

Planning Services

Gateway Determination Report

LGA	Clarence Valley
RPA	Clarence Valley Council
NAME	Clarence Valley General Housekeeping Amendment
NUMBER	PP_2017_CLARE_008_00
LEP TO BE AMENDED	Clarence Valley Local Environmental Plan 2011
ADDRESS	Various land parcels within Clarence Valley LGA
DESCRIPTION	Various land parcels within Clarence Valley LGA
RECEIVED	25/10/2017
FILE NO.	17/15074
QA NUMBER	qA421488
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to amend the Clarence Valley Local Environmental Plan (LEP) 2011 by correcting minor map anomalies and updating Schedule 5 Environmental Heritage.

Site Description

Map 1 – 521 Majors Point Road, Herani;
 Map 2 – 162 Red Lane, Mountain View;
 Map 3 – 33A Taloumbi Street, Maclean;
 Map 4 – Part of Coramba Street and Tallawudjah Creek Road reserves, George Street Crown Road Reserve, and Crown Reserve either side of Coramba Street (adjoining Glenreagh Mountain Railway);
 Map 5 – 21 and 27 Union Street, Maclean;
 Map 6 – 206 and 206A Queen Street, Grafton;
 Map 7 – Old Glen Innes Road, Waterview Heights;
 Map 8 – 239 Waihou Forest Road Glenreagh;
 Map 9 – Mark Close, Grafton, Islandview Close, Grafton, Briemba Street, Grafton and part of Clarence River;
 Her 1 – 86 Through Street, South Grafton;
 Her 2 – 26 Bent Street, South Grafton.

Summary of Recommendation

The proposed housekeeping amendment should proceed subject to a number of conditions. The housekeeping planning proposal is supported as the minor map corrections and

Map 2: Adjust boundaries to zone all of the subject land from RE1 Public Recreation to RU2 Rural Landscape as the land is privately owned and not identified for acquisition for public purpose, and apply a 40ha MLS to the subject land;

Map 3: Remove the incorrectly identified heritage item from the map and reference in Schedule 5 of the LEP;

Map 4: Adjust the MLS boundaries to align with the land zoning boundaries and apply a 40ha MLS;

Map 5: Correct the location of a heritage item as it is incorrectly identified on the map;

Map 6: Remove the incorrectly identified heritage item from the map and reference in Schedule 5 of the LEP;

Map 7: A small 'wedge' of land was omitted from a rezoning proposal and retained its RU2 Rural Landscape zoning with a 40ha MLS. It is surrounded by R5 Large Lot Residential land. Rezone the land to R5 and reduce the MLS to 4000m².

Map 8: Adjust the MLS boundaries to align with the land zoning and apply a 40ha MLS;

Map 9: Adjust the MLS boundaries to align with the land zoning, remove the area applying to the Clarence River and apply a 40ha MLS.

All changes to the maps proposed by the planning proposal are considered to be appropriate.

Schedule 5 – Environmental Heritage

Her 1 and 2: Changes to Schedule 5 in Clarence Valley LEP 2011 to reflect the correct addresses and property descriptions of the subject lots. The corresponding maps correctly identify the items and do not require amending. This is considered to be appropriate.

All changes to the LEP proposed by the planning proposal are considered to be appropriate.

STRATEGIC ASSESSMENT

Regional

The proposal is consistent with the North Coast Regional Plan 2036 as the general amendments are mostly restricted to developed areas, with no reduction of important agricultural land and are minor in nature.

Local

The proposal is consistent with Council's adopted community strategic plan and Council's Delivery Program 2017-2021 as it ensures the LEP is continually amended to suit community and development industry needs.

Section 117(2) Ministerial Directions

The planning proposal is consistent with s117 Directions 1.1 Business and Industrial Zones, 1.3 Mining, Petroleum Production and Extractive Industries 1.5 Rural Lands, 2.1 Environmental Protection Zone, 2.2 Coastal Protection 2.3 Heritage Conservation, 3.1 Residential Zones, 4.1 Acid Sulfate Soils, and 4.3 Flood Prone Land.

The planning proposal is inconsistent with the following:

1.2 Rural Zones

The direction is applicable as Map 7 proposes to alter a rural zone by rezoning the subject site from RU2 Rural Landscape to R5 Large Lot Residential, and adjusting the minimum lot size from 40 hectares to 4000m² which will increase the permissible density of the land, and would make the planning proposal inconsistent with the direction. The direction provides

SITE SPECIFIC ASSESSMENT

Social / Economic

The planning proposal involves minor housekeeping matters and is therefore unlikely to create any major negative social or economic impacts.

Environmental

The planning proposal involves minor housekeeping matters and is therefore unlikely to create any major negative environmental impacts.

Map 1, 4, 7, and 8 are all identified as being bushfire prone or in proximity to bushfire prone land as discussed above. Consultation with the NSW Rural Fire service will be undertaken as part of the community consultation process.

CONSULTATION

Community

The planning proposal has indicated a 14 day community consultation period. This is considered acceptable.

Agencies

As some of the land has been identified as bushfire prone and to satisfy s117 directions regarding bushfire, referral to the NSW Rural Fire Service (RFS) will be required as part of the consultation process. Consultation with RFS is required after a Gateway determination is issued and before public exhibition.

Referral to Office of Environment and Heritage (OEH) is required as part of the consultation process as some of the amendments involve changes to identified heritage items. Consultation with OEH is required after a Gateway Determination is issued and before public exhibition.

TIMEFRAME

The planning proposal includes a project time line which suggests a completion time within 7 months as the proposed is of a minor nature, however Council have requested a 9 month completion time. It is recommended that a 9 month period be accepted.

DELEGATION

As the proposal deals with only matters of local significance, it is recommended that an authorisation to exercise plan making delegation be issued to Council in regard to this matter.

CONCLUSION

The preparation of a housekeeping planning proposal is supported as it:

- allows for minor map anomalies to be corrected; and
- updates the Heritage Schedule.