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Our ref: PP_2010_CLARE_001_00 (10/04706)
Your ref: CVC:523221

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

Dear Mr McPherson,

Re: Planning Proposal to rezone part of Lot 40 Ironbark Terrace, South Grafton

I am writing in response to your Council's letter dated 17 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 Grafton Local Environmental Plan 1988 to rezone part Lot 40 DP 1105976 (Lot 40 Ironbark Terrace, South Grafton) from 1(c) Rural Residential to 2(a) Living Area Zone.

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, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

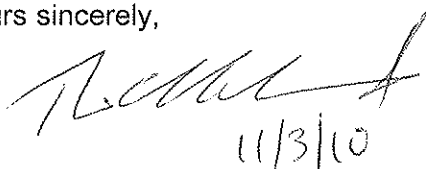
The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

In order to assist in the preparation of the draft local environmental plan, it is requested that Council provide the Department with a copy (including any digital data) of any maps and documentation associated with the exhibition of this Planning Proposal.

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,



11/3/10

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_CLARE_001_00): to rezone part Lot 40 DP 1105976 (Lot 40 Ironbark Terrace, South Grafton) from 1(c) Rural Residential to 2(a) Living Area Zone.

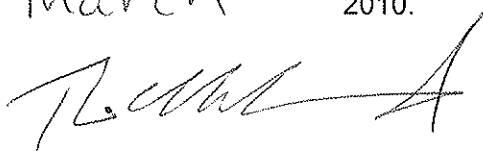
I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Grafton Local Environmental Plan 1988 to rezone part Lot 40 DP 1105976 (Lot 40 Ironbark Terrace, South Grafton) from 1(c) Rural Residential to 2(a) Living Area Zone 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. A detailed assessment of the flooding and stormwater characteristics of the site being produced and included in the exhibition of this Planning Proposal.
3. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:
 - Aboriginal Land Council

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. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 11th day of March 2010.



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