



SCANNED

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Mr S McPherson
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DOC #	
DOC LOG	
G	24 APR 2009
CLARENCE VALLEY COUNCIL	

Our ref: G07/00136-2
Your ref: DWS 375624
File:

21 April 2009

Dear Mr McPherson

Subject: Draft Copmanhurst Local Environmental Plan (LEP) (Amendment No 13)

Thank you for your letter of 18 March 2009 requesting a Certificate to allow public exhibition of the above draft local environmental plan.

Following consideration of the draft plan the Director-General has certified that the plan may be exhibited. A copy of the certificate issued under section 65 of the Environmental Planning and Assessment Act 1979 is attached.

There are, however, a number of matters that will need completion prior to submission of the draft LEP to the Department at S69 Stage.

Mid North Coast (MNC) Regional Strategy

Clarence-Moreton Basin-Gas Extraction

The MNC Strategy states under the section Environment and Natural Resources – that “*The Region’s natural resources including farmland, extractive industries, energy resources and timber will be protected from urban and rural residential development with appropriate buffers considered when development occurs near these resources.*”. It is noted that the subject land is located over an area licenced by the DPI for gas/petroleum testing, known as area PEL 426. However, the area of land the subject of this amendment at Junction Hill has been identified for urban purposes for at least ten years and it would, therefore, be difficult to prohibit the development of this land based on possible gas/petroleum resources. Particularly as it is as yet unknown whether these resources are located on the subject land. Council has also indicated that any authority wanting to mine or extract gas from the site may utilise State Environmental Planning Policy legislation.

Council will need to obtain written comments from the NSW Department of Primary Industries – Mineral Resources Section based in the Hunter Valley, that deals with matters relating to Petroleum/Gas Extraction.

S117 Direction – 2.3 – Heritage Conservation

While the draft LEP does include a provision (Clause 37(4)(e) for the “*management of Aboriginal cultural heritage values*” it is not clear how Council proposes to identify (and therefore facilitate the conservation of) Aboriginal areas (documented campsite, if applicable) and the scarred tree. The Report prepared by Everick Heritage Consultants - Aboriginal Cultural Heritage Assessment dated February 2009 has concluded that the scarred tree be

protected by a surrounding radius of 10 metres. Written comments from the Grafton Ngerrie LALC and the Barra:way Wa:jad should be obtained in relation to the outcome of the excavation works on the subject lands.

Council may wish to consider (with approval from Aboriginal community) indicating with hatching Aboriginal places on LEP map

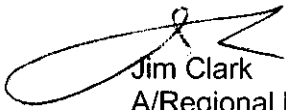
Consistency with SEPP No. 55 - Remediation of Land

Council has drafted a proposed clause (40) to include a Remediation Plan to consider the cattle dip site and possible isotope contamination on Lot 1 DP1057941 that has been prepared by a suitably qualified environmental consultant and land remediated in accordance with the Remediation Plan.

The Department would require Council to obtain written comments from the Radiation Control Section of DECC in Sydney in relation to the use of isotopes matter.

In response to your mail dated 15 April 2009 concerning approval for the removal of the Road and Traffic Authority (RTA) road reserve corridor that crosses the subject land from Trenayr Road to the Summerland Way. The Department will advance this further by commencing procedures to obtain the Director-General's approval. I note that the RTA has provided a letter dated 18 November 2008 stating that *"it does not require the road reserve corridor for the proposed Junction Hill highway by-pass."*

Yours sincerely



Jim Clark
A/Regional Director, Northern Region

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 65(1) CERTIFICATE

I the Director-General, Department of Planning, under Section 65(1) of the Environmental Planning and Assessment Act, 1979, certify that the draft plan named in the Schedule may be publicly exhibited under Section 66 of the Act. (G07/00136).

Date: 22 April 2009

Signed by James Clark

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as delegate of the Director-General of Planning and I certify that I have no notice of revocation of such delegation.

SCHEDULE

The draft Copmanhurst Local Environmental Plan 1990 (Amendment No 13) applying to Lot 1 DP1057941, Lot 9 DP976484, part Lot 22 DP1122377, Lot 1 DP812999, Lot 10 DP976484, Lot 1 DP199583, Lot 2 DP159972, Lot 1 DP794636, Lot 1 DP770090, Lot 1 DP996239 Summerland Way and Trenayr Road, Junction Hill to provide for the rezoning of land from 1(a) Rural (General) 1(b) Rural (Agricultural Protection); 1(d) Rural (Urban Investigation) and 5(c) Arterial Roads Proposed; to 2(a) Village and 1(c) Rural (Smallholdings).

The draft plan is being prepared to allow for approximately 1000 new dwellings. It is also proposed to include community facilities.