

Gateway Determination (Amended)

Planning proposal (Agency 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 at Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, 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 the James Creek area can be effectively evacuated up to the full range of floods.
6. The planning proposal is to be submitted to the Regional Director, Northern Region, prior to the exhibition commencing. The Regional Director 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 June 2014.

Dated 4 day of April 2014.



Stephen Murray
General Manager, Northern Region
Growth Planning & Delivery
Planning and Infrastructure

**Delegate of the Minister for Planning and
Infrastructure**



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Clarence Valley Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2011_CLARE_004_00	Planning proposal to rezone land adjoining James Creek Road, James Creek (Lot 104 DP 751388) from RU1 Primary Production to enable low and medium density residential development, with a small area of commercial use.

In exercising the Minister's functions under section 59, the Council must comply with Planning and Infrastructure's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 4 April 2014

Stephen Murray
General Manager, Northern Region
Growth Planning & Delivery
Planning and Infrastructure