

# **PLANNING PROPOSAL**

## ***Function Centres in Rural Zones***

**Prepared by: Clarence Valley Council**

**Date: 20 March 2019**

## Declaration

Document name: Planning Proposal – Function Centres in Rural Zones

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Declaration: I, Maya Dougherty, declare that this Planning Proposal constitutes a planning proposal for the purposes of section 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and further declare that the document complies with the relevant provisions of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment's *A guide to preparing planning proposals* (August 2016).

Date: 20 March 2019

Document History and Version Control				
Version	Prepared by	Approved by	Date Approved	Brief Description
1.0	Maya Dougherty	Terry Dwyer	8/02/19	To allow Function Centres as uses permissible with consent in the RU1 and RU2 zones and add an associated LEP clause.
2.0	Maya Dougherty			Amended to reflect the new Primary Production and Rural Subdivision SEPP and changes to Ministerial Direction 1.5 – Rural Lands

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## **1. PRELIMINARY**

### **1.1 Context**

This planning proposal constitutes a document referred to in Section 3.33 of the *Environmental Planning and Assessment Act 1979*. It has been prepared in accordance with the Department of Planning and Environment's "A guide to preparing planning proposals" (August 2016). A gateway determination under Section 3.34 of the Act is requested.

### **1.2 Subject Land**

This planning proposal applies to all land within the Clarence Valley Council area within the RU1 and RU2 zones.

### **1.3 Current Zoning & Use**

The land is currently zoned RU1 Primary Production and RU2 Rural Landscape under Clarence Valley Local Environmental Plan 2011. The zoning is not proposed to be changed by this planning proposal.

However, it is proposed to add "Function Centres" in the *Permitted with consent* category in both the RU1 and RU2 zones.

### **1.4 Background**

Currently, in the CVLEP, function centres are only permitted with consent in the Local Centre (B2), Commercial Core (B3), Tourist (SP3) and Private Recreation (RE2) zones and are prohibited within the Primary Production (RU1) and the Rural Landscape (RU2) zones.

However, it is possible to grant approval for a "Temporary Use" that would otherwise be prohibited in the zone under clause 2.8 of the CVLEP. This clause requires that the use occur no more than 28 days in a 12 month period and that there be no adverse impact on adjoining land or the amenity of neighbours.

While a number of development approvals have been granted within the Clarence Valley under this clause (largely for wedding venues), it presents a number of issues.

1. An ongoing approval under the Temporary Use clause cannot be granted. This has been extensively deliberated in the Land and Environment Court (see *EMRR Pty Ltd v Murray Shire Council* [2016], *Allman Associates Pty Ltd v Wingecarribee Shire Council* [2016] and *Marshall Rural Pty Limited v Hawkesbury City Council and Ors* [2015]) and while approvals for up to three years have been granted, an ongoing approval cannot be considered a temporary use. As wedding venues are generally booked one year or more before the event, it is an operational concern if the venues cannot guarantee to their clients the ongoing operation only one or two years into the future.

2. Operators are less likely to invest in noise control measures (which can be costly) if they cannot be sure that they will still be operating as a function centre beyond the near future.

3. Less certainty of the ongoing operation and amenity impacts of function centres for neighbours around such things as frequency of events and finishing time at night.

4. No adverse amenity impacts can result. This is distinguishable from an acceptable level of impact that would normally be considered for a proposed use that is permissible within the zone. A number of Land and Environment Court decisions (such as Geoffrey John Lomman v Windbelt Pty Limited [2018] and Marshall Rural Pty Limited v Hawkesbury City Council and Ors [2015]) have overturned approvals based on the absolute wording of the amenity part of clause 2.8.

This planning proposal therefore presents CVLEP controls that would facilitate the ongoing use of function centres in the RU1 and RU2 zones, while ensuring impacts on surrounding residents are considered at the application stage. This is proposed to work in conjunction with amendments to the Rural Zones DCP, providing further guidance for proponents and Council officers.

## **2. PART 1 - OBJECTIVE OR INTENDED OUTCOME**

To amend the Clarence Valley Local Environmental Plan 2011 to facilitate function centres in rural zones and to ensure their potential impacts are minimised.

## **3. PART 2 - EXPLANATION OF PROVISIONS**

The objectives or intended outcomes of the Proposal will be achieved by:

1. Including function centres in the list of uses permitted with consent in the RU1 and RU2 zones.
2. Adding an additional local provision that encourages well considered functions centres that:
  - a. minimise impacts on surrounding residents, agricultural activities and other uses in terms of noise and traffic, as well as preventing compounding impacts of these issues by allowing a maximum of 28 days of operation in a 12 month period
  - b. ensures that the land is suitable for the use of a function centre in terms of road access, impact on rural character and environmental factors
  - c. ensure that there are plans in place so that events are appropriately managed in terms of noise, traffic and parking
  - d. ensures the primacy of agricultural uses in the RU1 and RU2 zones by allowing only a maximum of 28 days of operation for a function centre in a 12 month period.

In association with the above CVLEP amendments, application requirements and decision-making considerations will be added to the Rural Zones Development Control Plan.

See Appendix 5 for the proposed text for the additional CVLEP clause and Appendix 6 for the proposed text for the Rural Zones DCP.

## 4. PART 3 - JUSTIFICATION

### 4.1 Is the planning proposal a result of any strategic study or report?

The planning proposal is the result of:

- Recent Land and Environment Court rulings that made it clear that approval for a temporary use under Clause 2.8 of the CVLEP cannot be ongoing and must not have any adverse amenity impacts
- Recent proposals for wedding venues in rural zones in which it is clear the intention is for ongoing uses, however approvals can only be granted under the temporary use provision
- Recent noise complaints at operating venues indicating the need for more specific provisions around amenity impacts on neighbours.

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

Yes, the planning proposal is considered the best means of achieving the objectives. It is recommended as it provides the greatest level of certainty for landowners/operators as well as surrounding neighbours. A Draft LEP clause has been developed with considerations and stipulations that are appropriate to the Clarence Valley, with the proposed Rural Zones DCP section on Function Centres providing further support for development applications (DAs).

## RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

### 4.3 Applicable Regional Plan - Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The *North Coast Regional Plan 2036* (NCRP 2036) released in March 2017 is the applicable regional plan. It is the NSW Government's strategy for guiding land use planning decisions for the North Coast region.

The Regional Plan comprises four goals, 25 directions and 80 actions. The goals articulate the intended outcome; the directions identify the broad issues or policy areas that need to be focused on; and the actions represent the steps needed to be taken or initiatives that need to be implemented to achieve the goals. Actions are either implemented as strategies or as initiatives.

The North Coast Delivery, Coordination and Monitoring Committee has been established to oversee implementation of the vision, goals and actions in the Regional Plan. In this regard the *North Coast Regional Plan 2036 - Implementation Plan 2017-2019* has also been released to accompany the Regional Plan.

Accordingly, the proposal is considered to be consistent with the NCRP 2036, particularly in terms of supporting tourism in the hinterland areas and supporting agriculture. An assessment of the planning proposal's consistency against the regional plans goals, directions and actions is at Appendix 1 (consistency checklist).

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

The Clarence 2027 is Council's adopted community strategic plan. It is supported by Council's Delivery Program and Annual Operational Plan applicable at the time.

Other local strategies include:

- Council's Delivery Program and Operational Plan (applicable at the time)
- Clarence Valley Economic Development Strategic Plan
- Clarence River Way Masterplan 2009

An assessment of the planning proposal against The Clarence 2027, Council's Delivery Program and Operational Plan, Clarence Valley Economic Development Strategic Plan and the Clarence River Way Masterplan is at Appendix 2 (consistency checklist).

#### **4.5 Consistency with applicable state environmental planning policies**

The proposal is consistent with applicable state environmental planning policies (SEPPs).

Refer to the consistency checklist against these policies at Appendix 3.

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

The proposal is consistent with applicable Section 9.1 Directions.

Refer to the consistency checklist against these Directions at Appendix 4.

### **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?**

As there is land in the RU1 and RU2 zones with high environmental value, it will be a requirement to consider environmental impacts at the DA stage, where relevant.

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

Land in the RU1 and RU2 zones may be affected by identified bushfire prone land, flood prone land and acid sulfate soils. Therefore it is appropriate to address these issues at the DA stage on a site by site basis.

To ensure this is appropriately managed, the Draft DCP section requires an Operational Management Plan to be submitted with an application where relevant, including a "Land use risk assessment."

#### **4.9 Relevant social and economic effects?**

It is possible that function centre proposals will be received on sites within the RU1 and RU2 zones within or near places of European or Aboriginal cultural Heritage. The impact of any such proposal will be considered at the DA stage, in accordance with the CVLEP and the Rural Zones DCP.

### **STATE AND COMMONWEALTH INTERESTS**

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

The proposal is unlikely to require additional infrastructure. However, there will likely be increased usage of rural roads as a result of approvals for function centres in the RU1 and RU2 zones, therefore appropriateness of access must be carefully considered at the DA stage. This is required by the proposed CVLEP provision.

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

A gateway determination has not yet been issued. However it is considered appropriate to formally consult NSW Department of Industry (Agriculture).

Refer also to Section 6. PART 5 - COMMUNITY CONSULTATION, below.

## 5. PART 4 - MAPPING

No change in the LEP mapping is proposed.

## 6. PART 5 - COMMUNITY CONSULTATION

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

The corresponding draft amendment to Council's Development Control Plan (Appendix 6) is required under the Act to be advertised for a minimum of 25 days. It is intended to advertise both the planning proposal and draft DCP amendments concurrently as they present a combined package of controls. Accordingly, it is intended that the planning proposal be advertised for 28 days in accordance with Section 5.5.2 of *"A guide to preparing local environmental plans"*. It is also intended to provide written notification to existing known operators of function centres.

It is also considered appropriate to formally consult NSW Department of Industry (Agriculture).

A public hearing is not considered necessary.

## 7. PART 6 - PROJECT TIMELINE

Task	Timeframe	Completed
Referral of Planning Proposal to Department of Planning & Environment (DP&E) for Gateway determination	February 2019	
Gateway determination issued	March 2019	
Amend Planning Proposal in accordance with any requirements of Gateway determination	March 2019	
Public exhibition and State government agency consultation	April 2019	
Consider submissions	May 2019	
Report to Council to adopt final Planning Proposal	June 2019	
Obtain opinion from Parliamentary Counsel's Office	July 2019	
LEP made by Council delegate	August 2019	
LEP notified	August 2019	

## APPENDIX 1: NORTH COAST REGIONAL PLAN 2036 CONSISTENCY CHECKLIST

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
<b>Goal 1 - The most stunning environment in NSW</b>		
<b>Direction 1 - Deliver environmentally sustainable growth</b>		
Action 1.1 - Focus future urban development to mapped urban growth areas.	N/A	
Action 1.2 - Review areas identified as 'under investigation' within urban growth areas to identify and map sites of potentially high environmental value.	N/A	
Action 1.3 - Identify residential, commercial or industrial uses in urban growth areas by developing local growth management strategies endorsed by the Department of Planning and Environment.	N/A	
Action 1.4 - Prepare land release criteria to assess appropriate locations for future residential, commercial and industrial uses.	N/A	
<b>Goal 1 - The most stunning environment in NSW</b>		
<b>Direction 2 - Enhance biodiversity, coastal and aquatic habitats, and water catchments</b>		
Action 2.1 - Focus development to areas of least biodiversity sensitivity in the region and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value.	N/A	
Action 2.2 - Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.	N/A	
<b>Goal 1 - The most stunning environment in NSW</b>		
<b>Direction 3 - Manage natural hazards and climate change</b>		
Action 3.1 - Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.	Yes	Any proposed sites for function centres that are in identified flood or bushfire prone areas will be assessed for site appropriateness in terms of hazards at the DA stage.
Action 3.2 - Review and update floodplain risk, bushfire and coastal management mapping to manage risk, particularly where urban growth is being investigated.	N/A	
Action 3.3 - Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development.	N/A	
<b>Goal 1 - The most stunning environment in NSW</b>		
<b>Direction 4 - Promote renewable energy opportunities</b>		
Action 4.1 - Diversify the energy sector by identifying renewable energy	N/A	

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
resource precincts and infrastructure corridors with access to the electricity network.		
<u>Action 4.2</u> - Enable appropriate smaller-scale renewable energy projects using bio-waste, solar, wind, small-scale hydro, geothermal or other innovative storage technologies.	N/A	
<u>Action 4.3</u> - Promote appropriate smaller and community-scale renewable energy projects.	N/A	
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 5 - Strengthen communities of interest and cross-regional relationships</b>		
<u>Action 5.1</u> - Collaborate on regional and intra-regional housing and employment land delivery, and industry development.	N/A	
<u>Action 5.2</u> - Integrate cross-border land use planning between NSW and South East Queensland, and remove barriers to economic, housing and jobs growth.	N/A	
<u>Action 5.3</u> - Encourage ongoing cooperation and land use planning between the City of Gold Coast and Tweed Shire Council.	N/A	
<u>Action 5.4</u> - Prepare a regional economic development strategy that drives economic growth opportunities by identifying key enabling infrastructure and other policy interventions to unlock growth.	N/A	
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 6 - Develop successful centres of employment</b>		
<u>Action 6.1</u> - Facilitate economic activity around industry anchors such as health, education and airport facilities by considering new infrastructure needs and introducing planning controls that encourage clusters of related activity.	N/A	
<u>Action 6.3</u> - Promote knowledge industries by applying flexible planning controls, providing business park development opportunities and identifying opportunities for start-up industries.	N/A	
<u>Action 6.3</u> - Reinforce centres through local growth management strategies and local environmental plans as primary mixed-use locations for commerce, housing, tourism, social activity and regional services.	N/A	
<u>Action 6.4</u> - Focus retail and commercial activities in existing centres and develop place-making focused planning strategies for centres.	N/A	
<u>Action 6.5</u> - Promote and enable an appropriate mix of land uses and prevent the encroachment of sensitive uses on employment land through local planning controls.	N/A	
<u>Action 6.6</u> - Deliver an adequate supply of employment land through local	N/A	

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
growth management strategies and local environmental plans to support jobs growth.		
Action 6.7 - Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor.	N/A	
<b>Goal 2 - A thriving, interconnected economy</b> <b>Direction 7 - Coordinate the growth of regional cities</b>		
<u>Action 7.1</u> - Prepare action plans for regional cities that: <ul style="list-style-type: none"> <li>▪ ensure planning provisions promote employment growth and greater housing diversity;</li> <li>▪ promote new job opportunities that complement existing employment nodes around existing education, health and airport precincts;</li> <li>▪ identify infrastructure constraints and public domain improvements that can make areas more attractive for investment; and</li> <li>▪ deliver infrastructure and coordinate the most appropriate staging and sequencing of development.</li> </ul>	N/A	
<b>Goal 2 - A thriving, interconnected economy</b> <b>Direction 8 - Promote the growth of tourism</b>		
Action 8.1 - Facilitate appropriate large-scale tourism developments in prime tourism development areas such as Tweed Heads, Tweed Coast, Ballina, Byron Bay, Coffs Harbour and Port Macquarie.	N/A	
Action 8.2 - Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through local growth management strategies and local environmental plans.	Yes	This proposal directly supports tourism in rural hinterland locations.
<u>Action 8.3</u> - Prepare destination management plans or other tourism focused strategies that: <ul style="list-style-type: none"> <li>▪ identify culturally appropriate Aboriginal tourism opportunities;</li> <li>▪ encourage tourism development in natural areas that support conservation outcomes; and</li> <li>▪ strategically plan for a growing international tourism market.</li> </ul>	N/A	
Action 8.4 - Promote opportunities to expand visitation to regionally significant nature-based tourism places, such as Ellenborough Falls, Dorrigo National Park, Wollumbin–Mount Warning National Park, Iluka Nature Reserve and Yuraygir Coastal Walk.	N/A	
Action 8.5 - Preserve the region's existing tourist and visitor accommodation by directing permanent residential accommodation away from tourism developments, except where it is ancillary to existing tourism developments or part of an area otherwise identified for urban expansion	N/A	

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
in an endorsed local growth management strategy.		
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 9: Strengthen regionally significant transport corridors</b>		
Action 9.1 - Enhance the competitive value of the region by encouraging business and employment activities that leverage major inter-regional transport connections, such as the Pacific Highway, to South East Queensland and the Hunter.	N/A	
Action 9.2 - Identify buffer and mitigation measures to minimise the impact of development on regionally significant transport infrastructure including regional and state road network and rail corridors.	N/A	
Action 9.3 - Ensure the effective management of the State and regional road network by: <ul style="list-style-type: none"> <li>▪ preventing development directly adjoining the Pacific Highway;</li> <li>▪ preventing additional direct 'at grade' access to motorway-class sections of the Pacific Highway;</li> <li>▪ locating highway service centres on the Pacific Highway at Chinderah, Ballina, Maclean, Woolgoolga, Nambucca Heads, Kempsey and Port Macquarie, approved by the Department of Planning and Environment and Roads and Maritime Services; and</li> <li>▪ identifying strategic sites for major road freight transport facilities.</li> </ul>	N/A	
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 10 - Facilitate air, rail and public transport infrastructure</b>		
Action 10.1 - Deliver airport precinct plans for Ballina–Byron, Lismore, Coffs Harbour and Port Macquarie that capitalise on opportunities to diversify and maximise the potential of value-adding industries close to airports.	N/A	
Action 10.2 - Consider airport-related employment opportunities and precincts that can capitalise on the expansion proposed around Gold Coast Airport.	N/A	
Action 10.3 - Protect the North Coast Rail Line and high-speed rail corridor to ensure network opportunities are not sterilised by incompatible land uses or land fragmentation.	N/A	
Action 10.4 - Provide public transport where the size of the urban area has the potential to generate sufficient demand.	N/A	
Action 10.5 - Deliver a safe and efficient transport network to serve future release areas.	N/A	
<b>Goal 2 - A thriving, interconnected economy</b>		

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
<b>Direction 11: Protect and enhance productive agricultural lands</b>		
Action 11.1 - Enable the growth of the agricultural sector by directing urban and rural residential development away from important farmland and identifying locations to support existing and small-lot primary production, such as horticulture in Coffs Harbour.	N/A	
Action 11.2 - Deliver a consistent management approach to important farmland across the region by updating the Northern Rivers Farmland Protection Project (2005) and Mid North Coast Farmland Mapping Project (2008).	N/A	
Action 11.3 - Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.	Yes	Potential for land use conflict of adjoining and nearby land uses will be required to be considered at the DA stage of any function centre proposal.
Action 11.4 - Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.	Yes	Allowing functions on RU1 and RU2 land will offer a potential alternative income for farms.
Action 11.5 - Address sector-specific considerations for agricultural industries through local plans.	N/A	
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 12 - Grow agribusiness across the region</b>		
Action 12.1 - Promote the expansion of food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight and logistics, and processing through flexible planning provisions in local growth management strategies and local environmental plans.	N/A	
Action 12.2 - Encourage the co-location of intensive primary industries, such as feedlots and compatible processing activities.	N/A	
Action 12.3 - Examine options for agribusiness to leverage proximity from the Gold Coast and Brisbane West Wellcamp airports.	N/A	
Action 12.4 - Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflicts arising from the encroachment of incompatible land uses.	N/A	
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 13 - Sustainably manage natural resources</b>		
Action 13.1 - Enable the development of the region's natural, mineral and forestry resources by directing to suitable locations land uses such as residential development that are sensitive to impacts from noise, dust and light interference.	N/A	

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
<u>Action 13.2</u> - Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility.	N/A	
<b>Goal 3 - Vibrant and engaged communities</b> <b>Direction 14 - Provide great places to live and work</b>		
<u>Action 14.1</u> - Prepare precinct plans in growth areas, such as Kingscliff, or centres bypassed by the Pacific Highway, such as Woodburn and Grafton, to guide development and establish appropriate land use zoning, development standards and developer contributions.	N/A	
<u>Action 14.2</u> - Deliver precinct plans that are consistent with the Precinct Plan Guidelines (Appendix C).	N/A	
<b>Goal 3 - Vibrant and engaged communities</b> <b>Direction 15 - Develop healthy, safe, socially engaged and well-connected communities</b>		
<u>Action 15.1</u> - Deliver best-practice guidelines for planning, designing and developing healthy built environments that respond to the ageing demographic and subtropical climate.	N/A	
<u>Action 15.2</u> - Facilitate more recreational walking and cycling paths and expand inter-regional and intra-regional walking and cycling links, including the NSW Coastline Cycleway.	N/A	
<u>Action 15.3</u> - Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.	N/A	
<u>Action 15.4</u> - Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment frameworks within local planning.	N/A	
<u>Action 15.5</u> - Deliver crime prevention through environmental design outcomes through urban design processes.	N/A	
<b>Goal 3 - Vibrant and engaged communities</b> <b>Direction 16 - Collaborate and partner with Aboriginal communities</b>		
<u>Action 16.1</u> - Develop partnerships with Aboriginal communities to facilitate engagement during the planning process, including the development of engagement protocols.	N/A	
<u>Action 16.2</u> - Ensure Aboriginal communities are engaged throughout the preparation of local growth management strategies and local environmental plans.	N/A	
<b>Goal 3 - Vibrant and engaged communities</b> <b>Direction 17: Increase the economic self-determination of Aboriginal communities</b>		

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
Action 17.1 - Deliver opportunities to increase the economic independence of Aboriginal communities through training, employment and tourism.	N/A	
Action 17.2 - Foster closer cooperation with Local Aboriginal Land Councils to identify the unique potential and assets of the North Coast communities.	N/A	
Action 17.3 - Identify priority sites with economic development potential that Local Aboriginal Land Councils may wish to consider for further investigation.	N/A	
<b>Goal 3 - Vibrant and engaged communities</b>		
<b>Direction 18 - Respect and protect the North Coast's Aboriginal heritage</b>		
Action 18.1 - Ensure Aboriginal objects and places are protected, managed and respected in accordance with legislative requirements and the wishes of local Aboriginal communities.	N/A	
Action 18.2 - Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms are identified.	N/A	
Action 18.3 - Develop local heritage studies in consultation with the local Aboriginal community, and adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	N/A	
Action 18.4 - Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas, where culturally appropriate, to inform planning strategies and local plans to protect Aboriginal heritage.	N/A	
<b>Goal 3 - Vibrant and engaged communities</b>		
<b>Direction 19 - Protect historic heritage</b>		
Action 19.1 - Ensure best-practice guidelines are considered such as the Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance and the NSW Heritage Manual when assessing heritage significance.	N/A	
Action 19.2 - Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items, and include appropriate local planning controls.	N/A	
Action 19.3 - Deliver the adaptive or sympathetic use of heritage items and assets.	N/A	
<b>Goal 3 - Vibrant and engaged communities</b>		
<b>Direction 20 - Maintain the region's distinctive built character</b>		
Action 20.1 - Deliver new high-quality development that protects the	N/A	

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
distinct character of the North Coast, consistent with the North Coast Urban Design Guidelines (2009)		
<u>Action 20.2</u> - Review the North Coast Urban Design Guidelines (2009).	N/A	
<b>Goal 3 - Vibrant and engaged communities</b>		
<b>Direction 21 - Coordinate local infrastructure delivery</b>		
<u>Action 21.1</u> - Undertake detailed infrastructure service planning to support proposals for new major release areas.	N/A	
<u>Action 21.2</u> - Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.	N/A	
<b>Goal 4 - Great housing choice and lifestyle options</b>		
<b>Direction 22 - Deliver greater housing supply</b>		
<u>Action 22.1</u> - Deliver an appropriate supply of residential land within local growth management strategies and local plans to meet the region's projected housing needs.	N/A	
<u>Action 22.2</u> - Facilitate housing and accommodation options for temporary residents by: <ul style="list-style-type: none"> <li>▪ preparing planning guidelines for seasonal and itinerant workers accommodation to inform the location and design of future facilities; and</li> <li>▪ working with councils to consider opportunities to permit such facilities through local environmental plans.</li> </ul>	N/A	
<u>Action 22.3</u> - Monitor the supply of residential land and housing through the North Coast Housing and Land Monitor.	N/A	
<b>Goal 4 - Great housing choice and lifestyle options</b>		
<b>Direction 23 - Increase housing diversity and choice</b>		
<u>Action 23.1</u> - Encourage housing diversity by delivering 40 per cent of new housing in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres, by 2036.	N/A	
<u>Action 23.1</u> - Develop local growth management strategies to respond to changing housing needs, including household and demographic changes, and support initiatives to increase ageing in place.	N/A	
<b>Goal 4 - Great housing choice and lifestyle options</b>		
<b>Direction 24: Deliver well-planned rural residential housing areas</b>		
<u>Action 24.1</u> - Facilitate the delivery of well-planned rural residential housing areas by: <ul style="list-style-type: none"> <li>▪ identifying new rural residential areas in a local growth management</li> </ul>	N/A	

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
strategy or rural residential land release strategy endorsed by the Department of Planning and Environment; and <ul style="list-style-type: none"> <li>▪ ensure that such proposals are consistent with the Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies (2007) or land release criteria (once finalised).</li> </ul>		
<u>Action 24.2</u> - Enable sustainable use of the region's sensitive coastal strip by ensuring new rural residential areas are located outside the coastal strip, unless already identified in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment.	N/A	
<b>Goal 4 - Great housing choice and lifestyle options</b> <b>Direction 25 - Deliver more opportunities for affordable housing</b>		
<u>Action 25.1</u> - Deliver more opportunities for affordable housing by incorporating policies and tools into local growth management strategies and local planning controls that will enable a greater variety of housing types and incentivize private investment in affordable housing.	N/A	
<u>Action 25.2</u> - Prepare guidelines for local housing strategies that will provide guidance on planning for local affordable housing needs.	N/A	

## APPENDIX 2: COUNCILS LOCAL STRATEGY AND STRATEGIC PLAN/S CONSISTENCY CHECKLIST

Strategy/Strategic Plan	Relevant component/statement of consistency
The Clarence 2027	<p>The proposal is relevant to the following Community Plan themes and objectives:</p> <p>3.1 To have an attractive and diverse environment for business, tourism and industry that:</p> <p>3.1.1 Promotes the Clarence region as a wonderful place to invest, live, work and visit</p> <p>3.1.2 Grows the Clarence Valley economy through supporting local business and industry</p> <p>3.1.3 Provides land use planning that facilitates and balances economic growth, environmental protection and social equity</p> <p>3.1.4 With our partners, encourages the development of a skilled and flexible workforce to match the requirements of business and industry</p> <p>3.1.5 Attracts and grows events that contribute to the economy with a focus on high participatory events</p>
Council's Delivery Program and Operational Plan (Note: this changes annually)	<p>The proposal is relevant to the following objectives, strategies &amp; activities:</p> <p>3.1 - We will have an attractive and diverse environment for business, tourism and industry:</p> <ul style="list-style-type: none"> <li>- Monitoring the economy for the business community and potential investors</li> <li>- Assist the business community to navigate legislated planning processes</li> <li>- Support the industry development program</li> <li>- Implement tourism development and marketing strategy</li> <li>- Progressive implementation of the Clarence River Way master plan</li> </ul>
Maclean Urban Catchment Local Growth Management Strategy 2011	N/A
South Grafton Heights Precinct Strategy	N/A
Clarence Valley Settlement Strategy	N/A
Lower Clarence Retail Strategy (May 2007)	N/A
Yamba Retail/Commercial Strategy (May 2002)	N/A
Clarence Valley Economic Development Strategic Plan	The proposal is consistent with the Goal for 5.3 <i>Business Retention and Attraction</i> which is to <i>facilitate the retention and development of existing, and attraction and support of new business and industry to the Clarence Valley.</i>
Clarence Valley Industrial Lands Strategy	N/A
Clarence Valley Affordable Housing Strategy	N/A
Clarence Valley Council Biodiversity Management Strategy 2010	N/A
Clarence River Way Masterplan 2009	Proposals for function centres adjacent to the Clarence River have the potential to support this plan by improving market awareness of the Clarence River Way.
Clarence Valley Open Spaces Strategic Plan 2012	N/A

**APPENDIX 3: STATE ENVIRONMENTAL PLANNING POLICY CONSISTENCY CHECKLIST**

Name of SEPP	Relevant/applicable?	Comment/statement of consistency
<i>The following State Environmental Planning Policies (SEPPs) are current and whilst not all may be applicable to the Clarence Valley LGA they are all being acknowledged and some are considered in more detail where relevant.</i>		
State Environmental Planning Policy No 1 - Development Standards	No	Not applicable to the CVLEP 2011 or to the planning proposal.
State Environmental Planning Policy No 19 - Bushland in Urban Areas	No	Not applicable to urban areas.
State Environmental Planning Policy No 21 - Caravan Parks	No	N/A
State Environmental Planning Policy No 33 - Hazardous and Offensive Development	No	N/A
State Environmental Planning Policy No 36 - Manufactured Home Estates	No	N/A
State Environmental Planning Policy No 44 - Koala Habitat Protection	No	N/A
State Environmental Planning Policy No 47 - Moore Park Showground	No	N/A
State Environmental Planning Policy No 50 - Canal Estate Development	No	N/A
State Environmental Planning Policy No 55 - Remediation of Land	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 Apartment Development	No	N/A
State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)	No	N/A
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	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 (State Significant Precincts) 2005	No	N/A
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A

Name of SEPP	Relevant/applicable?	Comment/statement of consistency
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 (State and Regional Development) 2011	No	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	N/A
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	N/A
State Environmental Planning Policy (Three Ports) 2013	No	N/A
State Environmental Planning Policy (Urban Renewal) 2010	No	N/A
State Environmental Planning Policy (Western Sydney Employment Area) 2009	No	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	N/A
State Environmental Planning Policy (Integration and Repeals) 2016	No	N/A
State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017	No	N/A
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	No	N/A
State Environmental Planning Policy (Coastal Management) 2018	Yes	As the Clarence Valley Council area has coastal wetland and littoral rainforests in the rural zones, there is potential for a future DA for a function centre to be within these areas (or within the buffer areas). In which case this SEPP will be considered as part of the DA process.
State Environmental Planning Policy (Aboriginal Land) 2019	No	N/A
State Environmental Planning Policy (Primary Production and Rural Development)	Yes	The proposal is consistent with the SEPP. Potential for land use conflict has been carefully considered through the proposed LEP clause and DCP section. It is not expected that the proposal will result in loss of land from agricultural production, rather that function centres will provide additional income to rural landowners. To prevent function centres in rural zones becoming the dominant use, a maximum of 28 days of operation per year is proposed in the draft LEP clause.

**APPENDIX 4: SECTION 9.1 DIRECTION CONSISTENCY CHECKLIST**

<b>SECTION 9.1 DIRECTION</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
<b>1. EMPLOYMENT AND RESOURCES</b>		
<b>1.1 Business and Industrial Zones</b>	N/A	
<b>1.2 Rural Zones</b>	Yes	The proposal is consistent with the direction as it does not rezone rural land, nor does it increase the permissible density of land in the rural zones.
<b>1.3 Mining, Petroleum Production and Extractive industries</b>	N/A	
<b>1.4 Oyster Aquaculture</b>	N/A	
<b>1.5 Rural Lands</b>	Yes	<p>The proposal is considered consistent with the direction as it is consistent with the North Coast Regional Plan 2036, supports the significance of primary production, supports diversification of income streams for farmers, and hence supporting their right to farm.</p> <p>The proposal will not allow fragmentation of rural land and the draft LEP and DCP clauses require extensive consideration of any potential for land use conflict.</p> <p>Importantly, the maximum number of 28 days of operation in a year proposed in the draft LEP clause is aimed at ensuring that agriculture remains the main operation on rural land as well as addressing any compounding effect multiple events may have on surrounding land users.</p> <p>Any DA for a function centre under the proposed and existing controls will be required to consider environmental values and the natural and physical constraints of the land.</p>
<b>2. ENVIRONMENT AND HERITAGE</b>		
<b>2.1 Environmental protection Zones</b>	Yes	The proposal does not reduce any environmental protection standards.
<b>2.2 Coastal protection</b>	Yes	As the Clarence Valley Council area has coastal wetland and littoral rainforests in the rural zones, there is potential for a future DA for a function centre to be within these areas (or within the buffer areas). In which case the SEPP (Coastal Management) 2018 will be considered as part of the DA process. In addition, no rezoning is proposed.
<b>2.3 Heritage Conservation</b>	N/A	
<b>2.4 Recreation Vehicle Areas</b>	N/A	
<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	N/A	This direction does not apply to the Clarence Valley Council area.
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		

<b>SECTION 9.1 DIRECTION</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
<b>3.1 Residential Zones</b>	N/A	
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	N/A	
<b>3.3 Home Occupations</b>	N/A	
<b>3.4 Integrated Land Use and Transport</b>	N/A	
<b>3.5 Development Near Licensed Aerodromes</b>	N/A	
<b>3.6 Shooting Ranges</b>	N/A	
<b>4. HAZARD AND RISK</b>		
<b>4.1 Acid Sulfate Soils</b>	Yes	As the Clarence Valley Council area contains land in the Acid Sulfate Soils maps, there is potential for a future DA for a function centre to be within these areas. In which case the relevant LEP and DCP controls will be considered as part of the DA process. In addition, no rezoning is proposed.
<b>4.2 Mine Subsidence and Unstable land</b>	N/A	
<b>4.3 Flood Prone Land</b>	Yes	As the Clarence Valley Council area contains identified flood prone land, there is potential for a future DA for a function centre to be within these areas. In which case the relevant LEP and DCP controls will be considered as part of the DA process. In addition, no rezoning is proposed.
<b>4.4 Planning for Bushfire Protection</b>	Yes	As the Clarence Valley Council area contains identified bushfire prone land, there is potential for a future DA for a function centre to be within these areas. In which case the relevant LEP and DCP controls will be considered as part of the DA process. In addition, no rezoning is proposed.
<b>5. REGIONAL PLANNING</b>		
<b>5.1 Implementation of Regional Strategies</b>	Not applicable.	No longer applicable as the Mid North Coast Regional Strategy has now been replaced by the North Coast Regional Plan 2036. Refer to Direction 5.10 below.
<b>5.2 Sydney Drinking Water Catchments</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	Not applicable.	
<b>5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</b>	Not applicable.	<i>Revoked 18 June 2010</i>
<b>5.6 Sydney to Canberra Corridor</b>	Not applicable.	<i>Revoked 10 July 2008 - See amended Direction 5.1</i>

<b>SECTION 9.1 DIRECTION</b>	<b>CONSISTENCY</b>	<b>COMMENTS</b>
<b>5.7 Central Coast</b>	Not applicable.	<i>Revoked 10 July 2008 - See amended Direction 5.1</i>
<b>5.8 Second Sydney Airport: Badgerys Creek</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>5.9 North West Rail Link Corridor Strategy</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>5.10 Implementation of Regional Plans</b>	Yes	See Appendix 1
<b>6. LOCAL PLAN MAKING</b>		
<b>6.1 Approval and Referral Requirements</b>	Yes	The proposal does not introduce any referral requirements.
<b>6.2 Reserving Land for Public Purposes</b>	N/A	
<b>6.3 Site Specific Provisions</b>	N/A	
<b>7. METROPOLITAN PLANNING</b>		
<b>7.1 Implementation of a Plan for Growing Sydney</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>7.2 Implementation of Greater Macarthur Land Release Investigation</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>7.3 Parramatta Road Corridor Urban Transformation Strategy</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
<b>7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	Not applicable.	This Direction does not apply to the Clarence Valley Council area.

## **APPENDIX 5: Draft CVLEP Clause**

### **X.X Use of land for Function Centres in Zones RU1 and RU2**

(1) The objectives of this clause are as follows:

(a) to ensure that the use of land for function centres does not unreasonably impact residents and other lawful land uses,

(b) to facilitate the appropriate use of land for function centres in rural areas,

(c) to ensure that development is compatible with the primary production potential, rural character and environmental capabilities of the land,

(d) to ensure that consent is only granted to development for the use of land for function centres if issues such as noise, traffic and parking impacts are satisfactorily addressed.

(2) Development consent must not be granted to development for the purpose of use of the land for a function centre on land in Zone RU1 Primary Production or Zone RU2 Rural Landscape unless the consent authority is satisfied that:

(a) the use will not result in unreasonable impacts to residents and other lawful uses, including noise, light spill, traffic and parking, and

(b) the land use will not result in unreasonable conflict to the use of the land or any adjoining land for agriculture or rural industries, and

(c) the land is physically suitable for the use of the land for a function centre, including appropriate vehicle access, and

(d) the proposal is capable of accommodating the on-site management of waste water for the function centre or provides other appropriate disposal of waste, and

(e) the proposal is on the same property as a lawful dwelling, and

(f) the development will not have an adverse impact on the scenic amenity or character of the rural environment, and

(g) the use can be adequately managed to meet the objectives of this clause, and

(h) the use will occur for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.

## **APPENDIX 6: Draft Rural Zones DCP text**

### **PART B NOTIFICATION AND ADVERTISING OF DEVELOPMENT APPLICATIONS**

Add to Table B1, column 3 – Development that requires notification and advertising.

### **PART X CONTROLS FOR FUNCTIONS CENTRES**

#### **X1. Where do controls for functions centres apply?**

The controls for function centres apply to land in the RU1 and RU2 zones.

#### **X2. What are the objectives of controls for function centres?**

The objectives of the controls for function centres are to ensure that consent is only granted when the use of the use of land for function centres:

- (a) Does not unreasonably impact residents and lawful uses
- (b) Facilitates the appropriate use of land for function centres in rural areas
- (c) Is compatible with the primary production potential, rural character and environmental capabilities of the land
- (d) If such issues such as noise, traffic and parking are satisfactorily addressed

#### **X3. Information to accompany development applications for function centres**

In addition to the requirements of Part A, a DA for a function centre must include the following:

1. Details of operating hours (no later than 11 pm and 10 pm on Sundays), days of the week, and the maximum number of days an event will be held per year
2. Maximum number of guests
3. Show proximity to residents within a 2 km radius
4. Parking area that shows the parking demand can be sufficiently met on-site
5. An Operational Management Plan including (where relevant):
  - a. Traffic management
  - b. Suitable road access (see requirements at clause C8.5)
  - c. Parking plan
  - d. Waste management plan
  - e. Noise mitigation
  - f. Land use risk assessment
  - g. Patron behaviour management
  - h. Complaint management

#### **X5. Special Considerations**

When assessing proposals for functions centres, Council will take into consideration the following specific matters:

1. Whether there are function centres in operation nearby and whether it is appropriate to approve an additional function centre or to reduce the maximum number of days, considering cumulative impacts on surrounding land users.
2. Whether it is appropriate to allow the land use to operate on back to back weekends, considering impacts on surrounding land users.
3. Topographical features and built structures that may soften or exacerbate noise impacts.
4. Whether the proposal is adjacent to water and more stringent noise mitigation measures are required.
5. Whether it is appropriate to allow amplification of music outside or whether to restrict amplified music indoors after a certain time.
6. Existing agricultural uses on adjoining land and whether the proposal will present a conflict of use.
7. Adequacy of onsite management and supervision measures in the context of particular proposed events, functions, conferences and the like.