



Mr Scott Greensill
General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Our ref: 14/08136
Your ref: DWS 1266463

Dear Mr Greensill

**Planning Proposal PP_2011_CLARE_004_00 James Creek Road, James Creek –
Gateway Determination alteration and extension**

I refer to your request on 14 April 2014 seeking an extension of time to complete, and alteration to, Planning Proposal PP_2011_CLARE_004_00.

I have determined, as delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act, 1979*, to amend the Gateway Determination dated 4 April 2014 by

- amending condition 5 to require flood free access up to the 5% Annual Exceedance Probability event; and
- extending the time to complete this Planning Proposal for a further three months. This Planning Proposal is now due for completion by 9 September 2014.

In determining to amend condition 5 I have had regard to advice from the Office of Environment and Heritage that the proposed amendment is acceptable from a flooding perspective.

The written authorisation to exercise delegation issued on 4 April 2014 remains valid with these amendments.

You have previously advised that some conditions of this determination have been satisfied. I confirm that the amendment of this determination does not require these conditions to be reconsidered, nor is any further community consultation required under section 57.

Council's request to draft and finalise the LEP should be made directly to the Parliamentary Counsel's Office. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

If you have any questions in relation to this matter, please contact Tamara Prentice, of this office, on 6641 6616.

Yours sincerely



Stephen Murray

General Manager, Northern Region
Growth Planning and Delivery

20 May 2014

Gateway Determination (Amended)

Planning proposal (Department Ref: PP_2011_CLARE_004_00): to zone the subject land adjoining James Creek Road, James Creek for low and medium density residential development, with a small area for commercial use. The land is currently zoned RU1 Primary Production.

I, the General Manager, Northern Region as delegate of the Minister for Planning, 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 the subject land from RU1 Primary Production to R1 General Residential, R3 Medium Density Residential and B1 Neighbourhood centre; and apply a maximum building height of 9 metre; should proceed subject to the following conditions:

1. Council is required to submit its final Local Growth Management Strategy (LGMS) to the Department for consideration and endorsement prior to the planning proposal being placed on public exhibition.
2. Council is to exhibit a proposed servicing strategy (local and state) for the James Creek Release Area. The outcomes of these discussions should be placed on public exhibition with the planning proposal.
3. Council is to demonstrate that adequate transport and access arrangements can be achieved for the James Creek Release Area. The assessment should include vehicle access, as well as a consideration of public transport access, and pedestrian and cycle access requirements. The outcomes of this assessment should be made available for public exhibition purposes.
4. Council is to investigate flora and fauna issues related to the site and in particular whether the site provides koala habitat and/or key vegetation corridors linking to other habitat areas. The outcomes of this assessment (which may include a Koala Plan of Management) should be made available for public exhibition purposes.
5. Council is to demonstrate that appropriate arrangements for stormwater management and drainage can be provided for the James Creek Release Area. Council is to demonstrate that access can be provided to the release area via Gardiners Road up to the 5% Annual Exceedance Probability flood event.
6. The planning proposal is to be submitted to the General Manager, Northern Region, prior to the exhibition commencing. The General Manager will assist Council on an appropriate way to proceed with the amendment referencing both instruments the planning proposal will amend.
7. 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.

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

- NSW Aboriginal Land Council
- Office of Environment and Heritage
- Department of Industry and Investment (Agriculture)
- NSW Rural Fire Services
- Roads and Traffic Authority

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.

9. 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).

10. This land is not to be mapped as an Urban Release Area in Part 6 of the Clarence Valley LEP 2011.

11. The LEP is to be completed by 9 September 2014.

Dated 20th day of May 2014.



Stephen Murray
General Manager, Northern Region
Growth Planning and Delivery
Department of Planning and Environment

Delegate of the Minister for Planning