

PLANNING PROPOSAL

**TO PERMIT DUAL OCCUPANCY (DETACHED) AND SECONDARY
DWELLINGS IN RURAL ZONES AND LARGE LOT RESIDENTIAL
ZONE**

**Prepared by : Clarence Valley Council
Date: September 2015**

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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 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 the all land currently zoned as RU1 Primary Production, RU2 Rural Landscape and R5 Large Lot Residential under the Clarence Valley Local Environmental Plan 2011.

1.3 Current Zoning & Use

The land is currently zoned RU1 Primary Production, RU2 Rural Landscape and R5 Large Lot Residential under Clarence Valley Local Environmental Plan 2011. The use of the land varies across the Clarence Valley from residential to agricultural related operations and existing natural rural land. This proposal does not intend to change current zonings.

1.4 Background

Under the current Clarence Valley LEP dual occupancy (detached) is prohibited in rural zones which is consistent with clause 22 of the North Coast Regional Environmental Plan which limited dual occupancy to attached dwellings in rural zones. The Regional Environmental Plan no longer applies to land in the Clarence Valley which allows for a change to the LEP to be made, permitting dual occupancy (detached). There has been pressure from the community during development applications for Council provisions of dual occupancy (attached) to be more flexible and allow for a greater distance between dwellings.

The ability to erect dual occupancy (detached) will give an additional housing option to rural land owners and with major infrastructure projects scheduled to be constructed in the Clarence Valley within the next 10 years it may be seen as an option to accommodate workers associated with these projects. The secondary dwelling may provide an additional form of affordable housing in the Clarence Valley which will provide financial support for rural land owners and make agricultural production more viable.

Lismore City Council and Byron Shire Council have been successful in amending their LEPs to permit dual occupancy (detached) and secondary dwellings on rural and residential zoned land, with other councils on the North Coast pursuing planning proposals to permit dual occupancy (detached) within rural zones.

2. OBJECTIVE OR INTENDED OUTCOME

The intended outcome of this planning proposal is to amend the Clarence Valley LEP to permit the development of dual occupancy (detached) and secondary dwellings on land zoned as RU1 Primary Production, RU2 Rural Landscape and R5 Large Lot Residential.

3. EXPLANATION OF PROVISIONS

The intended outcomes are to be achieved by an amendment to the Clarence Valley LEP 2011 as follows:

- Amend the Land Use Table in Part 2 of the LEP 2011 for the RU1, RU2 and R5 zones to delete the word “(attached)” following “Dual Occupancies”, and add the words “secondary dwellings”. This has the effect of permitting both attached and detached dual occupancy development and secondary dwellings in the RU1, RU2 and R5 zones.
- Amend clause 4.2B to delete the word “attached” wherever it occurs. This has the effect of permitting both attached and detached dual occupancy development on RU1 and RU2 land wherever you can currently undertake an attached dual occupancy.
- Add a new provision that states:
4.2D Erection of dual occupancies (detached) and secondary dwellings in zones RU1, RU2 and R5
(1) The objectives of this clause are as follows:
 - (a) to provide alternate accommodation for rural families and workers,
 - (b) to ensure that development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land,
 - (c) to set out consent considerations for development of detached dual occupancies and secondary dwellings to address matters such as access, siting, land suitability and potential impacts.

(2) Development consent must not be granted to development for the purpose of a dual occupancy (detached) or secondary dwelling on land in the RU1 Primary Production or RU2 Rural Landscape zones unless the consent authority is satisfied that:

 - (a) the development will not prevent the use of the land for agricultural or rural industries, and
 - (b) each dwelling will use the same vehicular access to and from a public road, and
 - (c) dwellings will be situated within 100 metres of each other, and
 - (d) the land is physically suited for the development, and
 - (e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and
 - (f) the development will not have an adverse impact on the scenic amenity or character of the rural environment.

(3) Development consent must not be granted to development for the purpose of dual occupancy (detached) or secondary dwelling on land in the R5 Large Lot Residential zone unless the consent authority is satisfied that:

 - (a) each dwelling will use the same vehicular access to and from a public road, and



- (b) the development will not have an adverse impact on the scenic amenity or character of the environment.

This provision provides guidance on what must be assessed during an application for a dual occupancy (detached) development or secondary dwelling.

Specifying the distance between the two dwellings will ensure that dwellings remain clustered which will minimise the likelihood for land use conflicts and reduce impacts to the environment which includes effects on the rural landscape and amenity, but will still provide sufficient privacy between the two dwellings. It is a useful starting point for consideration of detached dual occupancy and as it would be a development standard, there is the potential that it could be varied under clause 4.6 of the Clarence Valley LEP where the applicant demonstrates:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

In relation to clause 4.6 Council must be satisfied 'that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out'.

4. JUSTIFICATION

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

No. This planning proposal is not the result of a strategy or study. Council has identified the increased demand for housing within the Clarence Valley associated with accommodating those working on major infrastructure projects that are planned to commence in the Clarence Valley over the next 5 - 10 years. The proposal fulfils the Mid North Coast Regional Strategy outcome for providing a diverse range of housing types.

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

Amending the Clarence Valley Local Environmental Plan 2011 to permit with consent dual occupancy (detached) and secondary dwellings on land zoned RU1 Primary Production, RU2 Rural Landscape and R5 Large Lot Residential is considered as the only method to achieve the intended objectives of this planning proposal.

5. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

5.1 Applicable Regional Strategy – Mid North Coast Regional Strategy

The Mid North Coast Regional Strategy (March 2009) is the applicable regional strategy.

The strategy recommends that local environmental plans should include provisions to limit dwellings in rural and environmental zones, of which this planning proposal is not inconsistent with. The proposal does not intend to increase the development potential of rural or rural residential land as dual occupancy (attached) is currently permitted with consent. Allowing dual occupancy (detached) or secondary dwellings will allow for an additional housing option for land owners. The proposal of dual occupancy (detached) on rural residential land is consistent with the actions of the strategy. The planning proposal does not apply to land in environmental zones.

Accordingly, the proposal is considered to be consistent with the Mid North Coast Regional Strategy.

An assessment of the planning proposal against the Regional Strategy “sectors” and their outcomes and actions is at Appendix 1.

5.2 Consistency with Council’s local strategies and other local strategic plans

Our Community Plan 2015-2024, is the Council adopted corporate strategic plan which will guide Council decision making over the next 10 years. This planning proposal is consistent with the outcomes identified in the local strategy, in particular objective 1.4.5 as dual occupancy (detached) or secondary dwellings may provide an additional form of affordable housing in the Clarence Valley which will provide financial support for land owners which will make agricultural operations more viable.

The objectives of the Clarence Valley Settlement Strategy and Clarence Valley Affordable Housing Strategy were considered in accordance with this planning proposal, of which this planning proposal is consistent with.

An assessment of the planning proposal against relevant local strategies is at Appendix 2.

5.3 Consistency with applicable state environmental planning policies

The proposal is consistent with applicable State Environmental Planning Policies (SEPP). In particular it is consistent with the Rural Planning principles identified in SEPP (Rural Lands) 2008. Refer to Appendix 3 for a SEPP assessment and compliance table.

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

The proposal is consistent with applicable Section 117 Ministerial Directions. Refer to Appendix 4 for Section 117 Ministerial Directions assessment and compliance table.

6. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

There is the potential that permitting dual occupancy (detached) or secondary dwellings in rural zones may adversely impact on critical habitat or threatened species, populations or ecological communities, but it is considered unlikely given that any future proposed development will be subject to the development application process.

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

Any development of dual occupancy (detached) or secondary dwellings could potentially impact on the environment; however, as stated above proposed development will be subject to a development application, which includes an assessment of environmental impacts. It is considered that this will prevent inappropriate development and ensure any environmental impacts are minimised and managed.

6.3 Relevant social and economic effects?

The planning proposal will provide an additional form of dwelling type for land owners, which has the potential to facilitate increased social, financial and physical support for residents as they age. The additional detached dwelling may allow farmers to maintain the productivity and viability of a farm through using the dwelling to source labour or provide additional income to the farm by allowing tenants to rent it. The additional house on R5 Large Lot Residential will provide an affordable housing option that is closer to health and education facilities in urban areas.

7. STATE AND COMMONWEALTH INTERESTS

7.1 Is there adequate public infrastructure for the planning proposal?

The Clarence Valley Local Government Area has varying levels of public infrastructure services available depending on the location. The adequacy of available public infrastructure services for any proposed detached dual occupancy or secondary dwelling will be considered as part of the development application process.

7.2 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 considered if the Gateway determines that this planning proposal should proceed.

Public Authority/Stakeholder	Issue Requiring Comment
NSW Rural Fire Service	Impact on bushfire prone land (in accordance with Section 117 Direction 4.4)
National Parks and Wildlife Services	Potential impacts on biodiversity
Office of Environment and Heritage	Impact on flood prone land
Department of Primary Industries	Impact of rural housing on farming and rural industries
Local Land Services	Potential impact of rural housing on agricultural production and natural resource management

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 8. COMMUNITY CONSULTATION, below.

8. 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 purpose of public notification, Council considers that this planning proposal is of 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 Clarence Valley LGA.
- Notification on council's website
- Written notification- Due to the large number of properties affected it is not intended to provide written notification to individual rural property owners.

A public hearing is not considered necessary.

APPENDIX 1: 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 specific action 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 specific action 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 specific action 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 specific action 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 specific action is not relevant
Actions – Urban settlement 6. Local environmental plans will maintain interurban breaks between existing and new settlements.	Complies	Complies- though specific action is not relevant
Actions – Urban settlement	Complies	Complies- though specific action is not relevant

Clarence Valley Council

Planning Proposal, ver
Land in RU1, RU2 and R5 Zones – Dual Occupancy (Detached) and Secondary Dwellings

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
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.		
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 specific action 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 specific action 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 specific action 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	This planning proposal will maintain appropriate subdivision standards according to the principles in State Environmental Planning Policy (Rural Lands) 2008. The planning proposal will maintain minimum lot sizes for RU1 and RU2 zoned land and will not permit the subdivision of land once a dual occupancy (detached) is developed.
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	The planning proposal will maintain current minimum subdivision standards for RU1 and RU2 zones according to the Clarence Valley LEP.
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	Consistent with this action, dual occupancy (attached) is currently permitted on RU1 and RU2 zoned land. The planning proposal will change provisions to permit dual occupancy (detached) and secondary dwellings in RU1 and RU2 zones which will not increase net development potential in rural zones. The inability to subdivide the dual occupancy

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
Actions – Subdivision, houses and other uses in rural zones 4. <i>New caravan parks and manufactured home estates where there is any potential for permanent accommodation to occur, generally should be located in urban areas.</i> Actions – Subdivision, houses and other uses in rural zones 5. <i>Local environmental plans generally should locate major health and education facilities in urban areas.</i> Strategy sector - Settlement character and design Outcomes Actions 1. <i>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:</i> <i>New buildings will be designed to maximise adaptability for changing demographic trends and alternative future uses.</i> <i>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.</i> <i>Land use and transport planning will be integrated to minimise the need to travel, and to encourage energy and resource efficiency.</i> <i>New development will be designed to reflect and enhance the natural, cultural, visual and built</i>	Complies Complies Complies	(detached) lot will limit the number of dwellings in rural areas. Therefore there will be no nett additional development potential to be permitted. Complies- though specific action is not relevant Complies- though specific action is not relevant RU1 zoned land in the vicinity of Ulmarra and RU2 zoned land in the vicinity of Glenreagh have controls regarding heritage and built character in the Clarence Valley DCP, Part O and Part Q. The development of dual occupancy (detached) and secondary dwellings will consider the identified provisions while being assessed as a development application.

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character and values of the local and regional landscape.		
2. New and changing urban areas will provide access to natural features such as coastal foreshore and riparian lands, consistent with the maintenance of ecological values.	Complies	Complies- though specific action is not relevant
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- though specific action is not relevant
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,	Complies	Complies- though specific action is not relevant

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development will generally not result in overshadowing before 4.00 p.m. (midwinter) or 7.00 p.m. midsummer (daylight saving time).		
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	Complies	Complies- though specific action is not relevant.

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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 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	Complies	Complies- though specific action is not relevant.

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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. 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	Complies	Complies- though specific action is not relevant

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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 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	Land of agricultural significance is located on RU1 and RU2 zoned land which could potentially be affected by this planning proposal. The development proposal will not alter the zoning of rural land which is of regional agricultural significance. Dual occupancy (detached) and secondary dwellings development proposals will be assessed to limit potential impacts on significant agricultural land.
Actions – Preparation of local environmental plans 3. Local environmental plans will identify and zone land of landscape value (including scenic and cultural	Complies	Complies- though specific action is not relevant

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landscapes) to protect those values. 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	The permissibility of mining and extractive industries will not be modified or affected by this planning proposal.
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 relevant zones.	Complies	The planning proposal and Clarence Valley LEP reflect the dwelling standards in the Rural Lands SEPP, Regional Strategy and objectives of the RU1 and RU2 zones. Although the regional strategy limits dwellings in rural areas the planning proposal does not intend to create either a nett increase or decrease in the number of dwellings in rural areas.
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	Complies	Buffers will be in place to minimise potential conflict between adjoining land uses.

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Coast Farmland Mapping Project and the Rural Lands State Environmental Planning Policy.		
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
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	The Clarence Valley LEP includes provisions under clause 7.7 to minimise the adverse affects development could potentially have on drinking water catchments and waterways.
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 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	Complies	Potential risk to the development of dual occupancy (detached) in hazard areas will be considered as a part of the

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development or redevelopment in potential hazard areas, unless assessed within a risk assessment framework adopted by the council.		development assessment process.
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- though specific action is not relevant
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	Some RU1 and RU2 land is located within drinking water catchments. Clause 7.7 of the Clarence Valley LEP requires consideration of the potential affects development may have on water quality and addresses them appropriately as part of the development assessment process.
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

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
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 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 2: COUNCILS LOCAL STRATEGY AND STRATEGIC PLAN CHECKLIST

Strategy/Strategic Plan	Comment/Relevant Component
Our Community Plan 2015-2024	The proposal is relevant to the following Community Plan themes and objectives: Society- 1.4.5- remove any impediments to, and encourage the supply of affordable housing
Council's 2014-2017 Delivery Program and 2015-2016 Operational Plan	The 2014-2017 Delivery Program and 2015-2016 Operational Plan seek to implement the 10 year Clarence Valley Community Plan 2015-2024
Clarence Valley Affordable Housing Strategy	Strategy: develop planning mechanisms that provide opportunities for affordable housing. Action-Review and identify appropriate planning policies that encourage and support the development of a range of housing choices and tenure for low income residents.
Clarence Valley Settlement Strategy	Rural settlements should- -Protect the resource base and natural areas. -Maximise resource efficiency and minimising environmental and social impact. Create and maintain a high level of livability and safety. Rural Residential Settlements should: -Maximise access to goods, services and opportunities, and reducing the need to travel.

APPENDIX 3: STATE ENVIRONMENTAL PLANNING POLICY CHECKLIST

STATE ENVIRONMENTAL PLANNING POLICY	CONSISTENCY	COMMENTS
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.		
SEPP 14 Coastal Wetlands	Consistent	It is possible that development of dual occupancy (detached) or secondary dwellings may occur on land near SEPP 14 Wetlands however all potential impacts to wetlands would be assessed through the development assessment process.
SEPP 15 Rural Landsharing Communities	Not Applicable	
SEPP 21 Caravan Parks	Not Applicable	
SEPP 26 Littoral Rainforests	Consistent	It is possible that development of dual occupancy (detached) or secondary dwellings may occur on land near SEPP 26 Littoral Rainforests however all potential impacts to SEPP 26 areas would be assessed through the development assessment process.
SEPP 30 Intensive Agriculture	Not Applicable	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land).	Not Applicable	
SEPP 33 Hazardous & Offensive Development	Not Applicable	
SEPP 36 Manufactured Home Estates	Not Applicable	
SEPP 44 Koala Habitat Protection	Not Applicable	
SEPP 50 Canal Estate Development	Not Applicable	
SEPP 55 Remediation of Land	Consistent	In this case no land is being rezoned. Dual occupancy (detached) or secondary dwellings will only be permissible on land with an existing dwelling entitlement. The planning proposal will not significantly increase the range of sensitive land uses on the site and past land uses will be assessed as a part of the development assessment process.
SEPP 62 Sustainable Aquaculture	Not Applicable	
SEPP 64 Advertising & Signage	Not Applicable	
SEPP 65 Design Quality of Residential Flat Buildings	Not Applicable	
SEPP 71 Coastal Protection	Consistent	It is possible that development of dual occupancies (detached) or

STATE ENVIRONMENTAL PLANNING POLICY	CONSISTENCY	COMMENTS
		secondary dwellings may occur on RU1, RU2 and R5 land in the coastal zone however all potential impacts to coastal zones areas would be assessed through the development assessment process.
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable	
SEPP Building Sustainability Index: BASIX 2004	Not Applicable	
SEPP (Major Development) 2005	Not Applicable	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Consistent	The permissibility of mining or extractive industries on the subject land will not be affected.
SEPP (Miscellaneous Consent Provisions) 2007	Not Applicable	
SEPP (Infrastructure) 2007	Not Applicable	
SEPP (Rural Lands) 2008	Consistent	The planning proposal relates to rural land, RU1, RU2 and R5. SEPP Rural Lands requires that potential land use conflicts and any mitigation measures be considered in the assessment of development for subdivision or the erection of a dwelling on land in the rural zone, a rural residential zone or and environmental zone. This planning proposal does not seek to change the above matters for consideration. These would be considered as part of the development assessment process for any proposed dual occupancy (detached) or secondary dwellings in RU1, RU2 and R5 zones.
SEPP (Exempt and Complying Development Codes) 2008	Not Applicable	
SEPP (Affordable Rental Housing) 2009	Consistent	The planning proposal does not seek to amend the application of the Affordable Rental Housing SEPP in the RU1, RU2 or R5 zones. The planning proposal has the potential to increase the amount of rental housing within the LGA.
SEPP (State and Regional Development) 2011	Not Applicable	

Note 1:

The following SEPPs, whilst still current, are not applicable or relevant to the Clarence Valley LGA:

- SEPP 1 Development Standards
- SEPP 19 Bushland in Urban Areas
- SEPP 29 Western Sydney Recreation Area
- SEPP 39 Spit Island Bird Habitat
- SEPP 47 Moore Park Showground
- SEPP 52 Farm Dams & Other Works in Land & Water Management Plan Areas
- SEPP 59 Central Western Sydney Regional Open Space and Residential
- SEPP 60 Exempt & Complying Development
- SEPP 70 Affordable Housing (Revised Schemes)
- SEPP (Development on Kurnell Peninsula) 1989
- SEPP (Sydney Regional Growth Centres) 2006
- SEPP (Kosciuszko National Park – Alpine Resorts) 2007
- SEPP (Western Sydney Parklands) 2009
- SEPP (Western Sydney Employment Area) 2009
- SEPP ((Penrith Lakes Scheme) 1989
- SEPP (SEPP 53 Transitional Provisions) 2011
- SEPP (Sydney Drinking Water Catchment) 2011
- SEPP (Urban Renewal) 2010
- SEPP (Three Ports) 2013
- SEPP - North Coast Regional Environmental Plan

Note 2:

The following SEPPs have been repealed and therefore are no longer relevant:

- SEPP 2 Minimum Standards for Residential Flat Buildings (Repealed by SEPP 20)
- SEPP 3 Castlereagh Liquid Waste Depot (Repealed by Infrastructure SEPP)
- SEPP 4 Development Without Consent and Miscellaneous Complying and Exempt Development (clause 6 and Parts 3 and 4 only)
- SEPP 5 Housing for Older People with a Disability (Repealed by Seniors Living SEPP)
- SEPP 6 Number of Storeys in a Building
- SEPP 7 Port Kembla Coal Loader (Repealed by Infrastructure SEPP)
- SEPP 8 Surplus Public Land (Repealed by Infrastructure SEPP)
- SEPP 9 Group Homes (Repealed by Infrastructure SEPP)
- SEPP 10 Retention of Low Cost Rental Accommodation
- SEPP 11 Traffic Generating Developments (Repealed by Infrastructure SEPP)
- SEPP 12 Public Housing (dwelling houses) (Repealed by SEPP 53)
- SEPP 13 Sydney Heliport (Repealed by Sydney REP 26)
- SEPP 15 Multiple Occupancy of Rural Land (Repealed by SEPP 42)
- SEPP 16 Tertiary Institutions (Repealed by Infrastructure SEPP)
- SEPP 20 Minimum Standards for Residential Flat Buildings (Repealed by SEPP 53)
- SEPP 22 Shops and Commercial Premises
- SEPP 25 Residential Allotment Sizes (Repealed by SEPP 53)
- SEPP 27 Prison Sites (Repealed by Infrastructure SEPP)
- SEPP 28 Town Houses & Villa Houses (Repealed by SEPP 25 Amendment 4)
- SEPP 31 Sydney (Kingsford Smith) Airport (Repealed by Infrastructure SEPP)
- SEPP 34 Major Employment Generating Industrial Development (Repealed by Major projects SEPP)
- SEPP 35 Maintenance Dredging of Tidal Waterways (Repealed by Infrastructure SEPP)
- SEPP 37 Continued Mines & Extractive Industries (Repealed by Mining, Petroleum

Production and Extractive Industries SEPP)

- *SEPP 38 Olympic games & Related Projects (Repealed by Major Projects SEPP)*
- *SEPP 42 Multiple Occupancy & Rural Land (Repealed by SEPP 15)*
- *SEPP 43 New Southern Railway (Repealed by Infrastructure SEPP)*
- *SEPP 45 Permissibility of Mining (Repealed by Mining, Petroleum Production and Extractive Industries SEPP)*
- *SEPP 46 Protection & Management of Native Vegetation (Repealed by Native Vegetation Conservation Act 1997)*
- *SEPP 48 Major Putrescible Landfill Sites (Repealed by Infrastructure SEPP)*
- *SEPP 51 Eastern Distributor (Repealed by Infrastructure SEPP)*
- *SEPP 53 Metropolitan Residential Development*
- *SEPP 54 Northside Storage Tunnel (Repealed by Infrastructure SEPP)*
- *SEPP 56 Sydney Harbour Foreshores & Tributaries (Repealed by Major Projects SEPP Amendment)*
- *SEPP 58 Protecting Sydney's Water Supply (Repealed by Drinking Water Catchments REP No 1)*
- *SEPP 61 Exempt & Complying Development for White Bay & Glebe Island Ports (Repealed by Infrastructure SEPP)*
- *SEPP 63 Major Transport Projects (Repealed by Infrastructure SEPP)*
- *SEPP 67 Macquarie Generation Industrial Development Strategy (Repealed by Infrastructure SEPP)*
- *SEPP 69 Major Electricity Supply Projects (Repealed by Infrastructure SEPP)*
- *SEPP 72 Linear Telecommunications Development – Broadband (Repealed by Infrastructure SEPP)*
- *SEPP 73 Kosciuszko Ski Resorts (Repealed by SEPP Kosciuszko National Park – Alpine Resorts)*
- *SEPP 74 Newcastle Port & Employment Lands (Repealed by Major Projects SEPP)*
- *SEPP (ARTC Rail Infrastructure) 2004 (Repealed by Infrastructure SEPP) SEPP (Sydney Metropolitan Water Supply) 2004 (Repealed by Infrastructure SEPP)*
- *SEPP – North Coast Regional Environmental Plan 1988 (NCREP)*

APPENDIX 4: SECTION 117 DIRECTION CHECKLIST

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Not Applicable	Direction is not applicable in this instance.
1.2 Rural Zones	Consistent	The proposal will not change the zoning of any rural land. There is no net increase in permissible density proposed as dual occupancy (attached) is currently permitted in RU1 and RU2 zoned land.
1.3 Mining, Petroleum Production and Extractive industries	Consistent	The planning proposal will not prohibit or restrict the mining or future expansions of State or regionally significant coal, other minerals, petroleum and extractive materials.
1.3 Oyster Aquaculture	Consistent	Priority Oyster Aquaculture Areas (POAA) exists in the Clarence River, Sandon River and Wooli Wooli River. In the Sandon River and Wooli Wooli River most land adjacent to the POAA is zoned within national parks. Some land is zoned residential which will not create and increase in potential impacts. In the Clarence River land adjacent to POAA is a mix of residential and environmental zonings. The proposal will not increase the potential impact on POAA.
1.5 Rural Lands	Consistent	The planning proposal is not inconsistent with the Rural Planning Principles contained in Clause 7 of the SEPP Rural Lands. The planning proposal does not intend to impact the use of agricultural land or create land use conflicts. The proposed amendment would require the two dwellings to be clustered within 100 metres of each other which will limit the environmental, social and economic impacts of any dual occupancy (detached) or secondary dwellings development. The proposed amendment would facilitate economic development of rural land by allowing additional family members or staff to live on the property. This type of development also has the potential to provide an

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
		additional source of income to the rural landowner, through rent, as well as add to the rental stock market. Allowing this form of development may reduce the need to subdivide large lots and good quality agricultural land for new rural residential estates.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental protection Zones	Consistent	The planning proposal will not alter any environmental protection zones.
2.2 Coastal protection	Consistent	The NSW Coastal Policy and Coastal Design Guidelines are considered during the assessment of development applications under clause 5.5 of the Clarence Valley LEP.
2.3 Heritage Conservation	Consistent	The planning proposal does not seek to change those provisions or alter how they apply to any future development applications.
2.4 Recreation Vehicle Areas	Not Applicable	The proposal does not enable land to be used for recreational vehicle areas.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Consistent	This planning proposal is consistent with this direction as it is increasing the housing options available to land holders and has the potential to reduce the consumption of land on the urban fringe for future urban developments.
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable	Direction not applicable in this instance.
3.3 Home Occupations	Not Applicable	This proposal does not alter home occupation provisions in the Clarence Valley LEP.
3.4 Integrated Land Use and Transport	Not Applicable	Direction is not applicable in this instance.
3.5 Development Near Licensed Aerodromes	Consistent	This planning proposal will create the opportunity for additional dwellings near existing dwellings in the vicinity of the Grafton Regional Airport and South Grafton Airstrip but will not increase the overall density as dual occupancy (attached) is already permitted. Any potential impacts or land use conflicts will be assessed as part of the development assessment

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
		process.
3.6 Shooting Ranges	Consistent	This planning proposal does not seek to rezone land or permit more intense use of the land as dual occupancy (attached) is currently permissible on rural and residential zoned land. Noise from existing shooting ranges will not be incompatible with dual occupancy (detached) or secondary dwellings as dwellings exist adjacent to shooting ranges.
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	Consistent	There are areas of RU1, RU2 and R5 zoned land which is affected by acid sulfate soils. The planning proposal does will not increase the intensity of land use as dual occupancy (attached) is currently permitted. Acid sulfate soils will be taken into account during the development application process in accordance with clause 7.1 of the Clarence Valley LEP.
4.2 Mine Subsidence and Unstable land	Not Applicable	Direction not applicable in this instance.
4.3 Flood Prone Land	Consistent	This planning proposal will not rezone flood prone land but will alter provisions that affect flood prone land. Dual occupancy (attached) is already permitted in rural zones meaning this proposal will not create additional impacts on other properties or the opportunity for significant development on flood prone land, beyond that already permitted. Development proposed on flood prone land will be assessed as a part of the development assessment process in accordance with clause 7.3 and 7.4 of the Clarence Valley LEP. The Clarence Valley LEP is consistent with the <i>Floodplain Development Manual 2005</i> .
4.4 Planning for Bushfire Protection	Consistent	This planning proposal will affect bush fire prone land identified in RU1, RU2 and R5 zones. Proposed dual occupancy (detached) or secondary dwellings on bush fire prone land will be assessed during the development assessment process to ensure compliance with the NSW RFS <i>Planning for Bushfire</i>

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
		<i>Protection 2006.</i> The NSW RFS will be consulted in accordance with this direction, with any comments made being addressed appropriately.
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	Consistent	The planning proposal is consistent with the Mid North Coast Regional Strategy (MNCRS). Refer to the separate assessment of the planning proposal against 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	Not Applicable	Direction not applicable in this instance.
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		
6.1 Approval and Referral Requirements	Consistent	This planning proposal is not seeking to introduce concurrence, consultation or referral requirements nor does 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.