



25 June 2020

Reference: ECM# 2567643  
Contact person: Terry Dwyer

Director, Northern Region  
Local and Regional Planning  
Department of Planning, Industry and Environment  
Locked Bag 9022  
Grafton NSW 2460

Dear Sir/Madam

**Planning Proposal - amendment to Clause 4.1B Boundary Adjustment Provisions (RE2020/0003)**

Council has prepared a planning proposal to amend Clause 4.1B *Boundary adjustments between lots in certain rural, residential and environment protection zones* of Clarence Valley Local Environmental Plan 2011 in the manner specified below.

The planning proposal aims to permit boundary adjustments to occur between 2 or more lots that are not necessarily adjoining where one or more of those lots is less than the minimum lot size shown on the Lot Size Map in relation to that land. A copy of the planning proposal accompanies this letter.

Council's resolution to prepare this planning proposal is dated 29 May 2020 and forms Appendix 5 of the planning proposal.

A project timeline is provided in the planning proposal at PART 6 page 11.

Also enclosed with this letter are the following:

1. Completed Attachment 1 – Information checklist
2. Completed Attachment 4 – Evaluation criteria for the delegation of plan making function

Council now requests that the Department give consideration to the issue of a Gateway determination to the planning proposal.

If you require further information please contact me on 66430243.

Yours faithfully

**Terry Dwyer**  
**Strategic Planning Coordinator**

# ATTACHMENT 1 – INFORMATION CHECKLIST

## ▶ STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>Objectives and intended outcome</li> <li>Mapping (including current and proposed zones)</li> <li>Community consultation (agencies to be consulted)</li> </ul> | <ul style="list-style-type: none"> <li>Explanation of provisions</li> <li>Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)</li> </ul> |
|--|--|

## ▶ STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
<b>Strategic Planning Context</b>			<ul style="list-style-type: none"> <li>Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)</li> <li>Sea level rise</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Demonstrated consistency with relevant Regional Strategy</li> <li>Demonstrated consistency with relevant Sub-Regional strategy</li> <li>Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy</li> <li>Demonstrated consistency with Threshold Sustainability Criteria</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<b>Urban Design Considerations</b>		
	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Existing site plan (buildings vegetation, roads, etc)</li> <li>Building mass/block diagram study (changes in building height and FSR)</li> <li>Lighting impact</li> <li>Development yield analysis (potential yield of lots, houses, employment generation)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<b>Economic Considerations</b>		
<b>Site Description/Context</b>			<ul style="list-style-type: none"> <li>Economic impact assessment</li> <li>Retail centres hierarchy</li> <li>Employment land</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Aerial photographs</li> <li>Site photos/photomontage</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Social and Cultural Considerations</b>		
<b>Traffic and Transport Considerations</b>			<ul style="list-style-type: none"> <li>Heritage impact</li> <li>Aboriginal archaeology</li> <li>Open space management</li> <li>European archaeology</li> <li>Social &amp; cultural impacts</li> <li>Stakeholder engagement</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Local traffic and transport</li> <li>TMAP</li> <li>Public transport</li> <li>Cycle and pedestrian movement</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Infrastructure Considerations</b>		
	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Infrastructure servicing and potential funding arrangements</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Environmental Considerations</b>			<b>Miscellaneous/Additional Considerations</b>		
<ul style="list-style-type: none"> <li>Bushfire hazard</li> <li>Acid Sulphate Soil</li> <li>Noise impact</li> <li>Flora and/or fauna</li> <li>Soil stability, erosion, sediment, landslip assessment, and subsidence</li> <li>Water quality</li> <li>Stormwater management</li> <li>Flooding</li> <li>Land/site contamination (SEPP55)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<i>List any additional studies</i>		
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			
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	<input type="checkbox"/>	<input type="checkbox"/>			



## A guide to preparing planning proposals

## Attachment 4 – Evaluation criteria for the delegation of plan making functions

### Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

Clarence Valley Council

Name of draft LEP:

Planning Proposal - amendment to Clause 4.1B Boundary Adjustment Provisions (REZ2020/0003)

Address of Land (if applicable):

The planning proposal does not apply to a specific parcel of land.  
It applies to land to which clause 4.1B of the Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) applies being land in the following zones - RU1 Primary Production, RU2 Rural Landscape, R5 Large Lot Residential, E2 Environmental Conservation and E3 Environmental Management.

Intent of draft LEP:

The planning proposal aims to permit boundary adjustments to occur between 2 or more lots that are not necessarily adjoining where one or more of those lots is less than the minimum lot size shown on the Lot Size Map in relation to that land.

Additional Supporting Points/Information:

The planning proposal is a result of a Notice of Motion considered by Council on 26 May 2020. The minutes of the Council meeting in relation to the Notice of Motion are at Appendix 5 of the planning proposal. The proposer of the Notice of Motion provides more background for proposing the motion to amend the LEP.



Evaluation criteria for the issuing of an Authorisation				
(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?		X		
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
<b>Minor Mapping Error Amendments</b>	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		X		
<b>Heritage LEPs</b>	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		X		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		X		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		X		
<b>Reclassifications</b>	Y/N			
Is there an associated spot rezoning with the reclassification?		X		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		X		
Is the planning proposal proposed to rectify an anomaly in a classification?		X		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		X		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		X		

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		X		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		X		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		X		
<b>Spot Rezoning</b>	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		X		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		X		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		X		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		X		
Does the planning proposal create an exception to a mapped development standard?		X		
<b>Section 73A matters</b>				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? <b>(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</b>		X		
<b>NOTES</b> <ul style="list-style-type: none"> <li>Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.</li> <li>Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.</li> </ul>				