

## **Gateway Determination**

Planning Proposal (Department Ref: PP\_2017\_CLARE\_006\_00): to rezone Lots 10 and 11 DP 1185535, 5 Bridge Street, Glenreagh, from RU2 Rural Landscape to R2 Low Density Residential and amend other relevant planning controls for the land.

I, the Director Regions, Northern, 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) 2011 to rezone Lots 10 and 11 DP 1185535, 5 Bridge Street, Glenreagh, from RU2 Rural Landscape to R2 Low Density Residential and amend other relevant planning controls for the land should proceed subject to the following conditions:

- 1. Prior to community consultation the following investigations are to be completed and the planning proposal amended as necessary:
  - a. further investigation of the potential for contamination of the site in accordance with the requirements of the Contaminated Land Planning Guidelines specified in State Environmental Planning Policy 55 -Remediation of Land and to the satisfaction of Council;
  - b. further investigation for the presence of Aboriginal cultural heritage significance is to be provided in the form of a record of site inspection by a suitably qualified or experienced person and confirmation of consultation with the Local Aboriginal Land Council;
  - a flora and fauna assessment of the site given the presence of mapped High Environmental Value vegetation along the southern boundary; and
  - d. a bushfire risk assessment.
- 2. Prior to community consultation the planning proposal is to be amended as follows:
  - a. the planning proposal is to include maps which show the existing and proposed zones, minimum lot size, and maximum building height. The maps should clearly indicate that the land proposed to be zoned R2 will not have a minimum lot size applying to it; and
  - b. a completed time line for completion of the planning proposal is to be included.
- 3. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal is classified as low impact as described in A guide to preparing local environmental plans (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 14 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 local environmental plans* (Department of Planning and Environment 2016).
- 4. Consultation is required with the following public authorities and / organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
  - NSW Rural Fire Service:
  - NSW Office of Environment and Heritage; and
  - Local Aboriginal Land Council.

Each public authority/organisation 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.

- 5. 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).
- 6. The timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 15 day of August

2017.

Jeremy Gray
Director Regions, Northern
Planning Services
Department of Planning and
Environment

**Delegate of the Minister for Planning**