



Office of the Director General

Mr Scott Greensill
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Clarence Valley Council
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Our ref: PP_2013_CLARE_001_00 (12/20361)
Your ref: DWS#1004938

Dear Mr Greensill,

Planning proposal to amend Clarence Valley Local Environmental Plan 2011

I am writing in response to Council's letter dated 17 December 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 (LEP) 2011 to rezone land at 33 Major Mitchell Drive, Gulmarrad from R5 Large Lot Residential to R1 General Residential, apply a maximum building height of 9m, remove the minimum lot size and amend various LEP maps applicable to the subject land.

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

I understand that the planning proposal facilitates housing growth in Gulmarrad, consequently this growth will place additional pressure on existing infrastructure. Council will need to consider the long term upgrade of existing infrastructure, including sewerage treatment, transport infrastructure, water supply and local road capacity.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

Council is reminded that it must not use its delegation where there is an unresolved agency objection to the draft LEP. In this instance, Council is to contact the regional office of the department to seek assistance in resolving the matter so that the LEP may proceed under delegation.

The amending LEP is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The NSW 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 Jenny Vallis of the regional office of the department on 02 6641 6600.

Yours sincerely,

SHaddad

Sam Haddad
Director General

8/2/2013

Gateway Determination

Planning proposal (Department Ref: PP_2013_CLARE_001_00): to facilitate a rezoning of land at 33 Major Mitchell Drive, Gulmarrad for residential purposes.

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 (LEP) 2011 to rezone land at 33 Major Mitchell Drive, Gulmarrad from R5 Large Lot Residential to R1 General Residential, apply a maximum building height of 9m, remove the minimum lot size and amend various LEP maps applicable to the subject land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to include additional information regarding flooding, including identifying evacuation routes to and from the subject site and addressing stormwater issues at Major Mitchell Drive.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include maps prepared at an appropriate scale, which clearly illustrate the amendments proposed to Clarence Valley LEP 2011. The maps should clearly identify the subject site.
3. Prior to undertaking public exhibition, Council is to amend the planning proposal to demonstrate consistency with S117 Directions 2.1 Environmental Protection Zones and 5.1 Implementation of Regional Strategies by demonstrating how the proposal will address the long term viability of priority vegetation and habitat corridors. The planning proposal should consider meaningful offset or ameliorative solutions, in order to achieve an acceptable biodiversity outcome. Council is to consult the Office of Environment and Heritage regarding the above matters. Where appropriate, areas of significant vegetation should be zoned for environmental purposes.
4. Prior to undertaking public exhibition, Council is to consult with Roads and Maritime Services regarding noise implications, as a result of the Pacific Highway upgrade, including the Tyndale to Maclean Alternative Route. The planning proposal is to be amended to reflect the outcomes of this consultation.
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 must be made publicly available for **28 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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2012).
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Essential Energy
 - NSW Aboriginal Land Council
 - Department of Education and Communities
 - Office of Environment and Heritage
 - Transport for NSW
 - NSW National Parks and Wildlife Services

- NSW Rural Fire Services
- Roads and Maritime Services

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.

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 **12 months** from the week following the date of the Gateway determination.

Dated 8th day of February 2013.

SHaddad

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



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Clarence Valley Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by the instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_CLARE_001_00	Planning proposal to rezone land at 33 Major Mitchell Drive, Gulmarrad from R5 Large Lot Residential to R1 General Residential, apply a maximum building height of 9m, remove the minimum lot size and amend various maps applicable to the subject land.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 8 February 2013

SHaddad

Sam Haddad
DIRECTOR GENERAL
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_CLARE_001_00
Date Sent to Department under s56	17/12/2012
Date considered at LEP Review Panel	17/01/2013
Gateway determination date	08/02/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: