



PLANNING PROPOSAL

UPDATE OF FLOOD PLANNING AREA

FOR

CLARENCE RIVER FLOODPLAIN

AND

IN THE VICINITY OF GLENREAGH VILLAGE

IN

CLARENCE VALLEY LOCAL ENVIRONMENTAL PLAN 2011



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 generally located on the Clarence River floodplain downstream of Seelands-Mountainview and to land in the vicinity of Glenreagh village on part of the Orara River and Tallawudjah Creek floodplains and is identified in the diagrams at Appendix 1. The land is identified as being subject to flood hazard in the Lower Clarence Flood Model Update 2013 (BMTWBM Pty Ltd, 2013) and Glenreagh Flood Study (GHD, 2013).

1.3 Current Zoning & Use

The land affected by the flood hazard on the Clarence River floodplain is dominated by RU1 Primary Production and RU2 Rural Landscape zones, however across the balance of land affected by flood hazard most land use zones under the Clarence Valley LEP 2011 would be represented. For the land affected by flood hazard in the vicinity of Glenreagh the RU2 Rural Landscape zone dominates, with the R2 Low Density Residential, B1 Neighbourhood Centre, R5 Large Lot Residential, RE1 Public Recreation, E1 National Parks and Nature Reserves and W1 Natural Waterways all affected to a lesser extent within that study area. The planning proposal does not propose any change to current zoning.

1.4 Background

Flood hazard has been identified on the Clarence River floodplain for many years. The flood planning map under the Clarence Valley LEP 2011 applies to land on the Clarence River floodplain known to be subject to flood hazard following preparation of the 2004 Flood Study by BMTWBM P/L. Development controls are also contained in relevant DCPs.

Land in and adjacent to Glenreagh village is flood prone however, other than a NSW Public Works Department flood map from 1974 there has been no formal flood study for that area until recently (GHD, 2013). Whilst there are floor height provisions contained in most of the relevant DCPs for Glenreagh, the Clarence Valley flood planning map does not cover that area. The Glenreagh Flood Study (GHD, 2013) has been prepared to assist preparation of a floodplain management study and plan for the Glenreagh area.

Section 149 Planning Certificates issued by Council include notations where land is affected by the flood hazard on both the Clarence River floodplain and in the vicinity of Glenreagh based on currently available mapping, WBMBMT P/L (2004) for the Clarence and PWD (1974) for Glenreagh, as follows:

8. Flood related development controls

A. Flood controls on certain residential development

The land is considered to be located below the flood planning level. Hence, development on the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls. Details are contained in the local environmental planning instrument and relevant development control plan/s.

B. Flood controls on other development

The land is considered to be located below the flood planning level. Hence, development on the land for any purpose (other than development referred to in item 8A above) is subject to flood related development controls. Details are contained in the relevant local environmental planning instrument/s and relevant development control plan/s.

2. PART 1 - OBJECTIVE OR INTENDED OUTCOME

The intent of the planning proposal is to identify land that is subject to flood hazard and update the flood planning map for the Clarence River floodplain downstream of Seelands-Mountainview and adjacent to parts of the Orara River and Tallawudjah Creek systems in the vicinity of the village of Glenreagh consistent with the Lower Clarence Flood Model Update 2013 (BMTWBM Pty Ltd, 2013) and Glenreagh Flood Study (GHD, 2013). Such identification will ensure that the provisions of clauses 7.3 and 7.4 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 consideration of flood risk between the two geographical areas within the Clarence Valley local government area.

3. PART 2 - EXPLANATION OF PROVISIONS

The objective of the Proposal will be achieved by amending the Flood Planning Map by identification of land affected by flood hazard on the Clarence River floodplain downstream of Seelands-Mountainview and adjacent to parts of the Orara River and Tallawudjah Creek systems in the vicinity of the village of Glenreagh consistent with the Lower Clarence Flood Model Update 2013 (BMTWBM Pty Ltd, 2013) and Glenreagh Flood Study (GHD, 2013), respectively.

An example extract of the proposed Flood Planning Map in relation to land in the vicinity of Glenreagh (comprising three 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 Lower Clarence Flood Model Update 2013 (BMTWBM Pty Ltd, 2013) and Glenreagh Flood Study (GHD, 2013) identifies flood hazard affecting land on the Clarence River floodplain and adjacent to parts of the Orara River and Tallawudjah Creek systems in the vicinity of the village of Glenreagh, respectively. The Grafton and Lower Clarence Floodplain Risk Management Plan (incorporating 2014 Brushgrove amendments) recommends development controls be prepared to ensure proper assessment of the potential impact of flood hazard on land and development likely to be affected by flood hazard.

In addition, Council already has flood-related development control provisions in most relevant DCPs for both the Clarence River floodplain and in the vicinity of Glenreagh.

Council will be preparing a floodplain risk management study and plan for Glenreagh in accordance with Councils adopted 2014-15 Operational and Delivery Plan. Inclusion of development controls in the LEP and DCPs to properly consider and manage flood hazard in association with new development proposals is a routine action in such management plans. Council considers that it is prudent to incorporate this flood hazard data into Council's decision-making prior to preparation and adoption of the Glenreagh floodplain risk management plan.

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 Flood Planning Map to identify the land affected by flood hazard 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 flood hazard on both the Clarence River floodplain and in the vicinity of Glenreagh village. However, updating the Flood Planning Map under the Clarence Valley Local Environmental Plan 2011 will increase statutory weight to consideration of this important hazard in development application assessments.

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 areas identified as being subject to flood hazard in the Lower Clarence Flood Model Update 2013 (BMTWBM Pty Ltd, 2013) and Glenreagh Flood Study (GHD, 2013) are subject to current flood hazard (as defined in the Planning Circular PS 14-003). The current LEP template for NSW utilises mapping layers, such as the Flood 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, flood planning and floodplain risk management is identified as a consideration via Clauses 7.3 and 7.4 of the LEP. The Clarence River floodplain and associated flood hazard is identified on the current Flood Planning Map, however the latest flood study (BMTWBM P/L, 2013) necessitates updating of that Map. In addition, the flood study for Glenreagh (GHD, 2013) identified flood hazard that is not currently identified on the Flood Planning Map. This planning proposal seeks to ensure consistency in planning consideration for both of the subject geographical areas.

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 an appropriate level of assessment for new development on land subject to identified flood hazard. 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.

4.9 Relevant social and economic effects?

The Grafton and Lower Clarence Floodplain Risk Management Plan was adopted in 2007. Development controls have been adopted under that Plan and preceding floodplain risk management plans for the Clarence River floodplain for many years. In addition, Council provides notification of the flood-related development controls on Section 149 Planning Certificates.

The flood hazard is generally well known to landowners and residents along the Clarence River floodplain. Floods in 2011 and 2013 have recently heightened public awareness of this hazard.

The 2013 flood study has identified land that is considered to be subject to flood hazard. That Study was prepared with the benefit of improved ground level data and modelling technique and hence, there are some 2008 land parcels that are now considered to be flood prone (that weren't previously) for the PMF event, while 2614 land parcels are now longer deemed to be affected in that PMF event. Hence, there are 606 less land parcels deemed to be subject to the PMF event on the Clarence River floodplain.

The land now identified as being subject to flood hazard in the vicinity of Glenreagh in a PMF event comprises 240 land parcels. The previous data from NSW Public Works Department (although only for the 1974 flood event) identified 77 land parcels, hence 163 additional land parcels will now be subject to flood-related development controls and notations on Section 149 Planning Certificates should this planning proposal be supported and notified.

Like the on Clarence floodplain, the landowners and residents in the vicinity of Glenreagh have witnessed some significant flood events in recent years, as well as in the past, and flood hazard is not a new threat, although the planning proposal seeks to formalise identification and consideration of that 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 flood-related development controls
NSW Rural Fire Service	Impact on bush fire prone land (in accordance with Section 117 Direction 4.4)

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 geographical extent of land the subject of this planning proposal. This is located at Appendix 1.

A draft Flood Planning Map (comprising three map tiles) has been prepared for the Glenreagh area and is located at Appendix 1. These tiles and others to ensure full coverage of the Clarence River floodplain subject to flood hazard would be used for the purposes of community consultation/public exhibition.

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 Flood Planning Map (for the Glenreagh area only) as shown on the draft Flood Planning Map sheet as at Appendix 1. The land subject to updated flood hazard on the Clarence River floodplain has generally had a significant history of development controls that recognise and



manage risks associated with flood hazard and hence, due to the geographical coverage it is considered unreasonable to undertake direct consultation with affected landowners.

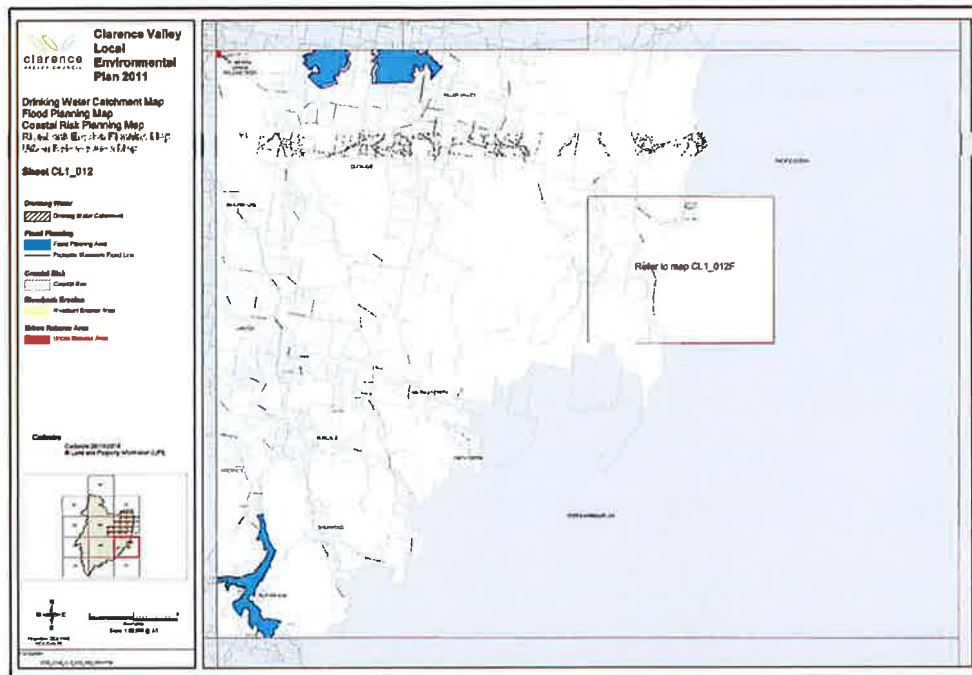
A public hearing is not considered necessary in this instance.

7. PROJECT TIMELINE

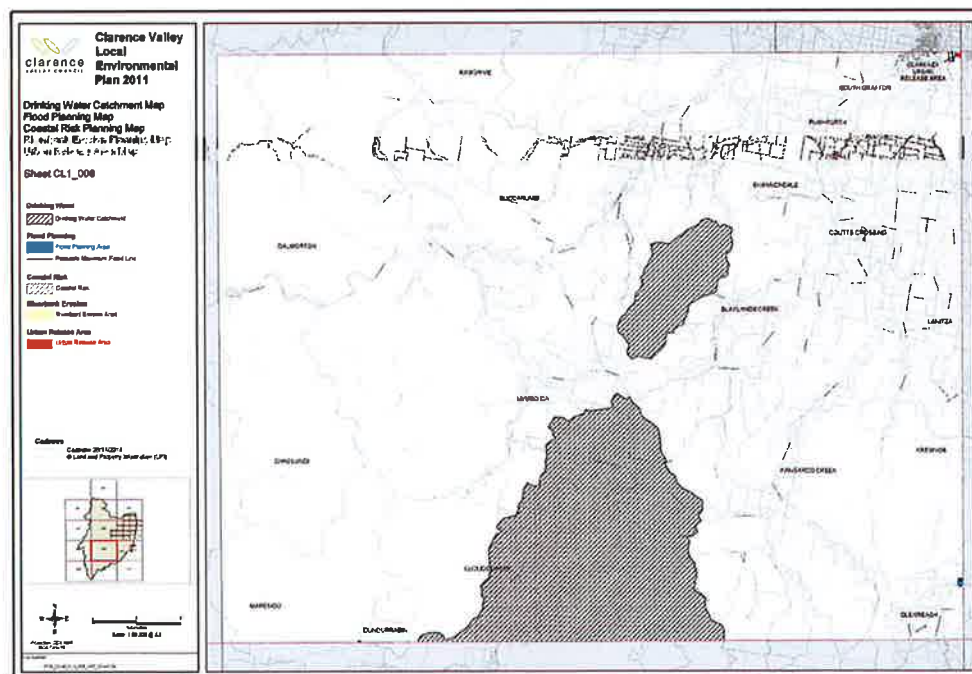
An estimated timeline for this project is 9 months from the issue of a Gateway determination, providing such determination does not impose conditions that are onerous to satisfy. There is also potential for issues to be raised during the public exhibition that require more detailed assessment and consideration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

Draft Flood Planning Map tiles

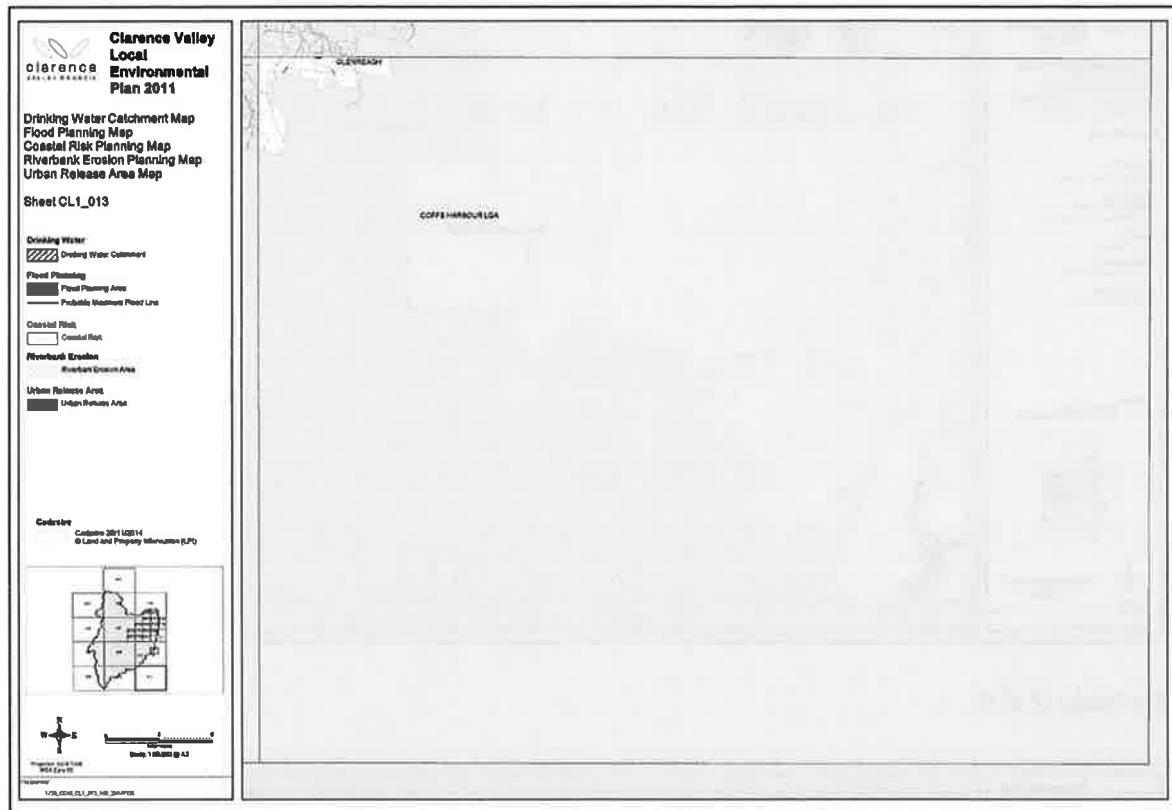
Glenreagh 1 of 3



Glenreagh 2 of 3



Glenreagh 3 of 3



NOTE: Refer to Section 5. Flood Planning Maps for the full extent of flood hazard in relation to the Clarence River floodplain will be produced prior to public exhibition of the planning proposal.

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. <i>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.</i>	Complies	Complies - though strategy sector is not relevant.
Actions – Urban settlement 2. <i>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.</i>	Complies	Complies - though strategy sector is not relevant.
Actions – Urban settlement 3. <i>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.</i>	Complies	Complies - though strategy sector is not relevant.
Actions – Urban settlement 4. <i>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.</i>	Complies	Complies - though strategy sector is not relevant.
Actions – Urban settlement 5. <i>Local environmental plans cannot use the 'Transition zone' to identify land for future urban investigation.</i>	Complies	Complies - though strategy sector is not relevant.
Actions – Urban settlement 6. <i>Local environmental plans will maintain interurban breaks between existing and new settlements.</i>	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 subject to additional considerations within the area identified on the updated Flood 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. This planning proposal does not seek to amend those provisions.
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.
8. Local environmental plans, development control plans (and subsequent land release development) will be	Complies	Complies - though specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
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.		
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 commercial centres and restrict this form of retailing in industrial zones as set out in the NSW Government	Complies	Complies - though specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
<i>policy 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 plans.	Complies	Complies - though specific action is not relevant.
Actions - Employment lands	Complies	Complies - though specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
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. • Local environmental plans will locate large scale tourism development in prime tourism	Complies	Complies - though specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
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 - though specific action is not relevant.
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 relevant.
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 5. Subdivision and dwelling standards in local environmental plans will reflect the Rural Lands SEPP, the Regional Strategy and the objectives of the	Complies	Complies - though specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
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.	Complies	Complies - though specific action is not relevant.
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 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 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 1. Local environmental plans will include provisions on land fronting watercourses to limit the creation of additional water rights.	Complies	Complies - though specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
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. The Lower Clarence Flood Model Update 2013 (BMTWBM Pty Ltd, 2013) considers climate change impacts. Further, some of the land covered by that study has the potential to be affected by sea level rise. The area of flood hazard in the vicinity of Glenreagh is not expected to be affected by sea level rise.
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 Flood Planning Map ensure development controls are better utilised as a risk management measure in response to a flood hazard identified through professionally prepared flood model update/flood study.
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 high hazard to reflect the limitations of the land.	Complies	Complies. The proposed amendments to the Flood Planning Map ensure development controls are better utilised as a risk management measure in response to a flood hazard. The current LEP template doesn't utilise land use zoning to reflect

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS		COMPLIANCE	COMMENTS
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.
5. All future development is to apply water sensitive urban design principles and meet stormwater management targets that support environmental		Complies	Complies - though specific action is not relevant.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
values of the catchments.		
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. This planning proposal is related to: <i>Operational Plan Action # 4.3.4.6 - Preparation of Glenreagh Floodplain Risk Management Plan (by June 2015)</i>

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	A significant portion of the land subject to flood hazard on the Clarence River floodplain is within the <i>coastal zone</i> . However, the updated Flood Planning Map for those areas will not affect, or be inconsistent with, SEPP No 71. SEPP No 71 does not apply to land in the vicinity of Glenreagh.
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.
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 Production 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	Yes	Proposal seeks to amend LEP provisions in relation to existing rural zones (as well as other zones which are within the areas of identified flood hazard). 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 are consistent with the Mid North Coast Regional Strategy.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental protection Zones	Yes	Proposal is consistent with this Direction. The proposed amendment while applying to land in the E1 National Parks and Nature Reserves zone, being part of Sherwood Nature Reserve, will not reduce the environmental protection standards that apply to the land.
2.2 Coastal protection	Not applicable	Direction not applicable in this instance.
2.3 Heritage Conservation	Yes	Direction not applicable in this instance. The planning proposal, whilst applying to land that is in part subject to heritage conservation areas or heritage items, does not propose any change to the existing LEP provisions in this regard.
2.4 Recreation Vehicle Areas	Not applicable	Direction not applicable in this instance.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Yes	The planning proposal applies to some land zoned residential. The proposal is consistent with this Direction as the proposed application of provisions in relation to flood hazard will serve to ensure good design of any new residential development that is compatible with the expected flood hazard.
3.2 Caravan Parks and	Not applicable	Direction not applicable in this instance.

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
Manufactured Home Estates		
3.3 Home Occupations	Not applicable	Direction not applicable in this instance.
3.4 Integrated Land Use and Transport	Not applicable	Direction not applicable in this instance.
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. No change to land use zoning proposed.
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. No change proposed.
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 appropriate level of consideration of flood hazard affecting the subject land consistent with current flood-related planning provisions in the Clarence Valley LEP and relevant DCPs. The amendment will not permit increased development potential in the area covered by the updated Flood Planning Map.
4.4 Planning for Bushfire Protection	Yes	Some of the land identified as being subject to the flood hazard is mapped as bushfire prone land. The proposed Flood Planning Map update will not be inconsistent with this Direction, however the NSW RFS will be consulted in accordance with the Direction.
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,	Not applicable.	<i>Revoked 18 June 2010</i>

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
Paxton and Millfield (Cessnock LGA)		
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		
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.