

PLANNING PROPOSAL
TO IDENTIFY LAND SUBJECT TO
RIVERBANK EROSION
IN THE VICINITY OF
THE VILLAGE OF ULMARRA



Prepared by: Clarence Valley Council
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1. PRELIMINARY

1.1 Context

This planning proposal constitutes a document referred to in Section 55 of the Environmental Planning and Assessment Act 1979. It has been prepared and structured in accordance with the Department of Planning and Infrastructure's "A guide to preparing planning proposals" (October 2012). A gateway determination under Section 56 of the Act is requested.

1.2 Subject Land

This planning proposal applies to land adjacent to the eastern bank of the Clarence River in the vicinity of Ulmarra and is identified in the diagram at Appendix 1. The land is identified as being subject to riverbank erosion in the Ulmarra Riverbank Management Plan 2000.

1.3 Current Zoning & Use

The land affected by the riverbank erosion is currently zoned a variety of zones from RU1 Primary Production in the rural areas upstream and downstream of Ulmarra village, to R2 Low Density Residential, B1 Neighbourhood Centre and RE1 Public Recreation within the village of Ulmarra. The planning proposal does not propose any change to current zoning.

1.4 Background

Riverbank erosion and the risk it presents to land in the vicinity of Ulmarra is identified in the Ulmarra Riverbank Management Plan 2000 and associated background reports. Both the former Clarence River County Council and Ulmarra Shire Council adopted the Management Plan in early-2000. Establishment of the 10-metre wide riverbank buffer zone, together with associated development controls, was one of the adopted management actions in that Plan. The 10-metre width is measured from the crest of the riverbank and then in a landward direction perpendicular to the alignment of the riverbank at that point. By definition, in the adopted management Plan, the buffer zone also includes the section of riverbank between the rivers edge and the riverbank crest.

Development controls have been introduced into relevant Clarence Valley Council development control plans since 2006. The Riverbank Erosion Planning Map under the Clarence Valley Local Environmental Plan 2011 does not include the land identified in the vicinity of Ulmarra.

Section 149 Planning Certificates issued by Council include a notation where land is affected by this riverbank erosion hazard as follows:

Any Other Risk - Ulmarra Riverbank Erosion

The subject land is affected by the riverbank buffer zone identified in the Ulmarra Riverbank Management Plan. Relevant Council Development Control Plans identify development restrictions for those properties identified as being affected by the riverbank buffer zone and at risk of riverbank erosion. Interested persons should make their own further inquiries or contact Council's Strategic Planning Section.

2. PART 1 - OBJECTIVE OR INTENDED OUTCOME

The intent of the planning proposal is to identify land that is subject to riverbank erosion hazard along the eastern bank of the Clarence River in the vicinity of Ulmarra consistent with the Ulmarra Riverbank Management Plan 2000. Such identification will ensure that the provisions of clause 7.6 of the Clarence Valley Local Environmental Plan 2011 are considered prior to development consent being granted in respect of new development. This approach will provide consistency with other riverbank erosion sites identified on the Riverbank Erosion Planning Map at Palmers Island and Woodford Dale within the Clarence Valley local government area.

3. PART 2 - EXPLANATION OF PROVISIONS

The objective of the Proposal will be achieved by amending the Riverbank Erosion Planning Map by identification of land affected in the vicinity of Ulmarra consistent with the extent of the study area for the Ulmarra Riverbank Management Plan (2000).

An example extract of the proposed Riverbank Erosion Planning Map (comprising two map tiles) is shown at Appendix 1.

4. PART 3 - JUSTIFICATION

Section A – Need for the Planning Proposal

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

The Ulmarra Riverbank Management Plan 2000 identifies riverbank erosion hazard affecting land along the eastern bank of the Clarence River in the vicinity of Ulmarra. Further, the adopted Plan has recommended development controls be prepared to ensure proper assessment of the potential impact of riverbank erosion on land and development likely to be affected by riverbank erosion. The *Ulmarra Riverbank Management Options Report* (Clarence River County Council, 1998) determined that 109 building structures were located on land predicted to be affected by riverbank hazard over the next 50 years. Of these structures, 45 were residential dwellings.

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

Use of the Riverbank Erosion Planning Map to identify the riverbank erosion risk and ensure full and proper assessment of the hazard in association with development decisions is the best means of achieving the objectives of the planning proposal. Development controls in relevant CVC development control plans provide guidance in respect of the riverbank erosion hazard in the vicinity of Ulmarra. However, identification in the Riverbank Erosion Planning Map under the Clarence Valley Local Environmental Plan 2011 will increase statutory weight to consideration of this important hazard in development application consideration.

Section B – Relationship to Strategic Planning Framework

4.3 Applicable Regional Strategy – Mid North Coast Regional Strategy

The Mid North Coast Regional Strategy (MNCRS, March 2009) is the relevant regional strategy. That Strategy recommends that development is located away from natural hazards and that LEPs will zone areas subject to high hazard to reflect the limitations of the land (p34-35).

The majority of the riverbank buffer zone along the length of the study area for the Ulmarra Riverbank Management Plan (2000) is predicted to be subject to immediate risk. The current LEP template for NSW utilises mapping layers, such as the Riverbank Erosion Planning Map, to identify such hazards and to require consideration of specific matters through implementation of related LEP clause/s.

The planning proposal is consistent with the Strategy and the current NSW planning framework.

Refer to Appendix 2 for a detailed assessment of proposals compliance against Strategy sectors, outcomes and actions.

4.4 Consistency with Council's local strategies and other local strategic plans

The planning proposal is considered to be consistent with the provisions of the Clarence Valley LEP 2011. In particular, riverbank erosion is identified as a consideration via Clause 7.6 of the LEP. Two (2) other sections of riverbank along the Clarence River at Palmers Island and Woodford Dale are already identified and mapped on the Riverbank Erosion Planning Map. This planning proposal seeks to ensure consistency in planning consideration for the riverbank erosion area adjacent to Ulmarra.

Refer to Appendix 3 for an assessment against relevant Council strategies.

4.5 Consistency with applicable state environmental planning policies

There are no State Environmental Planning Policies (SEPPs) that are directly applicable. Refer to Appendix 4 for a SEPP assessment and compliance table. There is therefore no inconsistency with any SEPP.

4.6 Consistency with applicable Ministerial Directions (s.117 Directions)

The planning proposal is consistent with applicable section 117 Ministerial Directions. Refer to Appendix 5 for Section 117 Ministerial Directions assessment and compliance table.

Section C – Environmental, social and economic impact

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?

No. The planning proposal seeks to ensure a greater level of assessment for new development along a 7-kilometre length of riparian zone that is at risk of erosion. Land zoning will remain unchanged by this proposal.

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

There are no likely negative or adverse environmental effects as a result of the planning proposal. Greater scrutiny of development proposals within the riverbank buffer area will most likely reduce environmental impacts.

4.9 Relevant social and economic effects?

The Ulmarra Riverbank Management Plan was adopted in 2000. Development controls have been adopted in at least an interim policy since the late-1990s, an Ulmarra Shire DCP in June 2000 which was then superseded by provisions in Clarence Valley Council DCPs in 2006. In addition, Council provides notification of the adopted Riverbank Management Plan and risks associated with riverbank erosion on Section 149 Planning Certificates.

The riverbank erosion risk is known to landowners along the river. Erosion to sections of the riverbank in association with floods in 2011 and 2013, in association with rock armouring works by Council since 2006 has further heightened public awareness of this hazard.

The potential for damage to assets and infrastructure located in the riverbank erosion area underlines the need for specific provisions to limit new development and further increase liability to both private and public interests in the event that erosion damages or affects structural integrity of property. The provisions proposed are one of a number of risk management solutions to the hazard.

It is expected that submissions received during the publicly exhibition period will present issues relevant to social and economic impact. Submissions would routinely be reported to Council for consideration following a public exhibition period.

Section D – State and Commonwealth interests

4.10 Is there adequate public infrastructure for the planning proposal?



None required in association with this planning proposal.

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

The views of relevant public authorities have not been sought at this early stage as a gateway determination has not yet been issued.

The following table provides a summary of the relevant public authorities and other organisations, which in the opinion of Council, should be consulted if the Gateway determines that this planning proposal should proceed.

Public authority/stakeholder	Issue requiring comment
Office of Environment and Heritage	Flooding and relationship to riverbank failure

The proposed agency/stakeholder consultation will be confirmed with any Gateway determination issued. The outcomes of the consultation will be reported back to Council following community consultation/public exhibition.

Refer also to Section 6 COMMUNITY CONSULTATION below.

5. MAPPING

A site identification plan has been prepared to clearly indicate the land the subject of this planning proposal. This is located at Appendix 1.

A draft Riverbank Erosion Planning Map (comprising two map tiles) has been prepared for the purposes of community consultation/public exhibition and is located at Appendix 1.

6. COMMUNITY CONSULTATION

Council will undertake community consultation following the issue of a Gateway Determination that, in Council's opinion, contains reasonable and standard conditions. For the purposes of public notification, Council considers that the planning proposal is low impact in accordance with the Department of Planning and Environment's "*A guide to preparing local environmental plans*". However, notwithstanding that, a twenty eight (28) day public exhibition period is deemed appropriate.

Notification of the exhibited planning proposal will include:

- Placement of an advertisement in a newspaper circulating within the area affected by the planning proposal
- Notification on Council's website
- Written notification – owners of all land parcels affected by the riverbank erosion zone as shown on the draft Riverbank Erosion Planning Map sheets as at Appendix 1.



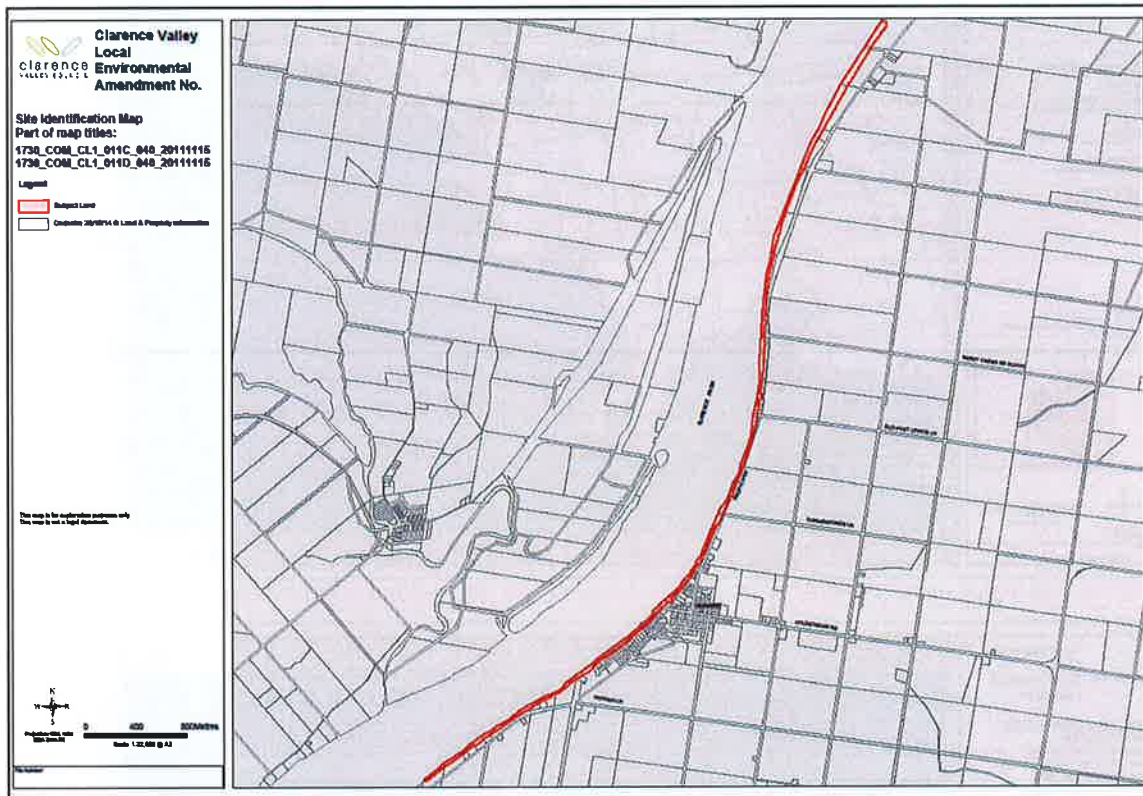
A public hearing is not considered necessary in this instance.

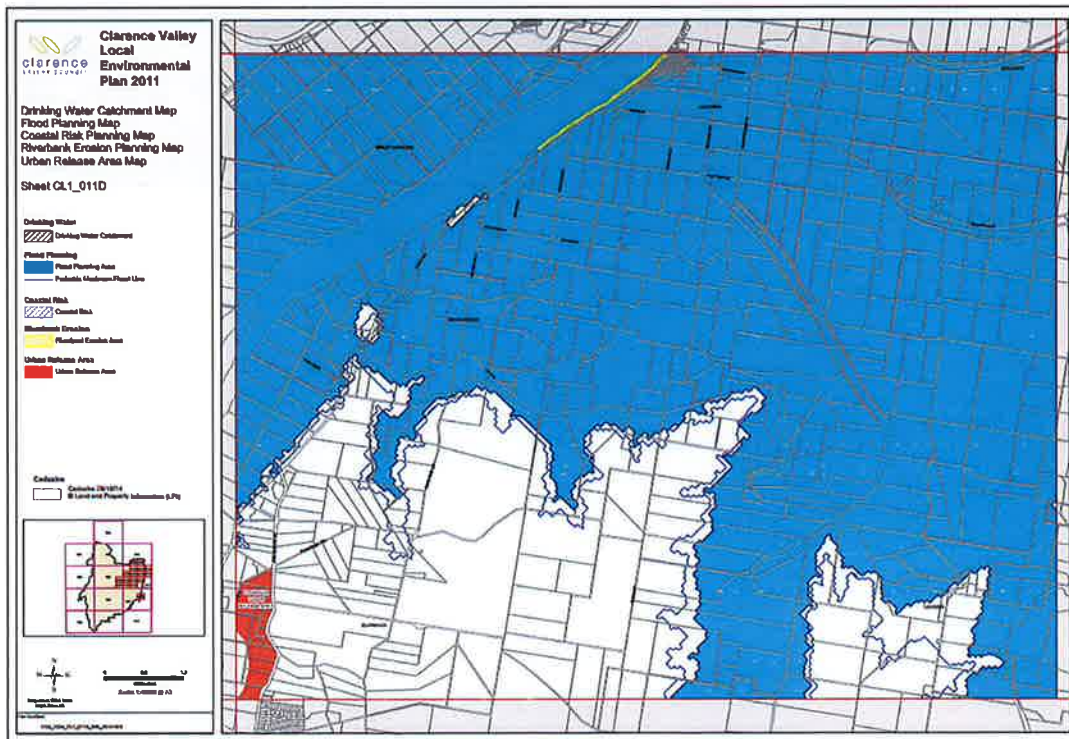
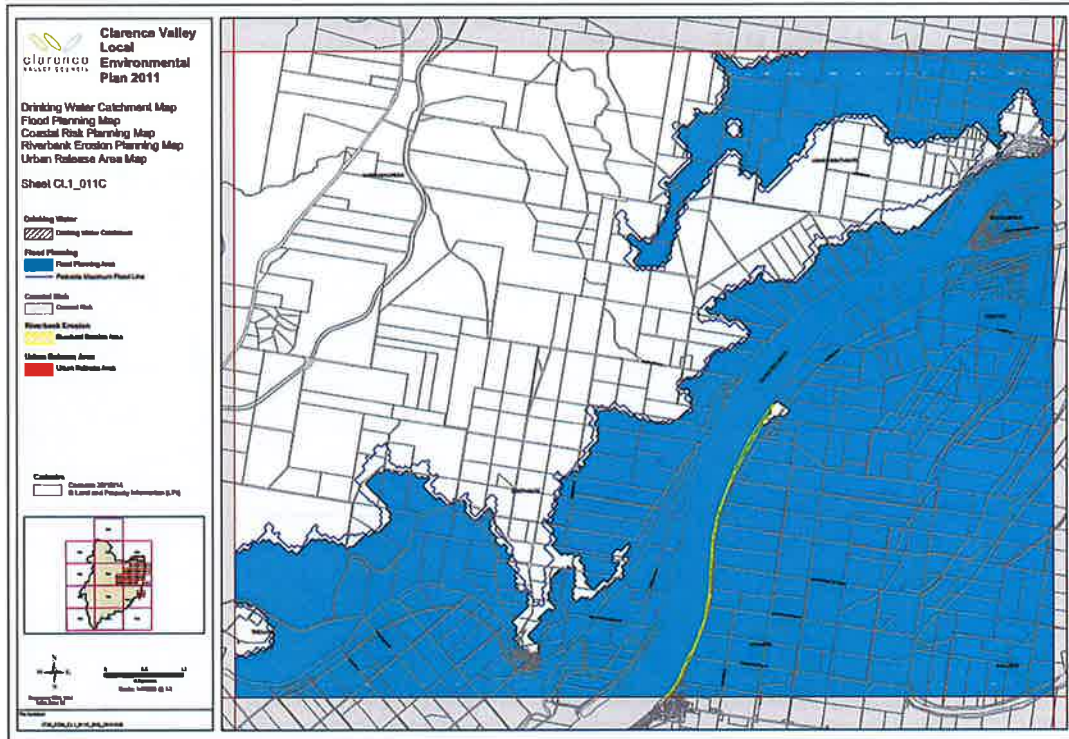
7. PROJECT TIMELINE

An estimated timeline for this project is 9 months from the issue of a Gateway determination, providing such determination does not impose conditions that are onerous to satisfy. There is also potential for issues to be raised during the public exhibition that require more detailed assessment and consideration by Council that could modify this timeline. Council will make reasonable efforts to finalise the planning proposal ahead of this estimate.

APPENDIX 1: SITE IDENTIFICATION MAP and DRAFT RIVERBANK EROSION PLANNING MAP SHEETS

SITE IDENTIFICATION MAP





APPENDIX 2: MID NORTH COAST REGIONAL STRATEGY COMPLIANCE

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
Strategy sector - Settlement and housing		
Outcomes		
Actions – Urban settlement 1. Local growth management strategies, local environmental plans and other statutory planning controls will align with the Regional Strategy's settlement network (as shown on the growth area maps) to contain the spread of urban development, efficiently utilise existing services and infrastructure, and protect areas of high conservation value.	Complies	Complies - though strategy sector is not relevant.
Actions – Urban settlement 2. Councils will plan for a range of housing types of appropriate density, location and suitability that are capable of adapting and responding to the ageing of the population.	Complies	Complies - though strategy sector is not relevant.
Actions – Urban settlement 3. Councils will consider a range of affordable housing strategies, including forms of low cost housing, suitable zonings and development controls to improve housing affordability and choice. These strategies must be consistent with relevant State policies.	Complies	Complies - though strategy sector is not relevant.
Actions – Urban settlement 4. Where development or rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution to the provision of the infrastructure having regard to the State Infrastructure Strategy and equity considerations.	Complies	Complies - though strategy sector is not relevant.
Actions – Urban settlement 5. Local environmental plans cannot use the 'Transition zone' to identify land for future urban investigation.	Complies	Complies - though strategy sector is not relevant.
Actions – Urban settlement 6. Local environmental plans will maintain interurban breaks between existing and new settlements.	Complies	Complies - though strategy sector is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
Actions – Urban settlement 7. Greenfield sites outside the growth areas contained in local growth management strategies may be developed, subject to satisfying the Sustainability Criteria in Appendix 1. This provision does not apply in the Coastal Area as shown on the Strategy map.	Complies	Complies - though strategy sector is not relevant.
Actions – Rural residential development 1. Future rural residential land will only be zoned for release if it is in accordance with a local growth management strategy agreed to between council and the Department of Planning and consistent with the principles of the Settlement Planning Guidelines.	Complies	Complies - though strategy sector is not relevant.
Actions – Rural residential development 2. No new rural residential development will be permitted within the Coastal Area, other than development already zoned or in an approved current or future local growth management strategy (or rural residential land release strategy).	Complies	Complies - though strategy sector is not relevant.
Actions – Rural residential development 3. Planning for rural residential land must be integrated with the supply of infrastructure and transport.	Complies	Complies - though strategy sector is not relevant.
Actions – Subdivision, houses and other uses in rural zones 1. Councils will maintain appropriate subdivision standards for rural zones consistent with the principles of the State Environmental Planning Policy (Rural Lands) 2008.	Complies	Complies - though strategy sector is not relevant.
Actions – Subdivision, houses and other uses in rural zones 2. Local environmental plans will include minimum subdivision standards for rural and environment protection zones.	Complies	Complies - though strategy sector is not relevant.
Actions – Subdivision, houses and other uses in rural zones 3. Local environmental plans will include provisions to limit dwellings in rural and environmental zones.	Complies	Complies - though strategy sector is not directly relevant. New development, including residential dwellings will be limited within the area identified on the Riverbank Erosion Planning Map.
Actions – Subdivision, houses and other uses in rural zones	Complies	Complies - though strategy sector is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
zones 4. New caravan parks and manufactured home estates where there is any potential for permanent accommodation to occur, generally should be located in urban areas. Actions – Subdivision, houses and other uses in rural zones 5. Local environmental plans generally should locate major health and education facilities in urban areas.		
Strategy sector - Settlement character and design Outcomes Actions 1. Councils will prepare desired character statements for their localities, having regard for the Department's North Coast urban design guidelines (2009). Provisions should be included in development control plans to ensure that new development enhances the desired character and is based on the 'neighbourhood planning principles' listed below as well as the following: • New buildings will be designed to maximise adaptability for changing demographic trends and alternative future uses. • New development will be designed to respond to the subtropical and temperate climate of the Region through best practice energy efficient design, landscaping and materials. • Land use and transport planning will be integrated to minimise the need to travel, and to encourage energy and resource efficiency. • New development will be designed to reflect and enhance the natural, cultural, visual and built character and values of the local and regional landscape.	Complies	Complies - though strategy sector is not relevant.
2. New and changing urban areas will provide access to natural features such as coastal foreshore and riparian lands, consistent with the maintenance of	Complies	Complies - though specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
ecological values.		
3. New and changing settlement areas will incorporate open space that is accessible to the public and which provides opportunities for recreation, nature conservation, social interaction, and visual enhancement and amenity.	Complies	Complies - though specific action is not relevant.
4. Commercial centres in villages will be multifunctional, mixed-use areas (including residential) catering for diverse community needs.	Complies	Complies - though specific action is not relevant.
5. Coffs Harbour, Port Macquarie-Hastings, Greater Taree and Clarence Valley councils will be encouraged to review the building height limits in the central business areas of Coffs Harbour, Port Macquarie, Taree and Grafton respectively with a view to increasing heights (and therefore development densities) where consistent with heritage and other local considerations.	Complies	Complies - though specific action is not relevant.
6. Local environmental plans will set building heights in urban areas. Height limits should reflect the landscape character, function and hierarchy of the future settlement and visual and cultural amenity of its location.	Complies	Complies. The Clarence Valley LEP 2011 establishes building height in certain circumstances via the LEPs Height of Buildings map. The current Height of Buildings map does not establish a building height for the land. The planning proposal does not intend that a building height be established. The size and topography of the site presents good opportunities to site and design building and facilities to integrate and be compatible with the character of the area.
7. Local environmental plans for areas subject to the NSW Government Coastal Policy will incorporate provisions to achieve the outcomes of the Coastal Policy with respect to overshadowing. Generally, development on urban land in Coffs Harbour, Port Macquarie or Forster-Tuncurry will not result in the beach or adjoining open space being overshadowed before 3.00 p.m. midwinter (standard time) or 6.30 p.m. midsummer (daylight savings time). For other beaches or waterfront open space in the Region, development will generally not result in overshadowing before 4.00 p.m. (midwinter) or 7.00 p.m. midsummer (daylight saving time).	Complies	Complies - though specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
8. Local environmental plans, development control plans (and subsequent land release development) will be consistent with the Settlement planning guidelines: Mid and Far North Coast regional strategies (NSW Department of Planning 2007) North Coast urban design guidelines (NSW Department of Planning 2009) and the NSW Government's Coastal design guidelines for NSW (Coastal Council of NSW 2003) as applicable.	Complies	Complies - though specific action is not relevant.
9. Local environmental plans, development control plans, bike plans and pedestrian access and mobility plans will provide for an accessible and integrated network of walking and cycling routes for safe and convenient travel to local destinations and between key land uses within urban places.	Complies	Complies - though specific action is not relevant.
Strategy sector - Economic development and employment growth		
Outcomes		
Actions - Employment in centres 1. Local environmental plans (and other planning provisions) will facilitate employment growth in the major regional centres and major towns, as well as facilitate appropriate local jobs in towns and villages and recognise appropriate home-based employment opportunities.	Complies	Complies - though specific action is not relevant.
Actions - Employment in centres 2. In preparing local environmental plans councils will liaise with water and energy providers and make provision for any regional gas, water or electricity infrastructure corridors that may be required.	Complies	Complies - though specific action is not relevant.
Actions - Employment in centres 3. The opportunities and development potentials of commercial centres will be explored by councils and identified in local growth management strategies, local environmental plans and development control plans. Councils will identify opportunities for bulky goods style retailing in accessible locations in or near	Complies	Complies - though specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
commercial centres and restrict this form of retailing in industrial zones as set out in the NSW Government policy <i>The right place for business and services</i> .		
Actions - Employment in centres		
4. Planning for commercial uses is to be integrated with transport, public domain and infrastructure opportunities.	Complies	Complies - though specific action is not relevant.
Actions - Employment in centres		
5. Highway service centres may be located beside the Pacific Highway at Maclean (at one of the Maclean interchanges), Woolgoolga (at one of the Woolgoolga interchanges), Kempsey (at the southern interchange), Port Macquarie (on the eastern side of the Pacific Highway at the interchange with the Oxley Highway) and Taree (at the Old Bar Road interchange). In the future, additional highway service centres could be located at Nambucca Heads (at the northern interchange) and Port Macquarie (on the western side of the Pacific Highway at the Oxley Highway interchange), subject to review of need by the Roads and Traffic Authority at a five year review of the Strategy. No other zonings to permit new out-of-town commercial development will occur along the Pacific Highway. This includes any industrial zones that could permit commercial uses such as bulky goods premises.	Complies	Complies - though specific action is not relevant.
Actions - Employment lands		
1. Local environmental plans will ensure that sufficient lands which are zoned industrial and business and currently vacant are protected to accommodate the new jobs required for each local government area until 2031.	Complies	Complies - though specific action is not relevant.
Actions - Employment lands		
2. The Department of Planning will work with councils to ensure that appropriate opportunities for employment lands, as identified in the Strategy's growth area maps, are brought on stream via local growth management strategies and local environmental	Complies	Complies - though specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
plans. Actions - Employment lands 3. In the case of some marine-based industries that depend upon access to navigable waterways, additional opportunities for industry establishment may be provided outside the growth areas. The Department of Planning will work with the Department of Environment and Climate Change and other relevant State government agencies on suitable locational criteria to assist in guiding any future development opportunities.		
Actions - Employment lands 4. In consultation with councils, industry, business and other stakeholders, the Mid North Coast Regional Development Board will implement its Regional Economic Profile (2008) to encourage/facilitate industry and employment growth and investment opportunities. It will particularly focus on those innovative, high-skill and high-wage industries that have the greatest potential to develop in the Region. The Northern Rivers Regional Industry and Economic Plan will also be used to provide economic guidance to the Clarence Valley.	Complies	Complies - though specific action is not relevant.
Actions - Tourism development 1. Councils will plan strategically for tourism development in an agreed local growth management strategy. Planning for tourist facilities and tourism development will adopt the following principles: • Acknowledgement of and consistency with the North Coast Regional Tourism Plan 2004-2007 (or latest version) and Northern Rivers Regional Tourism Plan 2003-2006 (or latest version). • A range of tourism experiences and forms of tourist accommodation will be provided for in urban areas, including 'bed and breakfast'. • No tourism development should be located near the Pacific Highway, except within towns.	Complies	Complies - though specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
- Local environmental plans will locate large scale tourism development in prime tourism development areas unless other proposed locations are consistent with an approved local growth management strategy. - Local environmental plans will prevent permanent residential accommodation in tourism development, except where it is ancillary to existing tourism development or part of an area otherwise identified for urban expansion in an approved local growth management strategy.		
Actions – Monitoring 1. The Department of Planning will incorporate an employment land component into the Mid North Coast Housing and Land Monitor to ensure an ongoing supply of industrial land.	Complies	Complies - though specific action is not relevant.
Strategy sector - Environment and natural resources		
Outcomes		
Actions – Preparation of local environmental plans 1. Local environmental plans will protect and zone land with high environmental, vegetation, habitat, riparian, aquatic, coastal or corridor values for environmental protection.	Complies	Complies. The riverbank erosion area is within a riparian corridor alongside the Clarence River. The current LEP template utilises a Riverbank Erosion Planning map to identify this hazard rather than using land use zoning.
Actions – Preparation of local environmental plans 2. Local environmental plans will zone regionally significant farmland to protect agricultural values.	Complies	Complies - though specific action is not relevant.
Actions – Preparation of local environmental plans 3. Local environmental plans will identify and zone land of landscape value (including scenic and cultural landscapes) to protect those values.	Complies	Complies - though specific action is not directly relevant. Control of development along the area immediately adjacent to the River could have some associated and beneficial outcomes in protecting landscape values however that is not the objective of the planning proposal.
Actions – Preparation of local environmental plans 4. Local environmental plans will protect land identified as having extractive resources of regional significance and their haulage routes (see Appendix 3 and Ministerial section 117 Direction No. 1.3).	Complies	Complies - though specific action is not relevant.
Actions – Preparation of local environmental plans	Complies	Complies - though specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
5. Subdivision and dwelling standards in local environmental plans will reflect the Rural Lands SEPP, the Regional Strategy and the objectives of the relevant zones. Actions – Preparation of local environmental plans		
6. New development adjoining or adjacent to farmland, extractive resources, waterways, wetlands and areas with high value biodiversity will incorporate buffers to avoid land use conflict. Actions – Biodiversity 1. The Department of Environment and Climate Change will prepare a Regional Conservation Plan to guide local councils and State and Commonwealth governments in achieving conservation outcomes.	Complies	Complies - though specific action is not directly relevant. Control of development along the area immediately adjacent to the River could have some associated and beneficial outcomes in protecting biodiversity values however that is not the objective of the planning proposal. Complies - though specific action is not relevant.
Actions – Biodiversity 2. Local environmental plans will include provisions to encourage habitat and corridor establishment in future zoning of land with environmental and rural values.	Complies	Complies - though specific action is not directly relevant.
Actions – Farmland mapping 1. Regionally significant farmland will not be available for future urban or rural residential rezoning other than in the limited circumstances as permitted by the Mid North Coast Farmland Mapping Project Final Recommendations Report (2008).	Complies	Complies - though specific action is not relevant.
Actions – Farmland mapping 2. Mapped farmland will be protected from the impacts of new neighbouring development through conflict risk assessment and buffers, consistent with the Mid North Coast Farmland Mapping Project and the Rural Lands State Environmental Planning Policy.	Complies	Complies - though specific action is not relevant.
Actions – Farmland mapping 3. The Department of Primary Industries and the Department of Planning will work with councils to complete a review of land suitable for predominantly frost-free coastal horticulture, to protect the identified land.	Complies	Complies - though specific action is not relevant.
Actions – Natural resource management	Complies	Complies - though specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
1. Local environmental plans will include provisions on land fronting watercourses to limit the creation of additional water rights.		
Actions – Natural resource management 2. Local environmental plans will include provisions to protect the water quality in town water supply catchments, other waterways and significant groundwater reserves.	Complies	Complies - though specific action is not relevant.
Actions – Natural resource management 3. Councils will work with the Northern Rivers and Hunter-Central Rivers catchment management authorities to ensure that the aims and objectives of catchment action plans are considered in the future management and planning of local council areas.	Complies	Complies - though specific action is not directly relevant.
Strategy sector - Natural hazards		
Outcomes		
Actions 1. In order to manage risk associated with climate change, councils will undertake flood investigations over lands with the potential to be affected by sea level rise and inundation to ensure that risks to public and private assets are minimised.	Complies	Complies - though specific action is not relevant.
2. Local environmental plans will make provision for adequate setbacks in areas of coastal erosion risk and ocean based inundation in accordance with coastal zone management plans.	Complies	Complies - though specific action is not relevant.
3. Until the above plans and investigations are complete, councils will not zone land or approve new development or redevelopment in potential hazard areas, unless assessed within a risk assessment framework adopted by the council.	Complies	Complies. The proposed amendments to the Riverbank Erosion Planning Map ensure development controls are better utilised as a risk management measure in response to a natural hazard.
4. Zoning of land for future development within the catchments of coastal lakes (as defined in Schedule 1 of State Environmental Planning Policy No. 71 – Coastal Protection) must consider a coastal lake sustainability assessment if one has been prepared.	Complies	Complies - though specific action is not relevant.
5. Local environmental plans will zone areas subject to	Complies	Complies. The proposed amendments to the Riverbank

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
high hazard to reflect the limitations of the land.		Erosion Planning Map ensure development controls are better utilised as a risk management measure in response to a natural hazard. The current LEP template doesn't utilise land use zoning to reflect such limitations on use of land.
Strategy sector - Cultural heritage		
Outcomes		
Actions		
1. Councils are to ensure that cultural and community values that are important to Aboriginal communities are considered and resolved in the future planning and management of the local government area.	Complies	Complies - though specific action is not relevant.
2. The Department of Planning and councils will review the scope and quality of the existing statutory lists of heritage items and ensure that all places of significance are included in the heritage schedules of local environmental plans.	Complies	Complies - though specific action is not relevant.
3. The cultural heritage values of major regional centres and major towns that will be the focus of urban renewal projects will be reviewed, with the aim of protecting cultural heritage.	Complies	Complies - though specific action is not relevant.
Strategy sector - Water and energy resources		
Outcomes		
Actions		
1. Local environmental plans will recognise and protect regional water supply catchments and systems through appropriate planning provisions.	Complies	Complies - though specific action is not relevant.
2. In preparing local environmental plans councils will liaise with water and energy providers and make provision for any regional water, electricity and gas infrastructure corridors that may be required.	Complies	Complies - though specific action is not relevant.
3. Councils or water supply authorities will complete integrated water cycle management plans for their local areas.	Complies	Complies - though specific action is not relevant.
4. The Department of Water and Energy and local water authorities will prepare a Regional Water Plan to ensure long term regional water efficiencies and improved drought security.	Complies	Complies - though specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
5. All future development is to apply water sensitive urban design principles and meet stormwater management targets that support environmental values of the catchments.	Complies	Complies - though specific action is not relevant.
6. Suitable locally generated and/or renewable energy projects such as wind, solar, bio-waste and wave power will be supported.	Complies	Complies - though specific action is not relevant.
Strategy sector - Regional transport		
Outcomes		
Actions 1. Local environmental plans will provide for a passenger interchange in the four major regional centres, the major towns and the towns that are well connected to pedestrian and cycle ways.	Complies	Complies - though specific action is not relevant.
2. Local environmental plans will recognise and protect the regional transport network through appropriate planning provisions.	Complies	Complies - though specific action is not relevant.
3. New development will be located to ensure that ribbon/strip development along major roads does not occur and that it does not impact on the safety and efficiency of arterial roads.	Complies	Complies - though specific action is not relevant.
4. Planning and construction of the Pacific Highway upgrades through the Region will continue to completion.	Complies	Complies - though specific action is not relevant.



APPENDIX 3: COUNCILS LOCAL STRATEGY AND STRATEGIC PLAN CHECKLIST

Strategy/Strategic Plan	Comment/relevant component
Clarence Valley Community Plan 2015 - 2024	The proposal is relevant to the following Community Plan themes and objectives:
	Theme – 4 Our Environment Objective 4.3 – We will establish a healthy balance between development and the environment Strategy 4.3.4 – Ensure that the Clarence Valley is sufficiently prepared to deal with natural disasters.
Council's 2014 - 2017 Delivery Program and 2014 - 2015 Operational Plan	The 2014 - 2017 Delivery Program and 2014 - 2015 Operational Plan seek to implement the 10 year Clarence Valley Community Plan 2015 – 2024.

APPENDIX 4: STATE ENVIRONMENTAL PLANNING POLICY CHECKLIST

Name of SEPP	Relevant?	Comment/statement of consistency
<i>The following State Environmental Planning Policies (SEPPs) are current and are applicable to the Clarence Valley LGA and are required to be considered whether applicable or not in a particular circumstance.</i>		
State Environmental Planning Policy No 1 - Development Standards	No	N/A
State Environmental Planning Policy No 14 - Coastal Wetlands	No	N/A
State Environmental Planning Policy No 15 - Rural Landsharing Communities	No	N/A
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 26 - Littoral Rainforests	No	N/A
State Environmental Planning Policy No 29 - Western Sydney Recreation Area	No	N/A
State Environmental Planning Policy No 30 - Intensive Agriculture	No	N/A
State Environmental Planning Policy No 32 - Urban Consolidation (Redevelopment of Urban Land)	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 39 - Spit Island Bird Habitat	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	No	N/A
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	N/A
State Environmental Planning Policy No 59 - Central Western Sydney Regional Open Space and Residential	No	N/A
State Environmental Planning Policy No 62 - Sustainable Aquaculture	No	N/A
State Environmental Planning Policy No 64 - Advertising and Signage	No	N/A
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

Name of SEPP	Relevant?	Comment/statement of consistency
State Environmental Planning Policy No 71 - Coastal Protection	No	N/A. The subject land is not located within the <i>coastal zone</i> .
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	N/A
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. Complying development will not be restricted on land affected by the riverbank erosion area as the subject land is not within the <i>coastal zone</i> as defined under the <i>Coastal Protection Act 1979</i> .
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 (Major Development) 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
State Environmental Planning Policy (Rural Lands) 2008	No	N/A
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	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

APPENDIX 5: SECTION 117 DIRECTION CHECKLIST

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Not applicable	Direction not applicable in this instance.
1.2 Rural Zones	Not applicable	Direction not applicable in this instance. No change of zoning or increase in permissible density of rural land proposed.
1.3 Mining, Petroleum and Extractive Industries	Not applicable	Direction not applicable in this instance.
1.3 Oyster Aquaculture	Not applicable	Direction not applicable in this instance.
1.5 Rural Lands	Not applicable	Proposal seeks to amend LEP provisions in relation to existing rural zones. The Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i> have been reviewed. The proposal is deemed to be consistent with the above Principles, and hence, this Direction, as the amendments seek to identify constrained land and ensure agriculture does not adversely impact on that land.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental protection Zones	Yes	Proposal is consistent with this Direction as the proposed amendment while not applying to land in an environmental protection zone, will improve the environmental protection considerations that apply to the land in relation to future development proposals.
2.2 Coastal protection	Not applicable	Direction not applicable in this instance.
2.3 Heritage Conservation	Yes	Direction not applicable in this instance. The site does not involve or affect any items, areas, objects and places of environmental heritage significance and indigenous heritage significance.
2.4 Recreation Vehicle Areas	Not applicable	Direction not applicable in this instance.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Not applicable	Direction not applicable in this instance.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable	Direction not applicable in this instance.
3.3 Home Occupations	Not applicable	Direction not applicable in this instance.
3.4 Integrated Land Use	Yes	Although part of the subject land is urban land

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
and Transport		the planning proposal is not inconsistent with this Direction.
3.5 Development Near Licensed Aerodromes	Not applicable	Direction not applicable in this instance.
3.6 Shooting Ranges	Not applicable	Direction not applicable in this instance.
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	Yes	Existing provisions for the management and assessment of acid sulfate soils in association with new development apply under clause 7.1 of the Clarence Valley LEP 2011.
4.2 Mine Subsidence and Unstable land	Not applicable	Direction not applicable in this instance.
4.3 Flood Prone Land	Yes	The proposal is consistent with this Direction. The proposed amendment will ensure a greater level of consideration of riverbank erosion, that is often closely associated, with flood events affecting the subject land. The amendment will not permit increased development potential in the area covered by the proposed riverbank erosion area.
4.4 Planning for Bushfire Protection	Yes	Direction not applicable in this instance as the land is not bushfire prone land.
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	Yes	The planning proposal is consistent with the Mid North Coast Regional Strategy (MNCRS). Refer to separate assessment of planning proposal against MNCRS outcomes and actions.
5.2 Sydney Drinking Water Catchments	Not applicable.	Direction not applicable in this instance.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	Direction not applicable in this instance.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Yes	Proposed updated Flood Planning Map, whilst applying to some land along the Pacific Highway, will not be inconsistent with the terms of this Direction.
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.	<i>Revoked 18 June 2010</i>
5.6 Sydney to Canberra Corridor	Not applicable.	<i>Revoked 10 July 2008 - See amended Direction 5.1</i>
5.7 Central Coast	Not applicable.	<i>Revoked 10 July 2008 - See amended Direction 5.1</i>
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	Direction not applicable in this instance.
6. LOCAL PLAN MAKING		

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
6.1 Approval and Referral Requirements	Yes	The planning proposal is not intending to introduce concurrence, consultation or referral requirements nor identify development as designated development.
6.2 Reserving Land for Public Purposes	Not applicable.	Direction not applicable in this instance.
6.3 Site Specific Provisions	Not applicable.	Direction not applicable in this instance.
7. METROPOLITAN PLANNING		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Not applicable.	Direction not applicable in this instance.