

Clarence Valley LEP 2011 – Housekeeping Amendments 2016.

Proposal Title : **Clarence Valley LEP 2011 – Housekeeping Amendments 2016.**

Proposal Summary : **The planning proposal seeks to make 27 amendments to the Clarence Valley LEP 2011 to resolve a number of anomalies in maps and the written instrument. The amendments include:**

- **mapping amendments to the Land Zoning, Lot Size, Height of Building and Heritage maps to correct errors and anomalies;**
- **amendments to Schedule 5 Environmental Heritage to correct inaccuracies in the listing of heritage items; and**
- **An amendment to the wording in clause 7.1 Acid Sulfate Soils.**

PP Number : **PP_2016_CLARE_006_00** Dop File No : **16/12815**

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.2 Reserving Land for Public Purposes**

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 proposed map changes for Amendment ID Map 9 and Map 10 to apply heritage mapping is to apply to the entirety of the subject lots in accordance with the Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015);**
- 3. A community consultation period of 14 days is necessary.**
- 4. Council is to consult with the following State Agencies or organisations:**
 - a. Armidale Regional Council in relation to the land at Majors Point Road, Hernani;**
 - b. Department of Industry – Lands in relation to the proposed LEP amendments applying to Crown land;**
 - c. The NSW Office of Environment and Heritage in relation to the heritage listing of Hammonds Cottage at Woody Head;**
 - d. The NSW Rural Fire Service in relation to S117 Direction 4.4; and**
 - e. The NSW Roads and Maritime Services in relation to the expansion of the heritage listing at the Ashby Dry Dock.**
- 5. The planning proposal is to be completed within 9 months.**
- 6. A written authorisation to exercise delegation be issued to Clarence Valley Council.**
- 7. The Secretary's delegate agree that the inconsistencies of the planning proposal with S117 Directions 1.2 Rural Zones, 2.1 Environmental Protection Zones, 3.1 Residential Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified in accordance with the terms of the directions.**
- 8. In accordance with S117 Direction 6.2, the Secretary's delegate agree to the proposed changes to the RE1 Public Recreation zoning of land at Ocean Street Yamba**

Supporting Reasons :	Item 7) and Brooms Head (Item 12). The reasons for the recommendation are as follows; 1. The proposed amendment will rectify anomalies and errors in the Clarence Valley LEP 2011 and will therefore improve the function, content and consistency of the LEP providing an accurate and consistent planning instrument for the use of the community. 2. The proposal is generally consistent with the strategic planning framework and the inconsistencies are considered to be of minor significance.
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Panel Recommendation	
Recommendation Date :	29-Sep-2016
	Gateway Recommendation : Passed with Conditions
Panel Recommendation :	The proposal is considered to deal only with matters of local significance that can be appropriately considered by the Acting Director Regions, Northern.

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Gateway Determination

Decision Date :	30-Sep-2016	Gateway Determination :	Passed with Conditions
Decision made by :	Regional Director, Northern Region		
Exhibition period :	14 Days	LEP Timeframe :	9 months

Gateway Determination :

- Prior to community consultation the planning proposal is to be amended as follows:**
 - the proposed map changes for Amendment ID Map 9 and Map 10 are to apply heritage mapping to the entirety of the subject lots in accordance with the Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015).**
- Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:**
 - the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 14 days; and**
 - 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 Environment 2016).**
- Consultation is required with the following public authorities or organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:**
 - Armidale Regional Council;**
 - Department of Industry – Lands;**
 - The NSW Office of Environment and Heritage;**
 - The NSW Rural Fire Service; and**
 - The NSW Roads and Maritime Services.**

Each public authority 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.

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

Decision Date : **30-Sep-2016** Gateway Determination : **Passed with Conditions**Decision made by : **Regional Director, Northern Region**

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Gateway
Determination :

(a) the proposed map changes for Amendment ID Map 9 and Map 10 are to apply heritage mapping to the entirety of the subject lots in accordance with the Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015).

2. 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 LEPs (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 LEPs (Department of Planning and Environment 2016).

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

- **Armidale Regional Council;**
- **Department of Industry – Lands;**
- **The NSW Office of Environment and Heritage;**
- **The NSW Rural Fire Service; and**
- **The NSW Roads and Maritime Services.**

Each public authority 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.

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:

Craig Diss

Date:

30/9/16