

Gateway Determination

Planning proposal (Department Ref: PP_2020_CLARE_003_00): to amend the lot size map at Mountain View Estate and Cronin Estate to facilitate the retention of the existing dwelling entitlements

I, the Director at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Clarence Valley Local Environmental Plan (LEP) 2011 to amend the lot size map at Mountain View Estate and Cronin Estate to facilitate the retention of the existing dwelling entitlements should proceed subject to the following conditions:

1. Prior to agency or community consultation, the proposal is to be amended to:
 - (a) amend the proposal to apply a 2,500m² minimum lot size to the subject land in the Mountain View Estate;
 - (b) amend the objectives of the planning proposal 3(ii) to replace 'subject land' with 'Lot 132 DP1263591';
 - (c) include new legible current lot size maps for both subject areas;
 - (d) amend proposed LSZ_007H to show Lot 132 DP 1263591 with a 2,000m² minimum lot size labelled 'V1';
 - (e) amend the Mountain View Estate site identification map and proposed LSZ_007 map to include Lot 13 DP1244553 identified with a 2,500m² minimum lot size labelled 'V2' corresponding to the Mountain View Estate subject lots; and
 - (f) update the project timeline to accurately reflect the Gateway determination and expected completion date.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **14 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 3 day of September 2020.



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces