

Clarence Valley LEP 2011 - Rezone Lot 3 DP 576021, 189 Yamba Road, Yamba from R2 Low Density Residential to B2 Local Centre

Proposal Title :	Clarence Valley LEP 2011 - Rezone Lot 3 DP 576021, 189 Yamba Road, Yamba from R2 Low Density Residential to B2 Local Centre		
Proposal Summary :	The Planning Proposal involves the rezoning of Lot 3 DP 576021, 189 Yamba Road, Yamba from R2 Low Density to B2 Local Centre under Clarence Valley LEP 2011 for the purpose of a service station.		
PP Number :	PP_2015_CLARE_006_00	Dop File No :	15/11819

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
2.2 Coastal Protection
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
5.1 Implementation of Regional Strategies

Additional Information : It is recommended that;

1. The planning proposal be supported;
2. That the planning proposal be exhibited for a period of 28 days;
3. The planning proposal is to be completed within 9 months.
4. The Secretary (or her delegate) agree that the inconsistencies of the proposal with S117 Directions 1.1, 3.1, 4.1 and 4.3 are justified in accordance with the terms of the directions.
5. Prior to public exhibition, the planning proposal should be amended to;
 - include mapping prepared in accordance with the Department's standard technical requirements for LEP maps; and
 - include an updated list of applicable S117 Direction's that includes 3.1 Residential Zones.
6. That an authorisation to exercise plan making delegations be issued to Council.

Supporting Reasons : The reasons for the recommendation are as follows;

1. The proposal is in keeping with adjoining commercial landuse and will help to reinforce the Treelands Drive Commercial Area,
2. The loss of approximately 680m2 of residential zoned land within the Local Government Area is considered minor,
3. No detrimental social, environmental or economic impacts are anticipated from the proposal, and
4. The inconsistencies of the proposal with the S117 directions are of minor significance or are justified in accordance with the terms of the directions.

Panel Recommendation

Recommendation Date :	06-Aug-2015	Gateway Recommendation :	Passed with Conditions
Panel Recommendation :	This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the General Manager. Therefore the planning proposal will not be considered by the panel.		

Gateway Determination

Decision Date :	07-Aug-2015	Gateway Determination :	Passed with Conditions
Decision made by :	General Manager, Northern Region		

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Exhibition period : **28 Days**

LEP Timeframe : **9 months**

Gateway

Determination :

1. Prior to community consultation the planning proposal is to be amended to include:

- (a) mapping which shows the current and proposed zoning of the site; and**
- (b) an updated list of applicable S117 Directions that includes justification for the inconsistency with Direction 3.1 Residential Zones.**

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 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 2013).**

3. Consultation is required with the following public authorities and agencies prior to public exhibition under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

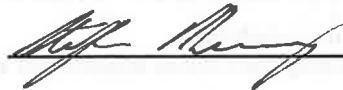
- **Environment Protection Authority; and**
- **Transport for NSW (Roads and Maritime Services);**

Each public authority and agency is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(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 timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

7 August 2015