

### Clarence Valley LEP 2011 – Waterview Heights Rural Residential Rezoning

Proposal Title : Clarence Valley LEP 2011 – Waterview Heights Rural Residential Rezoning

Proposal Summary : The proposal seeks to amend Clarence Valley LEP 2011 by rezoning land at Waterview Heights from RU2 Rural Landscape to R5 Large Lot Residential. The rezoning will enable the land to be developed for rural residential purposes.

PP Number : PP\_2015\_CLARE\_008\_00      Dop File No : 15/14522

### Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

Additional Information : It is **RECOMMENDED** that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Clarence Valley Local Environmental Plan 2011 to rezone land at Waterview Heights for rural residential purposes should proceed subject to the following conditions:

1. Prior to the commencement of community consultation, Council is to:
  - (a) revise the Planning Proposal so that Council's timeline for completing the LEP amendment is incorporated into the body of the Planning Proposal; and
  - (b) include a map that identifies the current minimum lot size standards for the site and surrounding land.
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 under section 56(2)(d) of the EP&A Act and to comply with the requirements of relevant S117 Directions:
  - Office of Environment and Heritage
  - NSW Rural Fire Service
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.

**6. Section 117 Directions - It is recommended that:**

(a) The Secretary's Delegate determine that inconsistencies with s117 Directions 1.2 Rural Lands, 1.3 Mining, Petroleum Production and Extractive Industries and 3.4 Integrated Land Use and Transport are justified in accordance with the terms of the Directions (consistency with the Regional Strategy).

7. Plan making functions should be delegated to Council, given that the proposal relates to a spot rezoning that is consistent with the strategic planning framework.

**Supporting Reasons :**

The reasons for the above recommendations for the Planning Proposal are as follows:

1. Release of the land for rural residential purposes will promote housing supply and choice over disused and unconstrained land.
2. The inconsistencies with the s117 Directions are justified by the proposal's consistency with the Regional Strategy.
3. The proposal is otherwise consistent with all relevant local and regional planning strategies, s117 Directions and SEPPs.
4. The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progression.

**Panel Recommendation**

Recommendation Date :

Gateway Recommendation :

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 : **23-Oct-2015**

Gateway Determination : **Passed with Conditions**

Decision made by : **General Manager, Northern Region**

Exhibition period : **28 Days**

LEP Timeframe : **9 months**

Gateway

Determination :

I, the General Manager, Northern Region, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 (the Act) that an amendment to the Clarence Valley Local Environmental Plan (LEP) 2013 to rezone part of Lot 5 DP 1179232 in Waterview Heights from RU2 Rural Landscape to R5 Large Lot Residential and to alter the minimum lot size controls for the subject land should proceed subject to the following conditions:

1. Prior to the commencement of public exhibition, Council is to:

- (a) revise the Planning Proposal so that Council's timeline for completing the LEP amendment is incorporated into the body of the Planning Proposal; and
- (b) include a map that identifies the current minimum lot size standards for the site and surrounding land.

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

- Office of Environment and Heritage
- NSW Rural Fire Service

Council is to consult with these public agencies prior to undertaking community consultation and, if required, update the Planning Proposal to reflect any comments made.

3. 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

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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).

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:

23 OCTOBER 2015

