

Clarence Valley LEP 2011 – Reclassification of Council Land (2016-1)

Proposal Title : Clarence Valley LEP 2011 – Reclassification of Council Land (2016-1)

Proposal Summary : The planning proposal seeks to reclassify nine (9) parcels of Council owned land to 'operational' status to rectify errors in the previous reclassification processes

PP Number : PP_2016_CLARE_002_00 Dop File No : 16/08302

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : It is recommended that the planning proposal should proceed subject to the following;

1. The planning proposal proceed as a 'routine' planning proposal.
2. Prior to community consultation the planning proposal is to be amended as follows:
 - a. The information relating to the reclassification of part of Lot 103 DP 1189229 is to include an aerial photograph, a zoning map and a concept plan for the supermarket, each overlayed with the area to be reclassified so as to clearly indicate the existing and proposed land uses on the land proposed to be reclassified;
 - b. The comments relating to S117 Direction 4.4 Planning for Bushfire Protection are to be corrected to clarify that none of the subject land is bush fire prone land;
 - c. Appendix 5 is to be updated to include consideration of the Clarence Valley Open Spaces Strategic Plan 2012 as listed in section 4.4 of the planning proposal.
3. A community consultation period of 28 days is necessary.
4. A public hearing is required to be held into the reclassification of the various land parcels from community to operational in accordance with the requirements of section 29 of the Local Government Act 1993.
5. The planning proposal is to be completed within 9 months.
6. A written authorisation to exercise delegation not be issued to Clarence Valley Council.

Supporting Reasons : The reasons for the recommendation are as follows;

1. The proposed amendment will rectify anomalies in the classification of Council owned land.
2. The reclassification will enable the proposed dealing in the land to be undertaken in accordance with Council's resolutions.
3. The proposal does not result in a decrease in the amount of open space community

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land.

4. The proposal is consistent with the strategic planning framework and the inconsistencies are considered to be of minor significance.

Panel Recommendation

Recommendation Date : **21-Jul-2016**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The proposal is considered to be of local significance and can be appropriately considered by the Director Regions, Northern.**

Gateway Determination

Decision Date : **21-Jul-2016**

Gateway Determination : **Passed with Conditions**

Decision made by : **Regional Director, Northern Region**

Exhibition period : **28 Days**

LEP Timeframe : **9 months**

Gateway Determination : **1. Prior to community consultation the planning proposal is to be amended as follows:**

- (a) The information relating to the reclassification of part of Lot 103 DP 1189229 is to include an aerial photograph, a zoning map and a concept plan for the supermarket, each overlayed with the area to be reclassified so as to clearly indicate the existing and proposed land uses on the land proposed to be reclassified;
- (b) The comments relating to S117 Direction 4.4 Planning for Bushfire Protection are to be corrected to clarify that none of the subject land is bush fire prone land; and
- (c) Appendix 5 is to be updated to include consideration of the Clarence Valley Open Spaces Strategic Plan 2012 as listed in section 4.4 of the planning proposal.

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;
- (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); and
- (c) Any mapping material must meet the specifications in the current Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015).

3. No consultation is required with public authorities under section 56(2)(d) of the Act.

4. A public hearing is required to be held into the reclassification of the various land parcels from community to operational in accordance with the requirements of section 29 of the Local Government Act 1993. 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.

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:

Craig Diss

Date:

21 July 2016