

Clarence Valley LEP 2011 – Addition of Land at Ulmarra to the Riverbank Erosion Planning Map

Proposal Title :	Clarence Valley LEP 2011 – Addition of Land at Ulmarra to the Riverbank Erosion Planning Map		
Proposal Summary :	The proposal seeks to amend the Clarence Valley Local Environmental Plan 2011 to include land affected by riverbank erosion fronting the eastern bank of the Clarence River in the vicinity of Ulmarra on the 'Riverbank Erosion Planning Map'.		
PP Number :	PP_2014_CLARE_006_00	Dop File No :	14/19992

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast

Additional Information :

It is recommended that;

1. The planning proposal should proceed as a minor planning proposal.
2. The planning proposal is to be completed within nine (9) months.
3. That a community consultation period of 28 days is necessary.
4. That the RPA consult with the NSW Department of Primary Industries (Fishing and Aquaculture and NSW Office of Water) and Transport for NSW (Roads and Maritime Services) in relation to the proposed amendment that affects land owned or managed by this authority.
5. It is recommended that a delegate of the Director General agree that the inconsistency of the proposal with S117 Directions 3.1 Residential Zones is justified in accordance with the provisions of the directions.
6. A written authorisation to exercise delegation is issued to Clarence Valley Council in this instance to enable Council to make the plan.

Supporting Reasons :

The reasons for the recommendation are as follows;

1. The planning proposal is consistent with Council's broad strategic framework for management of riverbank erosion hazard and the Mid North Coast Regional Strategy.
2. The planning proposal has planning merit, in particular it will provide greater transparency in relation to riverbank erosion hazard in the vicinity of Ulmarra Village, provide consistency for assessment of riverbank hazard throughout the Council area by aligning the controls for Ulmarra with those that exist at Palmers Island and Woodford Dale and appropriately manage riverbank erosion risk by increasing the statutory weight to consideration of riverbank erosion in Ulmarra.
3. The inconsistencies of the proposal with the S117 Directions are of minor significance.
4. The proposal is otherwise consistent with all relevant local and regional planning strategies, section 117 Directions and SEPPs.

Lobbyists

The Department of Planning and Infrastructure's Code of Practice in relation to meeting with lobbyists has been complied with to the best of the Region's knowledge.

Communication

Clarence Valley LEP 2011 – Addition of Land at Ulmarra to the Riverbank Erosion Planning Map

Northern Region has not met with any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other Departmental officers and lobbyists regarding this proposal.

Panel Recommendation

Recommendation Date :

Gateway Recommendation :

Panel Recommendation : This planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the General Manager, Northern Region. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 10-Dec-2014

Gateway Determination : Passed with Conditions

Decision made by : General Manager, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 9 months

Gateway Determination : This Planning Proposal should proceed subject to the following conditions:
1. 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 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 Environment 2013).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Department of Primary Industries (Fishing and Aquaculture and NSW Office of Water)
- NSW Office of Environment and Heritage
- Transport for NSW (Roads and Maritime Services)

Each public authority 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.

3. 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).

4. The timeframe for completing the LEP is to be nine (9) months from the week following the date of the Gateway determination.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

10 DECEMBER 2014