

## **Planning Proposal**

Amend Clarence Valley Local Environmental Plan 2011 Lot Size Map as it  
Applies to:

- Mountainview Estate Summerland Way, Mountainview
- Lot 132 DP1263591 (No. 8A) Cronin Avenue, Junction Hill
- 15 lots zoned R5 that would otherwise lose dwelling entitlement in December 2021 within Ashby, Ashby Heights, James Creek, Coutts Crossing and Grafton.

## Document Control Sheet

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## 1. Preliminary

### 1.1 Context

This planning proposal constitutes a document referred to in Section 3.33 of the Environmental Planning and Assessment Act 1979. It has been prepared in accordance with the Department of Planning and Environment's *"A guide to preparing planning proposals"* (August 2016).

A gateway determination under Section 3.34 of the Act was provided by the Department of Planning, Industry and Environment in September 2020. This included advice to explore other sites that may lose their dwelling eligibility in December 2021 with the 'sunset clause' - Clause 4.2B of the CVLEP.

A total of 15 sites are currently within the R5 zone with a dwelling entitlement but are currently below the minimum lot size on Councils zoning maps. It is proposed to include these 15 lots as part of the planning proposal so that they will not lose their dwelling entitlement.

### 1.2 Introduction

Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) came into effect on 23 December 2011. It amalgamated into a single document, formatted in accordance with the State government's 'Standard Instrument', the following local environment plans as they applied to the Clarence Valley local government area:

- Copmanhurst LEP1990
- Grafton LEP 1988
- Maclean LEP 186
- Ulmarra LEP 1992
- Richmond River LEP 1992

As a result all rural-zoned lands within those LEP's were allocated to one of 3 rural zones or to the R5 Large Lot Residential zone in CVLEP 2011.

### 1.3 Background

Among the previous rural zones, land zoned 1(c) Rural (Small Holdings) under Copmanhurst LEP1990 was classified R5 Large Lot Residential. Relevant to this Planning Proposal, that change affected:

- Mountainview Estate, Summerland Way Mountainview
- Cronin Estate, Pine Street Junction Hill

Copmanhurst LEP 1990 included the following clause:

**“Subdivision and Dwelling-Houses in Zone No. 1 (c)”**

*20. (1) The council shall not consent to the subdivision of land within Zone No 1 (c) if the land is intended to be used for the purpose of the erection of dwelling-houses unless:*

*(a) the area of each allotment to be created will be not less than 2 000 square metres, and*

*(b) a majority of the allotments to be created will have an area of not less than 4 000 square metres, and*

*(c) each allotment will have frontage to a Class A Road, and*

*(d) the total number of lots created under this clause and clause 18 (2) in any 12 month period does not exceed the number specified in writing by the Director.*

*(2) The council shall not consent to the creation of an allotment referred to in subclause (1) unless it will be connected to a reticulated water supply system and the council is satisfied that the allotment is capable of accommodating adequate facilities for the disposal of sewage and domestic waste.*

*(3) The council shall not consent to the erection of a dwelling-house on an allotment of land within Zone No 1 (c) unless the allotment:*

*(a) was lawfully created or approved by the Council before, and is one on which a dwelling-house could lawfully have been erected immediately prior to, 30 March 1990, or*

*(b) is an existing parcel of land and is consolidated into one allotment, or*

*(c) was created pursuant to subclauses (1) and (2).*

*(4) The council shall not consent to the erection of a dwelling-house on land within Zone No 1 (c) unless the allotment has frontage to a Class A road.*

This clause, and in particular the provisions of sub-clause (1), was utilised to approve a 43 lot small holding subdivision at Summerland Way, Mountain View (known as Mountainview Estate) and a 21 small holding subdivision at Pine Avenue, Junction Hill (known as Cronin Estate) and a subsequent re-subdivision of 1 of those lots into 2.

With the adoption of CVLEP2011, statutory minimum lot sizes were determined by classifications included on the Lot Size Map. Both Mountainview Estate and Cronin Estate are classified “**W 4000sqm**” on the map.

CVLEP2011 also includes the following:

#### **4.2B Erection of dwelling houses and dual occupancies on land in certain rural, residential and environmental protection zones**

*(1) The objectives of this clause are as follows—*

- (a) to minimise unplanned rural residential development,*
- (b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in rural, residential and environmental protection zones,*
- (c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.*

*(2) This clause applies to land in the following zones—*

- (a) Zone RU1 Primary Production,*
- (b) Zone RU2 Rural Landscape,*
- (c) Zone RU3 Forestry,*
- (d) Zone R5 Large Lot Residential,*
- (e) Zone E3 Environmental Management.*

*(3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land is—*

- (a) a lot that is at least the minimum lot size specified for that land by the Lot Size Map, or*
- (b) a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or*
- (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or*
- (d) an existing holding, or*
- (e) a lot created under clause 4.1A(4), or*
- (f) a lot created following a boundary adjustment, but only if a dwelling house or dual occupancy could be erected on the lot immediately before that boundary adjustment under paragraph (a), (b), (c), (d) or (e).*

*Note. A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.*

*(4) Land ceases to be a lot referred to in subclause (3)(b), (c) or (f), or a holding referred to in subclause (3)(d), if an application for development consent referred to in subclause (3) is not made in relation to that land before the date 10 years after the commencement of this Plan.*

*(5) Despite subclause (3), development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if—*

*(a) there is a lawfully erected dwelling house or dual occupancy on the land and the dwelling house or dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy, or*

*(b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by—*

*(i) a minor realignment of its boundaries that did not create an additional lot, or*

*(ii) a subdivision creating or widening a public road or public reserve or for another public purpose.*

*(6) In this clause—*

*existing holding means land that—*

*(a) was a holding on the relevant date, and*

*(b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,*

*whether or not there has been a change in the ownership of the holding since the relevant date, and includes any other land adjoining that land acquired by the owner since the relevant date.*

*holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.*

*relevant date means—*

*(a) in the case of land to which the Copmanhurst Local Environmental Plan 1990 applied immediately before the commencement of this Plan—4 June 1971, or*

*(b) in the case of land to which the Ulmarra Local Environmental Plan 1992 applied immediately before the commencement of this Plan—5 September 1969, or*

*(c) in the case of land to which the Richmond River Local Environmental Plan 1992 applied immediately before the commencement of this Plan—18 February 1970.*

*Note. The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.*

Sub-clause 3(a) requires that in order for a dwelling-house or dual occupancy (hereafter just referred to as 'dwelling') to be erected on a lot it must be at least the minimum lot size specified on the Lot Size Map and with the Clause 4.2B (4) introducing a 'sunset' clause so that on 23 December 2021 no variations to this minimum lot size can be allowed.

In respect to MountainView Estate the current minimum lot size is 4000m<sup>2</sup>.

Sub-clause 3(c) permits the erection of a dwelling on a lot resulting from a subdivision for which development consent (or equivalent) was granted before CVLEP 2011 commenced and on which a dwelling would have been permissible if the plan of subdivision had been registered before that commencement.

Sub-clause 4 requires an application for approval for a dwelling on a lot to which sub-clause 3(c) applies to be granted within 10 years of the commencement of CVLEP2011, being 23 December 2021. The practical effect of this sub clause is that dwelling entitlements on approved lots less than 4000m<sup>2</sup> in the R5 zone will lapse after that date if they do not have a dwelling approved.

Mountainview Estate contains 10 lots of between 2000m<sup>2</sup> and 3999m<sup>2</sup> which have dwelling entitlements but for which no consent for such has been issued.

Cronin Estate includes Lot 132 DP1263591 (No. 8A) Cronin Avenue for which consent was issued on 20 September 2011 for subdivision into 2 lots less than 4000m<sup>2</sup>. This was approved under the provisions of State Environmental Planning Policy No. 1 as one of the lots is less than the 2000m<sup>2</sup> minimum in Clause 20 of Copmanhurst LEP 1990, and substantial commencement was secured by the construction of a sewer junction serving the property. The subdivision plan was registered on 25<sup>th</sup> May, 2020 as DP 1263591. Lot 131 has an existing dwelling but Lot 132 is vacant. (See CVC letter and copy of DP 1263591 at Annexure G).

All of the 10 lots in Mountainview Estate and Lot 132 in Cronin Estate will lose their dwelling entitlements after 23 December 2021 if they do not have development consent to erect a dwelling by that date.

This Planning Proposal seeks to preserve those specific dwelling entitlements beyond 23 December 2021.

The minimum lot size map is also proposed to be amended for a further 15 lots. An analysis by Clarence Valley Council to These sites are summarised below, including the existing minimum lot size and the proposed New Minimum Lot Size (LSZ):

Lot	DP	No.	Street	Town	Existing Lot size	New minimum Lot Size (LSZ)
11	826716	132	Arthur Street	GRAFTON	774m2	R (750)
3	843504		Gardiners Road	JAMES CREEK	1.00 HA	Y1 (1ha)
3	857120	20	Erikas Drive	ASHBY	5722.00 SQM	Y1 (1ha)
4	869802		Crisp Drive	ASHBY HEIGHTS	1.48 HA	Y1 (1ha)
17	1056728	0	Old Ferry Road	ASHBY	1.03 HA	Y1 (1ha)
65	1047424		Crisp Drive	ASHBY HEIGHTS	1.00 HA	Y1 (1ha)
7	1047034		Merle Ann Court	ASHBY	6107.00 SQM	Y1 (1ha)
33	881130	115	Crisp Drive	ASHBY HEIGHTS	5212.00 SQM	Y1 (1ha)
13	1078938	0	Erikas Drive	ASHBY	1.32 HA	Y1 (1ha)
5	1129491	0	Crisp Drive	ASHBY HEIGHTS	1.35 HA	Y1 (1ha)
23	1056728	14	Sunset Close	ASHBY	1.15 HA	Y1 (1ha)
1	1192542	90	Patemans Road	ASHBY	0.71 Ha	X (5000sqm)
67	1209690		Crisp Drive	ASHBY HEIGHTS	1.15 Ha	Y1 (1ha)
70	1209690		Ashby Tullymorgan Road	ASHBY HEIGHTS	1.19 Ha	Y1 (1ha)
2822	774107	270	Lower Kangaroo Creek Road	COUTTS CROSSING	2.02 HA	Y (1.5ha)

## The Sites

### Mountainview Estate



Figure 1- Location Map

Mountainview Estate is a 43 lot subdivision of land formerly described as Lot 184 DP751371 and Lot 321 DP634082 Summerland Way Mountain View and was approved by Clarence Valley Council on 16 March 2010 (copy of approved plan at Annexure H). All roads, major stormwater and water reticulation within the Estate have been completed and Stage 1 (21 lots) was registered on 31 July 2018 as DP 1244553. Stage 2 (22 lots) is currently in the process of being registered.

Of the 43 lots 19 were between 2000m<sup>2</sup> and 3999m<sup>2</sup>, representing 44% and so below the 50% threshold set by Clause 20 (1) of the former Copmanhurst LEP 1990. One of those lots in Stage 1 currently does not have a development application approved for a dwelling. When registered, Stage 2 will contain 9 lots of between 2000m<sup>2</sup> and 3999m<sup>2</sup> giving a total of 10 lots which potentially could lose their dwelling entitlement after 23 December 2021.

## Cronin Estate



Figure 2- Location Map - Cronin Avenue

Cronin Estate is a well established large lot subdivision in Junction Hill on the southern periphery of the village. It initially consisted of 21 lots of which 10 were between 2000m<sup>2</sup> and 3999m<sup>2</sup>, and so below the 50% threshold set by Clause 20 (1) of the former Copmanhurst LEP 1990. One of the lots above 4000m<sup>2</sup> was subsequently approved for subdivision into 2 lots below 4000m<sup>2</sup>, giving a total of 22 lots.

All lots currently contain dwellings though on 20 September 2011 Clarence Valley Council issued consent to subdivide Lot 13 DP815322 (No. 8) Cronin Avenue Junction Hill (4238m<sup>2</sup>) into Lot 131 (1951m<sup>2</sup>) and Lot 132 (2287m<sup>2</sup>) – Copy of DP 1263591 at Annexure H. The former Lot 131 contains an existing dwelling whilst the latter Lot 132 is vacant. This plan is registered and Lot 132 could potentially lose its dwelling entitlement after 23 December 2021.

## 15 Additional lots

### Summary

Subsequent to the DPIE Gateway Determination Council have undertaken an analysis of land within the R5 zone to determine if there are additional lots that face the same issues and may lose their dwelling entitlement in December 2021. Council analysis has researched all lots that do not have a dwelling on them, and whether they currently have a dwelling entitlement under the existing LEP, zoning and lot size map. Council have found an additional 15 lots within the R5 zone. These have a registered subdivision between the years of 1988 and 2015, under the relevant planning legislation at the time. Below is a table outlining when the lots were created.

The additional 15 lots are primarily within the R5 zoned land in Ashby and Ashby Heights, along with a site on Gardiners Road, James Creek, one site on Lower Kangaroo Creek Rd, Coutts Crossing and one lot within North Grafton.

Lot	DP	Address			Subdivision
11	826716	132	Arthur Street	GRAFTON	Subdivision Registered 20/11/1992
3	843504		Gardiners Road	JAMES CREEK	Subdivision Registered 17/10/1994 - Subdivision Number 62/94 - 31/08/1994
3	857120	20	Erikas Drive	ASHBY	Subdivision Number 3/96 - 25/01/1996
4	869802		Crisp Drive	ASHBY HEIGHTS	Subdivision Registered 14/07/1997
17	1056728	0	Old Ferry Road	ASHBY	Subdivision Registered 19/09/2003
65	1047424		Crisp Drive	ASHBY HEIGHTS	Subdivision Registered 19/12/2002
7	1047034		Merle Ann Court	ASHBY	Subdivision Registered 25/11/2002
33	881130	115	Crisp Drive	ASHBY HEIGHTS	Subdivision Registered 20/10/1998
13	1078938	0	Erikas Drive	ASHBY	Subdivision Registered 26/04/2005
5	1129491	0	Crisp Drive	ASHBY HEIGHTS	Subdivision Registered 7/08/2008
23	1056728	14	Sunset Close	ASHBY	Subdivision Registered 19/09/2003
1	1192542	90	Patemans Road	ASHBY	Subdivision Registered 3/02/2014
67	1209690		Crisp Drive	ASHBY HEIGHTS	Subdivision Registered 14/09/2015
70	1209690		Ashby Tullymorgan Road	ASHBY HEIGHTS	Subdivision Registered 14/09/2015
2822	774107	270	Lower Kangaroo Creek Road	COUTTS CROSSING	Subdivision Registered 8/03/1988

The land is zoned as R5 under the Clarence Valley LEP 2011. The land in the former Maclean Shire Council area (Ashby, James Creek) were zoned for large lot residential development as far back as 1999 and were recognised in the Clarence Valley Settlement Strategy as suitable

for Rural Small Lot developments and zoned as 1(s) Rural small lot under the previous Maclean Shire Council LEP.

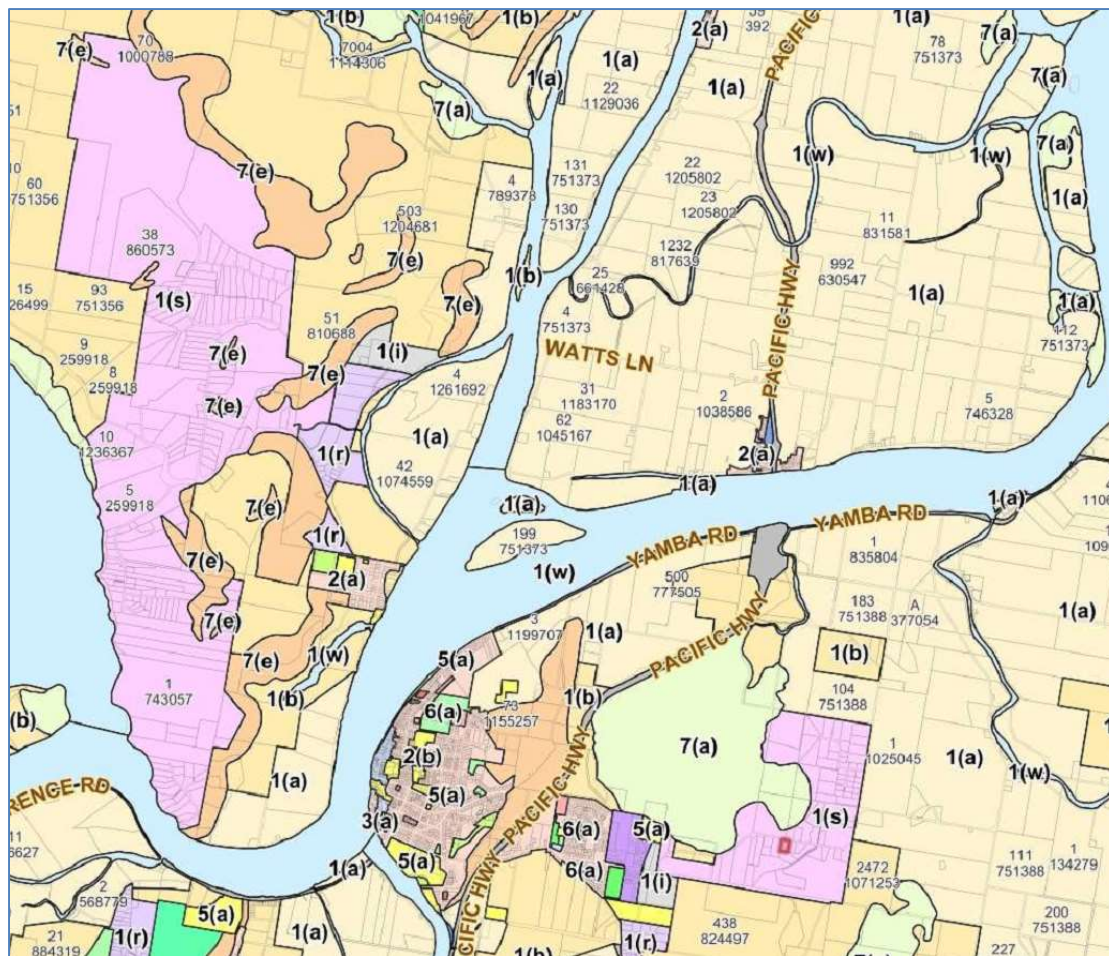


Figure 3 - Maclean Shire Council LEP - 1(s) Rural Small Lot around Ashby, Ashby Heights and James Creek

The sunset clause enacted was not designed to exclude these 15 parcels of land from being able to be developed for any particular planning reason, they were simply overlooked when the consolidated LEP came into effect in 2011, or it may have been assumed that those parcels would be developed prior to the sunset clause coming into effect. The reasoning is not documented either way and there is no explicit direction to close off dwelling entitlement in the R5 zone from December 2021.

These sites are currently zoned Large Lot Residential and there will be a rational expectation from existing owners, or even worse new owners, that those parcels of land are suitably zoned to allow the erection of a dwelling when approaching Council in 2022 and beyond.

## Grafton

### 1. Arthur Street, Grafton – Lot 11 DP 826716

A small section of land within North Grafton, not far from the Grafton Base Hospital, is currently zoned R5, refer to existing in Figure 3. Adjacent land is zoned for General Residential (R1), and land beyond is zoned RU2, primarily as that RU2 land is flood prone and a floodway. Like most of North Grafton (and most regional cities on the North Coast) the subject site sits within the flood planning level and is subject to a 1%AEP flood. Councils development control plans require new development to include

floor heights above the 1% AEP and it is anticipated that this can be achievable and consistent with the character and form of development in this area.

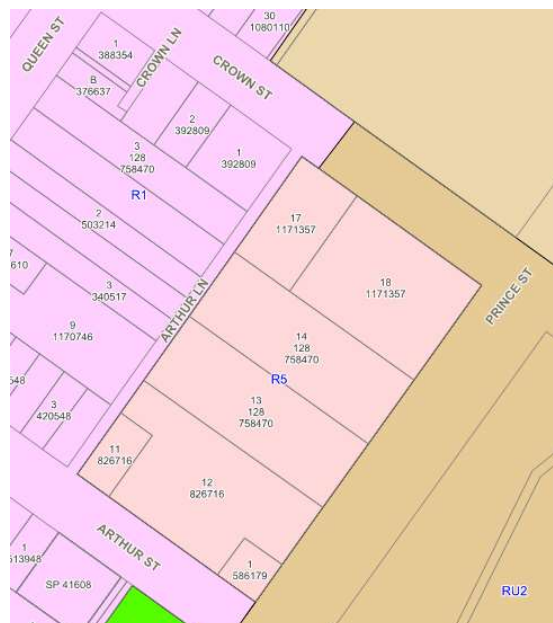


Figure 4 - Existing zoning Arthur Street, Grafton

The parcel of land within the south west corner of the R5 residential zone would be suitable for a residential dwelling consistent with the character of the surrounding area and the expectations of the land-owner, given the existing zoning and existing provisions of the LEP. Amending Councils lot size map to enable development as originally intended by the land zoning and LEP provisions, notwithstanding the sunset provisions, would be consistent with the prevailing strategic planning direction in Councils LSPS, the North Coast Regional Plan and the previous strategic direction of the Clarence Valley Settlement Strategy.

A two-lot subdivision created this parcel of land in 1991, through Development Consent 31/90, with concurrence from the NSW Director of Planning for the use of SEPP No. 1 (Ref G91/00023 JS:LW) for a variation to Clause 11 (2)(c) of the Grafton LEP 1988. This approved a variation to permit a two lot subdivision, one lot being 776m<sup>2</sup>, which was below the minimum lot size of 4,000m in the Rural 1(c) zone at the time.



Figure 5 - Arthur Street Grafton

The proposed amendment to the lot size map is illustrated in Figure 6, below.



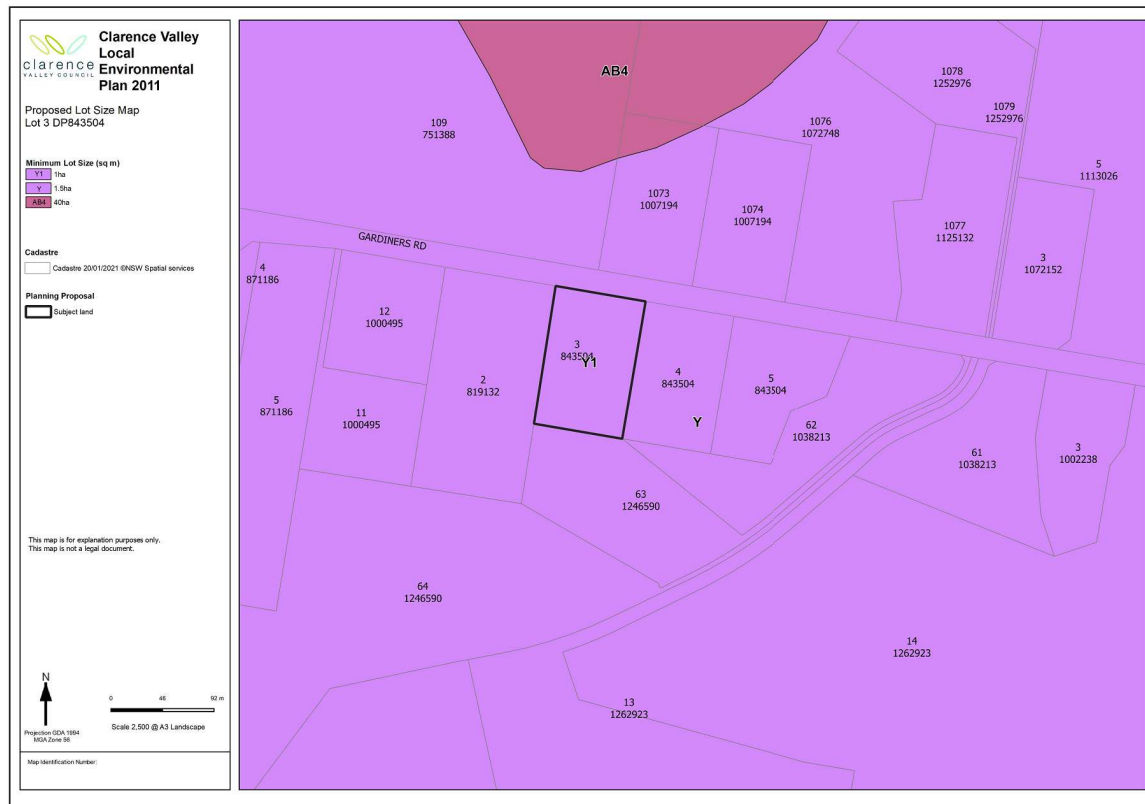
Figure 6 - proposed lot size map for Arthur Street, Grafton (refer separate document for more detailed plan).

## 2. Gardiners Road, James Creek - Lot 3 DP 843504

The site in Gardiners Road James Creek is entirely consistent with the form and lot size of development adjacent and in the wider area. A rational expectation from a and owner would be that a dwelling could be constructed in this site in accordance with the R5 zoning. The site has available services (road and water) and fits within the overall character of the wider subdivision. Further assessment at DA stage will occur regarding vegetation and detailed design considerations to manage environmental impacts.



*Figure 7 - Gardiners Road, James Creek*



*Figure 8 - Gardiners Road, James Creek - Proposed Lot size map*

## Ashby & Ashby Heights

As stated above, there are a number of lots within the R5 zone that have not been developed for a dwelling and would lose their dwelling eligibility in December 2021 unless the minimum lot size map is amended. These are outlined below and the image overleaf (Figure 8) illustrates the existing R5 zone of Ashby and Ashby Heights.

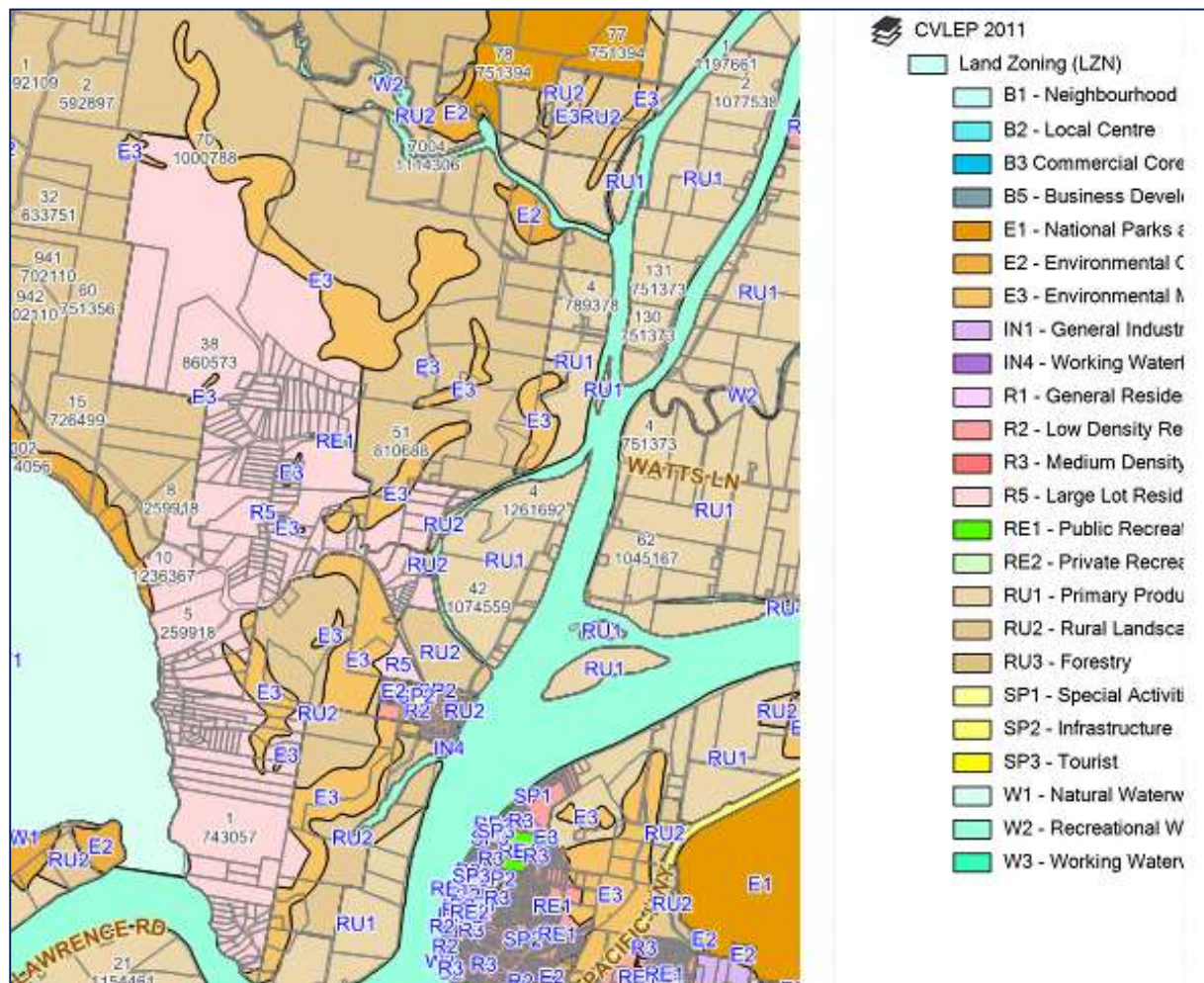


Figure 9 - R5 Zone of Ashby

Ashby and Ashby Heights are also mapped on Council current Bushfire Prone Land maps as being potentially bushfire prone. This triggers the need for further consideration of the design, materials and other aspects of a new dwelling and other developments within that area. The area of Crisp Drive and parts of Ashby and Ashby Heights were burnt in the 2019/20 bushfire season with the loss of some structures and many people are still recovering from the fires.

Although Planning for Bushfire Protection 2019 requires a more strategic approach to avoid the impacts of bushfire prone areas, this land is already zoned for Rural Residential Development and the subdivision layout, established pattern of development and existing dwellings within the locality lend themselves to an argument that the leftover lots that are subject to this planning proposal are suitable for development.

Section 4.4.1 - *Consideration of bush fire Issues* of the PBP 2019 states that:

*When preparing a draft LEP or planning proposal, local councils are required to apply the EP&A Act s.9.1(2). Direction 4.4 Planning for Bush Fire Protection applies to planning*

*proposals that affect, or are in close proximity to, land mapped as BFPL. Under these directions, draft LEPs should follow the below objectives:*

- i. to protect life, property and the environment from bush fire, by discouraging the establishment of incompatible land uses in bush fire prone areas; and*
- ii. to encourage sound management of bush fire prone areas*

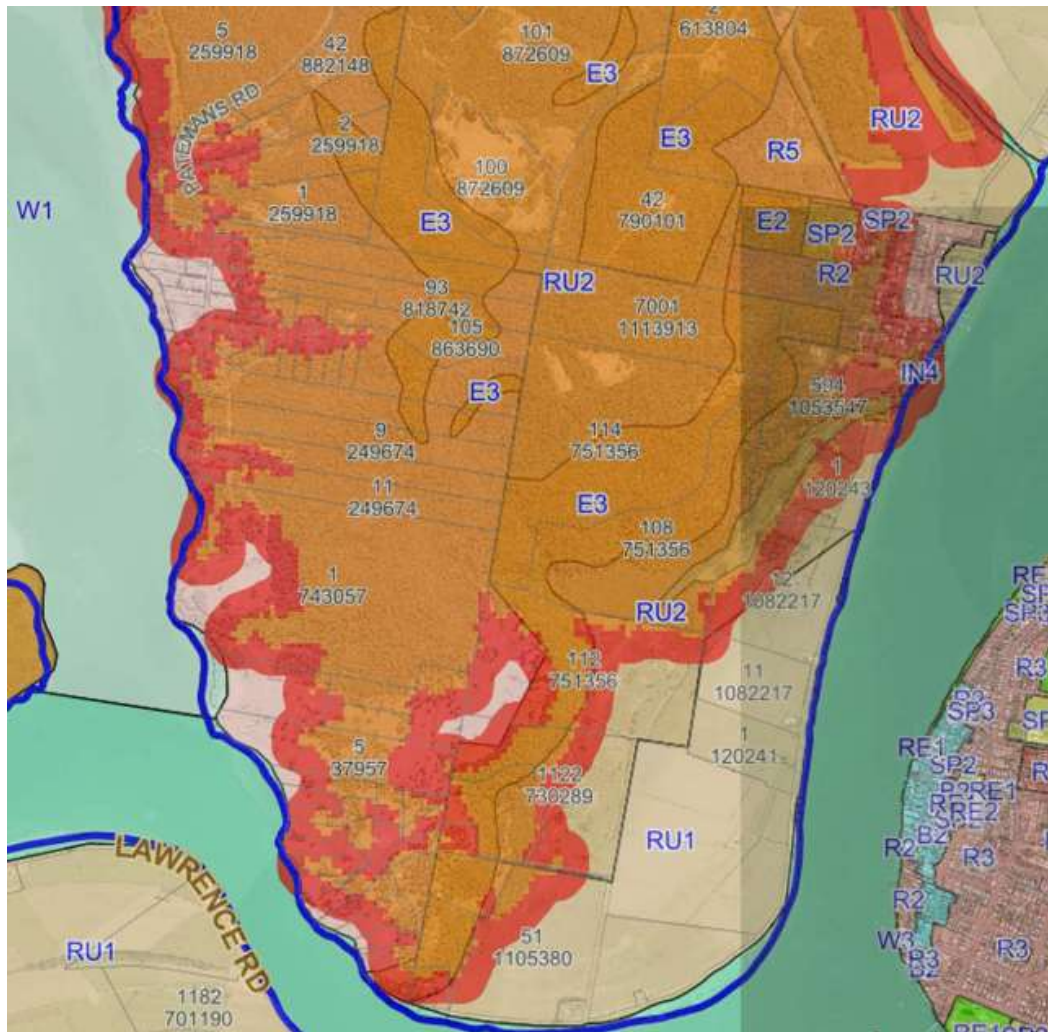
While a strategic approach to avoid development that may increase risk to life and property in bushfire prone areas is entirely supported, that principle does not necessarily apply to these individual sections in this location. A better approach involves taking a holistic landscape management approach to manage bushfire risk across the R5 zone, with particular regard to the existing dwellings on surrounding lots.

Sterilising the left-over parcels of land through the loss of dwelling eligibility is likely to lead to additional risk for bushfire, given that those Lots would not be maintained through asset protection, lawnmowing and other activities associated with a dwelling. This would increase the bushfire risk for adjacent properties and does not satisfy the objectives above to protect life and property and discourage incompatible uses in bush fire prone areas.

While the approach to minimise disturbance to the natural environment is normally supported, this area has been zoned for large lot residential development for some time and needs to be managed holistically in accordance with that zone, rather than reverting to an alternative approach that would extinguish a number of sites for dwellings, leaving gaps that resemble an E3 zone, where this was not considered appropriate through previous planning decisions. Leaving sites that cannot be developed would be inconsistent with the overall management of the area.

While the approach to leave these lots out of the planning proposal represents an interesting approach to 'managed retreat' and avoiding bushfire prone areas, on balance it is actually considered that these sites could actually exacerbate the risk to life and property for the surrounding areas.

An additional 12 lots spread across Ashby and Ashby Heights is unlikely to significantly impact on emergency evacuation arrangements for the wider area. However, it is important to note that Council has not undertaken a full risk assessment or prepared an Evacuation Plan for this planning proposal as it is not considered necessary given the existing zoning and circumstances of the proposal. A future action outside of this planning proposal process would be warranted for work between RFS and the local community. Council is progressively working with community across the LGA to recover from the recent bushfires and improve resilience and to prepare for future events.



The specific sites within Ashby where Council propose to amend the minimum lot size map are illustrated and briefly described below.

**3. Merle Ann Court, Ashby – Lot 7 DP 1047034; and Erikas Drive, Ashby - Lot 3 DP857120 and Lot 13 DP 1078938.**

These three lots are consistent with the surrounding lots in terms of general size, vegetation cover and any planning and land use constraints. The lots have been created with an expectation that they would be utilised for a dwelling. There are cleared areas already on site and the possibility of a dwelling being constructed with limited impact on the surrounding character of the area or on the environmental attributes of the surrounding, subject to further consideration at the DA stage.



Figure 11 - aerial image of Merle Ann Court, Ashby

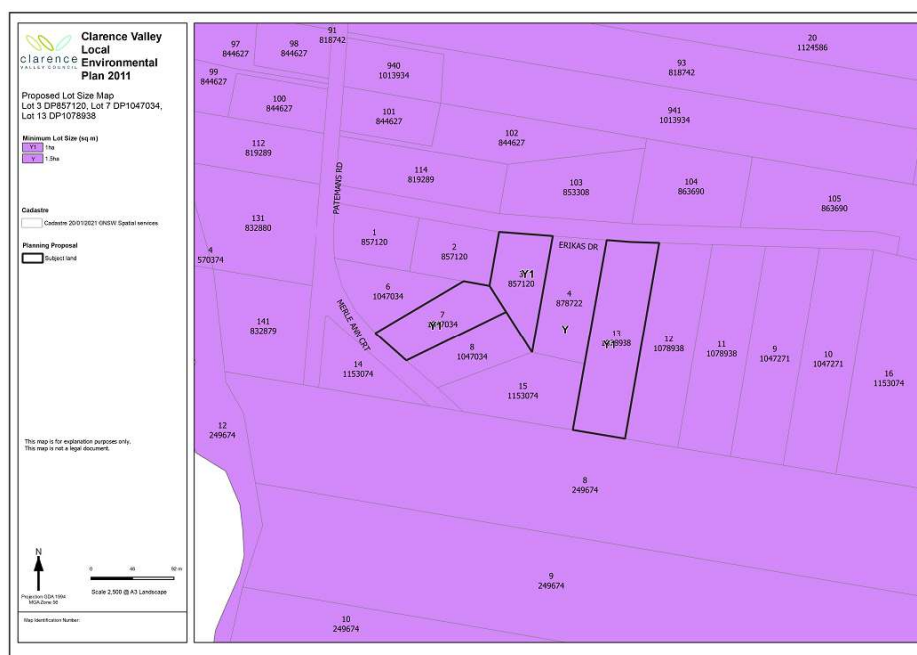


Figure 12 - Proposed Lot Size map (refer to separate document for more detail)

#### 4. Patemans Road, Ashby – Lot 1 DP 1192542

Lot 1 in Patemans Road, Ashby has a large section of cleared land with road frontage and a small section that is above the 1:100yr flood level (including adequate freeboard and conservative estimates which accommodate foreseen climate change impacts). Given the existing zoning and lot size there would be an expectation that this lot could be developed for a dwelling and this is broadly supported by the high level strategic planning framework.

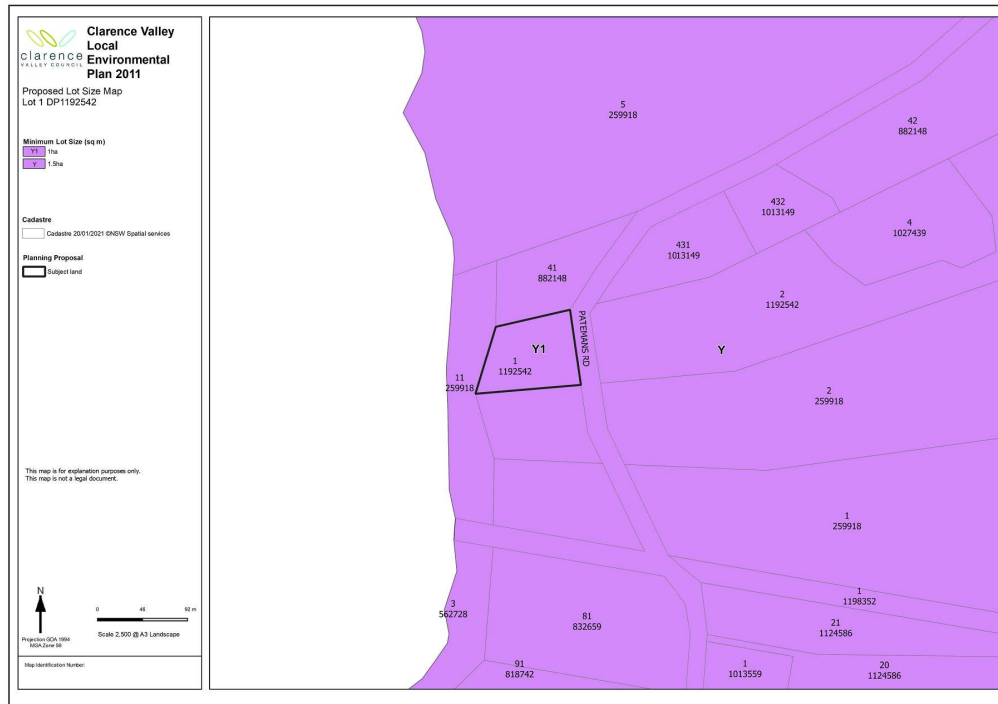


Figure 13 - Proposed Lot size Map for Lot 1 DP1192542



Figure 14 - Lot 1 Patemans Road, Ashby

**5. Old Ferry Road - Lot 17 DP1056728 and Sunset Close, Ashby – Lot 23 DP1056728**

These two lots in Ashby are generally consistent in size and layout with the surrounding subdivision within the R5 zone. Large areas are already cleared of vegetation and the sites are above the flood planning level and not subject to other significant constraints that would prevent a dwelling being constructed, subject to further consideration through a Development Application.



*Figure 15 - Old Ferry Road, Ashby*

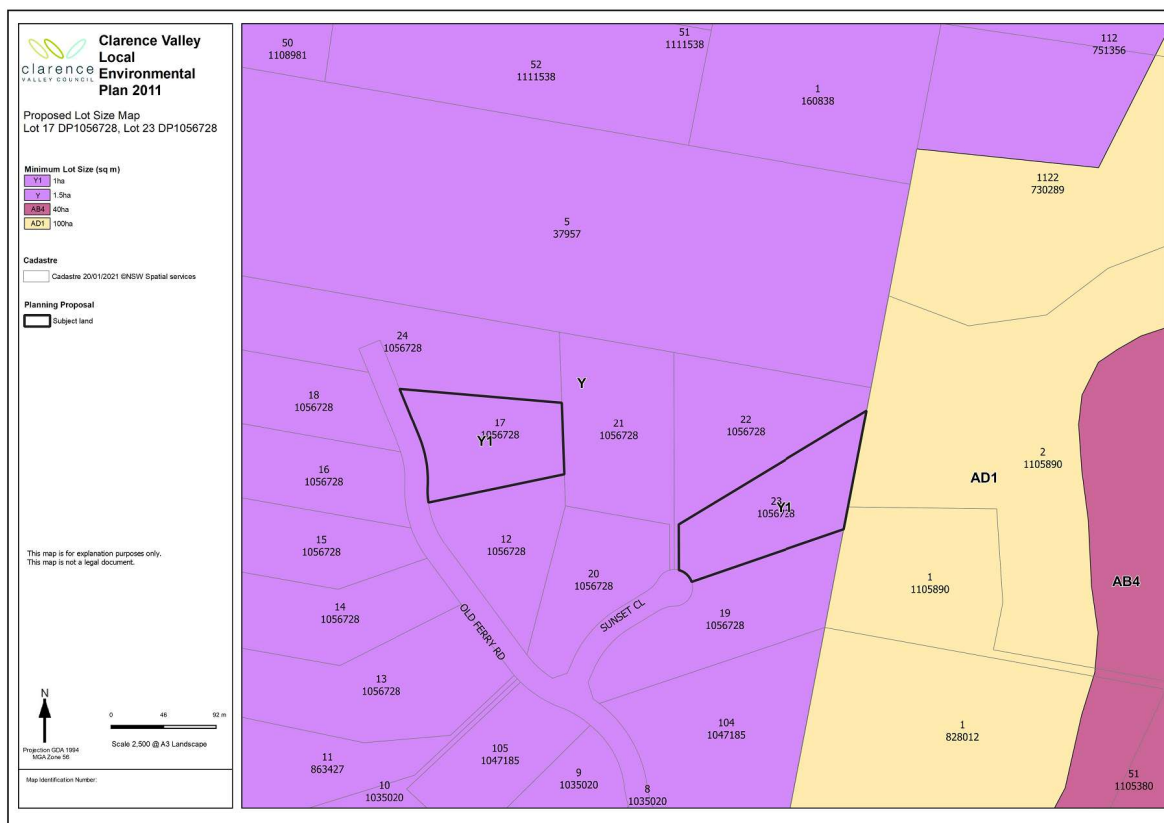


Figure 16 - Proposed Lot Size Map, Old Ferry Road, Ashby

**6. Crisp Drive, Ashby – Lot 4 DP 869802; Lot 65 DP 1047424 and, Lot 67 DP 1029690 along with Ashby-Tullymorgan Road - Lot 70 DP1209690**

These four parcels of land are consistent with surrounding land and were subdivided in anticipation of being able to be developed for a dwelling. For various reasons they have not been developed and would otherwise lose their dwelling entitlement in December 2021. In line with the intention of the existing and historic zoning of the land and the approved subdivisions it is appropriate to amend Councils LEP and extend the dwelling eligibility.

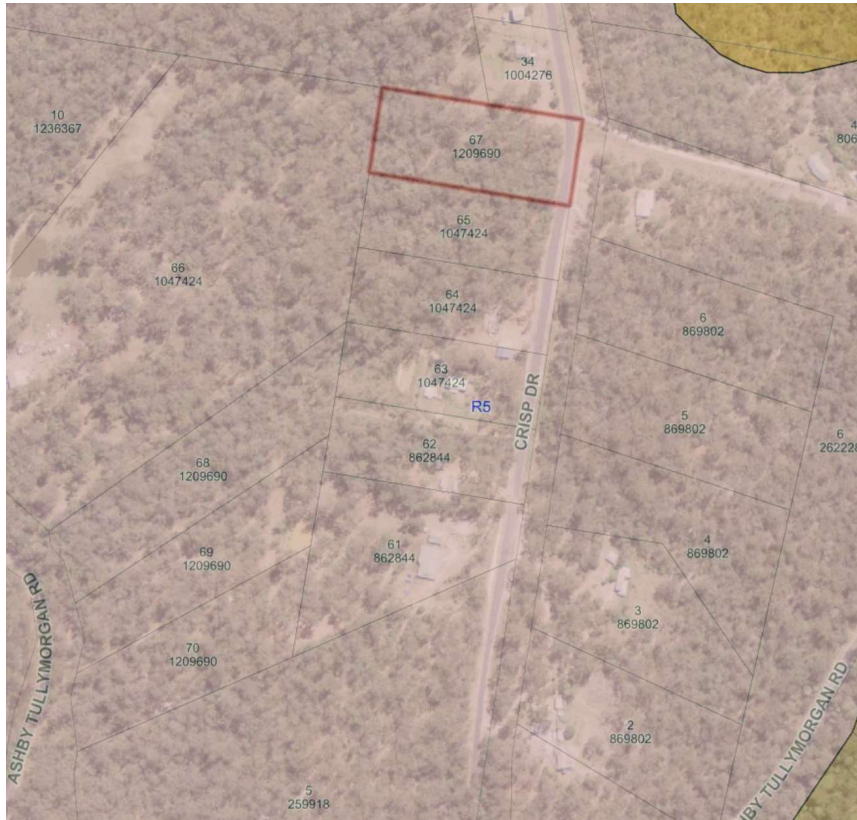


Figure 17 - Crisp Drive, Ashby

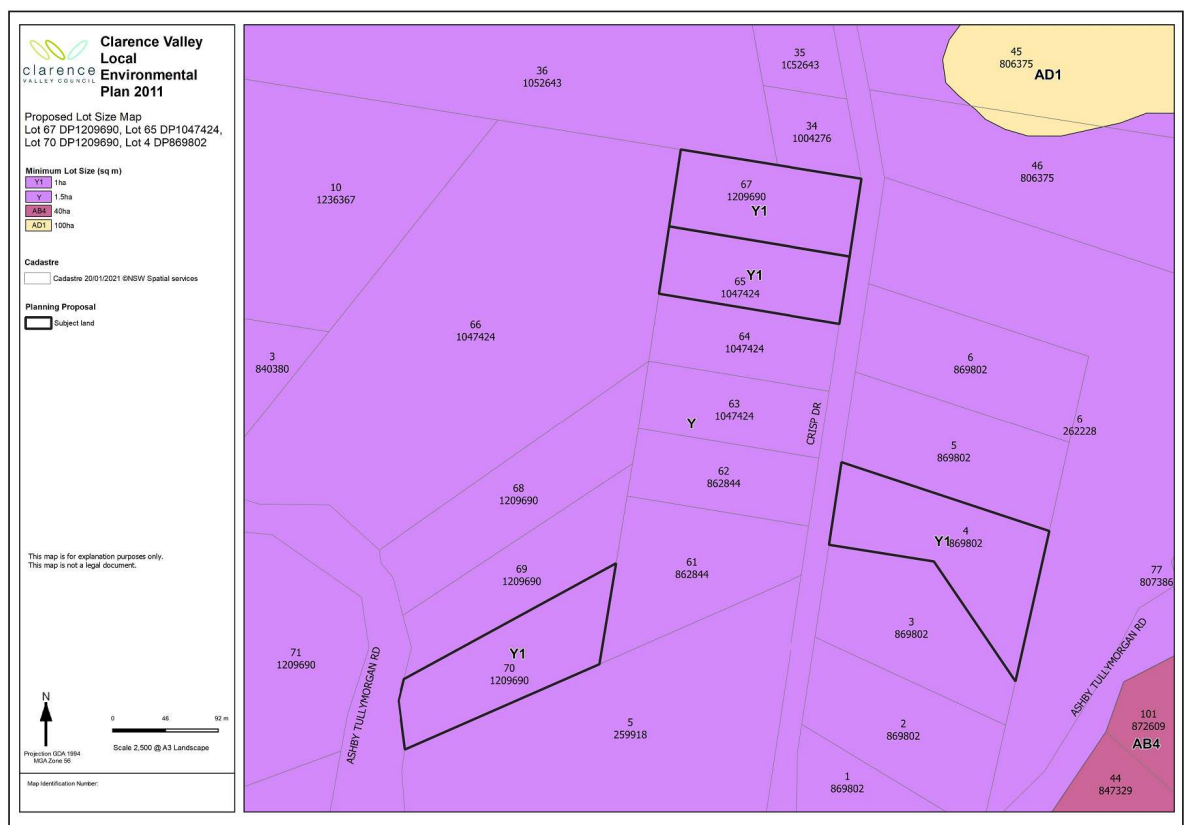


Figure 18 - Proposed Lot Size Map Crisp Drive, Ashby

## 7. Crisp Drive, Ashby - Lot 33 DP881130 and Lot 5 DP 1129491

Similarly, these lots are consistent with the prevailing subdivision pattern and given the existing zoning would normally have an expectation that a dwelling could be erected on the site, subject to further detailed assessment, design and vegetation and hazard considerations at the DA stage. The loss of dwelling eligibility is likely to be unexpected given the zoning, the development that has occurred on adjacent lots and in the wider subdivision. The continuation of dwelling entitlements for this property is consistent with the decisions made by Council in the past, with regard to the zoning, subdivision pattern and dwellings occupying the surrounding properties.

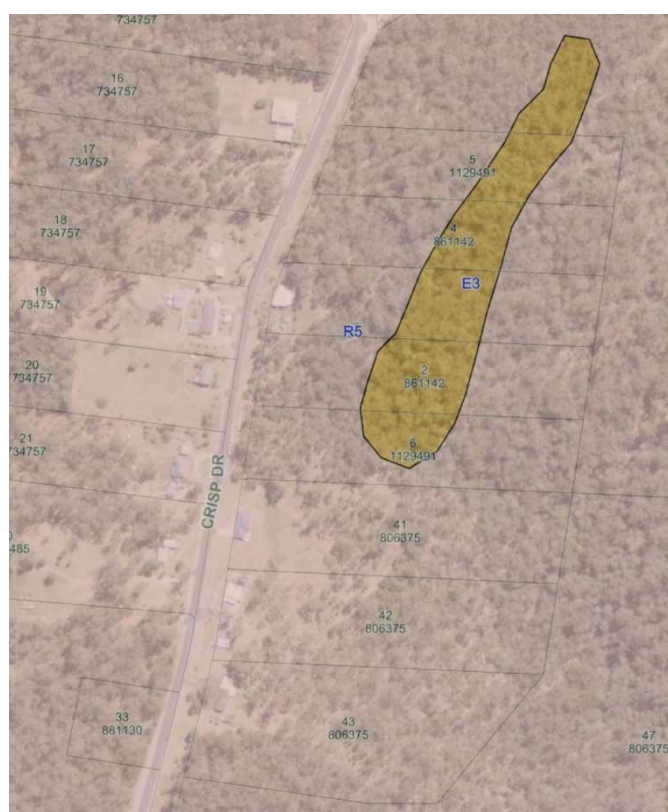


Figure 19 - Crisp Drive, Ashby

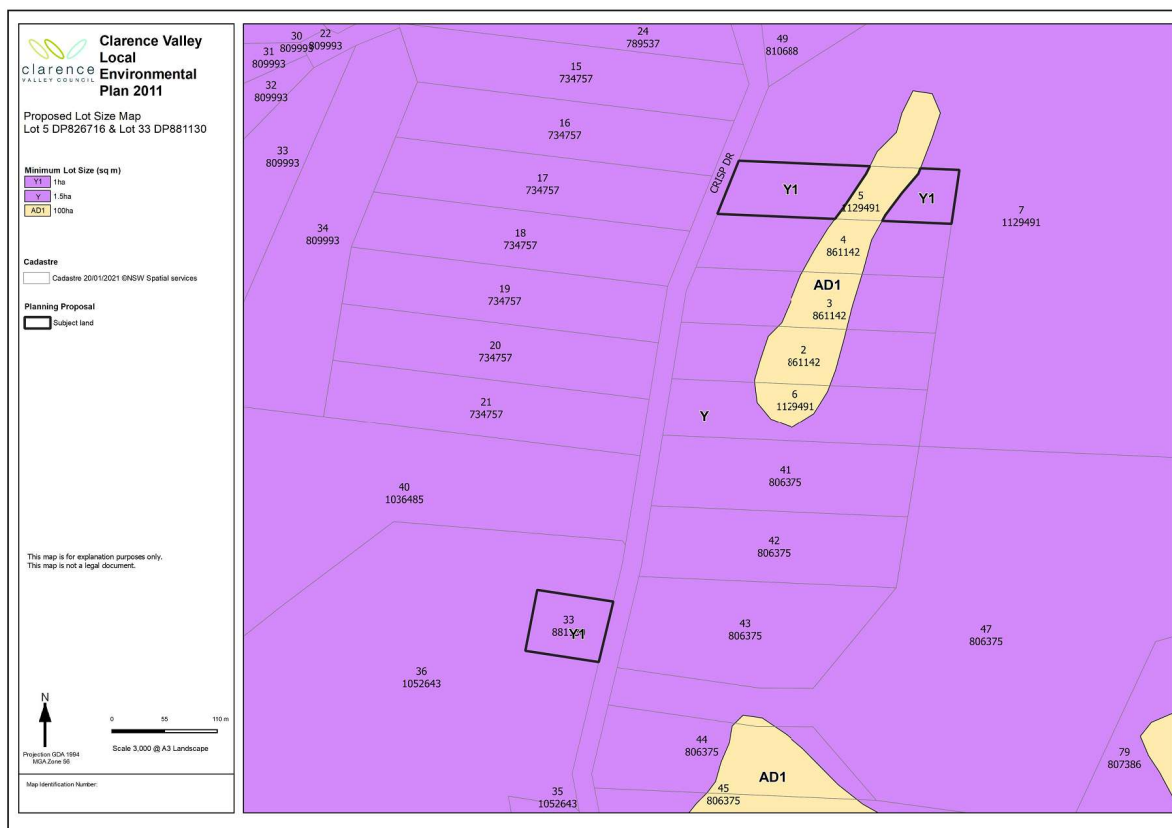


Figure 20 - Crisp Drive Ashby proposed lot size map

## 8. Lower Kangaroo Creek Road – Lot 2822 DP774107

This lot is completely cleared of vegetation and without obvious planning constraints. The development of a dwelling on this site would be consistent with the character of the area and the adjoining properties and would conform to the outcomes expected within the R5 zone.

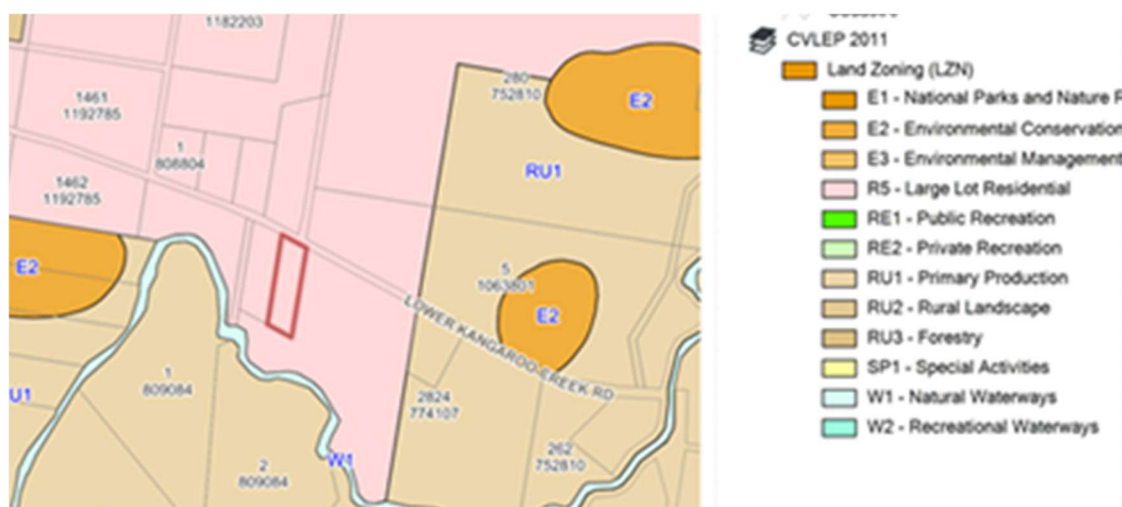


Figure 21 - Lower Kangaroo Creek Road, existing zoning



*Figure 22 - Lower Kangaroo Creek Road*

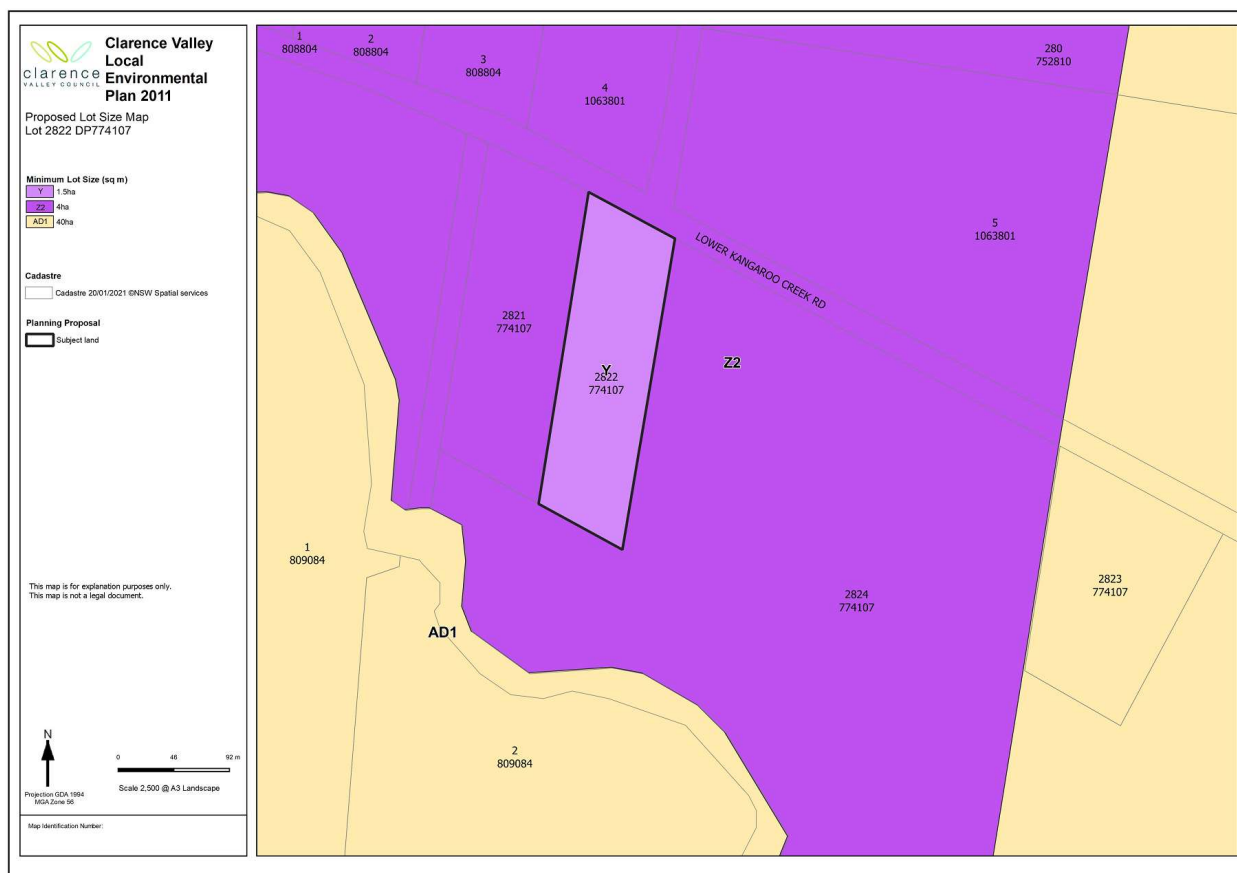


Figure 23 - Proposed Lot Size Map

## Part 1: Objective or Intended Outcome

The objectives of the proposal are to:

- (i) Allow the 10 lots in Mountainview Estate listed in Table 1, all with site areas between 2000m<sup>2</sup> and 3999m<sup>2</sup> and approved under Clause 20 of the former Copmanhurst LEP 1990, to retain their dwelling entitlements beyond 23 December 2021 and in perpetuity.
- (ii) Allow Lot 132 DP 1263591 to retain its dwelling entitlement beyond 23 December 2021 and in perpetuity.

Lot No.	DP No.	Size in m <sup>2</sup>
13	1244553	3,087
23		3,774
24		3,552
25		3,386
28		3,696
29		3,600
30		3,600
31		3,969
32		3,201
36		2,724

- (iii) Allow the 15 Additional lots within the R5 zone at Ashby, Ashby Height, James Creek, Coutts Crossing and Grafton to retain their dwelling entitlement beyond 23 December 2021 and in perpetuity.

Lot	DP	No.	Street	Town	Existing Lot size	New minimum Lot Size (LSZ)
11	826716	132	Arthur Street	GRAFTON	774m2	R (750)
3	843504		Gardiners Road	JAMES CREEK	1.00 HA	Y1 (1ha)
3	857120	20	Erikas Drive	ASHBY	5722.00 SQM	Y1 (1ha)
4	869802		Crisp Drive	ASHBY HEIGHTS	1.48 HA	Y1 (1ha)
17	1056728	0	Old Ferry Road	ASHBY	1.03 HA	Y1 (1ha)
65	1047424		Crisp Drive	ASHBY HEIGHTS	1.00 HA	Y1 (1ha)
7	1047034		Merle Ann Court	ASHBY	6107.00 SQM	Y1 (1ha)
33	881130	115	Crisp Drive	ASHBY HEIGHTS	5212.00 SQM	Y1 (1ha)
13	1078938	0	Erikas Drive	ASHBY	1.32 HA	Y1 (1ha)
5	1129491	0	Crisp Drive	ASHBY HEIGHTS	1.35 HA	Y1 (1ha)
23	1056728	14	Sunset Close	ASHBY	1.15 HA	Y1 (1ha)
1	1192542	90	Patemans Road	ASHBY	0.71 Ha	X (5000sqm)
67	1209690		Crisp Drive	ASHBY HEIGHTS	1.15 Ha	Y1 (1ha)
70	1209690		Ashby Tullymorgan Road	ASHBY HEIGHTS	1.19 Ha	Y1 (1ha)
2822	774107	270	Lower Kangaroo Creek Road	COUTTS CROSSING	2.02 HA	Y (1.5ha)

The intended outcome of (i) is to allow the orderly completion of Mountainview Estate including the erection of a dwelling on each lot in accordance with approval issued by Council

and without the disruption that would occur if the sunset date took effect and re-subdivisions/consolidations were required to create compliant lots.

The intended outcome of (ii) is to allow the erection of a dwelling on Lot 132 as envisaged by Council when the subdivision was approved without the risk of not being able to proceed should the sunset date come into effect.

The intended outcome of (iii) is to allow the erection of a dwelling on those lots as envisaged by Council when the subdivision and zoning was approved, without the risk of not being able to proceed should the sunset date come into effect.

## 2. Part 2: Explanation of Provision

To achieve the objectives of Part 1 above, the following amendments are required to Clarence Valley LEP 2011

- (i) *“Amendment to Lot Size Map – Sheet LSZ\_007 in accordance with the proposed lot size map shown in Annexure A. This designates the following lots with the letter V, denoting a minimum lot size of 2000m<sup>2</sup>”.*

<b>Lot No.</b>	<b>DP No.</b>
13	1244553
23	
24	
25	
28	
29	
30	
31	
32	
36	

- (ii) *“Amendment to Lot Size Map – Sheet LSZ\_007H in accordance with the proposed lot size map shown in Annexure B. The proposal designates the subject land with the letter V, denoting a minimum lot size of 2000m<sup>2</sup>”.*
- (iii) *Amendment to Lot Size Maps as illustrated on the attached proposed Lot Size Maps.*

## Part 3: Justification

### Section A – Need for Planning Proposal

#### 4.1 Is the Planning Proposal a result of any strategic study or report

No.

Mountainview Estate was approved under the provisions of Clause 20 of the former Copmanhurst LEP 1990 which permitted the subdivision of land zoned 1 (c) Rural (Small Holdings) to create lots with areas ranging from 2000m<sup>2</sup> – 3999m<sup>2</sup> where, inter alia, at least half the lots in the subdivision had a minimum area of 4000m<sup>2</sup>. The subject development complied with this and the other requirements of Clause 20 which permitted Council to consider the subdivision application for approval. In assessing the application, Council would have to have taken into account the objectives of the 1 (c) zone which were:

- a) *to cater for the demand for rural residential living opportunities on small allotments of land which are not productive for food or fibre production, and*
- b) *to cater for the demand for rural residential living opportunities on land having ready access to urban facilities, provided that such development does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services, and*
- c) *to enable other forms of development to be carried out on land within the zone if they are in keeping with the rural character of the locality and are compatible with the existing or likely future rural residential allotments.*

In approving the subdivision, Council must have concluded the development complied with the objectives, particularly to cater for rural residential living on land with no productive agricultural potential; close to urban facilities (Junction Hill 4.7km, Grafton CBD 10.5km); and with services available (sealed road access, reticulated water).

As such Mountainview Estate embodies the form of development that Clause 20 intended to achieve. If any of the 10 lots currently below 4000m<sup>2</sup> and without development consent for a dwelling were to remain so after 23 December 2021 and be subject to the sunset provisions of Clause 4.2B then the strategic objectives of Clause 20 which the Estate met when it was approved could no longer be met in its approval form.

The subdivision of Lot 13 in the Cronin Estate was approved in recognition of the suitability of that property to support 2 dwellings in terms of dwelling sites, services, access and amenity and that recognition would be lost if the dwelling entitlement was to disappear.

Also, in broader terms, one of Council's responsibilities is to oversee the orderly development of land in accordance with relevant statutory and strategic requirements. If some or all of the affected lots were to lose their dwelling entitlements they would be rendered valueless unless resubdivisions/consolidations occurred to create lots greater than

the minimum permissible (4000m<sup>2</sup> or possibly down to 3600m<sup>2</sup> if the provisions of CVLEP 2011 **Clause 4.6 Exceptions to development standards** could be satisfied). In some instances at Mountainview Estate this may involve the creation of non-contiguous lots.

The addition of 15 lots to the planning proposal within Ashby, Ashby Heights, James Creek, Coutts Crossing and Grafton is a result of a request from the Department of Planning Industry and Environment as part of the Gateway determination, to ensure that other parcels of land in a similar situation to the Mountainview estate did not lose their dwelling eligibility and create an anomaly with the intended outcomes for the R5 zone to enable residential development, and therefore also avoid unnecessary and unexpected reactions from land owners that would have a rational expectation of being able to develop those parcels of land for a dwelling at some point in the future.

#### **4.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The best means of achieving the objectives and intended outcomes of the proposal would be for all the affected lots to be sold and have development consent for a dwelling by 23 December 2021. Unfortunately this cannot be guaranteed and requiring this to occur by not approving the amendments would likely have negative financial implications for the owners of the parcels of land and could result in the disruptions to orderly development discussed above. Potential sales in Stage 2 have already been lost due to the “sunset” clause in the CVLEP 2011.

Two alternative approaches would be:

- Should the sunset clause come into effect, rely on the provisions of **Clause 4.6 Exceptions to development standards** of CVLEP2011. This clause allows a written request seeking to contravene a development standard to be considered by Council in certain circumstances. In this instance the development standard to be contravened would be 4000m<sup>2</sup> minimum lot size required to erect a dwelling on the subject lots. Council would need to be satisfied that the standard was ‘unreasonable or unnecessary’ and that there were sufficient environmental planning grounds to justify the contravention. Council’s authority under this clause only extends to a maximum 10% variation, so to a minimum lot size of 3600m<sup>2</sup>, while there are 5 lots less than that size in Mountainview Estate which Council could not consider. Hence this potential course of action has 2 elements which render it less suitable than the proposal – firstly, it does not apply to all the affected lots; and secondly, it cannot be applied until the sunset clause has come into effect so that if applications were not approved there would be no other course of action available other than to disrupt the approved subdivision pattern with the potential for the deleterious impacts discussed above.

- An alternative statutory solution in the case of Mountainview Estate would be to replace Amendment (1) with the following:

*“Amendment to Lot Size Map – Sheet LSZ\_007 in accordance with the proposed lot size map shown in Annexure A. This designates Mountainview Estate with the classification V1 denoting a minimum lot size of 2000m<sup>2</sup> where the majority of lots created have an area not less than 4000m<sup>2</sup>”.*

The map of Annexure A under this approval would show all 43 lots classified V1 (which is not a current classification) and subject to the minimum lot control contained in the former Clause 20, Copmanhurst LEP 1990. This would be a ‘tidier’ mapping approach compared to the patchwork outcome of the proposed amendment and would create connectivity with the former Clause 20 and so provided an explanation as to how the development pattern occurred. But it would also open the potential for lots in the Estate greater than 4000m<sup>2</sup> to subdivide into lots above 2000m<sup>2</sup>.

The advantages of the proposed amendment is that in respect of the first alternative it provides certainty that reliance on Clause 4.6 of CVLEP2011 cannot and in respect of the second there can be no further subdivision beyond that contained in the original approval. For this reason the proposed amendment in respect of Mountainview Estate is considered the best means of achieving the objectives and outcomes sought.

In respect of Lot 132 in Cronin Estate, the first alternative utilising **Clause 4.6** could be applied but it has the same inherent risk as for Mountainview Estate. There is no other alternative for Cronin Estate.

## **Relationship to Strategic Planning Framework**

### **4.3 Applicable Regional Plan**

The North Coast Regional Plan 2036 consistency checklist is at Annexure C.

No goals, directions or actions contained within the Plan are directly relevant to the proposal as it relates to developments approved prior to the Plan coming into effect and will not physically alter those developments.

### **4.4 Consistency with Council’s Local Strategies and other Local Strategic Plans**

The Clarence 2027 is Council’s adopted community strategic plan. It is supported by Council’s Delivery Program and annual Operational Plan applicable at the time. Councils Local Strategic Planning Statement includes a range of priorities and Actions to achieve the objectives of the Act and Directions of the North Coast Regional Plan, this includes supporting provision of affordable housing along with creating more resilient communities. A checklist has been developed for the LSPS and this is attached at Annexure D.

Other local strategies include:

- South Grafton Heights Precinct Strategy
- Clarence Valley Settlement Strategy
- Lower Clarence Retail Strategy (May 2007)
- Yamba Retail/Commercial Strategy (May 2002)
- Clarence Valley Economic Development Strategic Plan
- Clarence Valley Industrial Lands Strategy
- Clarence Valley Affordable Housing Strategy
- Clarence Valley Council Biodiversity Management Strategy 2010
- Clarence River Way Masterplan 2009
- Clarence Valley Open Spaces Strategic Plan 2012

An assessment of the planning proposal against these strategies is at Annexure D.

The proposal is not inconsistent with any of the adopted local strategies or plans, and is consistent with the Clarence 2027 goal of encouraging a strong and diverse economy, which land development contributes to.

#### **4.5 Consistency with Applicable SEPP's (State Environmental Planning Policies)**

See Annexure E. There are no Policies which are directly applicable to the proposal and so no inconsistencies.

#### **4.6 Consistency with applicable Ministerial Directions (Sec. 9.1)**

See Annexure F. There are 4 Directions directly applicable to the proposal and it is consistent with all of them.

### **Environmental, Social and Economic Impacts**

#### **4.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

There will be no development other than that previously assessed and approved. Future development applications for dwellings on the affected lots will be individually assessed for environmental impacts whether the proposal is adopted or not.

#### **4.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

As in 4.7, the proposal itself has no environmental effects. Any potential impacts were assessed as part of the original approval process and any impacts from the construction of future dwellings will be the result of the original approvals, not the proposed amendments.

#### **4.9 Relevant Social & Economic Effects?**

Social impacts were assessed in the original approved processes. The proposal has no social implications which would change the original assessments.

If the proposal is approved, it will allow the full economic benefits of both developments to be achieved as assessed in the original approval processes. If not approved, it is possible that full economic benefits will not be achieved, but more significantly, that there could be negative economic impacts if lots were to lose their dwelling entitlements after both developments, and particularly Mountainview Estate, have completed extensive civil works at considerable cost.

### State and Commonwealth Interests

#### 4.10 Is there adequate public infrastructure for the planning proposal?

Yes. Power, water and telecommunications available. Sealed road access. On-site wastewater management systems approved by Council are required for all dwellings.

#### 4.11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

There has been no consultation with State and Commonwealth public authorities to date. A gateway determination has not yet been issued.

### Part 4: Mapping

Copies of current and proposed versions of the Minimum Lot Size map are attached at Annexure A for Mountainview Estate and Annexure B for Cronin Estate.

### Part 5: Community Consultation

It is considered that the proposal is a 'low impact' for the purpose of community consultation under Section 5.5.2 of *"A guide to preparing local environmental plans, August 2016"*.

On this basis, it is intended that the planning proposal be advertised for 14 days in accordance with Section 5.5.2 of *"A guide to preparing local environmental plans"*. It is also intended to provide written notification to land owners in the immediate vicinity of the subject land.

### 3. Part 6: Project Timeline

Plan Making Step	Estimated Completion
Council Resolution	TBA
Gateway Determination (Anticipated)	TBA
Government Agency Consultation	TBA
Public Exhibition	TBA

Submissions Assessment	TBA
RPA Assessment of Planning Proposal and Exhibition Outcomes	TBA
Submission of Endorsed LEP to DP&E for finalisation	TBA
Anticipated date RPA will make plan (if delegated)	TBA
Forwarding of LEP Amendment to DP&E for notification (if delegated)	TBA

The table will be completed when the relevant information is available.

## **ANNEXURE A**

EXISTING AND PROPOSED LOT SIZE MAP –  
MOUNTAINVIEW ESTATE, SUMMERLAND WAY, MOUNTAIN VIEW

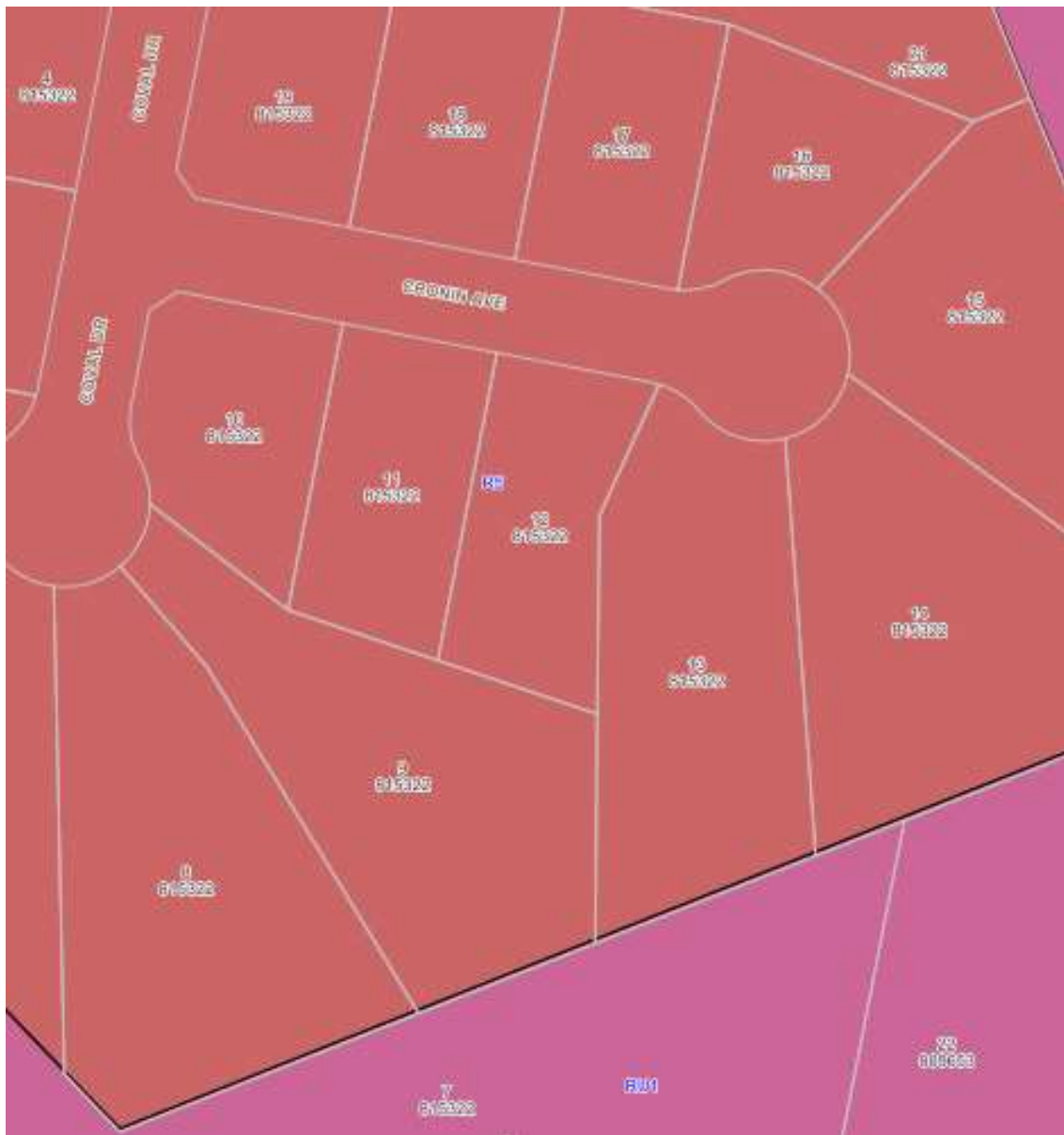
## Existing Lot Size Map



## **ANNEXURE B**

EXISTING AND PROPOSED LOT SIZE MAP –

LOT 132 DP1263591 (No. 8A) CRONIN AVENUE, JUNCTION HILL



Existing Lot Size Map

## **ANNEXURE C**

### **NORTH COAST REGIONAL PLAN 2036 CONSISTENCY CHECKLIST**

## NORTH COAST REGIONAL PLAN 2036 CONSISTENCY CHECKLIST

(Note - refer to section 4.3 of this template document)

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
<b>Goal 1 - The most stunning environment in NSW</b>  <b>Direction 1 - Deliver environmentally sustainable growth</b>		
Action 1.1 - Focus future urban development to mapped urban growth areas.	Yes	locations involve approved urban developments
Action 1.2 - Review areas identified as 'under investigation' within urban growth areas to identify and map sites of potentially high environmental value.	Yes	Consistent although this action is not directly relevant to the planning proposal
Action 1.3 - Identify residential, commercial or industrial uses in urban growth areas by developing local growth management strategies endorsed by the Department of Planning and Environment.	Yes	Consistent although this action is not directly relevant to the planning proposal
Action 1.4 - Prepare land release criteria to assess appropriate locations for future residential, commercial and industrial uses.	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 1 - The most stunning environment in NSW</b>  <b>Direction 2 - Enhance biodiversity, coastal and aquatic habitats, and water catchments</b>		
Action 2.1 - Focus development to areas of least biodiversity sensitivity in the region and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value.	Yes	Consistent although this action is not directly relevant to the planning proposal
Action 2.2 - Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 1 - The most stunning environment in NSW</b>  <b>Direction 3 - Manage natural hazards and climate change</b>		
Action 3.1 - Reduce the risk from natural hazards, including the projected effects of climate change, by	Yes	Consistent although this action is not directly relevant to the planning proposal

<b>NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS &amp; ACTIONS</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
identifying, avoiding and managing vulnerable areas and hazards.		
<u>Action 3.2</u> - Review and update floodplain risk, bushfire and coastal management mapping to manage risk, particularly where urban growth is being investigated.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 3.3</u> - Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development.	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 1 - The most stunning environment in NSW</b>		
<b>Direction 4 - Promote renewable energy opportunities</b>		
<u>Action 4.1</u> - Diversify the energy sector by identifying renewable energy resource precincts and infrastructure corridors with access to the electricity network.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 4.2</u> - Enable appropriate smaller-scale renewable energy projects using bio-waste, solar, wind, small-scale hydro, geothermal or other innovative storage technologies.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 4.3</u> - Promote appropriate smaller and community-scale renewable energy projects.	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 5 - Strengthen communities of interest and cross-regional relationships</b>		
<u>Action 5.1</u> - Collaborate on regional and intra-regional housing and employment land delivery, and industry development.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 5.2</u> - Integrate cross-border land use planning between NSW and South East Queensland, and remove barriers to economic, housing and jobs growth.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 5.3</u> - Encourage ongoing cooperation and land use planning between the City of Gold Coast and Tweed Shire Council.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 5.4</u> - Prepare a regional economic development strategy that drives economic growth opportunities by identifying key enabling	Yes	Consistent although this action is not directly relevant to the planning proposal

<b>NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS &amp; ACTIONS</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
infrastructure and other policy interventions to unlock growth.		
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 6 - Develop successful centres of employment</b>		
<u>Action 6.1</u> - Facilitate economic activity around industry anchors such as health, education and airport facilities by considering new infrastructure needs and introducing planning controls that encourage clusters of related activity.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 6.3</u> - Promote knowledge industries by applying flexible planning controls, providing business park development opportunities and identifying opportunities for start-up industries.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 6.3</u> - Reinforce centres through local growth management strategies and local environmental plans as primary mixed-use locations for commerce, housing, tourism, social activity and regional services.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 6.4</u> - Focus retail and commercial activities in existing centres and develop place-making focused planning strategies for centres.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 6.5</u> - Promote and enable an appropriate mix of land uses and prevent the encroachment of sensitive uses on employment land through local planning controls.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 6.6</u> - Deliver an adequate supply of employment land through local growth management strategies and local environmental plans to support jobs growth.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 6.7</u> - Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor.	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 7 - Coordinate the growth of regional cities</b>		
<u>Action 7.1</u> - Prepare action plans for regional cities that:	Yes	Consistent although this action is not directly relevant to the planning proposal

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
<ul style="list-style-type: none"> <li>▪ ensure planning provisions promote employment growth and greater housing diversity;</li> <li>▪ promote new job opportunities that complement existing employment nodes around existing education, health and airport precincts;</li> <li>▪ identify infrastructure constraints and public domain improvements that can make areas more attractive for investment; and</li> <li>▪ deliver infrastructure and coordinate the most appropriate staging and sequencing of development.</li> </ul>		
<b>Goal 2 - A thriving, interconnected economy</b>  <b>Direction 8 - Promote the growth of tourism</b>		
<u>Action 8.1</u> - Facilitate appropriate large-scale tourism developments in prime tourism development areas such as Tweed Heads, Tweed Coast, Ballina, Byron Bay, Coffs Harbour and Port Macquarie.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 8.2</u> - Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through local growth management strategies and local environmental plans.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 8.3</u> - Prepare destination management plans or other tourism focused strategies that: <ul style="list-style-type: none"> <li>▪ identify culturally appropriate Aboriginal tourism opportunities;</li> <li>▪ encourage tourism development in natural areas that support conservation outcomes; and</li> <li>▪ strategically plan for a growing international tourism market.</li> </ul>	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 8.4</u> - Promote opportunities to expand visitation to regionally significant nature-based tourism places, such as Ellenborough Falls, Dorrigo National Park, Wollumbin–Mount Warning National Park, Iluka Nature Reserve and Yuraygir Coastal Walk.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 8.5</u> - Preserve the region's existing tourist and visitor accommodation by directing permanent residential accommodation away from tourism developments, except where it is ancillary to existing tourism developments or part of an area otherwise	Yes	Consistent although this action is not directly relevant to the planning proposal

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
identified for urban expansion in an endorsed local growth management strategy.		
<b>Goal 2 - A thriving, interconnected economy</b>  <b>Direction 9: Strengthen regionally significant transport corridors</b>		
<u>Action 9.1</u> - Enhance the competitive value of the region by encouraging business and employment activities that leverage major inter-regional transport connections, such as the Pacific Highway, to South East Queensland and the Hunter.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 9.2</u> - Identify buffer and mitigation measures to minimise the impact of development on regionally significant transport infrastructure including regional and state road network and rail corridors.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 9.3</u> - Ensure the effective management of the State and regional road network by: <ul style="list-style-type: none"> <li>▪ preventing development directly adjoining the Pacific Highway;</li> <li>▪ preventing additional direct 'at grade' access to motorway-class sections of the Pacific Highway;</li> <li>▪ locating highway service centres on the Pacific Highway at Chinderah, Ballina, Maclean, Woolgoolga, Nambucca Heads, Kempsey and Port Macquarie, approved by the Department of Planning and Environment and Roads and Maritime Services; and</li> <li>▪ identifying strategic sites for major road freight transport facilities.</li> </ul>	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 2 - A thriving, interconnected economy</b>  <b>Direction 10 - Facilitate air, rail and public transport infrastructure</b>		
<u>Action 10.1</u> - Deliver airport precinct plans for Ballina–Byron, Lismore, Coffs Harbour and Port Macquarie that capitalise on opportunities to diversify and maximise the potential of value-adding industries close to airports.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 10.2</u> - Consider airport-related employment opportunities and precincts that can capitalise on the expansion proposed around Gold Coast Airport.	Yes	Consistent although this action is not directly relevant to the planning proposal

<b>NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS &amp; ACTIONS</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
<p><u>Action 10.3</u> - Protect the North Coast Rail Line and high-speed rail corridor</p> <p>to ensure network opportunities are not sterilised by incompatible land uses or land fragmentation.</p>	Yes	Consistent although this action is not directly relevant to the planning proposal
<p><u>Action 10.4</u> - Provide public transport where the size of the urban area has the potential to generate sufficient demand.</p>	Yes	Consistent although this action is not directly relevant to the planning proposal
<p><u>Action 10.5</u> - Deliver a safe and efficient transport network to serve future release areas.</p>	Yes	Consistent although this action is not directly relevant to the planning proposal
<p><b>Goal 2 - A thriving, interconnected economy</b></p> <p><b>Direction 11: Protect and enhance productive agricultural lands</b></p>		
<p><u>Action 11.1</u> - Enable the growth of the agricultural sector by directing urban and rural residential development away from important farmland and identifying locations to support existing and small-lot primary production, such as horticulture in Coffs Harbour.</p>	Yes	Consistent as the proposal will retain agricultural land in an appropriate zoning.
<p><u>Action 11.2</u> - Deliver a consistent management approach to important farmland across the region by updating the Northern Rivers Farmland Protection Project (2005) and Mid North Coast Farmland Mapping Project (2008).</p>	Yes	Consistent although this action is not directly relevant to the planning proposal
<p><u>Action 11.3</u> - Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.</p>	Yes	Consistent although this action is not directly relevant to the planning proposal
<p><u>Action 11.4</u> - Encourage niche commercial, tourist and recreation activities</p> <p>that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.</p>	Yes	Consistent although this action is not directly relevant to the planning proposal
<p><u>Action 11.5</u> - Address sector-specific considerations for agricultural industries through local plans.</p>	Yes	Consistent although this action is not directly relevant to the planning proposal
<p><b>Goal 2 - A thriving, interconnected economy</b></p> <p><b>Direction 12 - Grow agribusiness across the region</b></p>		

<b>NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS &amp; ACTIONS</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
<u>Action 12.1</u> - Promote the expansion of food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight and logistics, and processing through flexible planning provisions in local growth management strategies and local environmental plans.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 12.2</u> - Encourage the co-location of intensive primary industries, such as feedlots and compatible processing activities.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 12.3</u> - Examine options for agribusiness to leverage proximity from the Gold Coast and Brisbane West Wellcamp airports.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 12.4</u> - Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflicts arising from the encroachment of incompatible land uses.	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 13 - Sustainably manage natural resources</b>		
<u>Action 13.1</u> - Enable the development of the region's natural, mineral and forestry resources by directing to suitable locations land uses such as residential development that are sensitive to impacts from noise, dust and light interference.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 13.2</u> - Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility.	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 3 - Vibrant and engaged communities</b>		
<b>Direction 14 - Provide great places to live and work</b>		
<u>Action 14.1</u> - Prepare precinct plans in growth areas, such as Kingscliff, or  centres bypassed by the Pacific Highway, such as Woodburn and Grafton, to guide development and establish appropriate land use zoning, development standards and developer contributions.	Yes	Consistent although this action is not directly relevant to the planning proposal

<b>NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS &amp; ACTIONS</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
<u>Action 14.2</u> - Deliver precinct plans that are consistent with the Precinct Plan Guidelines (Appendix C).	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 3 - Vibrant and engaged communities</b>		
<b>Direction 15 - Develop healthy, safe, socially engaged and well-connected communities</b>		
<u>Action 15.1</u> - Deliver best-practice guidelines for planning, designing and developing healthy built environments that respond to the ageing demographic and subtropical climate.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 15.2</u> - Facilitate more recreational walking and cycling paths and expand inter-regional and intra-regional walking and cycling links, including the NSW Coastline Cycleway.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 15.3</u> - Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 15.4</u> - Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment frameworks within local planning.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 15.5</u> - Deliver crime prevention through environmental design outcomes through urban design processes.	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 3 - Vibrant and engaged communities</b>		
<b>Direction 16 - Collaborate and partner with Aboriginal communities</b>		
<u>Action 16.1</u> - Develop partnerships with Aboriginal communities to facilitate engagement during the planning process, including the development of engagement protocols.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 16.2</u> - Ensure Aboriginal communities are engaged throughout the preparation of local growth management strategies and local environmental plans.	Yes	Consistent although this action is not directly relevant to the planning proposal

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
<b>Goal 3 - Vibrant and engaged communities</b>  <b>Direction 17: Increase the economic self-determination of Aboriginal communities</b>		
Action 17.1 - Deliver opportunities to increase the economic independence of Aboriginal communities through training, employment and tourism.	Yes	Consistent although this action is not directly relevant to the planning proposal
Action 17.2 - Foster closer cooperation with Local Aboriginal Land Councils to identify the unique potential and assets of the North Coast communities.	Yes	Consistent although this action is not directly relevant to the planning proposal
Action 17.3 - Identify priority sites with economic development potential that Local Aboriginal Land Councils may wish to consider for further investigation.	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 3 - Vibrant and engaged communities</b>  <b>Direction 18 - Respect and protect the North Coast's Aboriginal heritage</b>		
Action 18.1 - Ensure Aboriginal objects and places are protected, managed and respected in accordance with legislative requirements and the wishes of local Aboriginal communities.	Yes	Existing consent for Mountainview Estate contains conditions governing actions to be taken should Aboriginal objects be found during civil construction.
Action 18.2 - Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms are identified.	Yes	Consistent although this action is not directly relevant to the planning proposal
Action 18.3 - Develop local heritage studies in consultation with the local Aboriginal community, and adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	Yes	Consistent although this action is not directly relevant to the planning proposal
Action 18.4 - Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas, where culturally appropriate, to inform planning strategies and local plans to protect Aboriginal heritage.	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 3 - Vibrant and engaged communities</b>  <b>Direction 19 - Protect historic heritage</b>		
Action 19.1 - Ensure best-practice guidelines are considered such as the Australia International Council on Monuments and Sites (ICOMOS) Charter	Yes	Consistent although this action is not directly relevant to the planning proposal

<b>NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS &amp; ACTIONS</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
for Places of Cultural Significance and the NSW Heritage Manual when assessing heritage significance.		
<u>Action 19.2</u> - Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items, and include appropriate local planning controls.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 19.3</u> - Deliver the adaptive or sympathetic use of heritage items and assets.	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 3 - Vibrant and engaged communities</b>		
<b>Direction 20 - Maintain the region's distinctive built character</b>		
<u>Action 20.1</u> - Deliver new high-quality development that protects the distinct character of the North Coast, consistent with the North Coast Urban Design Guidelines (2009)	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 20.2</u> - Review the North Coast Urban Design Guidelines (2009).	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 3 - Vibrant and engaged communities</b>		
<b>Direction 21 - Coordinate local infrastructure delivery</b>		
<u>Action 21.1</u> - Undertake detailed infrastructure service planning to support proposals for new major release areas.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 21.2</u> - Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 4 - Great housing choice and lifestyle options</b>		
<b>Direction 22 - Deliver greater housing supply</b>		
<u>Action 22.1</u> - Deliver an appropriate supply of residential land within local growth management strategies and local plans to meet the region's projected housing needs.	Yes	Cronin Estate is within an identified Growth Area (Junction Hill) Mountainview Estate is not but was approved prior to the Regional Plan coming into force and was in accordance in the planning controls existing at the time.
<u>Action 22.2</u> - Facilitate housing and accommodation options for temporary	Yes	Consistent although this action is not directly relevant to the planning proposal

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
residents by: <ul style="list-style-type: none"> <li>▪ preparing planning guidelines for seasonal and itinerant workers accommodation to inform the location and design of future facilities; and</li> <li>▪ working with councils to consider opportunities to permit such facilities through local environmental plans.</li> </ul>		
<u>Action 22.3</u> - Monitor the supply of residential land and housing through the North Coast Housing and Land Monitor.	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 4 - Great housing choice and lifestyle options</b>  <b>Direction 23 - Increase housing diversity and choice</b>		
<u>Action 23.1</u> - Encourage housing diversity by delivering 40 per cent of new housing in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres, by 2036.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 23.1</u> - Develop local growth management strategies to respond to changing housing needs, including household and demographic changes, and support initiatives to increase ageing in place.	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 4 - Great housing choice and lifestyle options</b>  <b>Direction 24: Deliver well-planned rural residential housing areas</b>		
<u>Action 24.1</u> - Facilitate the delivery of well-planned rural residential housing areas by: <ul style="list-style-type: none"> <li>▪ identifying new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment; and</li> <li>▪ ensure that such proposals are consistent with the Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies (2007) or land release criteria (once finalised).</li> </ul>	Yes	Consistent although this action is not directly relevant to the planning proposal as both amendments apply to previously approved rural residential developments and result in no material changes to these developments
<u>Action 24.2</u> - Enable sustainable use of the region's sensitive coastal strip by ensuring new rural residential areas are located outside the coastal strip, unless already identified in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment.	Yes	Consistent although this action is not directly relevant to the planning proposal
<b>Goal 4 - Great housing choice and lifestyle options</b>		

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
<b>Direction 25 - Deliver more opportunities for affordable housing</b>		
<u>Action 25.1</u> - Deliver more opportunities for affordable housing by incorporating policies and tools into local growth management strategies and local planning controls that will enable a greater variety of housing types and incentivize private investment in affordable housing.	Yes	Consistent although this action is not directly relevant to the planning proposal
<u>Action 25.2</u> - Prepare guidelines for local housing strategies that will provide guidance on planning for local affordable housing needs.	Yes	Consistent although this action is not directly relevant to the planning proposal

## **ANNEXURE D**

### **CLARENCE VALLEY COUNCIL'S LOCAL STRATEGY & STRATEGIC PLANS CONSISTENCY CHECKLIST**

## COUNCILS LOCAL STRATEGY AND STRATEGIC PLAN/S CONSISTENCY CHECKLIST

Strategy/Strategic Plan	Relevant component/statement of consistency
The Clarence 2027 Delivery Program and Operational Plan	Both documents reference the need for a strong and diverse local economy. The completion of both projects and subject of the proposal will add to economic development in a manner that was clearly accepted by Council when issuing the development consents. Should the sunset clause come into effect and prevent the full developments approved under these consents, there will be negative economic impacts as full potential will not be achieved.
Maclean Urban Catchment Local Growth Management Strategy 2011	N/A
South Grafton Heights Precinct Strategy	N/A
Clarence Valley Settlement Strategy	Junction Hill is identified as a growth area but the Strategy is silent on Mountainview and surrounds. The Strategy requires that rural-residential settlements should link into the 'functional hierarchy' of the Valley's settlement pattern, so being close to and having good access to, human services/community facilities. Mountainview Estate is 4.7km from Junction Hill and 10.5km from Grafton and is connected to both by the sealed road network.
Lower Clarence Retail Strategy (May 2007)	N/A
Yamba Retail/Commercial Strategy (May 2002)	N/A
Clarence Valley Economic Development Strategic Plan	N/A
Clarence Valley Industrial Lands Strategy	N/A
Clarence Valley Affordable Housing Strategy	N/A
Clarence Valley Council Biodiversity Management Strategy 2010	The Strategy sets out how and why Council will preserve biodiversity in the Clarence Valley. The Strategy was adopted in August 2010, after Mountainview Estate was approved (March 2010) but before the subdivision of Lot 13 was approved (September 2010). The proposal will have no biodiversity impacts.

Clarence River Way Masterplan 2009	N/A
Clarence Valley Open Spaces Strategic Plan 2012	N/A
<b>Clarence Valley Local Strategic Planning Statement 2020</b>	<b>Refer to checklist overleaf.</b>

LSPS Action	LSPS Action (guiding Principle)	Applicable	Complies (Y / N or N/A)	Detailed Answer
1.1	<p>Does the proposal promote the long term liveability, health and resilience of the community, and supporting economic, social and cultural improvement?</p> <p>Particularly through:</p> <ul style="list-style-type: none"> <li>a) Protecting and enhancing terrestrial and aquatic biodiversity and our natural environment?</li> <li>b) A regenerative landscape planning approach that includes listening to First Nations People and caring for country?</li> <li>c) A hierarchy of avoiding, mitigating and managing natural hazards, as well as considering environmental constraints to be used in planning and design?</li> <li>d) Ensuring a collaborative approach to place making, that engages those who can contribute to making the Clarence Valley a community full of opportunities?</li> <li>e) North Coast Settlement Planning Guidelines 2019?</li> </ul>	All	Yes	Further consideration at DA stage is possible
1.2	<p>Does the proposal comply with the <a href="#">North Coast Urban Design Guidelines</a>?</p> <p>Does the proposal comply with the <a href="#">Urban Design for Regional NSW</a> guidelines?</p>	All	Yes	Further consideration at DA stage is possible
2.1	<p>Does the proposal / process help expand existing partnerships with our First Nations communities to be involved in decision making?</p> <p>Have you referred to the NSW Government Architect 'Connecting with Country' and <a href="#">Designing with Country</a> guidelines?</p>	All	N/A	

LSPS Action	LSPS Action (guiding Principle)	Applicable	Complies ( Y / N or N/A)	Detailed Answer
2.2	Are First Nations communities involved in the development of strategic plans, inclusive of local growth management, housing and biodiversity strategies?	Strategic plans	N/A	
2.3	Has the proposal involved collaboration with Traditional Owners, Local Aboriginal Land Councils and DPIE in identifying sites of cultural significance and assets with economic development potential?	All	N/A	
2.5	Have you considered the <a href="#">Clarence Valley Aboriginal Heritage Study</a> and relevant studies and planning controls?	All	Yes	
2.6	Does the proposal incorporate First Nations cultural heritage and design in new developments?	Construction / design projects	N/A	Further consideration at DA stage is possible
3.3	For any expansion of existing commercial or industrial lands or new development – is appropriate infrastructure that promotes active travel to work options included (walking, cycling, PT, accessibility etc.)?	All	N/A	
3.4	Have you explored options to promote smaller homes in appropriate locations of our existing centres to help achieve a target of 40% infill housing across the Clarence LGA?	Strategic planning	Yes	Further consideration at DA stage is possible
4.3	Does the proposal comply with the <a href="#">Clarence Valley Affordable Housing Strategies, Plans and Policies</a> ?	All	Yes	Further consideration at DA stage is possible
5.2	Does the proposal comply with the Crime Prevention Through Environmental Design (CPTED) and <a href="#">Safer by Design</a> Evaluation?	Construction / design projects	Yes	Further consideration at DA stage is possible

LSPS Action	LSPS Action (guiding Principle)	Applicable	Complies ( Y / N or N/A)	Detailed Answer
5.5	Are there opportunities to involve <a href="#">School Infrastructure NSW</a> (SINSW) to explore and implement joint and shared use opportunities where there is mutual benefit for the school and the community?	All	N/A	
6.4	Is the re-use of Grafton Gaol and the Health Precinct sympathetic to the character of the surrounding streets and aspirations for the economic vitality of the Grafton CBD?	Grafton gaol and hospital precinct	N/A	
7.3	Have you explored options with state government (esp. TfNSW) and infrastructure providers to accelerate the provision of infrastructure and availability of residential and employment land to support a growing community and job opportunities in the Clarence Valley, where appropriate?	Strategic plans and major projects	N/A	
7.4	Working with State government, do facilities and redevelopment (Hospitals, Education, Corrections etc.) provide supporting infrastructure which will support a healthy, prosperous and sustainable Clarence Valley community, including for walking, cycling and other active travel?  Will an 'active travel plan' be prepared to promote walking, cycling and sustainable modes of travel?	NSW Government projects	N/A	
8.1	Have you checked with TfNSW and other stakeholders to identify any impacts on major transport corridors and ensure they are protected for future transport alignments and avoid the encroachment of incompatible land uses?	Strategic plans and major projects	N/A	
9.2	Have you checked with SES, RFS and other emergency management authorities that the proposal will help make a more resilient community?	All	Yes	Further consideration at DA stage is possible.

LSPS Action	LSPS Action (guiding Principle)	Applicable	Complies (Y / N or N/A)	Detailed Answer
9.3	<p>Do Infrastructure proposals include the provision of 'green infrastructure' as well as its integration with recreation and open space planning?</p> <p>Have you considered the governments <a href="#">Greener Places</a> guideline?</p>	All	Yes	Further consideration at DA stage is possible
10.2	<p>Will the proposal help implement the TfNSW <a href="#">TfNSW Movement and Place Framework</a>?</p> <p>Have you checked with TfNSW?</p> <p>Will the proposal help to promote active transport, including opportunities to develop an active transport network, through the development of an integrated transport and land use settlement strategy for the valley, along with a 'place plan' for key centres such as Grafton, and areas of 'investigation' for urban development?</p>	All	N/A	
11.1	Does the proposal help implement the Clarence Valley <a href="#">Regional Economic Development Strategy</a> ?	All	Yes	
11.4	<p>Will the proposal help promote job opportunities in the marine industries?</p> <p>Does the proposal accord with the Far North Coast &amp; Mid North Coast <a href="#">Marine based Industry Policy</a>?</p>	All	N/A	

LSPS Action	LSPS Action (guiding Principle)	Applicable	Complies ( Y / N or N/A)	Detailed Answer
12.1	Does the proposal help support Grafton CBD as the principal activity centre for business, retail, culture, entertainment and prestige events in the region?	All	N/A	
13.2	Have you examined opportunities to leverage proximity to Gold Coast Airport and Toowoomba Wellcamp Airport in the supply chain for products from the Clarence Valley?	All	N/A	
13.3	Does the proposal help to protect rural zoned land and productive agricultural land from urban and rural residential development by directing development to identified investigation areas and not adjacent to productive agricultural land?  Does the proposal help to implement state government policy, such as the 'right to farm'?	All	Yes	The land is zoned R5 for large lot residential development and has been previously considered by previous Councils through the zoning process
13.4	Does the proposal help to implement the North Coast farmland mapping project undertaken by DPI and DPIE, supplemented with local studies?	All	N/A	
13.5	Have you explored opportunities for artisan food and drink industry developments to be located within existing business zones and centres to improve the vitality and viability of our main streets, particularly in Grafton and Yamba?	Strategic Plans	N/A	
13.6	Does the proposal help to implement work by relevant agencies to support bushfire recovery and future resilience of the agriculture and food producing sector of the Clarence?  Does the proposal help to establish networks and training opportunities for primary producers to work with local First Nations to improve land management, especially cultural burning?	All	N/A	

LSPS Action	LSPS Action (guiding Principle)	Applicable	Complies ( Y / N or N/A)	Detailed Answer
13.7	Does the proposal identify opportunities to increase resilience of rural landscapes and promote regenerative agriculture, especially to increase carbon in soils to improve productive capacity, contribute to reducing atmospheric CO2, increase water holding capacity of soil so reducing drought impact and significantly reducing the effects of runoff and soil erosion on roads, bridges and other infrastructure?	All	N/A	Further consideration at DA stage is possible
13.8	Does the proposal help to: <ul style="list-style-type: none"> <li>a) reduce the density and proximity of energy dense nutrient poor (ENDP) aka 'fast food' outlets, particularly for vulnerable populations?</li> <li>b) facilitate community gardens and urban agriculture on public and private land, particularly in new land release areas and urban fringes so that neighbourhoods have access to local food growing lands?</li> <li>c) increase access to drinking water through the provision of bubbler/taps in public places, sporting venues and community facilities, and limit/discourage the consumption of sugar sweetened beverages (SSBs)?</li> <li>d) support and encourage community food centres (aka food hubs) which supply and promote locally grown produce and take a social justice approach to food?</li> <li>e) support and encourage local farmers markets which supply local produce thereby reducing food miles and supporting local and regional farmers?</li> </ul>	All	N/A	
14.1	Does the change to the planning framework help to implement the <a href="#">Clarence River Way Masterplan</a> ?  Will the proposal help to welcome and sustainably manage visitors to the area, particularly to enable appropriate development in Grafton and our river towns and coastal areas?	All	N/A	

LSPS Action	LSPS Action (guiding Principle)	Applicable	Complies ( Y / N or N/A)	Detailed Answer
14.2	Does the proposal help to update the Clarence Valley LEP and relevant DCPs to build on the strengths of the Clarence River and support appropriate tourism opportunities and help implement aspects of the Clarence River Way Masterplan?	Strategic Plans	N/A	
14.3	Does the proposal help to identify opportunities to expand nature-based adventure and cultural tourism by leveraging the Clarence Valleys natural, heritage and community assets?	All	N/A	
15.1	Will the proposal help to protect areas of High Environmental Value (HEV)?  Does the proposal take a strategic approach to land use planning, informed by our biodiversity strategy and strategic environmental goals, particularly for corridors and areas of high environmental value?	All	Yes	Further consideration at DA stage is possible. There are no areas of high environmental value and the land is already zoned R5.
15.2	Does the proposal help to achieve waterway health and protect our marine environment?	Strategic plans	Yes	Further consideration at DA stage is possible
15.3	Will the proposal help to ensure that water quality and aquatic biodiversity impacts are considered in planning decisions?  Will the changes ensure that the planning framework aligns with our coast and estuary management plans/programs, including to promote the values of riparian vegetation vegetated buffers and permeable surfaces to maintain and improve water quality and hydrology?	All	Yes	Further consideration at DA stage is possible

LSPS Action	LSPS Action (guiding Principle)	Applicable	Complies ( Y / N or N/A)	Detailed Answer
16.2	Have you checked biodiversity mapping layers and fauna corridors with Council?	All	Yes	Further consideration at DA stage is possible
16.6	Does the proposal help implement Councils Biodiversity Strategy 2020?	All	Yes	Further consideration at DA stage is possible
17.1	Does the proposal help create safer, more disaster resilient communities?  Have you had particular regard to the long term social and economic costs of the potential effects of natural hazards and risk to life and evacuation capacity?	All	Yes	Further consideration at DA stage is possible
18.3	Does the proposal consider the <a href="#">Clarence Valley Regional Water Efficiency Strategic Plan</a> ?	All	N/A	
19.1	Does the proposal help to sustainably manage natural, mineral and forestry resources? (e.g. Protecting quarry's from urban encroachment and vice versa)	All	N/A	
20.1	Does the proposal help to grow regional and sub-regional relationships with adjoining Councils, state government and other organisations?		N/A	
21.1	Does the proposal help increase community participation in decision making and comply with the Councils <a href="#">Community Participation Plan</a> ?	All	Yes	The proposal will be publicly advertised following gateway determination.

LSPS Action	LSPS Action (guiding Principle)	Applicable	Complies ( Y / N or N/A)	Detailed Answer
22.1	Will the proposal help Grafton to be recognised as a Regional City in the North Coast Regional Plan?	All	N/A	
23.1	Will the proposal help achieve the Priorities of the Local Strategic Planning Statement?	All	Yes	

## **ANNEXURE E**

STATE ENVIRONMENTAL PLANNING POLICY

CONSISTENCY CHECKLIST

## STATE ENVIRONMENTAL PLANNING POLICY CONSISTENCY CHECKLIST

Name of SEPP	Relevant/applicable?	Comment/statement of consistency
<i>The following State Environmental Planning Policies (SEPPs) are current and whilst not all may be applicable to the Clarence Valley LGA they are all being acknowledged and some are considered in more detail where relevant.</i>		
State Environmental Planning Policy No 1 - Development Standards	No	Not applicable to the CVLEP 2011 or to the planning proposal.
State Environmental Planning Policy No 19 - Bushland in Urban Areas	No	N/A
State Environmental Planning Policy No 21 - Caravan Parks	No	N/A
State Environmental Planning Policy No 30 - Intensive Agriculture	No	N/A
State Environmental Planning Policy No 33 - Hazardous and Offensive Development	No	N/A
State Environmental Planning Policy No 36 - Manufactured Home Estates	No	N/A
State Environmental Planning Policy No 44 - Koala Habitat Protection	No	N/A
State Environmental Planning Policy No 47 - Moore Park Showground	No	N/A
State Environmental Planning Policy No 50 - Canal Estate Development		
State Environmental Planning Policy No 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	No	N/A
State Environmental Planning Policy No 55 - Remediation of Land	No	The proposal applies to developments which have been fully assessed and approved by Council and there is nothing within the proposal that could be relevant to this SEPP
State Environmental Planning Policy No 62 - Sustainable Aquaculture	No	N/A
State Environmental Planning Policy No 64 - Advertising and Signage	No	N/A

<b>Name of SEPP</b>	<b>Relevant/applicable?</b>	<b>Comment/statement of consistency</b>
State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development	No	N/A
State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)	No	N/A
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	N/A
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	N/A
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	N/A
State Environmental Planning Policy (Infrastructure) 2007	No	N/A
State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007	No	N/A
State Environmental Planning Policy (Kurnell Peninsula) 1989	No	N/A
State Environmental Planning Policy (State Significant Precincts) 2005	No	N/A
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	N/A

<b>Name of SEPP</b>	<b>Relevant/applicable?</b>	<b>Comment/statement of consistency</b>
State Environmental Planning Policy (Rural Lands) 2008	No	N/A
State Environmental Planning Policy (State and Regional Development) 2011	No	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	N/A
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	N/A
State Environmental Planning Policy (Three Ports) 2013	No	N/A
State Environmental Planning Policy (Urban Renewal) 2010	No	N/A
State Environmental Planning Policy (Western Sydney Employment Area) 2009	No	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	N/A
State Environmental Planning Policy (Integration and Repeals) 2016	No	N/A
State Environmental Planning Policy (Coastal Management) 2018	Yes	N/A

## **ANNEXURE F**

### **SECTION 9.1 DIRECTION CONSISTENCY CHECKLIST**

## SECTION 9.1 DIRECTION CONSISTENCY CHECKLIST

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
<b>1. EMPLOYMENT AND RESOURCES</b>		
<b>1.1 Business and Industrial Zones</b>	Not Applicable	The proposal does not involve business or industrial zones
<b>1.2 Rural Zones</b>	Not Applicable	The proposal does not involve rural-zoned land.
<b>1.3 Mining, Petroleum Production and Extractive industries</b>	Not Applicable	The proposal does not affect any land identified as having extractive resources of regional significance or their haulage routes.
<b>1.4 Oyster Aquaculture</b>	Not Applicable	The proposal does not affect land within the vicinity of any oyster aquaculture leases.
<b>1.5 Rural Lands</b>	Not Applicable	The proposal does not apply to rural land
<b>2. ENVIRONMENT AND HERITAGE</b>		
<b>2.1 Environmental protection Zones</b>	Not Applicable	The proposal does not apply to Environmental Protection Zones.
<b>2.2 Coastal protection</b>	Not Applicable	The proposal does not affect land located in the coastal zone
<b>2.3 Heritage Conservation</b>	Not Applicable	The proposal does not affect any objects or areas of heritage significance
<b>2.4 Recreation Vehicle Areas</b>	Not Applicable	The proposal does not involve the development of land for use as a recreation vehicle area
<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	Not applicable	This direction does not apply to the Clarence Valley Council area, but the principle of only zoning land for environmental protection if it has environmental values is relevant nevertheless
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		
<b>3.1 Residential Zones</b>	Consistent	The proposal is consistent with this direction in as much as it will protect existing consents for residential development with provide a variety and choice of housing types and efficiently utilises existing infrastructure

<b>SECTION 9.1 DIRECTION</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	Not Applicable	The proposal does not involve the development or a caravan park or manufactured home estate
<b>3.3 Home Occupations</b>	Not Applicable	The proposal does not intend to alter the current legislative controls of home occupations in dwellings
<b>3.4 Integrated Land Use and Transport</b>	Not Applicable	The proposal alters a provision (minimum lot size) relating to residential land but only in respect of approved developments and so the provisions of this direction are not applicable
<b>3.5 Development Near Licensed Aerodromes</b>	Not Applicable	The proposal does not affect land area licensed for aerodromes
<b>3.6 Shooting Ranges</b>	Not Applicable	The proposal does not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
<b>4. HAZARD AND RISK</b>		
<b>4.1 Acid Sulfate Soils</b>	Not Applicable	The proposal does not involve land identified as containing ASS.
<b>4.2 Mine Subsidence and Unstable land</b>	Not Applicable	The proposal does not affect any Mine Subsidence Districts
<b>4.3 Flood Prone Land</b>	Not Applicable	The proposal does not involve flood prone land or development sites are available above the flood planning level.
<b>4.4 Planning for Bushfire Protection</b>	Not Applicable	The proposal does not involve any land affected by bushfire hazard or development sites are available to comply with Planning for Bushfire Protection 2020.
<b>5. REGIONAL PLANNING</b>		
<b>5.1 Implementation of Regional Strategies</b>	Not applicable.	No longer applicable as the Mid North Coast Regional Strategy has now been replaced by the North Coast Regional Plan 2036. Refer to Direction 5.10 below.

<b>SECTION 9.1 DIRECTION</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
<b>5.2 Sydney Drinking Water Catchments</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	Not Applicable	The proposal does not involve land covered by this Direction
<b>5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</b>	Not applicable.	<i>Revoked 18 June 2010</i>
<b>5.6 Sydney to Canberra Corridor</b>	Not applicable.	<i>Revoked 10 July 2008 - See amended Direction 5.1</i>
<b>5.7 Central Coast</b>	Not applicable.	<i>Revoked 10 July 2008 - See amended Direction 5.1</i>
<b>5.8 Second Sydney Airport: Badgerys Creek</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>5.9 North West Rail Link Corridor Strategy</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>5.10 Implementation of Regional Plans</b>	Consistent	The proposal involves land covered by North Coast Regional Plan 2036 and is not inconsistent with any provisions of that Plan (see 4.3 of this report)
<b>6. LOCAL PLAN MAKING</b>		
<b>6.1 Approval and Referral Requirements</b>	Consistent	The proposal does not include provisions which require concurrence, consultation or referral of a Minister or public authority
<b>6.2 Reserving Land for Public Purposes</b>	Not Applicable	This proposal does not involve the reserving of land for public purposes
<b>6.3 Site Specific Provisions</b>	Consistent	The proposal does not impose restrictive site specific planning controls on the subject lands other than the original lot size standard under which they were approved

<b>SECTION 9.1 DIRECTION</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
<b>7. METROPOLITAN PLANNING</b>		
<b>7.1 Implementation of a Plan for Growing Sydney</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>7.2 Implementation of Greater Macarthur Land Release Investigation</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>7.3 Parramatta Road Corridor Urban Transformation Strategy</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.

## **ANNEXURE G**

APPROVED SUBDIVISION OF LOT 13 DP815322 –  
CVC LETTER CONFIRMING SUBSTANTIAL COMMENCEMENT  
& COPY OF DP 1263591



07 April 2016

CLARENCE VALLEY COUNCIL

Reference: SCH2016/0037  
Contact: Marion Rhodes  
Reference: 1075040

A Fletcher & Associates  
86 Victoria Street  
GRAFTON NSW 2460

#### Confirmation of Physical Commencement SCH2016/0037

Development Application No: SUB2011/0035  
Development Proposal: Two lot subdivision  
Property Address: 8 Cronin Avenue JUNCTION HILL NSW 2460  
Legal Description: Lot 13 DP 815322

Council refers to your letter received on the 1 April 2016 requesting confirmation that the physical commencement of works has been undertaken on the abovementioned development approval.

Council confirms that physical commencement of SUB2011/0035 has been undertaken on the site. This was undertaken by the cutting in of a new sewer junction for the additional lot (proposed Lot 132) in accordance with Condition 19 of the consent on 24 March 2016.

The development consent will not lapse, pursuant to s95(4) of the *Environmental Planning & Assessment Act 1979*, as the development has been physically commenced.

If you require further information please contact Marion Rhodes of Council's Environment, Development and Regulated Services on (02) 6643 0263.

Yours sincerely,

Marion Rhodes  
Development Engineer

PLAN FORM 2 (A2) DP1263591

WARNING CREASING OR FOLDING WILL LEAD TO REJECTION

LVMK 6/8/2019 Sheet 1 of 2 Sheets

PH COMPARISONS

X PH6600 - 192°47'19" 800.049 (SCINS)  
 192°47'19" 800.049 (SCINS)  
 PH6600 - PH6600 57°02'09" 748.973 (SCINS)  
 57°02'09" 748.948 (SCINS)  
 PH6600 - PH6600 286°47'37" 485.317 (SCINS)  
 286°47'37" 485.317 (SCINS)

PH CONNECTIONS

PH6600 - CMT 'J' 192°47'19" 282.514  
 PH6600 - CMT 'X' 49°37'19" 385.948  
 PH6600 - CMT 'L' 275°45'49" 306.676

SCHEDULE OF REFERENCE MARKS

C 105°50'45.5 & 15.5 RM DHAWS FD (DP85322)  
 D 105°50'45.7 & 13.5 RM DHAWS FD (DP85322)  
 105°50'45.7 & 13.265 (SURVEY)  
 E 105°50'45.7 & 13.25 RM DHAWS FD (DP85322)  
 105°50'45.7 & 13.265 (SURVEY)  
 105°50'45.7 & 13.265 (SURVEY)  
 F 173°36'~178 RM DHAWS FD (DP85322)  
 173°36'~178 (SURVEY)  
 G 191°32'~194.35 RM DHAWS FD (DP85322)  
 191°32'~194.35 (SURVEY)  
 H 205°45'~217.55 RM DHAWS FD (DP85322)  
 205°45'~217.55 (SURVEY)  
 I 312°48'~108 RM DHAWS FD (DP85322)  
 312°48'~108 (SURVEY)

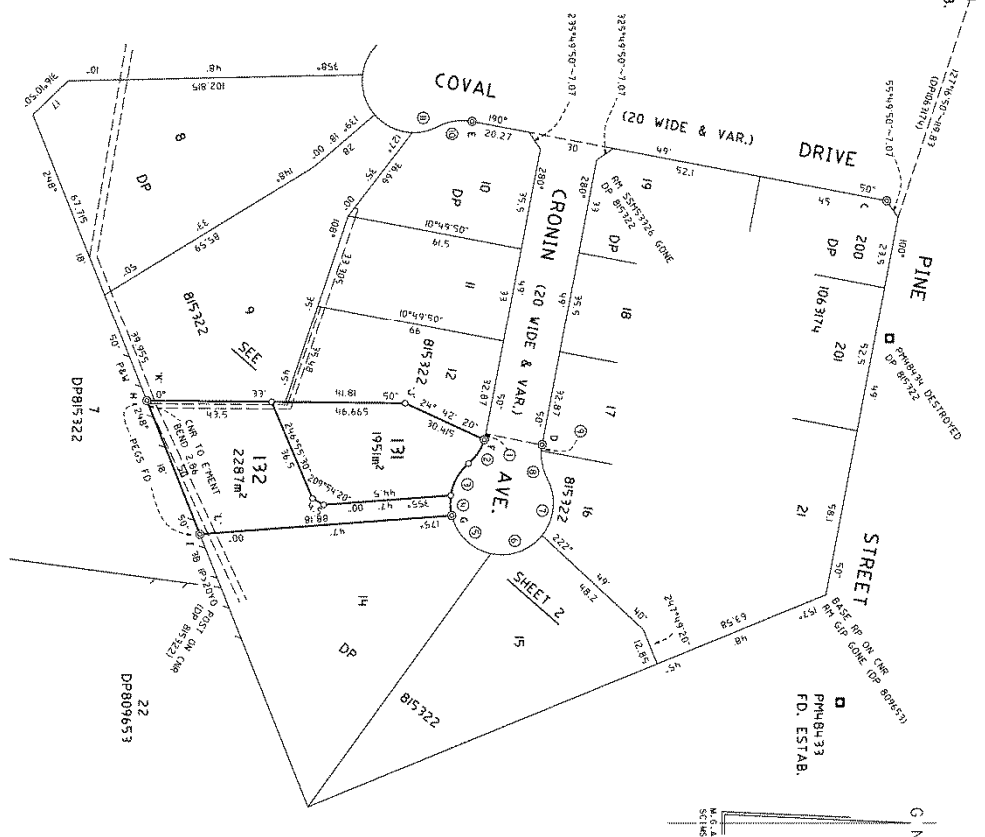
SCHEDULE OF SHORT & CURVED BOUNDARIES

No.	Bearing	Chord	ARC	RADIUS
1	100°45'	2.18	2.18	18
2	123°40'20"	9.975	10.075	18
3	187°07'50"	12.685	12.965	18
4	107°17'20"	18.895	19.175	18
5	107°17'20"	18.895	19.175	18
6	107°17'20"	18.895	19.175	18
7	275°45'49"	19.837	20.005	18
8	275°45'49"	19.837	20.005	18
9	275°45'49"	19.837	20.005	18
10	173°21'30"	12	12.295	18
11	173°21'30"	12	12.295	18
12	173°21'30"	12	12.295	18

MARK	CO-ORDINATE SCHEDULE				STATE
	N.G.A. CO-ORDINATES	EASTING	NORTHING	CL. OR	
PH6600	492 645.082	6120 504.846	8	2	SCINS
PH6600	492 645.082	6120 504.846	8	2	SCINS
PH6600	492 645.082	6120 504.846	8	2	SCINS

NOTE: ALL DISTANCES SHOWN ARE GROUND DISTANCES

Y  
 PH6600 FD. ESTAB.  
 Surveyor: ROBERT ANDREW  
 Date of Survey: 09/07/2019  
 Surveyor's Ref: 8638  
 PLAN OF SUBDIVISION OF LOT 13 DP85322  
 Locality: JUNCTION HILL  
 Subdivision No: SAC12019/0072  
 Registered  
 25/05/2020  
 DP1263591



## **ANNEXURE H**

- APPROVED SUBDIVISION PLANS FOR MOUNTAINVIEW ESTATE

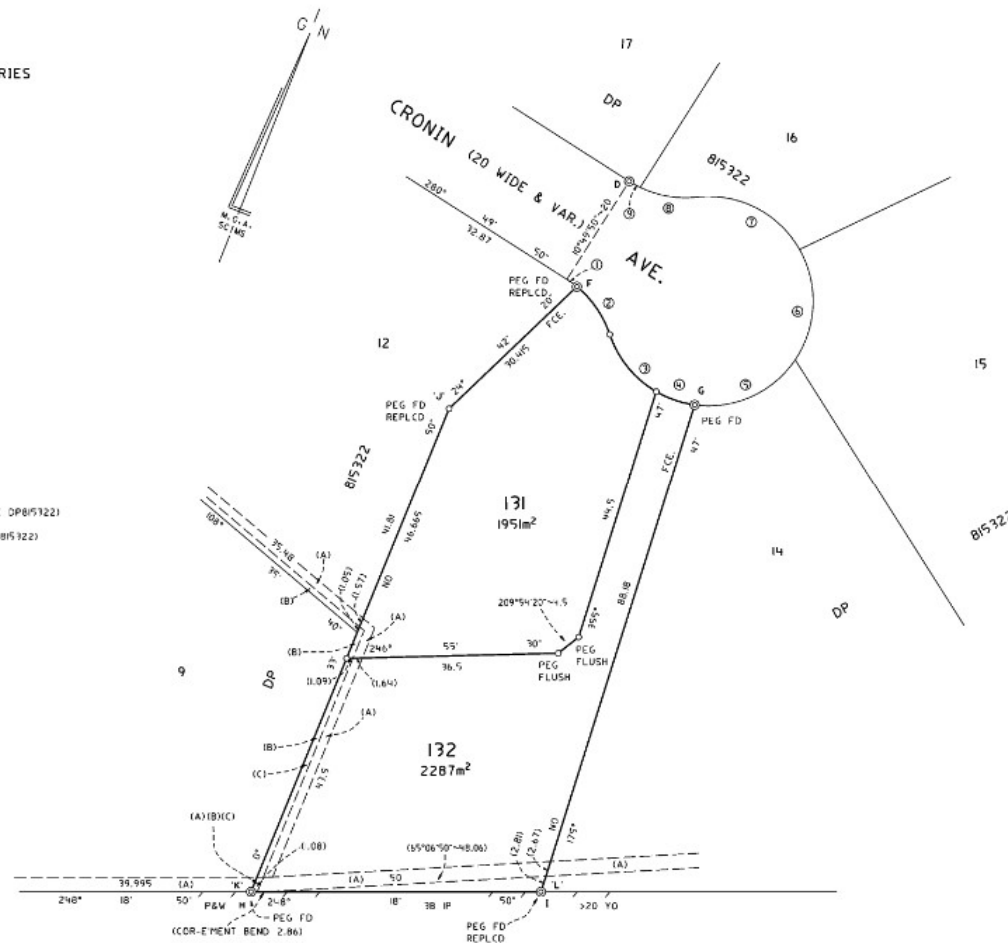
- DP 1263591 AT CRONIN AVENUE



SCHEDULE OF SHORT &amp; CURVED BOUNDARIES

No.	BEARING	CHORD	ARC	RADIUS
1	04°13'	2.13	2.13	18
2	123°44'20"	5.975	10.105	18
3	15°07'50"	12.685	12.165	18
4	87°17'10"	7.005	7.05	18
5	44°15'20"	18.99	20	18
6	34°13'50"	18.985	20	18
7	275°18'40"	19.83	21.005	18
8	257°54'50"	9.94	10.07	18
9	277°23'	2.165	2.165	18

- (A) EASEMENT TO DRAIN SEWAGE 2.5 WIDE (VIDE DP815322)  
 (B) EASEMENT TO DRAIN WATER 1 WIDE (VIDE DP815322)  
 (C) EASEMENT FOR DRAINAGE OF WATER 1 WIDE



Surveyor **ROBERT ANDREW FLETCHER**  
 Date of Survey : 09/07/2019  
 Surveyor's Ref : 8638

PLAN OF SUBDIVISION OF LOT 13 DP815322

LGA CLARENCE VALLEY  
 Locality : JUNCTION HILL  
 Subdivision No SubCt2019/0072  
 Lengths are in metres. Reduction Ratio : 1:500

Registered  
 25/05/2020

DP1263591