



Mr Ashley Lindsay  
General Manager  
Clarence Valley Council  
Locked Bag 23  
GRAFTON NSW 2460

Dear Mr Lindsay

**Planning proposal PP\_2019\_CLARE\_001\_00 to amend Clarence Valley Local Environmental Plan 2011**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to reduce the minimum lot size of land at 112 and 134 School Lane, Southgate from 40 hectares to 6 hectares to permit the subdivision of land and the erection of two additional dwellings.

As delegate of the Minister for Planning, I have now determined that the planning proposal should not proceed because it:

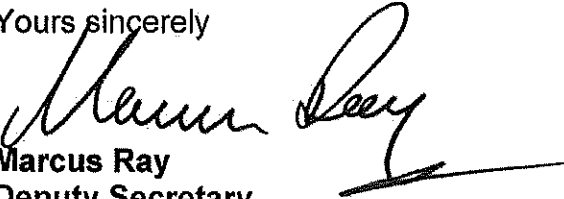
- lacks strategic merit;
- is inconsistent with the Clarence Valley Settlement Strategy and the North Coast Regional Plan 2036;
- is inconsistent with State Environmental Planning Policy (Primary Production and Rural Development) 2019 and several section 9.1 Directions including Direction 1.5 Rural Lands;
- is inconsistent with the objectives of the RU1 Primary Production zone and the nature of existing surrounding development; and
- may set an undesirable precedent for similar development in the area and other rural areas in the LGA.

I note the justification of the proposal relies primarily upon 'transferring' development potential for two dwellings on nearby flood-prone cane-cropping land. This premise however assumes the erection of the dwellings on the flood-affected land would occur. While relevant development standards may permit the lodgement of an application for assessment for a dwelling on certain land, this does not provide an inherent right for the dwelling be constructed. Until a development application is assessed, it can't be determined whether the land would be suitable for development or if a dwelling house would be approved.

Due to this uncertainty, it is considered inappropriate that a cluster of rural residential dwellings be created in an unplanned location within the general rural landscape, primarily based only on transferring dwelling development potential.

Should you have any enquiries about this matter, I have arranged for Ms Carlie Boyd to assist you. Ms Boyd can be contacted on 6643 6404.

Yours sincerely



**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

04/06/2019  
Encl: Gateway determination