explain under what framework the land exchange would occur,
- provide a clearer explanation about the future use and controls for residue lot 51, and
- provide greater articulation of the proposal's compliance with any relevant State Environmental Planning Policies.

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

Yours sincerely,


Richard Pearson
A/Director General

Gateway Determination

Planning proposal (Department Ref: PP_2012_CLARE_004_00): to amend Clarence Valley Local Environmental Plan (LEP) 2011 to rezone land for residential and conservation purposes.

I, the Acting 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 (LEP) 2011 to rezone land at Boundary Road, Gulmarrad for residential and conservation purposes should not proceed for the following reasons:

1. The planning proposal is inconsistent with both the Mid North Coast Regional Strategy and Council's Local Growth Management Strategy. The relative merits of the proposal have not been sufficiently addressed to warrant a departure from the regional or local planning strategies.
2. Insufficient evidence has been provided to demonstrate the environmental value or otherwise of the subject land. The land's value may not necessarily support the loss of additional vegetated land proposed to be cleared and subdivided.

Dated

7

day of

November

2012.



Richard Pearson
A/Director General
Delegate of the Minister for Planning and
Infrastructure