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Our ref: PP_2011_CLARE_002_00 (11/10769)
Your ref: 736851

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

Dear Mr McPherson,

Re: Planning Proposal to rezone land at 18 Coramba Street, Glenreagh from RE1 Public Recreation to R2 Low Density Residential

I am writing in response to your Council's letter dated 20 June 2011 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 draft Clarence Valley LEP 2011 to rezone land at 18 Coramba Street, Glenreagh from RE1 Public Recreation to 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.

It is noted that the historical use of the site was for the purpose of parking and storing of buses by the local bus company. Council is to consider contamination implications as a result of this use through a preliminary contamination assessment and include this information in the planning proposal for the purposes of public consultation.

It is noted that the planning proposal is inconsistent with s117 Directions 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies, in regards to flooding. Council is therefore to consult with the Office of Environment and Heritage prior to undertaking community consultation in regards to flood affectation, and take into consideration any comments in regards to the impact of flooding on the site. Council is required to demonstrate consistency, or satisfy the Director General that any inconsistency is of minor significance and include this in the planning proposal following public authority consultation.

In regards to the planning proposal's inconsistencies with s117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of the Local Planning Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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 Carlie Boyd of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Gellibrand', with a long horizontal stroke extending to the right.

14/7/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_CLARE_002_00): to rezone land at 18 Coramba Street, Glenreagh from RE1 Public Recreation to R2 Low Density Residential

I, the Deputy Director General, Plan Making & Urban Renewal 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 draft Clarence Valley LEP 2011 to rezone land at 18 Coramba Street, Glenreagh from RE1 Public Recreation to R2 Low Density Residential should proceed subject to the following conditions:

1. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
2. Council is to consult the Office of Environment and Heritage prior to undertaking community consultation, and take into account any comments made in regards to the impact of flooding on the site.
3. Council is to consider contamination implications as a result of this use through a preliminary contamination assessment and include this information in the planning proposal for the purposes of public consultation.
4. 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)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - Office of Environment and Heritage

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.

6. 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).



Planning & Infrastructure

7. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 14th day of July 2011.

A handwritten signature in blue ink, appearing to read 'Tom Gellibrand', written over the date line.

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