



**PLANNING PROPOSAL**

**RECLASSIFICATION OF COUNCIL LAND 2018**  
**(REZ2017/0003)**

**VOLUME 1**

**Prepared by: Clarence Valley Council**

## Declaration

Document name: Planning Proposal - Reclassification of Council Land 2018 (REZ2017/0003)

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Declaration: I, Terry Dwyer, 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 Act and the Department of Planning and Environment's *A guide to preparing planning proposals* (August 2016).

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## 1. PRELIMINARY

### 1.1 Context

This document is a planning proposal that aims to support the reclassification of one hundred and sixty three (163) public land parcels from community to operational.

The planning proposal constitutes a document referred to in Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP & A Act). It has been prepared in accordance with the Department of Planning and Environment's "*A guide to preparing planning proposals*" (August 2016).

The planning proposal is presented in 2 volumes as follows:

- (i) Volume 1 – main planning proposal document and Appendices 1 - 10; and
- (ii) Volume 2 - written statements addressing the documentary requirements specified by the Department of Planning and Environment (DPE) in its Practice Note PN 16-001 - *Classification and reclassification of public land through a local environmental plan* (PN 16-001), more specifically it's Attachment 1 - *Information checklist for proposals to classify or reclassify public land through an LEP*.

### 1.2 Subject Land

This planning proposal applies to 163 Council owned public land parcels, as listed in the Table ("reclassification list") at Appendix 1.

The **location** of individual land parcels is shown on maps which form part of a number of written statements (119 in total) that address the documentary requirements specified by the DPE Practice Note PN 16-001, more specifically its Attachment 1 - *Information checklist for proposals to classify or reclassify public land through an LEP*. The written statements and maps are contained in Volume 2 of this planning proposal.

### 1.3 Current Zoning & Use

The lands listed in the Table at Appendix 1 are deemed to be currently classified as community under the *Local Government Act 1993* (LG Act).

The current zoning under Clarence Valley LEP 2011 (CVLEP 2011) and land use of each individual land parcel proposed to be reclassified is also provided in the Table at Appendix 1, as well as in the written statements that form part of Volume 2 of this planning proposal.

## 1.4 Background

### Land classification under the *Local Government Act 1993*

Under the LG Act:

- all land vested in (including land owned in fee simple) or under the control of a council is deemed to be public land (LG Act, Dictionary).
- all public land must be classified as either “Community” or “Operational” land (s25 and 26 LG Act).

#### Community land

The main effect of classification is to restrict the alienation and use of the land (DLG 2000, p3).

Classification as “Community” reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access (such as a trust deed, or dedication under section 94 of the *Environmental Planning and Assessment Act 1979*). This gives rise to the restrictions in the LG Act, intended to preserve the qualities of the land. Community land:

- cannot be sold (s45 LG Act)
- cannot be leased, licenced or any other estate granted over the land for more than 21 years (without Ministerial consent) (s47 LG Act)
- must have a plan of management prepared for it (s35 LG Act).

Community land would ordinarily comprise land such as a public park, sportsground or bushland.

#### Operational land

In contrast, “Operational” land has no special restrictions other than those that may ordinarily apply to any parcel of land. Operational land is unfettered land. Operational land would ordinarily comprise land that facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as council offices, a works depot, sewer or water pump station or a council quarry. It also includes land held by Council as a temporary asset or as an investment.

### Current position of public land classification

A key strategy adopted by Council to assist with achieving long term financial sustainability for the organisation is the Depot, Office Accommodation and Land Rationalisation project aimed at reducing duplication and operating costs. This project has required a detailed assessment of the status of a number of Council owned land parcels. That analysis has raised questions over the legality of resolutions of the former Maclean and Ulmarra Councils and the Lower Clarence County Council to classify their public land holdings as per the requirements of Schedule 7, Clause 6 of the then newly proclaimed LG Act during that Act's transitional period (1 July 1993 - 30 June 1994). Additionally, a number of land acquisitions since that time (by Clarence Valley, Copmanhurst and Ulmarra Councils and the Lower Clarence County Council/North



Coast Water) have no apparent evidence of being accompanied by the required corresponding resolution to classify those lands as operational.

As a consequence, and to remove any legal ambiguity that all of those land parcels (207 in total were originally identified) are taken to be classified as community land, it is intended to effectively “classify” those lands by reclassifying them to operational as originally intended. This will formalise the clear intention of those Councils at the time upon which a number of subsequent actions have relied upon in good faith.

The process of reclassification is to be facilitated by means of a planning proposal seeking to support an amendment to the CVLEP 2011. Completion of such action will effectively “press the reset button” on the original public land classification process. This is a primary motivator and justification for this current planning proposal and reclassification process.

Council, at its meeting of 17 May 2016 resolved to support a planning proposal to reclassify a range of Council owned public lands from community to operational. The report and the Council resolution related to a total of 207 land parcels. A copy of the minuted report from the Council's 17 May 2016 meeting containing Council's full resolution and the relevant background to this matter is at Appendix 2.

Council sought and obtained a Gateway determination from the DPE. As a consequence of the Gateway determination it was decided to split the planning proposal into two (2) planning proposals (9 parcels and 198 land parcels) to enable the more immediate consideration of a proposal for 9 priority land parcels. The reasons for splitting the original planning proposal are explained more fully in the report Council's 15 November 2016 Ordinary Council meeting entitled PLANNING PROPOSAL - LAND RECLASSIFICATION 2016-1 (REZ2016/0004) being Item No. 14.106/16, also provided in Appendix 2. It should be noted that the original list of 207 land parcels was based on the best information and research available at the time of writing the report to the 17 May 2016 meeting.

*Planning proposal - Land Reclassification 2016-1 (REZ2016/0004) for 9 priority land parcels was publicly exhibited from 5 August to 2 September 2016. This planning proposal was finalised by the notification of Clarence Valley Local Environmental Plan 2011 (Amendment No 31) on the NSW Legislation website on 20 January 2017*

The remaining land parcels are the subject of the current planning proposal. However the list of remaining public land parcels (reclassification list) to be reclassified to operational has reduced over time from 198 to 163. The background and brief history of revising the reclassification list is provided in the “brief history” table at Appendix 3 and also in the minuted reports to Council's 15 November 2016, 27 June 2017 and 20 March 2018 Ordinary Council meetings.

## **1.5 Conclusion and next steps**

To sum up, this planning proposal therefore deals with the reclassification of 163 of the 207 originally identified land parcels to operational. As the reclassification of the lands in



this planning proposal is not proposing to extinguish any public reserve status or change or extinguish any other interests<sup>1</sup> in the lands it is Council's view that there is no need to obtain the Governor's approval under section 30 of the LG Act. The next step is for Council to forward the planning proposal to the DPE under section 3.34 of the EP & A Act and request the issue of a Gateway determination to enable the proposal to proceed to the community consultation stage.

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<sup>1</sup> Interests include.....

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

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The objective or intended outcome of the planning proposal is to reclassify from “community” to “operational” a range of Council owned public lands (163 in total), as listed and described in the Table at Appendix 1, that were originally intended to be classified as “operational”.

*Note: in essence the principal reason for and purpose of the planning proposal is to reaffirm the intention of public land reclassifications of a range of land parcels that were intended to be classified as operational by various Council resolutions as far back as 25 years ago.*

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

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The objectives or intended outcomes of the Proposal will be achieved by amending Schedule 4 of *Clarence Valley Local Environmental Plan 2011* so as to include the public lands listed in the Table at Appendix 1 to this planning proposal in *Part 1 Land classified, or reclassified, as operational land - no interests changed* of Schedule 4 thereby confirming reclassification of such lands from community to operational.

Clarence Valley Local Environmental Plan 2011 Land Reclassification (Part Lots) Map

In the case of part of Lot 434, DP 823599 (Ferry Park) it will be necessary to amend the Clarence Valley Local Environmental Plan 2011 Land Reclassification (Part Lots) Map [*“Land Reclassification (Part Lots) Map”*] to depict the part of Lot 434, DP 823599 that is proposed to be reclassified as operational. A draft *“Land Reclassification (Part Lots) Map”* is at Appendix 10. The remainder of Lot 434, DP 823599 will retain a community classification.

*Note 1: it is not proposed to change the zoning of any land parcel or to make any other amendment to the Clarence Valley Local Environmental Plan 2011 or any of its associated maps.*

*Note 2: The location of individual land parcels is shown on maps which form part of a number of written statements that address the documentary requirements specified by the DPE Practice Note PN 16-001, more specifically it's Attachment 1 - Information checklist for proposals to classify or reclassify public land through an LEP. The written statements and maps are contained in Volume 2 of this planning proposal.*



#### **4. PART 3 - JUSTIFICATION**

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##### **Section A – Need for the planning proposal**

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

The planning proposal is not the result of any specific strategy or study. However, the need for the planning proposal has arisen mainly due to the findings of Council's asset and land rationalisation process as well as recent legal advice confirming anomalies in the procedures and processes adopted by the former Councils and their compliance with the requirements of the LG Act in relation to the classification of land vested in or under its control. This cast doubt on the integrity of the original public land classification processes of some of the former Council's as previously outlined in section 1.4 Background above. The planning proposal follows the remedial actions recommended by the legal advice.

The planning proposal is more a direct result of Council's initial resolution of 17 May 2016 to support a planning proposal to reclassify a range of Council owned public lands (originally 207 land parcels) from community to operational.

Council's Open Spaces Strategic Plan includes an action (Table 6.2, p.117) to investigate the rationalisation/disposal of lands (e.g. vacant operational lands) with "little value or recreational potential". However the planning proposal is not a direct result of this.

In the interests of good governance all necessary steps should be taken to ensure that the correct classification is applied to public land under Council's control.

Despite the current planning proposal being an attempt to re-apply an operational public land classification to lands deemed to have been subject to a prior flawed classification process Council is required to provide sufficient strategic justification and other information and justification in accordance with DPE Practice Note PN 16-001 - Classification and reclassification of public land through a local environmental plan, more specifically its Attachment 1 - *Information checklist for proposals to classify or reclassify public land through an LEP*. Volume 2 of this planning proposal contains individual written statements for each property or land parcel which endeavors to address the PN 16-001 requirements.

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

Yes. In preparing a planning proposal to reclassify the relevant lands Council is following the remedial actions recommended by the legal advice sought and obtained by Council. There is no other way to rectify the situation or to achieve the objectives or intended outcomes.

## **Section B - Relationship to strategic planning framework**

### **4.3 Consistency with applicable Regional Strategy – North Coast Regional Plan 2036**

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 4 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.

The NCRP 2036 has very few if any actions (or goals or directions) that are of relevance to a planning proposal of this nature. Conversely the planning proposal does not impact nor is considered to be inconsistent with any action (or goal or direction) contained within the NCRP 2036. Accordingly, the proposal is considered to be consistent with the NCRP 2036. An assessment of the planning proposal against the NCRP 2036 actions is at Appendix 4.

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

The following is a list Council local strategies that are usually considered when preparing and assessing planning proposals:

- The Clarence 2027 (Community Strategic Plan) \*
- Council's 2017/18 Delivery Program and Operational Plan 2017/18\*
- Maclean Urban Catchment Local Growth Management Strategy 2011
- South Grafton Heights Precinct Strategy
- Clarence Valley Settlement Strategy
- Lower Clarence Retail Strategy (May 2007)
- Yamba Retail/Commercial Strategy (May 2002)
- Clarence Valley Economic Development Strategic Plan
- Clarence Valley Industrial Lands Strategy
- Clarence Valley Affordable Housing Strategy
- Clarence Valley Council Biodiversity Management Strategy 2010
- Clarence River Way Masterplan 2009
- Clarence Valley Open Spaces Strategic Plan 2012\*



However only those marked \* are considered to have any direct relevance to a planning proposal that seeks to reclassify lands from community to operational. An assessment of the planning proposal against the relevant local strategies is at Appendix 5.

Council's community strategic plan is The Clarence 2027. The intended outcomes and objectives of the planning proposal are broadly relevant to some of the Community Plan's themes (and some objectives) including society, infrastructure and our leadership. Refer to Appendix 5.

The planning proposal is broadly consistent with the plan.

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

The proposal is consistent with applicable state environmental planning policies (SEPPs). A more detailed assessment of the proposals relevance and consistency with SEPPs is at Appendix 6.

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

The proposal is consistent with applicable Section 9.1 Directions. A more detailed assessment of the proposals relevance and consistency with these Directions is at Appendix 7.

### **Section C - Environmental, social and economic impact**

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

No. It is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of this proposal. This is due to:

- only the classification of the identified public land under the LG Act being changed; and
- the planning proposal not proposing to rezone any land or facilitate the carrying of a particular development.

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

No. The proposed change in classification of the identified lands is unlikely to result in any environmental impacts. The planning proposal is not intending to rezone any land or facilitate the carrying of a particular development.

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

An investigation of the social and economic effects of the planning proposal is not considered necessary given the nature of the proposal. There are unlikely to be any social and economic effects arising from the reclassification of the specified public lands to operational.

## **Section D - State and Commonwealth interests**

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

Yes. The planning proposal is not expected to adversely impact any public infrastructure either specifically or generally. It has the potential to lead to better asset and infrastructure management outcomes overall. There are no expected impacts on any State or Commonwealth infrastructure.

### **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 but will be sought. There has been no consultation with State and Commonwealth public authorities to date. Refer also to Section 6. PART 5 - COMMUNITY CONSULTATION, below.

## **5. PART 4 - MAPPING**

As it is proposed to reclassify only part of Lot 434, DP 823599 (Ferry Park) to operational it will be necessary to provide a draft *“Land Reclassification (Part Lots) Map”* with the exhibited planning proposal. This will depict the part of the Lot 434, DP 823599 that is proposed to be reclassified as operational. A draft *“Land Reclassification (Part Lots) Map”* is at Appendix 10.

The land parcels are spread across the local government area. The **location** of individual land parcels is shown on **maps** which form part of a number of written statements that address the documentary requirements specified by the DPE Practice Note PN 16-001, more specifically it's Attachment 1 - *Information checklist for proposals to classify or reclassify public land through an LEP*. The written statements and **maps** are contained in Volume 2 of this planning proposal.

## **6. PART 5 - COMMUNITY CONSULTATION**

As the planning proposal involves the reclassification of public land it is not considered by DPEs *“A guide to preparing local environmental plans”* (section 5.5.2) to be a 'low' impact planning proposal.

Therefore it is intended that the proposal be exhibited for 28 days in accordance with Section 5.5.2 of *“A guide to preparing local environmental plans”*. Further, it is proposed to consult with the NSW Rural Fire Service in view of the fact that some land parcels are mapped as bushfire prone land and due to Section 9.1 Direction 4.4 Planning for Bushfire Protection. Such consultation will take place following the issue of any Gateway determination to proceed.



No other State and Commonwealth authority is proposed to be consulted, unless a Gateway determination specifies to the contrary.

The planning proposal will also be exhibited in accordance with DPEs PN 16-001 a copy of which is included in Appendix 8. Written statements addressing the information checklist requirements for planning proposals or draft LEPs to reclassify public land, as required by Attachment 1 to PN 16-001 are provided in Volume 2 of this planning proposal.

In accordance with Section 29 of the LG Act a public hearing will be conducted under section 3.34(2)(e) of the EP & A Act following the exhibition of the planning proposal. Separate public notice of the public hearing will be given after the conclusion of the public exhibition period.

## 7. PART 6 - PROJECT TIMELINE

A preliminary timeline for the estimated milestones and ultimate completion of the project is provided in the table below.

Estimated completion date	Milestone
11 October 2017	Referral of Planning Proposal to DPE
23 March 2018	Resubmission of amended Planning Proposal to DPE
27 April 2018	Receipt of Gateway determination (exact date to be determined)
11 May – 8 June 2018	Public Exhibition of Planning Proposal
15 June - 6 July 2018	Notification of public hearing
16 – 20 July 2018	Public hearing ( exact date TBA)
September 2018	Environment, Planning & Community Committee & Ordinary Council Meeting, respectively - consider report on submissions & public hearing
October 2018	Referral to DPE with request to arrange making of final plan ( exact date TBA)
November 2018	Notification of LEP Amendment (exact date TBA)



**APPENDIX 1** – List of Council owned public land parcels proposed to be reclassified from community to operational

## List of Council owned public land parcels proposed to be reclassified from community to operational - as adopted by Council on 20 March 2018

Property	Property Name	Formatted Address	Land No	Lot	Section	Plan No	Council	Date Acquired	Land Zoning	Land Use	Public reserve @ 1/7/1993	Classification	Tenure	Notes
100746	Quarry - Taylors	407 Peckhams Road EWINGAR NSW 2469	14049	81		1044692	TBA	<8/10/2002	RU2 Rural Landscape	utility & services - quarry	no	operational	No	
100820	Reservoir - Southgate	Boormans Lane SOUTHGATE NSW 2460	14226	1		623796	LCCC	Prior to 1993	RU1 Primary Production	utility & services - water infrastructure	no	operational	No	
100838	Vacant land	School Lane SOUTHGATE NSW 2460	14456	1		311088	TBA	TBA	RU2 Rural Landscape	utility & services - roading	no	operational	No	
100843	MR 153 Deviation - Boothbys Creek	Lawrence Road SOUTHGATE NSW 2460	51464	1		1086466	TBA	TBA	RU1 Primary Production	utility & services - roading	no	operational	No	
101033	Reservoir - Mountain View	Orchard Road MOUNTAIN VIEW NSW 2460	15119	132		703205	LCCC	Prior to 1993	RU2 Rural Landscape	utility & services - water infrastructure	no	operational	No	
101181	Quarry - Pococks	1512 Stockyard Creek Road STOCKYARD CREEK NSW 2460	15453	15		848467	TBA	<19/5/1995	RU2 Rural Landscape	utility & services - quarry	no	operational	No	
102026	Pump Station (Water) - Copmanhurst	Orchard Road MOUNTAIN VIEW NSW 2460	11842	7		249644	LCCC	Prior to 1993	RU2 Rural Landscape	utility & services - water infrastructure	no	operational	No	
103237	Drainage Reserve - Ellen Street	Ellen Street SOUTH GRAFTON NSW 2460	17528	12		24197	TBA	TBA	RU2 Rural Landscape	utility & services - drainage reserve	Yes - s50 LG Act	operational	No	
105786	Drainage Reserve - Bacon Street	32 Bacon Street GRAFTON NSW 2460	20317	5		783521	TBA	TBA	R1 General Residential	utility & services - drainage reserve	no	operational	No	
106494	Residence - Robinson Ave Grafton	5 Robinson Avenue GRAFTON NSW 2460	21343	3		38033	CVC	7/04/2006	R1 General Residential	utility & services – residential	no	operational	Yes - Residential Agreement	
107874	Sewerage Treatment Plant - South Grafton	Cambridge Street SOUTH GRAFTON NSW 2460	16571	3		719112	TBA	24/02/1995	SP2 Infrastructure	utility & services - sewerage infrastructure	no	operational	No	
108443	Pump Station (Sewerage) - Rushforth Road	455 Rushforth Road SOUTH GRAFTON NSW 2460	21385	57		814754	TBA	TBA	R5 Large Lot Residential	utility & services - sewerage infrastructure		operational	No	
108953	Pump Station (Sewerage) - Armidale Street	178 Armidale Street SOUTH GRAFTON NSW 2460	23157	8		775860	TBA	TBA	RU2 Rural Landscape	utility & services - sewerage infrastructure		operational	No	
109591	Pump Station (Sewerage) - Tyson Street	Tyson Street SOUTH GRAFTON NSW 2460	25233	24		1033607	TBA	TBA	IN1 General Industrial	utility & services - sewerage infrastructure		operational	No	
109679	Laneway (rear Grafton Community Centre)	59 Duke Street GRAFTON NSW 2460	24690	11		605661	TBA	TBA	B3 Commercial Core	utility & services - community purposes	no	Operational	No	
110223	Drainage Reserve - Riverdale Court	Riverdale Court GRAFTON NSW 2460	15789	68		1063932	TBA	TBA	R1 General Residential	utility & services - drainage reserve	??	Operational	No	
110306	Drainage Reserve - Kirchner Street	Kirchner Street GRAFTON NSW 2460	15847	26		1067404	TBA	TBA	RU2 Rural Landscape	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	Yes - LEA0260	
110351	Drainage Reserve - Bent Street	38A Moorhead Drive SOUTH GRAFTON NSW 2460	23422	129		234311	TBA	TBA	R1 General Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
110441	Drainage Reserve - Alamy Close	Alamy Close GRAFTON NSW 2460	16043	7		1075681	TBA	TBA	R1 General Residential	utility & services - drainage reserve	??	Operational	No	
110826	Reservoir - Ashby	Ashby/Tullymorgan Road ASHBY NSW 2463	32039	1		597773	LCCC	Prior to 1993	E3 Environmental Management	utility & services - water infrastructure	no	operational	No	
111161	Reservoir - Brooms Head	Brooms Head Road GULMARRAD NSW 2463	37429	1		602750	TBA	TBA	E3 Environmental Management	utility & services - water infrastructure	no	operational	No	
111559	Sewerage Treatment Plant - Iluka	Johnsons Lane ILUKA NSW 2466	28883	243		872815	TBA	TBA	SP2 Infrastructure	utility & services - sewerage infrastructure		operational	Yes - LIC0176	
112074	Reservoir - Iluka	Thompson Street ILUKA NSW 2466	38359	1		615575	LCCC	Prior to 1993	SP2 Infrastructure	utility & services - water infrastructure	no	operational	No	
112532	Vacant Land (former Garbage Depot & Dog Pound)	Re Road TOWNSEND NSW 2463	32330	13		708656	MSC	Prior to 1993	IN1 General Industrial	utility & services - waste facility (decommissioned)		operational	No	
112893	Vacant Land (former Stanley Street Quarry)	Carrington Street MACLEAN NSW 2463	32520	13		1789	MSC	17/03/1966	R2 Low Density Residential	utility & services - quarry (decommissioned)	no	operational	No	
112893	Vacant Land (former Stanley Street Quarry)	Carrington Street MACLEAN NSW 2463	32521	14		1789	MSC	17/03/1966	R2 Low Density Residential	utility & services - quarry (decommissioned)	no	operational	No	
112893	Vacant Land (former Stanley Street Quarry)	Carrington Street MACLEAN NSW 2463	32522	15		1789	MSC	17/03/1966	R2 Low Density Residential	utility & services - quarry (decommissioned)	no	operational	No	
112899	Drainage Reserve - Iona Close	Central Avenue MACLEAN NSW 2463	38715	7		259179	MSC	Prior to 1993	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
113335	Ferry Park	Pacific Highway GULMARRAD NSW 2463	26998	434		823599	MSC	Prior to 1993	SP3 Tourist	utility & services - community purposes	no	Operational	Yes -LEA0141 and LEA0306	
113395	Drainage Reserve - Iona Close	Iona Close MACLEAN NSW 2463	32886	6		259179	MSC	Prior to 1993	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
113405	Works Depot - Townsend	8-14 Ironbark Drive TOWNSEND NSW 2463	32897	7		597790	MSC	Prior to 1993	IN1 General Industrial	utility & services - works depot	No	operational	No	
113492	Waste Transfer & Recycle Station - Townsend	Paperbark Drive TOWNSEND NSW 2463	30919	3		1065514	MSC	Prior to 1993	IN1 General Industrial	utility & services - waste facility	no	operational	Yes - LEA0333	
113898	Vacant Land	Morven Street MACLEAN NSW 2463	33171	8		961868	MSC	Prior to 1993	R2 Low Density Residential	utility & services - roading (footpath)	no	operational	No	
113968	Roadside Reserve - Gulmarrad	Parklands Drive GULMARRAD NSW 2463	27169	27		833223	MSC	20/09/1993	R5 Large Lot Residential	utility & services - community purposes	No - but still a public reserve	operational	No	
114251	Vacant Land	Munro Lane MACLEAN NSW 2463	33373	3		592739	MSC	Prior to 1993	B2 Local Centre	vacant land / undeveloped	No	Operational	No	
114280	Drainage Reserve - Roderick Street	Roderick Street MACLEAN NSW 2463	33401	12		249236	MSC	Prior to 1993	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
114294	Drainage Reserve - Roderick Street	Roderick Street MACLEAN NSW 2463	33411	6		245074	MSC	Prior to 1993	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
114417	Council Offices - Community Services Maclean	4 Short Street MACLEAN NSW 2463	33527	85		13075	MSC	21/04/1994	B2 Local Centre	utility & services - office accommodation	no	operational	No	
114417	Council Offices - Community Services Maclean	4 Short Street MACLEAN NSW 2463	33528	86		13075	MSC	21/04/1994	B2 Local Centre	utility & services - office accommodation	no	operational	No	
114452	Library - Maclean	7-9 Stanley Street MACLEAN NSW 2463	33533	45		13179	MSC	Prior to 1993	SP2 Infrastructure	utility & services - community purposes	no	Operational	No	
114460	Reservoir - Maclean	Stanley Street MACLEAN NSW 2463	38863	1		525069	LCCC	Prior to 1993	SP2 Infrastructure	utility & services - water infrastructure	no	operational	No	
114460	Reservoir - Maclean	Stanley Street MACLEAN NSW 2463	38864	22		631491	LCCC	Prior to 1993	SP2 Infrastructure	utility & services - water infrastructure	no	operational	No	
114460	Reservoir - Maclean	Stanley Street MACLEAN NSW 2463	38865	4		720457	TBA	TBA	SP2 Infrastructure	utility & services - water infrastructure		operational	No	



114610	Drainage Reserve - Union Street	McLachlan Street MACLEAN NSW 2463	33662	1		719897	MSC	Prior to 1993	R2 Low Density Residential	utility & services - drainage reserve	no	Operational	Yes - LEA0316	
114612	Pump Station (Sewerage) - Central Ave	Central Avenue MACLEAN NSW 2463	26415	1		564875	MSC	Prior to 1993	R2 Low Density Residential	utility & services - sewerage infrastructure		operational	No	
115272	Pump Station (Water) - Ilarwill	Lawrence Road ILARWILL NSW 2463	39293	10		814134	TBA	TBA	RU1 Primary Production	utility & services - water infrastructure		operational	No	
115476	Sewerage Treatment Plant (former Causley's Quarry) - Woodford Island	Golf Links Road ILARWILL NSW 2463	61486	19		1181678	MSC	Prior to 1993	Pt SP2 Infrastructure & pt	utility & services - sewerage infrastructure	no	operational	No	
115624	Bushfire Brigade Reserve & SES - Brushgrove	Short Street BRUSHGROVE NSW 2460	27479	10		866701	TBA	TBA	SP2 Infrastructure	utility & services - community purposes	no	Operational	No	
115649	Bushfire Brigade Reserve & Public Hall - Ilarwill	40 Clarence Street ILARWILL NSW 2463	34305	10		246486	MSC	Prior to 1993	R2 Low Density Residential	utility & services - community purposes	no	??	No	
115693	Pump Station (Sewerage) - Taloumbi Street	Taloumbi Street ILARWILL NSW 2463	34366	2		566349	MSC	Prior to 1993	SP2 Infrastructure	utility & services - sewerage infrastructure		operational	No	
115717	Reservoir - Woombah	Iluka Road WOOMBAH NSW 2469	34376	103		626999	LCCC	Prior to 1993	RU1 Primary Production	utility & services - water infrastructure	no	operational	No	
115763	Roadside Reserve - Woombah	Ibis Close WOOMBAH NSW 2469	27193	9		832413	MSC	28/09/1993	R5 Large Lot Residential	utility & services - community purposes	No - but still a public reserve	operational	No	
115862	Reservoir - Chatsworth	Iluka Road WOOMBAH NSW 2469	34421	50		746017	LCCC	Prior to 1993	R5 Large Lot Residential	utility & services - water infrastructure	no	operational	No	
116271	Roadside Reserve - Gulmarrad	Brooms Head Road GULMARRAD NSW 2463	27421	13		836738	MSC	18/02/1994	R5 Large Lot Residential	utility & services - community purposes	No - but still a public reserve	operational	No	
116288	Sewerage Treatment Plant - Yamba	97 Angourie Road YAMBA NSW 2464	25391	1		604874	MSC	Prior to 1993	SP2 Infrastructure	utility & services - sewerage infrastructure		operational	No	
116288	Sewerage Treatment Plant - Yamba	97 Angourie Road YAMBA NSW 2464	25392	2		627960	MSC	Prior to 1993	SP2 Infrastructure	utility & services - sewerage infrastructure		operational	No	
116553	Motorway Land - Yamba	Angourie Road YAMBA NSW 2464	34941	3		611316	MSC	Prior to 1993 (<3/11/1983)	SP2 Infrastructure	utility & services - roading	no	operational	No	
116889	Motorway Land - Yamba	Carrs Drive YAMBA NSW 2464	26633	4		790910	MSC	Prior to 1993 (<14/11/1991)	SP2 Infrastructure	utility & services - roading	no	operational	No	
117277	Drainage Reserve - Deering Street	Deering Street YAMBA NSW 2464	31146	48		1072939	CVC	10/09/2004	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
117288	Drainage Reserve - William Avenue	35 William Avenue YAMBA NSW 2464	31125	30		1072939	CVC	10/09/2004	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
117300	Drainage Reserve - William Avenue	11 William Avenue YAMBA NSW 2464	31111	18		1072939	CVC	10/09/2004	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
117331	Drainage Reserve - Golding Street	Golding Street YAMBA NSW 2464	35496	13		222741	MSC	Prior to 1993	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
117349	Drainage Reserve - Golding Street	Golding Street YAMBA NSW 2464	35513	2		238219	MSC	Prior to 1993	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
117424	Drainage Reserve - Westringia Place	Westringia Place YAMBA NSW 2464	25443	223		260230	MSC	Prior to 1993	W2 Recreational Waterways	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
117424	Drainage Reserve - Westringia Place	Westringia Place YAMBA NSW 2464	25445	286		262200	MSC	Prior to 1993	W2 Recreational Waterways	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
117494	Drainage Reserve - Harold Tory Drive	Harold Tory Drive YAMBA NSW 2464	31145	9		1062514	TBA	TBA	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
117913	Works Depot - Yamba	3 Neptune Place YAMBA NSW 2464	35902	323		790104	MSC	Prior to 1993	IN1 General Industrial	utility & services - works depot	No	operational	No	
117978	Motorway Land & Buffer - Yamba	Orion Drive YAMBA NSW 2464	25555	14		810243	MSC	Prior to 1993	SP2 Infrastructure	utility & services - roading	no	operational	No	
119036	Drainage Reserve - Witonga Drive	Witonga Drive YAMBA NSW 2464	28420	10		866724	TBA	TBA	R2 Low Density Residential & ; W2	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
119036	Drainage Reserve - Witonga Drive	Witonga Drive YAMBA NSW 2464	29221	12		881975	TBA	TBA	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
119036	Drainage Reserve - Witonga Drive	Witonga Drive YAMBA NSW 2464	29644	54		1013843	TBA	TBA	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
119045	Reservoir - Yamba	Wooli Street YAMBA NSW 2464	26501	1		802768	LCCC	TBA	SP2 Infrastructure	utility & services - water infrastructure	no	operational	Yes - LEA0399, LEA0113, LEA0299, LIC0143, LIC0191,	
119277	Motorway Land - Yamba	Yamba Road YAMBA NSW 2464	27349	8		833711	TBA	<19/12/2006	SP2 Infrastructure	utility & services - roading	no	operational	No	
119955	Pump Station (Sewerage) - Coonawarra Court	Coonawarra Court YAMBA NSW 2464	27439	11		578982	MSC	Prior to 1993	R2 Low Density Residential	utility & services - sewerage infrastructure		operational	No	
119962	Reservoir - Angourie	Angourie Road YAMBA NSW 2464	28060	1		630793	LCCC	Prior to 1993	RU2 Rural Landscape	utility & services - water infrastructure	no	operational	No	
120067	Drainage Reserve - Martins Point Road	Martins Point Road HARWOOD NSW 2465	37330	1		703435	MSC	Prior to 1993	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
121365	Reservoir - Lawrence	70 High Street LAWRENCE NSW 2460	26418	1		567494	LCCC	Prior to 1993	R2 Low Density Residential	utility & services - water infrastructure	no	operational	No	
121435	Bushfire Brigade Reserve - Lanitza/Kungala	10 Curlew Drive LANITZA NSW 2460	47564	20		733357	TBA	TBA	RU2 Rural Landscape	utility & services - community purposes	no	??	No	
121440	Roadside Buffer - Orara Way	Orara Way LANITZA NSW 2460	45205	34		739799	TBA	TBA	RU2 Rural Landscape	utility & services - roading	no	operational	No	
121440	Roadside Buffer - Orara Way	Orara Way LANITZA NSW 2460	45315	35		739799	TBA	TBA	RU2 Rural Landscape	utility & services - roading	no	operational	No	
121440	Roadside Buffer - Orara Way	Orara Way LANITZA NSW 2460	45648	36		739799	TBA	TBA	RU2 Rural Landscape	utility & services - roading	no	operational	No	
121440	Roadside Buffer - Orara Way	Orara Way LANITZA NSW 2460	46342	37		739799	TBA	TBA	RU2 Rural Landscape	utility & services - roading	no	operational	No	
121440	Roadside Buffer - Orara Way	Orara Way LANITZA NSW 2460	46803	38		739799	TBA	TBA	RU2 Rural Landscape	utility & services - roading	no	operational	No	
121572	Rubbish Depot Reserve - Lanitza	4163 Orara Way LANITZA NSW 2460	47751	166		789434	TBA	TBA	RU2 Rural Landscape	utility & services - waste facility (undeveloped)	No	operational	No	
121573	Roadside Buffer - Orara Way	4078 Orara Way LANITZA NSW 2460	47752	167		789434	TBA	Prior to 1993	RU2 Rural Landscape	utility & services - roading	Yes - s49 (1) LG Act	operational	No	
121590	Pump Station (Water) - Wooli Road	2831 Wooli Road LAKE HIAWATHA NSW 2462	47147	1		105575	TBA	TBA	E1 National Parks and Nature	utility & services - water infrastructure		operational	No	
121736	Reservoir - Minnie Water	Minnie Water Road MINNIE WATER NSW 2462	48808	12		863562	TBA	TBA	SP2 Infrastructure	utility & services - water infrastructure		operational	Yes - LEA0233, LEA0395	

121736	Reservoir - Minnie Water	Minnie Water Road MINNIE WATER NSW 2462	50245	1		719850	TBA	TBA	SP2 Infrastructure	utility & services - water infrastructure		operational	Yes - LEA0233, LEA0395	
121783	Bushfire Brigade Reserve - Glenugie	7426 Pacific Highway GLENUGIE NSW 2460	47770	106		1030572	TBA	TBA	RU2 Rural Landscape	utility & services - community purposes	no	Operational	No	
121783	Bushfire Brigade Reserve - Glenugie	7426 Pacific Highway GLENUGIE NSW 2460	50853	142		1000128	TBA	TBA	RU2 Rural Landscape	utility & services - community purposes	no	Operational	No	
122162	Pump Station (Water) - Glenreagh	Coramba Street GLENREAGH NSW 2450	47957	2	2	758452	TBA	19/01/1976	RE1 Public Recreation	utility & services - water infrastructure	no	operational	No	
122259	Reservoir - Kookaburra Drive	80 Kookaburra Drive GLENREAGH NSW 2450	49592	22		788094	USC	Prior to 1993	R5 Large Lot Residential	utility & services - water infrastructure	no	operational	No	
122705	Pump Station (Water) - Ulmarra	Pacific Highway ULMARRA NSW 2462	50792	1		808423	TBA	TBA	RU1 Primary Production	utility & services - water infrastructure		operational	No	
122836	Vacant Land	19 Coldstream Street ULMARRA NSW 2462	49381	1		517080	TBA	TBA	B1 Neighbourhood Centre	vacant land / undeveloped	No	Operational	No	
123342	Reservoir - Wooli	Riverside Drive WOOLI NSW 2462	39669	1		867671	TBA	TBA	SP2 Infrastructure	utility & services - water infrastructure		operational	Yes - LEA0110, LEA0292, LIC0142	
123450	Hargraves Villas - Unit 2	2/26 Kendall Avenue WOOLI NSW 2462	49899	93		711766	USC	Prior to 1993	R2 Low Density Residential	utility & services - affordable housing	no	operational	Tenancy Agreement managed by DOH	
123451	Hargraves Villas - Unit 3	3/26 Kendall Avenue WOOLI NSW 2462	49900	93		711766	USC	Prior to 1993	R2 Low Density Residential	utility & services - affordable housing	no	operational	Tenancy Agreement managed by DOH	
123452	Hargraves Villas - Unit 4	4/26 Kendall Avenue WOOLI NSW 2462	49902	93		711766	USC	Prior to 1993	R2 Low Density Residential	utility & services - affordable housing	no	operational	Tenancy Agreement managed by DOH	
123453	Hargraves Villas - Unit 5	5/26 Kendall Avenue WOOLI NSW 2462	49903	93		711766	USC	Prior to 1993	R2 Low Density Residential	utility & services - affordable housing	no	operational	Tenancy Agreement managed by DOH	
123454	Hargraves Villas - Unit 6	6/26 Kendall Avenue WOOLI NSW 2462	49904	93		711766	USC	Prior to 1993	R2 Low Density Residential	utility & services - affordable housing	no	operational	Tenancy Agreement managed by DOH	
124536	Sewerage Treatment Plant - Coutts Crossing	Geregarow Road COUTTS CROSSING NSW 2460	40751	1		633296	NSC	Prior to 1993	RU2 Rural Landscape	utility & services - sewerage infrastructure		operational	No	
124538	Golf Course - Coutts Crossing	Geregarow Road COUTTS CROSSING NSW 2460	40753	6		113233	NSC	Prior to 1993	Pt RU2 Rural Landscape & Pt RU1	utility & services - community purposes	no	Operational	No	
124538	Golf Course - Coutts Crossing	Geregarow Road COUTTS CROSSING NSW 2460	40754	2		807718	NSC	Prior to 1993	Pt RU2 Rural Landscape & Pt RU1	utility & services - community purposes	no	Operational	No	
125047	Shannon Creek Dam	Armidale Road BLAXLANDS CREEK NSW 2460	41603	90		752811	TBA	TBA	SP2 Infrastructure	utility & services - water infrastructure		operational	No	
125051	Shannon Creek Dam	2566 Armidale Road BLAXLANDS CREEK NSW 2460	41612	71		752811	TBA	TBA	RU2 Rural Landscape	utility & services - water infrastructure		operational	No	
125051	Shannon Creek Dam	2566 Armidale Road BLAXLANDS CREEK NSW 2460	41613	87		752811	TBA	TBA	SP2 Infrastructure	utility & services - water infrastructure		operational	No	
125055	Shannon Creek Dam	Wild Drake Road BLAXLANDS CREEK NSW 2460	41622	851		811105	TBA	TBA	SP2 Infrastructure	utility & services - water infrastructure		operational	No	
125056	Shannon Creek Dam	2568 Armidale Road BLAXLANDS CREEK NSW 2460	41623	79		752811	TBA	TBA	RU2 Rural Landscape	utility & services - water infrastructure		operational	No	
125111	Vacant Land	9C Cross Street DUNDURRABIN NSW 2453	41744	7	6	758363	TBA	TBA	R2 Low Density Residential	vacant land / undeveloped	No	Operational	No	
126193	Vacant Land	Rogan Bridge Road WATERVIEW HEIGHTS NSW 2460	45031	114		707524	NSC	Prior to 1993	RU2 Rural Landscape	vacant land / undeveloped	Yes - Schedule 7, cl.6(2) LG Act	Operational	No	
126643	Reservoir - Hampton Road	Hampton Road WATERVIEW HEIGHTS NSW 2460	45692	230		880455	TBA	TBA	RU2 Rural Landscape	utility & services - water infrastructure		operational	No	
126783	Shannon Creek Dam	Shannondale Road SHANNONDALE NSW 2460	42056	3		1055326	TBA	TBA	E3 Environmental Management	utility & services - water infrastructure		operational	No	
126783	Shannon Creek Dam	Shannondale Road SHANNONDALE NSW 2460	42059	4		1055326	TBA	TBA	Pt E3 Environmental	utility & services - water infrastructure		operational	No	
127036	Roadside Reserve - Halfway Creek	Pacific Highway HALFWAY CREEK NSW 2460	41706	42		602517	USC	Prior to 1993	SP2 Infrastructure	vacant land / undeveloped	Yes - s49 (1) LG Act	Operational	No	
127159	Regional Landfill Complex	704 Armidale Road ELLAND NSW 2460	43372	87		751370	TBA	TBA	RU2 Rural Landscape	utility & services - waste facility		operational	No	
127159	Regional Landfill Complex	704 Armidale Road ELLAND NSW 2460	43857	9		622189	TBA	TBA	RU2 Rural Landscape	utility & services - waste facility		operational	Yes - KEN WILSON TO ADVISE	
127159	Regional Landfill Complex	704 Armidale Road ELLAND NSW 2460	43868	10		622189	TBA	TBA	RU2 Rural Landscape	utility & services - waste facility		operational	Yes - KEN WILSON TO ADVISE	
127159	Regional Landfill Complex	704 Armidale Road ELLAND NSW 2460	43880	5		586153	TBA	TBA	RU2 Rural Landscape	utility & services - waste facility		operational	No	
127263	Roadside Buffer - Kremnos	2725 Orara Way KREMNOS NSW 2460	44376	8		746338	USC	Prior to 1993	RU2 Rural Landscape	utility & services - roading	Yes - s49 (1) LG Act	operational	No	
127263	Roadside Buffer - Kremnos	2725 Orara Way KREMNOS NSW 2460	44387	9		746338	USC	Prior to 1993	RU2 Rural Landscape	utility & services - roading	Yes - s49 (1) LG Act	operational	No	
128301	Reservoir - South Grafton	701 Rushforth Road SOUTH GRAFTON NSW 2460	60468	1		1154652	TBA	TBA	RU2 Rural Landscape	utility & services - water infrastructure		operational	No	
128420	Road Reserve - River Street Harwood	River Street HARWOOD NSW 2465	27444	2		343112	MSC	Prior to 1993	R2 Low Density Residential	utility & services - roading	no	operational	No	
128420	Road Reserve - River Street Harwood	River Street HARWOOD NSW 2465	27445	1		343112	MSC	Prior to 1993	R2 Low Density Residential	utility & services - roading	no	operational	No	
128421	Vacant Land	Union Street MACLEAN NSW 2463	32638	1		321533	MSC	Prior to 1993	B2 Local Centre	utility & services - roading (footpath)	no	operational	No	
128421	Vacant Land	Union Street MACLEAN NSW 2463	33189	2		321533	MSC	Prior to 1993	R2 Low Density Residential	utility & services - roading (footpath)	no	operational	No	
128453	Footpath - Centenary Drive	Centenary Drive MACLEAN NSW 2463	27466	1		207929	MSC	Prior to 1993	B2 Local Centre	utility & services - roading (footpath)	no	operational	No	
128455	Road Reserve - Off Old Murrayville Road	Murrayville Road ASHBY HEIGHTS NSW 2463	28848	4		41223	TBA	TBA	RU1 Primary Production	vacant land / undeveloped	no	operational	Yes - LEA0364	
128745	Public Reserve - Romiaka Channel	Yamba Road YAMBA NSW 2464	26305	1		1043701	TBA	<30/08/2006	RU1 Primary Production	utility & services - roading	no	operational	No	
128745	Public Reserve - Romiaka Channel	Yamba Road YAMBA NSW 2464	32216	1		343324	MSC	21/08/1940	RU1 Primary Production	utility & services - roading	no	operational	No	
128917	Drainage Reserve - Red Gum Road	Red Gum Road SOUTH GRAFTON NSW 2460	52465	39		1105976	TBA	TBA	R1 General Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
129069	Drainage Reserve - Hoof Street	Hoof Street GRAFTON NSW 2460	52552	6		1109055	TBA	TBA	R1 General Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	

129115	Roadside Buffer - Pacific Highway	Pacific Highway SOUTH GRAFTON NSW 2460	57726	11		858248	TBA	<23/07/1996	RU1 Primary Production	utility & services - roading	no	Operational	No	
129115	Roadside Buffer - Pacific Highway	Pacific Highway SOUTH GRAFTON NSW 2460	57725	10		858248	TBA	<9/09/1996	RU1 Primary Production	utility & services - roading	no	operational	No	
129115	Roadside Buffer - Pacific Highway	Pacific Highway SOUTH GRAFTON NSW 2460	57727	14		858248	TBA	<22/07/1996	RU1 Primary Production	utility & services - roading	no	operational	No	
129117	Reservoir - Woody Head	Iluka Road THE FRESHWATER NSW 2469	28704	1		615576	LCCC	Prior to 1993	SP2 Infrastructure	utility & services - water infrastructure	no	operational	No	
129177	Rubbish Depot Reserve - Brooms Head	Brooms Head Road BROOMS HEAD NSW 2463	26431	1		593452	MSC	Prior to 1993	SP2 Infrastructure	utility & services - waste facility (decommissioned)	no	operational	Yes - LIC0177	
129178	Pump Station (Sewerage) - Redman Lane Yamba	Redman Lane YAMBA NSW 2464	26417	1		604872	MSC	Prior to 1993	SP2 Infrastructure	utility & services - sewerage infrastructure		operational	No	
129179	Pump Station (Sewerage) - Clarence Street Yamba	Clarence Street YAMBA NSW 2464	27422	1		604873	MSC	Prior to 1993	RE1 Public Recreation	utility & services - sewerage infrastructure	no	operational	No	
129584	Pathway - Loxton Park & Susan Street	Susan Street YAMBA NSW 2464	52548	52		1103119	MSC	<18/12/2007	RE1 Public Recreation	utility & services - roading	no	operational	No	
129646	Reservoir & Radio Tower - Maclean	Wharf Street MACLEAN NSW 2463	28569	1		623900	LCCC	Prior to 1993	E3 Environmental Management	utility & services - water infrastructure	no	operational	No	
130975	Pump Station (Water) & Padmount substation - Kremnos	Orara Way KREMNNOS NSW 2460	44673	761		1043021	TBA	TBA	RU2 Rural Landscape	utility & services - water infrastructure		operational	No	
130975	Pump Station (Water) & Padmount substation - Kremnos	Orara Way KREMNNOS NSW 2460	51611	1		1086566	TBA	TBA	RU2 Rural Landscape	utility & services - water infrastructure		operational	No	
130975	Pump Station (Water) & Padmount substation - Kremnos	Orara Way KREMNNOS NSW 2460	59800	2		1086566	TBA	TBA	RU2 Rural Landscape	utility & services - water infrastructure		operational	No	
131023	Flood Levee - Arthur Street	Arthur Street GRAFTON NSW 2460	60467	1		1154607	TBA	TBA	RU2 Rural Landscape	utility & services - flood mitigation		operational	No	
131359	SES Headquarters & Slipway - Maclean	River Street MACLEAN NSW 2463	60529	721		1148111	MSC	Prior to 1993	IN4 Working Waterfront	utility & services - community purposes	no	Operational	No	
131359	SES Headquarters & Slipway - Maclean	River Street MACLEAN NSW 2463	60530	722		1148111	MSC	Prior to 1993	IN4 Working Waterfront	utility & services - community purposes	no	Operational	No	
131500	Civic Centre - Maclean	48 River Street MACLEAN NSW 2463	51578	8	1A	758631	MSC	Prior to 1993	B2 Local Centre	utility & services - office accommodation	no	operational	Yes - LEA0322	
131500	Civic Centre - Maclean	48 River Street MACLEAN NSW 2463	51579	9	1A	758631	MSC	Prior to 1993	B2 Local Centre	utility & services - office accommodation	no	operational	Yes - LEA0322	
131500	Civic Centre - Maclean	48 River Street MACLEAN NSW 2463	51580	1		667217	MSC	Prior to 1993	B2 Local Centre	utility & services - office accommodation	no	operational	Yes - LEA0322	
131501	Council Offices & Chambers - Maclean	50 River Street MACLEAN NSW 2463	25600	10		813746	MSC	Prior to 1993	B2 Local Centre	utility & services - office accommodation	no	operational	Yes - LEA0312	
131501	Council Offices & Chambers - Maclean	50 River Street MACLEAN NSW 2463	26699	1		821976	MSC	Prior to 1993	B2 Local Centre	utility & services - office accommodation	no	operational	Yes - LEA0312	
131501	Council Offices & Chambers - Maclean	50 River Street MACLEAN NSW 2463	33364	2		536000	MSC	Prior to 1993	B2 Local Centre	utility & services - office accommodation	no	operational	Yes - LEA0312	
131501	Council Offices & Chambers - Maclean	50 River Street MACLEAN NSW 2463	38834	3		580053	MSC	Prior to 1993	B2 Local Centre	utility & services - office accommodation	no	operational	Yes - LEA0312	
131876	Pump Station (Sewerage) - Schwonberg Street	Schwonberg Street TOWNSEND NSW 2463	60572	10		1152500	TBA	TBA	RU2 Rural Landscape	utility & services - sewerage infrastructure		operational	No	
132176	Drainage Reserve - Conrad Close	Conrad Close ILUKA NSW 2466	27233	80		834892	MSC	Prior to 1993	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
132176	Drainage Reserve - Conrad Close	Conrad Close ILUKA NSW 2466	26712	90		817169	MSC	Prior to 1993	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
132244	Residence - School Drive Swan Creek	School Drive SWAN CREEK NSW 2462	61860	1		1109372	TBA	TBA	R2 Low Density Residential	utility & services – residential	no	operational	Yes - LEA0225	
132245	Building (former school) - Swan Creek	School Drive SWAN CREEK NSW 2462	61861	2		1109372	TBA	TBA	R2 Low Density Residential	utility & services - office accommodation	no	operational	No	
132246	Vacant Land	School Drive SWAN CREEK NSW 2462	61862	3		1109372	TBA	TBA	R2 Low Density Residential	vacant land / undeveloped	No	Operational	No	
132362	Car Park - Maclean	7-9 Centenary Drive MACLEAN NSW 2463	26173	1		210573	MSC	Prior to 1993	SP2 Infrastructure	utility & services - public carpark	No	operational	No	
132362	Car Park - Maclean	7-9 Centenary Drive MACLEAN NSW 2463	26177	4		210573	MSC	Prior to 1993	SP2 Infrastructure	utility & services - public carpark	No	operational	No	
132345	Drainage Reserve - Olen Close	Olen Close WOOLI NSW 2462	47091	21		232340	TBA	TBA	R2 Low Density Residential	utility & services - drainage reserve	Yes - s49 (3) LG Act	Operational	No	
114637	Vacant Land	Union Street MACLEAN NSW 2463	33694	A		961868	MSC	Prior to 1993	R2 Low Density Residential	utility & services - roading (footpath)	no	operational	No	



**APPENDIX 2** – reports considered by Council at its 17 May, 15 November 2016 and 20 March 2018 Ordinary Council meetings

ITEM	13.025/16	PLANNING PROPOSAL TO RECLASSIFY VARIOUS LANDS OWNED BY COUNCIL AS 'OPERATIONAL'
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Meeting	Council	17 May 2016
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

**SUMMARY**

Council's land rationalisation project has required a detailed assessment of the status of a number of Council owned land parcels. That process has raised questions over the legality of resolutions of the former Maclean and Ulmarra Councils and the Lower Clarence County Council to classify their land holdings as per the requirements of Schedule 7, Clause 6 of the newly proclaimed *Local Government Act 1993* during the Act's transitional period (1 July 1993 – 30 June 1994). Additionally, a number of land acquisitions since that time (by Clarence Valley, Copmanhurst and Ulmarra Councils and the Lower Clarence County Council/North Coast Water) have no apparent evidence of being accompanied by the required corresponding resolution to classify those lands as operational.

As a consequence, and to remove any legal ambiguity that all of those land parcels are taken to be classified as community land, it is intended to effectively "classify" those lands by reclassifying them as operational as originally intended. This formalises the clear intention of those Councils at the time upon which a number of subsequent actions have relied upon in good faith. This is facilitated by a planning proposal. There are 207 properties identified.

**OFFICER RECOMMENDATION**

That Council :

1. Prepare a planning proposal under Section 55 of the *Environmental Planning and Assessment Act 1979* to amend the Clarence Valley Local Environmental Plan 2011 (CVLEP) by including in Schedule 4 of the CVLEP as operational land, those land parcels at Attachment 2 to this report.
2. Authorise the General Manager to submit the planning proposal to the Gateway and to conduct a public hearing as required by the *Local Government Act 1993*.

*Cr Baker declared an interest in this item left the Council meeting at 4.30 pm and returned at 4.33 pm.*

**COUNCIL RESOLUTION – 13.025/16**

**Williamson/Lysaught**

**That Council :**

1. **Prepare a planning proposal under Section 55 of the *Environmental Planning and Assessment Act 1979* to amend the Clarence Valley Local Environmental Plan 2011 (CVLEP) by including in Schedule 4 of the CVLEP as operational land, those land parcels at Attachment 2 to this report.**
2. **Authorise the General Manager to submit the planning proposal to the Gateway and to conduct a public hearing as required by the *Local Government Act 1993*.**

**Voting recorded as follows:****For: Toms, Hughes, Kingsley, Lysaught, McKenna, Simmons, Williamson****Against: Nil****LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Our Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.4 Provide open, accountable and transparent decision making for the community

**BACKGROUND**

The introduction of the *Local Government Act 1993* (LG Act) on the 1 July 1993 changed the way that public land vested in or under the control of Council's was to be managed and used. All Council owned land had to be classified as either "community" or "operational" land under Sections 25 and 26 of the Act. Generally speaking, "community" land is to be managed by Council for the benefit of the community, consistent with a number of community land categories. The use of community land is to be directed by a plan of management. Importantly, Community land cannot be sold or leased for a period greater than 21 years. "Operational" land on the other hand is more akin to normal land ownership, where land can be sold, leased or used by Council like a private landowner.

The transitional requirements of the LG Act are set out in Schedule 7, Clause 6(2) which identifies criteria by which land parcels are taken to be community land on the commencement date of the Act (1 July 1993) (eg land dedicated under Section 94, zoned recreation, etc.).

Clause 6 of the Schedule also detailed the requirements for the classification of the remaining land vested in or under the control of a council. That was:

*(3) Within 1 year after the relevant commencement (ie. before 1 July 1994), a council may, by resolution, classify, as community land or operational land, any public land that is vested in it or under its control and that is not classified by subclause (2).*

If the classification of the remaining land was not completed within the 1 year period it was subsequently taken to have been classified as community land (Schedule 7, Clause 6(7)).

From the commencement date of the LG Act (1 July 1993) to 19 December 2000, councils had to classify land prior to or on its date of acquisition as operational if this was to be its purpose otherwise it was taken to be classified as community land. From the 20 December 2000, a change of the legislation provided councils up to three months after its acquisition to classify as community or operational, otherwise it was taken to have been classified as community.

Advice received from Council's solicitor, Marsdens, has confirmed anomalies in the procedures and processes adopted by the former Councils and their compliance with the requirements of the LG Act in regards to the classification of land vested in or under its control.

**KEY ISSUES**

An essential part of the current asset and land rationalisation process has been to review the status of land parcels that may potentially be surplus to Council's requirements so that, inter alia, any impediments to their possible sale can be identified.

In doing so, anomalies in some of the previous Council's resolutions in respect of their land classification processes have arisen, in particular with the former Maclean and Ulmarra Councils and the Lower Clarence

County Council, as well as with some subsequent land purchases in other council areas. Whilst the intent of those Councils is quite clear, a thorough search of Council minutes from the time have not been able to resolve apparent issues with the timing of the resolutions or in the making of a resolution itself.

This casts doubt on the legality of those resolutions and hence the land classifications, the implication being that a number of land parcels presumed to be operational land may in fact have defaulted to the classification of community land. Legal advice has been sought in regard to the resolution of the former Maclean Council (refer Attachment 1).

The specific circumstances are summarised below.

#### Maclean Shire Council Public Land Classification Process

The Council appears to have delegated the authority to classify its land holdings to its Planning and Environmental Services Committee. Whilst that Committee undertook this process and adopted their land register on 22 June 1994, legal advice suggests that the Council had no power to delegate such an action to a Committee. The Full Council endorsed the Committee's classification of land and land register on 13 July 1994, however, this was after the required LG Act deadline of 30 June 1994. Hence, failure to meet that deadline suggests that all land may have defaulted to a community land classification.

#### Ulmarra Shire Council Public Land Classification Process

The Ulmarra Council Meeting held on 29 June 1994 resolved:

*THAT Council adopt the Public Land Management List as proposed with map numbers 4 and 7 being amended to Operational Land.*

An extensive search of Council Minutes of the time has failed to identify the list of land parcels that accompanied this resolution. Hence, it is not possible to determine with certainty which lands were actually classified operational under this resolution, despite the fact that the resolution complied with the LG Act's 30 June 1994 deadline.

#### Lower Clarence County Council (now North Coast Water)

There is no available evidence of the Lower River County Council having prepared or adopted a land register nor any classification for their land holdings.

#### Subsequent Land Dealings

Properties acquired by the various Councils from 1 July 1993 to 19 December 2000 were required to be individually classified prior to or on the date of acquisition, or if after that date, prior to or within three months of the acquisition. Failure to do so means that such land parcels default to a community classification.

Detailed searching of Council minutes has been unable to find any evidence of the required resolution for 103 such properties. These properties are included in the list at Attachment 2.

In regard to any properties that have been sold by Council since 1993 that may be affected by this issue, the attached legal advice indicates that the indefeasibility provisions of the *Real Property Act 1900* mean that such transfers cannot be set aside notwithstanding the transfer being in breach of the Local Government Act. This would apply to, amongst others, the completed sale by Council to Metcash Food and Grocery Pty Ltd of land in Centenary Drive, Maclean associated with the Maclean IGA supermarket proposal.

#### Current Property Dealings

As part of the exhibition of the planning proposal, Council is required to disclose any current land transactions that may be affected and the financial nature of Council's interest. This will include the following properties currently being offered for sale as part of the asset rationalisation project :

- 11 Schwinghammer Street, South Grafton (former Council depot site)
- 1 McNaughton Place, Maclean (North Coast Water office)

Additionally, Council will need to include the land swap agreement with Chums Investments Pty Ltd as part of the revised Maclean IGA supermarket proposal as this transfer has not been finalised (Lot 102 DP 1189229, 3-5 Centenary Drive, Maclean).

#### Recommended Action

The legal advice identifies that the remedy to these anomalies is to prepare an amendment to the Clarence Valley Local Environmental Plan 2011 ("planning proposal") to reclassify the identified land parcels as operational. This is achieved by inserting the identified land parcels into Schedule 4 of that Plan.

Attachment 2 identifies those land parcels intended to have been classified as operational lands by the Ulmarra and Maclean Council land registers in 1994. This list has been amended by :

- Adding land holdings of the Lower Clarence County Council,
- deleting land parcels subsequently sold,
- reflecting current usage and decisions,
- adding land parcels subsequently acquired as detailed in the earlier sections of this report.

This list forms the basis for the local environmental plan amendment. That draft plan will require public exhibition and the LG Act also requires that a public hearing be held as part of that exhibition process.

Good governance dictates that having become aware of the irregularities surrounding these resolutions that action should be undertaken to remedy the situation in an open and transparent manner.

### **COUNCIL IMPLICATIONS**

#### **Budget/Financial**

Research of the Council land registers and preparation of a planning proposal is being undertaken with Council staff resources. For transparency reasons, it is intended to engage a consultant experienced in these legislative provisions to peer review the planning proposal and conduct the public hearing.

#### **Asset Management**

Clarification of these matters is a prerequisite to any associated land asset sales.

#### **Policy or Regulation**

*Local Government Act 1993*

*Environmental Planning and Assessment Act 1979*

#### **Consultation**

Internal consultation with Governance, Strategic and Economic Planning, and Open Spaces and Facilities. External consultation will be required through the formal exhibition of the draft planning proposal, should a Gateway Determination be received, and through the LG Act's requirement for a public hearing. As part of the exhibition of the planning proposal, Council is required to exhibit a statement (in plain English) detailing any financial dealings that it may have with any particular land parcel. This will include any lands currently being offered for sale through the land rationalisation project and the land that Council has agreed to transfer to Chums Investments Pty Ltd as part of the land swap associated with the Maclean IGA supermarket proposal.



**Legal and Risk Management**

The recommended action rectifies possible legal ambiguities associated with important Council decisions in 1994.

Prepared by	David Morrison, Manager Strategic and Economic Planning
Attachment	1. Legal Advice – Maclean Council Land Register 2. Land proposed to be classified operational by planning proposal

**BLOCK VOTE****Hughes/Lysaught**

That the following Items be adopted:

14.039/16	15.038/16	16.006/16
14.040/16	15.040/16	
14.041/16	15.041/16	
14.044/16	15.045/16	
14.045/16	15.046/16	
14.046/16	15.050/16	
14.047/16		
14.048/16		
14.049/16		
14.050/16		
14.051/16		

Voting recorded as follows:

For: Baker, Hughes, Kingsley, Lysaught, McKenna, Toms, Simmons, Williamson

Against: Nil

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**ITEM     14.107/16     RECLASSIFICATION OF PUBLIC LANDS OWNED BY COUNCIL**


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<b>Meeting</b>	Environment, Planning & Community Committee	8 November 2016
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Director - Environment, Planning & Community (Des Schroder)	
<b>Attachment</b>	Yes	

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**SUMMARY**

This report seeks a Council resolution to review a list of 207 public land parcels considered by Council on 17 May 2016 for reclassification as operational land. The need to review the list has become necessary following further ongoing research and enquiry of Council and other records relating to the land parcels.

This report also seeks a fresh resolution to prepare a second planning proposal for the reclassification of public land parcels contained in the revised list of public land parcels based on those land parcels recommended for removal in this report.

**OFFICER RECOMMENDATION**

That Council:

1. Endorse the revised public land parcel list (180 parcels) at Attachment 4 to this report to be reclassified from community to operational land.
2. Prepare a second planning proposal (*Planning Proposal - Reclassification of Council Land 2016-2*) for the reclassification of the remaining 180 public land parcels required to be reclassified from community to operational, based on the revised list of 180 public land parcels at Attachment 4.
3. Forward the second planning proposal (*Planning Proposal - Reclassification of Council Land 2016-2*) once it has been prepared, to the Department of Planning and Environment under Section 56 of the Environmental Planning and Assessment Act 1979 with a request that it issue a Gateway determination.
4. Not accept plan making delegations that may be offered under Section 59 of the Environmental Planning and Assessment Act, 1979 should a Gateway determination to proceed be issued.

**COMMITTEE RECOMMENDATION**

Ellem/Williamson

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Ellem, Simmons, Williamson

Against: Nil

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**COUNCIL RESOLUTION – 14.107/16**


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**Williamson/Ellem**

**That Council:**

1. **Endorse the revised public land parcel list (180 parcels) at Attachment 4 to this report to be reclassified from community to operational land.**
-

2. Prepare a second planning proposal (*Planning Proposal - Reclassification of Council Land 2016-2*) for the reclassification of the remaining 180 public land parcels required to be reclassified from community to operational, based on the revised list of 180 public land parcels at Attachment 4.
3. Forward the second planning proposal (*Planning Proposal - Reclassification of Council Land 2016-2*) once it has been prepared, to the Department of Planning and Environment under Section 56 of the Environmental Planning and Assessment Act 1979 with a request that it issue a Gateway determination.
4. Not accept plan making delegations that may be offered under Section 59 of the Environmental Planning and Assessment Act, 1979 should a Gateway determination to proceed be issued.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Clancy, Ellem, Lysaught, Novak, Williamson, Toms

Against: Nil

## LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Our Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.4 Provide open, accountable and transparent decision making for the community

## BACKGROUND

Council, at its meeting held on 17 May 2016 resolved to support a planning proposal to reclassify a range of Council owned public lands from community to operational. The report and the Council resolution related to a total of 207 land parcels. A copy of the minuted report from the Council's 17 May 2016 meeting containing Council's full resolution and the relevant background to this matter is at Attachment 1.

Council sought and obtained a Gateway determination from the Department of Planning and Environment. A copy of the Gateway determination is at Attachment 2. As a consequence of the Gateway determination it was decided to split the planning proposal into two (2) planning proposals (9 parcels and 198 land parcels) to enable the more immediate consideration of a proposal for 9 priority land parcels. The reasons for splitting the planning proposal are explained more fully in the separate report to Environment, Planning & Community Committee entitled PLANNING PROPOSAL - LAND RECLASSIFICATION 2016-1 (REZ2016/0004); this was for the reclassification of nine (9) land parcels from community to operational and this was publicly exhibited from 5 August to 2 September 2016.

The list of 207 land parcels originally considered by Council (referred to as the "original list") formed Attachment 2 to the 17 May 2016 report to Council and is reproduced as Attachment 3 to this report. The original list was based on the best information and research available at the time of writing the report to the 17 May 2016 meeting.

## KEY ISSUES

The main issue for this report is relevance/currency of the original list leading to the need to review such list before proceeding with a second planning proposal to reclassify community lands as operational land.

### Relevance/currency of the original list

Recent research and enquiry has questioned the need for some land parcels on the original list to be reclassified as operational and therefore the need to remain on this list. In total 16 lots or land parcels are

flagged for removal. The reasons and circumstances for recommending the removal of individual lots/parcels are discussed below.

1. Lot 17 DP1163618, Clarence Street, GRAFTON	
Property no.	102631
Land no.	60891
Further details	The land adjoins Euston Place. Land use - utility & services - community purposes
Reason/s	The land is maintained/used as a public reserve and should be retained as community.

2. Lot 1 DP857790, The Crescent, ANGOURIE	
Property no.	116418
Land no.	28191
Further details	The land is Angourie Sewerage Works - Pump Station. Land use - utility & services - sewerage infrastructure
Reason/s	Council resolved at its meeting of 20 January 1999 to acquire the land and make it operational - refer ECM 1072804

3. Lot 1 DP853530, Lakes Boulevard, WOOLOWEYAH	
Property no.	118653
Land no.	28084
Further details	The land is Angourie Sewerage Works - Pump Station. Land use - utility & services - sewerage infrastructure
Reason/s	Council resolved at its meeting of 20 January 1999 to acquire the land and make it operational - refer ECM 1072804

4. Lot 22 DP 1027208, 262 Yamba Road, YAMBA	
Property no.	119259
Land no.	29854
Further details	The land is Yamba Motorway Land. Land use - utility & services – roading.
Reason/s	Council resolved at its meeting of 17 January 2001 to acquire this land and make it operational – refer to ECM 907584.

5. Lot 22 DP 746368, Yamba Road YAMBA	
Property no.	119287
Land no.	37024
Further details	The land is Kolora Park Drainage Reserve. Land use - utility & services - drainage reserve.
Reason/s	The land was reclassified as community on the 26 June 1996 to align with northern section – refer to ECM 1784522. As the land should remain classified as community it should no longer be on the list.

6. Lot 24 DP 263059, Kerrani Place, COUTTS CROSSING	
Property no.	124944
Land no.	41375
Further details	The land is McIntosh Park Car Park. Land use - utility & services - public carpark. The land adjoins McIntosh Park which is also community land. The car parking area encroaches on the park. The land is public reserve created under section 49 (1) & (4) of the LG Act.
Reason/s	As the land is public reserve, community land and a key part of McIntosh Park it should remain classified as community. Therefore it should no longer remain on the list.

7. Lot 13 DP858248, Pacific Highway, SOUTH GRAFTON	
Property no.	129115
Land no.	52725
Further details	Areas beside Highway near South Grafton Flood Levee. Land use - utility & services (roading)
Reason/s	The land has been compulsorily acquired by the RMS - refer ECM 1741100 and therefore no longer needs to be on the list.

8. Lot 12 DP858248, Pacific Highway, SOUTH GRAFTON	
Property no.	129115
Land no.	52727
Further details	Areas beside Highway near South Grafton Flood Levee. Land use - utility & services (roading)
Reason/s	The land has been compulsorily acquired by the RMS - refer ECM 1741100 and therefore no longer needs to be on the list.

9. Lot 11 DP858248, Pacific Highway, SOUTH GRAFTON	
Property no.	129115
Land no.	57726
Further details	Areas beside Highway near South Grafton Flood Levee. Land use - utility & services (roading)
Reason/s	The land has been compulsorily acquired by the RMS - refer ECM 1741100 and therefore no longer needs to be on the list.

10. Lot 1 Section 2 DP 2107, 12-16 River Street, PALMERS ISLAND	
Property no.	130568
Land no.	33911
Further details	Palmers Island Village Park. Land use - utility & services - community purposes
Reason/s	The land is maintained/used as a public reserve. It should remain as public reserve and therefore be removed from this list.

11. Lot 2 Section 2 DP 2107, 12-16 River Street, PALMERS ISLAND	
Property no.	130568
Land no.	33912
Further details	Palmers Island Village Park. Land use - utility & services - community purposes
Reason/s	The land is maintained/used as a public reserve. It should remain as public reserve and therefore be removed from this list.

12. Lot 3 Section 2 DP 2107, 12-16 River Street, PALMERS ISLAND	
Property no.	130568
Land no.	33913
Further details	Palmers Island Village Park. Land use - utility & services - community purposes
Reason/s	The land is maintained/used as a public reserve. It should remain as public reserve and therefore be removed from this list.

13. Lot 4 Section 2 DP 2107, 12-16 River Street, PALMERS ISLAND	
Property no.	130568
Land no.	33914
Further details	Palmers Island Village Park. Land use - utility & services - community purposes
Reason/s	The land is maintained/used as a public reserve. It should remain as public reserve and therefore be removed from this list.

14. Lot 5 Section 2 DP 2107, 12-16 River Street, PALMERS ISLAND	
Property no.	130568
Land no.	33915
Further details	Palmers Island Village Park. Land use - utility & services - community purposes
Reason/s	The land is maintained/used as a public reserve. It should remain as public reserve and therefore be removed from this list.

15. Lot 6 Section 2 DP 2107, 12-16 River Street, PALMERS ISLAND	
Property no.	130568
Land no.	33917
Further details	Palmers Island Village Park. Land use - utility & services - community purposes
Reason/s	The land is maintained/used as a public reserve. It should remain as public reserve and therefore be removed from this list.

16. Lot 1 DP 1175325, Riverbend Road, KUNGALA	
Property no.	131848
Land no.	61324
Further details	Land use - utility & services – roading
Reason/s	The land is now public road and therefore should be removed from this list.

17. Lot 9 DP 1123632 Airport Road, GLENUGIE	
Property no.	130090
Land no.	58925
Further details	Land use - utility & services – roading
Reason/s	The land is now public road and therefore should be removed from this list.

18. Lot 21 DP 884213, River Road, PALMERS ISLAND	
Property no.	128457
Land no.	29391
Further details	Land use - utility & services – roading
Reason/s	The land is now public road and therefore should be removed from this list.

### Revised public land parcel list

As Council has already exhibited a Planning Proposal for the reclassification of nine (9) priority land parcels from community to operational (*Planning Proposal - Reclassification of Council Land 2016-1*; also known as REZ2016/0004) it is important for Council to adopt a revised public land parcel list for the second planning proposal to reclassify from community to operational the remaining public land parcels (to be called *Planning Proposal - Reclassification of Council Land 2016-2*) that takes into account those parcels which no longer need to be on the original list considered by Council on 17 May 2016.

Therefore the public land parcel list for the second planning proposal (*Planning Proposal - Reclassification of Council Land 2016-2*) should comprise those on the original list minus the:

- (i) 18 public land parcels identified in *Relevance/currency of the original list*, above; and
- (ii) 9 public land parcels the subject of the recently exhibited Planning Proposal - Reclassification of Council Land 2016-1 (REZ2016/0004).

It is being recommended that Council adopt the revised public land parcel list at Attachment 4 for the purposes of preparing the second planning proposal (*Planning Proposal - Reclassification of Council Land 2016-2*). This list comprises 180 public land parcels.

### COUNCIL IMPLICATIONS

#### Budget/Financial

Research of the Council land registers and preparation of a planning proposal is being undertaken with Council staff resources.

#### Asset Management

Clarification and confirmation of public land classification status is prerequisite to asset management and maintenance matters.

#### Policy or Regulation

Local Government Act 1993 (LG Act)

Environmental Planning and Assessment Act 1979 (EP & A Act)

#### Consultation

Internal consultation with Governance, Strategic & Economic Planning and Open Spaces & Facilities. External consultation will be required through the formal exhibition of the draft planning proposal, should a

Gateway determination be received, and through the LG Act and EP & A Acts requirement for a public hearing.

As part of the exhibition of the planning proposal, Council is required to exhibit a statement (in plain English) detailing any financial dealings/interests as well as other matters specified in Department of Environment and Planning Practice Notes.

**Legal and Risk Management**

The recommended action rectifies possible legal ambiguities associated with important Council decisions in 1994 as outlined in the report considered by Council on 17 May 2016.

Prepared by	David Morrison, Manager Strategic & Economic Planning
Attachment	<ol style="list-style-type: none"><li>1. Minuted report to the Council's 17 May 2016 meeting</li><li>2. Gateway determination</li><li>3. Original list of public land parcels considered by Council on 17 May 2016</li><li>4. Revised public land parcel list (180 parcels) for second planning proposal</li></ol>

ITEM	14.023/18	RECLASSIFICATION OF PUBLIC LANDS OWNED BY COUNCIL
<b>Meeting</b>	Environment, Planning & Community Committee	13 March 2018
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (David Morrison)	
<b>Attachment</b>	Yes	

## SUMMARY

This report provides an update on the progress of a second planning proposal for the reclassification of public land parcels based on a revised list of public land parcels adopted by Council on 15 November 2016. Following additional investigations and recent dealings with the Department of Planning & Environment (DPE) this report recommends the removal of further land parcels from the currently endorsed reclassification list. The DPE have requested additional site specific strategic justification for each of the properties proposed to be reclassified to operational. This is difficult to provide for some properties to the satisfaction of the DPE so to allow the planning proposal to proceed, it is recommended that five such properties be deleted from the planning proposal and to proceed with the remainder.

## OFFICER RECOMMENDATION

That Council endorse for the purposes of the second land reclassification planning proposal the revised public land reclassification list (163 parcels) at Attachment 6 to this report to be reclassified from community to operational land.

## COMMITTEE RECOMMENDATION

Ellem/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Simons, Williamson, Ellem, Baker

Against: Clancy

## COUNCIL RESOLUTION – 14.023/18

Baker/Lysaught

That Council endorse for the purposes of the second land reclassification planning proposal the revised public land reclassification list (163 parcels) at Attachment 6 to this report to be reclassified from community to operational land.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

Against: Nil

## LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.8 Ensure good governance, effective risk management and statutory compliance



## BACKGROUND

Council, at its meeting held on 17 May 2016 resolved to support a planning proposal to reclassify a range of Council owned public lands from community to operational. The report and the Council resolution related to a total of 207 land parcels. A copy of the minuted report from Council's 17 May 2016 meeting containing Council's full resolution and the relevant background to this matter is at Attachment 1.

Council sought and obtained a Gateway Determination from the Department of Planning and Environment. As a consequence of the Gateway Determination it was decided (Council resolution 14.107/16, 15 November 2016) to split the planning proposal into two (2) planning proposals (9 parcels and 198 land parcels) to enable the more immediate consideration of a proposal for nine (9) priority land parcels. Planning proposal - Land Reclassification 2016-1 (REZ2016/0004) for nine (9) priority land parcels was publicly exhibited from 5 August to 2 September 2016. This planning proposal was finalised by the notification of Clarence Valley Local Environmental Plan 2011 (Amendment No. 31) on the NSW Legislation website on 20 January 2017.

The remaining land parcels are the subject of draft Planning Proposal - Reclassification of Council Land 2018 (REZ2017/0003). However the list of remaining public land parcels (reclassification list) proposed to be reclassified to operational has reduced over time from 198 to 180 and is now being recommended to be reduced by a further 14 to 163 lots/land parcels. It is recommended that a land parcel from the original reclassification list is reinstated to the current reclassification list. The background and brief history of revising the reclassification list is provided in the "brief history" table at Attachment 2 and also in the minuted reports to Council's 15 November 2016 and 27 June 2017 Ordinary Council meetings Attachment 3).

There is a need for Council to ratify more recent decisions to review and reduce the reclassification list in order to legitimise the reclassification list in the draft Planning Proposal - Reclassification of Council Land 2018 (REZ2017/0003) which is about to be resubmitted to the DPE. The currently endorsed reclassification list (180 land parcels) arising from Council's 15 November 2016 resolution is at Attachment 4.

## KEY ISSUES

The main issue for this report is the relevance/currency of the current reclassification list.

### Relevance/currency of the current reclassification list

Recent research, enquiry and other events since Council's 15 November 2016 resolution to endorse a revised public land parcel list (180 parcels) has highlighted the need for further land parcels on the currently endorsed reclassification list to remain classified as community and therefore the need to be removed from the reclassification list and second planning proposal. In total, a further 14 lots or land parcels are flagged for removal. However one lot is proposed to be added to the reclassification list. The reasons and circumstances for recommending the removal (and addition) of individual lots/parcels are discussed below.

1. Lots 1 & 2, DP 718398, Abbott Street, South Grafton	
Name of Property	<b>BMX Track - South Grafton</b>
Property no.	108157
Land no.	17089 and 22211 (2 lots)
Further details	The lots adjoin Lots 1 - 6 DP 781397 which also contain the BMX track/facility and which are already correctly classified as operational.
Reason/s	It is recommended that Lots 1 & 2, DP 718398 be retained as community classification for the present time; it is not possible to provide sufficient strategic justification at this time.

2. Lot 8, Section 19, DP 758631, 19-21 Grafton Street, Maclean	
Name of Property	<b>Stone Cottage Museum</b>
Property no.	113272
Land no.	32742
Further details	The land contains a complex of buildings known as the Stone Cottage as well as a separate museum & shop building occupied and operated by a local historical society – tenure arrangements unknown and not formalised.
Reason/s	It is recommended that Lot 8, Section 19, DP 758631 be retained as community classification for the present time; it is not possible to provide sufficient strategic justification at this time.

3. Part Lot 434 DP 823599, Pacific Highway, Gulmarrad (Part Lot – see below)	
Name of Property	<b>Ferry Park</b>
Property no.	113335
Land no.	26998
Further details	<p>Lot 434 is partly used for passive recreation and contains a number of improvements including a jetty, public toilets, car park as well as a significant building leased to 2 tenants/enterprises - one operating a restaurant/take away food premises (Olivers Real Food) and the other an art gallery/workshop (Ferry Park Gallery, Lower Clarence Arts &amp; Crafts Association).</p> <p>Until recently Council operated a visitor information centre from part of the building, but this arrangement has now ceased. Visitor information is available via a “kiosk” format during the opening hours of the enterprises which currently operate from the site.</p> <p>The enterprises operating on the land primarily provide food/retail services and products to the public during the restricted hours of operation.</p>
Reason/s	<p>It is recommended that part of Lot 434 immediately north of the main building be retained as community classification as this is the area most utilised by travellers and users of the site when not using the services and facilities in the main building. Proceed with proposed reclassification (to operational) the part of Lot 434 south of a point immediately north of the main building on the site used by the current building tenants – as indicated schematically on the plan at Attachment 5.</p> <p>The use and management of the part of the southern part of Lot 434 proposed to be reclassified is not reflective of wider community use or access and does not necessarily meet the criteria for community land or the categories of community land. An operational classification is necessary to facilitate the continuance of the current significant leasing and tenancy arrangements.</p>

4. Lots 36, 41 - 46, DP 627 & Lot 1, DP 723033, McLachlan Street, Maclean	
Name of Property	<b>Ryan Park</b>
Property no.	113796
Land no.	25933, 25934, 25935, 25936, 25937, 25938, 25939 and 33103 (8 lots)
Further details	The land is the Ryan Park Tennis Complex which features 6 tennis courts and ancillary facilities and structures. The site is leased by the Lower Clarence Tennis Association.

Reason/s	It is recommended that Lots 36, 41 - 46, DP 627 & Lot 1, DP 723033 be retained as community classification for the present time; it is not possible to provide sufficient strategic justification at this time.
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5. Lots 1, 2 & 3 DP 782589, 9 - 13 River Street, Ulmarra	
Name of Property	<b>Bailey Park</b>
Property no.	122996
Land no.	49563, 49564 and 49565 (3 lots)
Further details	The land is now vacant and until recently accommodated a dwelling which was recently demolished.
Reason/s	It is recommended that Lots 1, 2 & 3 DP 782589 be retained as community classification. The land will be incorporated into the existing and adjoining Bailey Park.

6. Lot 11, DP 858248, Pacific Highway, South Grafton	
Name of Property	<b>Roadside Buffer - Pacific Highway</b>
Property no.	129115
Land no.	57726
Further details	Area beside highway near South Grafton Flood Levee. Land use – utility & services (roading)
Reason/s	This land parcel was on the original list for land to be reclassified. It was thought that the land was to be acquired by the RMS and was removed from the list on 15 November 2016. The RMS is no longer acquiring this land parcel. The land parcel should therefore be reinstated to the public land reclassification list and included in the second planning proposal.

### Revised public land reclassification list

It is important for Council to adopt a further revised public land reclassification list for the second planning proposal to reclassify from community to operational the remaining public land parcels that takes into account those parcels which no longer need to be on the reclassification list.

Therefore the public land reclassification list for the second planning proposal (draft *Planning Proposal - Reclassification of Council Land 2018 [REZ2017/0003]*) should comprise those on the currently endorsed reclassification list (180 land parcels):

1. Less the:

- (a) 4 lots/land parcels the subject of separate planning proposals to reclassify and/or rezone former sewerage treatment plant sites at Maclean, Ilarwill and Townsend;
- (b) 2 lots/land parcels comprising the BMX Track - South Grafton;
- (c) Lot 8, Section 19, DP 758631 (Stone Cottage Museum);
- (d) 8 lots/land parcels comprising Ryan Park; and
- (e) 3 lots/land parcels comprising Bailey Park.

2. Plus Lot 11, DP 858248, Pacific Highway, South Grafton.

It is being recommended that Council adopt the revised public land reclassification list at Attachment 6 for the purposes of preparing the second planning proposal (draft *Planning Proposal - Reclassification of Council Land 2018 [REZ2017/0003]*). This list now comprises 163 public land parcels.

**COUNCIL IMPLICATIONS****Budget/Financial**

Research of the Council land registers and preparation of a planning proposal is being undertaken utilising existing allocated Council staff resources.

**Asset Management**

Clarification and confirmation of public land classification status is prerequisite to effective asset management and maintenance.

The removal of some lots/land parcels from the land reclassification list and therefore their retention as a community classification will as a minimum necessitate an amendment to Council's *Clarence Valley Community Land, Crown Reserves and other Public Places Generic Plan of Management 2014 – 2023*. However it is possible that properties or facilities like Ryan Park or BMX Track – South Grafton may require their own specific plan of management (POM).

**Policy or Regulation**

Local Government Act 1993 (LG Act)

Environmental Planning and Assessment Act 1979 (EP & A Act)

**Consultation**

Internal consultation with Governance, Strategic & Economic Planning and Open Spaces & Facilities. External consultation will be required through the formal exhibition of the draft planning proposal, should a Gateway Determination be received, and through the LG Act and EP & A Acts requirement for a public hearing.

As part of the exhibition of the planning proposal, Council is required to exhibit a statement (in plain English) detailing any financial dealings/interests as well as other matters specified in Department of Planning and Environment Practice Notes.

**Legal and Risk Management**

The recommended action seeks to rectify possible legal ambiguities associated with important Council decisions in 1994 as outlined in the report considered by Council on 17 May 2016. As mentioned under Asset Management above the removal of some lots/land parcels from the land reclassification list and therefore their retention as a community classification will as a minimum necessitate an amendment to Council's *Clarence Valley Community Land, Crown Reserves and other Public Places Generic Plan of Management 2014 – 2023*. However it is possible that properties or facilities like Ryan Park or BMX Track – South Grafton may require their own specific plan of management (POM).

Prepared by	Terry Dwyer, Senior Strategic Planner (Policy)
Attachment	<ol style="list-style-type: none"> <li>1. Minuted report - Council's 17 May 2016 meeting</li> <li>2. Brief history of land reclassification planning proposal 2016 – 2018 (REZ2017/0003)</li> <li>3. Minuted report - Council's 15 November 2016 and 27 June 2017 meetings</li> <li>4. Currently endorsed reclassification list (180 lots/land parcels) – 15/11/16</li> <li>5. Map – part Lot 434 (Ferry Park) proposed for reclassification to operational</li> <li>6. Recommended revised public land reclassification list (163 lots/land parcels)</li> </ol>

### APPENDIX 3 – Brief history of land reclassification planning proposal 2016 – 2018 (REZ2017/0003)

Date	Event/item	Comment/reason
17 May 2016	Council resolution to support a planning proposal to reclassify a range of Council owned public lands (207 land parcels) from community to operational.	Reasons are more fully explained in the minuted report to Council's 17 May 2016 meeting.
15 Nov 2016	Council resolution to endorse, for the purposes of preparing a second planning proposal, a revised public land reclassification list (180 parcels) to be reclassified from community to operational land.	This action followed the receipt of a Gateway determination from the Department of Planning and Environment (DPE). Removed from the original list of 207 land parcels were the 9 priority land parcels that were the subject of the now complete <i>Planning proposal - Land Reclassification 2016 -1 (REZ2016/0004)</i> as well as an additional 18 land parcels that were, for various reasons, no longer considered appropriate to be reclassified to operational. Refer to the copy of the minuted report to Council's 15 November 2016 meeting.
11 Oct 2017	The second planning proposal, <i>Planning Proposal - Reclassification of Council Land 2017 (REZ2017/0003)</i> submitted to DPE for a Gateway determination.	
13 Nov 2017	DPE requests further strategic justification for the reclassification (to operational) of 53 properties/land parcels.	The DPE considered that 53 properties/land parcels on the reclassification list could be considered to be of "community type" therefore requiring additional strategic justification.
28 & 29 Nov 2017	Meetings with relevant CVC asset/land managers to discuss classification of specific lands/lots.	It was agreed that Bailey Park (3 lots) be retained as a community classification and therefore be removed from the reclassification list and therefore from the second planning proposal. Before amending the planning proposal following the DPE's most recent request it was decided to: <ul style="list-style-type: none"> <li>• provide additional reasons and information to the DPE in support of the current level of strategic justification for reclassifying the properties/land parcels in question with a view to reducing the size of the list the DPE seeks further strategic justification for the reclassification (to operational);</li> <li>• request a meeting with the DPE to discuss the current list of properties/land parcels the DPE seeks further strategic justification for the</li> </ul>

		reclassification (to operational).
15 Dec 2017	Meeting between Council officers and DPE officers.	<p>Council officers and DPE officers meet to discuss the list of current list of properties/land parcels the DPE seeks further strategic justification for the reclassification (to operational).</p> <p>Council officers provided additional reasons and information to the DPE in support of the current level of strategic justification for reclassifying the properties/land parcels in question with a view to reducing the size of the list the DPE seeks further strategic justification for the reclassification (to operational).</p>
23 Jan 2018	DPE requests further strategic justification for the reclassification (to operational) of a reduced list of 5 properties/land parcels.	<p>The reduced list is for the following properties:</p> <ul style="list-style-type: none"> <li>• BMX Track – South Grafton</li> <li>• Stone Cottage Museum</li> <li>• Ferry Park</li> <li>• Ryan Park</li> <li>• Civic Centre – Maclean.</li> </ul> <p>These 5 properties comprise 15 lots/land parcels. The reduced list is a result of discussions between Council officers and DPE officers on 15 December 2017.</p> <p>The DPE considered that these properties could be considered to be of “community type” and therefore require further strategic justification in the context of the DPE Practice Note PN 16-001 - <i>Classification and reclassification of public land through a local environmental plan</i> (PN 16-001).</p> <p>In the interests of progressing the planning proposal Council staff have accepted that the BMX Track - South Grafton, Stone Cottage Museum and Ryan Park properties will remain classified community for the time being. Accordingly Council staff have:</p> <ul style="list-style-type: none"> <li>• deleted these 3 properties comprising 11 lots/land parcels from the reclassification list and therefore from the current planning proposal;</li> <li>• reinstated another lot (Lot 11, DP 858248) that was on the original reclassification list, as it was not purchased by the Road and Maritime Services (RMS); and</li> <li>• provided and resubmitted an amended planning proposal for the reclassification of 163 lots/land parcels based on the deletion of the 3 above properties and Bailey Park, and with additional strategic justification for the reclassification of the Civic Centre - Maclean and Ferry Park properties.</li> </ul> <p>In the case of Ferry Park it is considered that the</p>

		northern part of the property or lot could be retained as a community classification whilst the part of the site occupied by the buildings and south of the buildings be reclassified to operational. The latter is due to the current leasing arrangements and uses of this part of the site which are more aligned to an operational type or nature.
20 March 2018	Council resolution to endorse, a further revised public land reclassification list (163 parcels) for the purposes of preparing a second planning proposal.	Reasons are more fully explained in the minuted report to Council's 20 March 2018 meeting.

## APPENDIX 4 - NORTH COAST REGIONAL PLAN 2036 COMPLIANCE CHECKLIST

(Note - refer to section 4.3 of the planning proposal)

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY Consistent - Yes or No?	COMMENTS
<b>Goal 1 - The most stunning environment in NSW</b>		
<b>Direction 1 - Deliver environmentally sustainable growth</b>		
<u>Action 1.1</u> - Focus future urban development to mapped urban growth areas.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 1.2</u> - Review areas identified as 'under investigation' within urban growth areas to identify and map sites of potentially high environmental value.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 1.3</u> - Identify residential, commercial or industrial uses in urban growth areas by developing local growth management strategies endorsed by the Department of Planning and Environment.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 1.4</u> - Prepare land release criteria to assess appropriate locations for future residential, commercial and industrial uses.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 1 - The most stunning environment in NSW</b>		
<b>Direction 2 - Enhance biodiversity, coastal and aquatic habitats, and water catchments</b>		
<u>Action 2.1</u> - 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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 2.2</u> - Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 1 - The most stunning environment in NSW</b>		
<b>Direction 3 - Manage natural hazards and climate change</b>		
<u>Action 3.1</u> - Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 3.2</u> - Review and update floodplain risk, bushfire and coastal management mapping to manage risk, particularly where urban growth is being investigated.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 3.3</u> - Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 1 - The most stunning environment in NSW</b>		



NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY Consistent - Yes or No?	COMMENTS
<b>Direction 4 - Promote renewable energy opportunities</b>		
Action 4.1 - Diversify the energy sector by identifying renewable energy resource precincts and infrastructure corridors with access to the electricity network.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 4.2 - Enable appropriate smaller-scale renewable energy projects using bio-waste, solar, wind, small-scale hydro, geothermal or other innovative storage technologies.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 4.3 - Promote appropriate smaller and community-scale renewable energy projects.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 5 - Strengthen communities of interest and cross-regional relationships</b>		
Action 5.1 - Collaborate on regional and intra-regional housing and employment land delivery, and industry development.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 5.2 - Integrate cross-border land use planning between NSW and South East Queensland, and remove barriers to economic, housing and jobs growth.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 5.3 - Encourage ongoing cooperation and land use planning between the City of Gold Coast and Tweed Shire Council.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 5.4 - Prepare a regional economic development strategy that drives economic growth opportunities by identifying key enabling infrastructure and other policy interventions to unlock growth.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 6 - Develop successful centres of employment</b>		
Action 6.1 - 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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 6.3 - Promote knowledge industries by applying flexible planning controls, providing business park development opportunities and identifying opportunities for start-up industries.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 6.3 - 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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 6.4 - Focus retail and commercial activities in existing centres and develop place-making focused planning strategies for centres.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 6.5 - Promote and enable an appropriate mix of land uses and prevent the encroachment of sensitive uses on employment land through	Yes	Consistent although this action is not directly relevant to the planning proposal.

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY Consistent - Yes or No?	COMMENTS
local planning controls.		
<u>Action 6.6</u> - Deliver an adequate supply of employment land through local growth management strategies and local environmental plans to support jobs growth.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 6.7</u> - Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<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>	Yes	Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 2 - A thriving, interconnected economy</b> <b>Direction 8 - Promote the growth of tourism</b>		
<u>Action 8.1</u> - 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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 8.2</u> - 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	Consistent although this action is not directly relevant to the planning proposal.
<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>	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 8.4</u> - 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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 8.5</u> - Preserve the region's existing tourist and visitor accommodation by directing permanent residential accommodation away	Yes	Consistent although this action is not directly relevant to the planning proposal.

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY Consistent - Yes or No?	COMMENTS
from tourism developments, except where it is ancillary to existing tourism developments or part of an area otherwise identified for urban expansion 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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
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>	Yes	Consistent although this action is not directly relevant to the planning proposal.
<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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 10.2 - Consider airport-related employment opportunities and precincts that can capitalise on the expansion proposed around Gold Coast Airport.	Yes	Consistent although this action is not directly relevant to the planning proposal.
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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 10.4 - Provide public transport where the size of the urban area has the potential to generate sufficient demand.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 10.5 - Deliver a safe and efficient transport network to serve future	Yes	Consistent although this action is not

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY Consistent - Yes or No?	COMMENTS
release areas.		directly relevant to the planning proposal.
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 11: Protect and enhance productive agricultural lands</b>		
<u>Action 11.1</u> - 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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 11.2</u> - 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).	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 11.3</u> - Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 11.4</u> - 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	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 11.5</u> - Address sector-specific considerations for agricultural industries through local plans.		Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 12 - Grow agribusiness across the region</b>		
<u>Action 12.1</u> - 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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 12.2</u> - Encourage the co-location of intensive primary industries, such as feedlots and compatible processing activities.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 12.3</u> - Examine options for agribusiness to leverage proximity from the Gold Coast and Brisbane West Wellcamp airports.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 12.4</u> - 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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 2 - A thriving, interconnected economy</b>		
<b>Direction 13 - Sustainably manage natural resources</b>		
<u>Action 13.1</u> - 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	Yes	Consistent although this action is not directly relevant to the planning proposal.

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY Consistent - Yes or No?	COMMENTS
light interference.		
Action 13.2 - Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 3 - Vibrant and engaged communities</b> <b>Direction 14 - Provide great places to live and work</b>		
Action 14.1 - 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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 14.2 - Deliver precinct plans that are consistent with the Precinct Plan Guidelines (Appendix C).	Yes	Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 3 - Vibrant and engaged communities</b> <b>Direction 15 - Develop healthy, safe, socially engaged and well-connected communities</b>		
Action 15.1 - Deliver best-practice guidelines for planning, designing and developing healthy built environments that respond to the ageing demographic and subtropical climate.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 15.2 - Facilitate more recreational walking and cycling paths and expand inter-regional and intra-regional walking and cycling links, including the NSW Coastline Cycleway.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 15.3 - Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 15.4 - Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment frameworks within local planning.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 15.5 - Deliver crime prevention through environmental design outcomes through urban design processes.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 3 - Vibrant and engaged communities</b> <b>Direction 16 - Collaborate and partner with Aboriginal communities</b>		
Action 16.1 - Develop partnerships with Aboriginal communities to facilitate engagement during the planning process, including the development of engagement protocols.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 16.2 - Ensure Aboriginal communities are engaged throughout the preparation of local growth management strategies and local environmental plans.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 3 - Vibrant and engaged communities</b>		

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY Consistent - Yes or No?	COMMENTS
<b>Direction 17: Increase the economic self-determination of Aboriginal communities</b>		
Action 17.1 - Deliver opportunities to increase the economic independence of Aboriginal communities through training, employment and tourism.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 17.2 - Foster closer cooperation with Local Aboriginal Land Councils to identify the unique potential and assets of the North Coast communities.	Yes	
Action 17.3 - Identify priority sites with economic development potential that Local Aboriginal Land Councils may wish to consider for further investigation.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 19.3 - Deliver the adaptive or sympathetic use of heritage items and assets.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 3 - Vibrant and engaged communities</b>		
<b>Direction 20 - Maintain the region's distinctive built character</b>		

<b>NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS &amp; ACTIONS</b>	<b>CONSISTENCY Consistent - Yes or No?</b>	<b>COMMENTS</b>
<u>Action 20.1</u> - Deliver new high-quality development that protects the distinct character of the North Coast, consistent with the North Coast Urban Design Guidelines (2009)	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 20.2</u> - Review the North Coast Urban Design Guidelines (2009).	Yes	Consistent although this action is not directly relevant to the planning proposal.
<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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 22.2</u> - Facilitate housing and accommodation options for temporary residents by: ▪ preparing planning guidelines for seasonal and itinerant workers accommodation to inform the location and design of future facilities; and ▪ working with councils to consider opportunities to permit such facilities through local environmental plans.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 22.3</u> - Monitor the supply of residential land and housing through the North Coast Housing and Land Monitor.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<b>Goal 4 - Great housing choice and lifestyle options</b> <b>Direction 24: Deliver well-planned rural residential housing areas</b>		



NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY Consistent - Yes or No?	COMMENTS
<p><u>Action 24.1</u> - Facilitate the delivery of well-planned rural residential housing areas by:</p> <ul style="list-style-type: none"> <li>identifying new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment; and</li> <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>	Yes	Consistent although this action is not directly relevant to the planning proposal.
<p><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.</p>	Yes	Consistent although this action is not directly relevant to the planning proposal.
<p><b>Goal 4 - Great housing choice and lifestyle options</b>  <b>Direction 25 - Deliver more opportunities for affordable housing</b></p>		
<p><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.</p>	Yes	Consistent although this action is not directly relevant to the planning proposal.
<p><u>Action 25.2</u> - Prepare guidelines for local housing strategies that will provide guidance on planning for local affordable housing needs.</p>	Yes	Consistent although this action is not directly relevant to the planning proposal.



## APPENDIX 5 - COUNCILS LOCAL STRATEGY AND STRATEGIC PLAN CHECKLIST

Strategy/Strategic Plan	Comment/relevant component
The Clarence 2027	The themes and objectives of the Community Plan most relevant to the planning proposal are:
	Theme – Infrastructure Objective 2.1 – To have communities that are well serviced with appropriate infrastructure. <u>Comment</u> Reclassification to operational should assist the Council to better manage into the future any assets/infrastructure/facilities that are currently classified community but should have been classified operational.
	Theme - Our leadership Objective 5.1 – To have a strong, accountable and representative Government. <u>Comment</u> The planning proposal is considered to be broadly consistent with this objective and the achievement of this objective.
Council's 2017/18 - 2020/21 Delivery Program and Operational Plan 2017/18	The planning proposal will complement and is consistent with the following strategies and actions under the current Delivery Program and Operational Plan.
	Objective 2.1 - We will have communities that are well serviced with appropriate infrastructure Strategy 2.1.1 - Maintain and renew water and sewer networks Strategy 2.1.3 - Provide strategic asset management planning Strategy 2.1.4 - Manage and enhance our parks, open spaces and facilities
	Objective 5.1 - We will have a strong, accountable and representative Government
	<ul style="list-style-type: none"> <li>• Strategy 5.1.4 – Ensure transparent and accountable decision making for our community</li> <li>• Strategy 5.1.6 - Ensure decisions reflect the long-term interest of the community and support financial and infrastructure sustainability</li> <li>• Strategy 5.1.8 – Ensure good governance, effective risk management and statutory compliance</li> </ul>
Maclean Urban Catchment Local Growth Management Strategy 2011 (MUCLGMS)	Not relevant. The planning proposal has no direct relevance to this strategy and vice versa.
South Grafton Heights Precinct Strategy (SGHPS)	Not relevant. The planning proposal has no direct relevance to this strategy and vice versa.
Clarence Valley Settlement Strategy (CVSS)	Not relevant. The planning proposal has no direct relevance to this strategy and vice versa.
Clarence Valley Economic Development Strategic Plan	Not relevant. The planning proposal has no direct relevance to this strategy and vice versa.
Clarence Valley Affordable Housing Strategy	Not relevant. The planning proposal has no direct relevance to this strategy and vice versa.
Clarence Valley Open Spaces Strategic Plan 2012	The planning proposal is considered to be consistent with this plan, including its objectives, strategies and actions.

Strategy/Strategic Plan	Comment/relevant component
	<p>It will contribute to the achievement of the following General strategy and action in Table 6.2 Assessment of future open space and recreation needs across the Clarence Valley of the plan (p.117):</p> <p><i>Investigate to rationalise/dispose of lands (e.g. vacant operational lands) with little value or recreational potential with examples being:</i></p> <ul style="list-style-type: none"> <li>• <i>Meillon Reserve. Use sale funds for land to access Bob Liddiard Park.</i></li> <li>• <i>Excess operational lands in South Grafton</i></li> <li>• <i>Floodprone land acquisitions in South Grafton</i></li> <li>• <i>Small pockets of land along Ryan Street, South Grafton</i></li> </ul>

## APPENDIX 6 - STATE ENVIRONMENTAL PLANNING POLICY CHECKLIST

Name of SEPP	Relevant?	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 14 - Coastal Wetlands	No	N/A
State Environmental Planning Policy No 19 - Bushland in Urban Areas	No	N/A
State Environmental Planning Policy No 21 - Caravan Parks	No	N/A - as this proposal is not for a caravan park; nor is development application (DA).
State Environmental Planning Policy No 26 - Littoral Rainforests	No	N/A
State Environmental Planning Policy No 30 - Intensive Agriculture	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	This is not a development application (DA). The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
State Environmental Planning Policy No 47 - Moore Park Showground	No	N/A
State Environmental Planning Policy No 50 - Canal Estate Development	No	N/A
State Environmental Planning Policy No 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	No	N/A
State Environmental Planning Policy No 55 - Remediation of Land	No	N/A – the proposal is a reclassification of public lands and is not rezoning any specific parcel of land; nor is it intending to facilitate development for one of the purposes referred to in clause 6(4) of the SEPP.
State Environmental Planning Policy No 62 - Sustainable Aquaculture	No	N/A
State Environmental Planning Policy No 64 - Advertising and Signage	No	N/A
State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development	No	N/A
State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)	No	N/A
State Environmental Planning Policy No 71 - Coastal Protection	No	N/A – the proposal is a reclassification of public lands and is not rezoning any specific parcel of land; the reclassification of the relevant public lands is not intending to facilitate any specific development that might impact any matter required to be considered in clause 8 of the SEPP.

<b>Name of SEPP</b>	<b>Relevant?</b>	<b>Comment/statement of consistency</b>
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	N/A - this is not a development application (DA). The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
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 - this is not a development application (DA). The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
State Environmental Planning Policy (Infrastructure) 2007	No	N/A
State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007	No	N/A
State Environmental Planning Policy (Kurnell Peninsula) 1989	No	N/A
State Environmental Planning Policy (Major Development) 2005	No	N/A
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	N/A
State Environmental Planning Policy (Rural Lands) 2008	No	N/A
State Environmental Planning Policy (State and Regional Development) 2011	No	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	N/A
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	N/A
State Environmental Planning Policy (Three Ports) 2013	No	N/A
State Environmental Planning Policy (Urban Renewal) 2010	No	N/A
State Environmental Planning Policy (Western Sydney Employment Area) 2009	No	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	N/A

## APPENDIX 7 - SECTION 9.1 DIRECTION CHECKLIST

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
<b>1. EMPLOYMENT AND RESOURCES</b>		
<b>1.1 Business and Industrial Zones</b>	Consistent	Although the planning proposal covers some land parcels zoned business it does not trigger the requirements of this direction; nor does hinder the achievement of the objectives of this direction.
<b>1.2 Rural Zones</b>	Consistent	Although the planning proposal covers some land parcels zoned rural it does not trigger the requirements of this direction; nor does hinder the achievement of the objective of this direction.
<b>1.3 Mining, Petroleum Production and Extractive industries</b>	Not applicable	The planning proposal does not affect any land identified as having extractive resources of regional significance and their haulage routes.
<b>1.4 Oyster Aquaculture</b>	Not applicable	This direction is not applicable in this instance as the planning proposal is not proposing a change in land use which could result in: (a) adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate"; or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate" and other land uses.
<b>1.5 Rural Lands</b>	Consistent	Although the planning proposal covers some land parcels zoned rural and environment protection it does not trigger the requirements of this direction; nor does hinder the achievement of the objectives of this direction.
<b>2. ENVIRONMENT AND HERITAGE</b>		
<b>2.1 Environmental protection Zones</b>	Not applicable	Although the planning proposal covers some land parcels zoned environment protection it does not trigger the requirements of this direction; nor does hinder the achievement of the objectives of this direction.
<b>2.2 Coastal protection</b>	Consistent	This direction applies but only in a broad sense. A number of land parcels are within the coastal zone and therefore are technically covered by this direction. The proposed reclassification of the relevant public lands does not contravene the following policies or documents referenced in the direction: <ul style="list-style-type: none"> <li>• NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997;</li> <li>• Coastal Design Guidelines 2003; and</li> <li>• NSW Coastline Management Manual 1990.</li> </ul> Further the proposed reclassification does

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
		hinder the achievement of the objective of this direction.
<b>2.3 Heritage Conservation</b>	Consistent	None of lands the subject of proposed reclassification are a heritage item. Some of the lands the subject of proposed reclassification is within a heritage conservation area (HCA). The proposed reclassification of these particular lands will not impact the existing level of protection afforded by the heritage conservation area status which will be maintained. The planning proposal will not hinder the achievement of the objectives of this direction.
<b>2.4 Recreation Vehicle Areas</b>	Not applicable	This direction is not applicable in this instance as it is not intending to enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983).
<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	Not applicable	This direction does not apply to the Clarence Valley LGA.
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		
<b>3.1 Residential Zones</b>	Consistent	Although the planning proposal covers some land parcels zoned business it does not trigger the requirements of this direction; nor does hinder the achievement of the objectives of this direction.
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	Not applicable	This direction is not applicable in this instance as it not intending to introduce provisions in relation to caravan parks or manufactured home estates (MHEs).
<b>3.3 Home Occupations</b>	Not applicable	The planning proposal does not intend to alter the status quo in relation to home occupations in dwelling houses.
<b>3.4 Integrated Land Use and Transport</b>	Consistent	This direction is only applicable in so far as it applies to a planning proposal that <i>"will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes"</i> .  The planning proposal applies to land zoned residential, business and industrial and it does not intend to create, alter or remove any of the specified zones. The proposed public land reclassification will not alter the status quo of any existing zoning.
<b>3.5 Development Near Licensed Aerodromes</b>	Consistent	There are no public lands the subject of this planning proposal in the vicinity of the Clarence Valley Regional Airport or the South Grafton Aerodrome that trigger the operation of this direction.

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
3.6 Shooting Ranges	Not applicable	This direction is not relevant as it will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
<b>4. HAZARD AND RISK</b>		
4.1 Acid Sulfate Soils	Consistent	Although the planning proposal covers some land parcels that are identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present it is considered that the planning proposal is consistent with this direction as it is not proposing to rezone any land or facilitate the carrying of a particular development.
4.2 Mine Subsidence and Unstable land	Not applicable	This direction is not applicable as there are no known Mine Subsidence Districts in the Council area. The requirements of the direction in relation to land that has been identified as unstable in a study, strategy or other assessment can be addressed and met at the DA stage for any future development that may be proposed on any individual land parcel to be reclassified
4.3 Flood Prone Land	Consistent	Although some land parcels proposed for land reclassification are flood prone it requirement are not triggered as it is not proposing to facilitate the carrying out of a particular development.  The requirements of the direction in relation to land that is flood prone land can be addressed and met at the DA stage for any future individual development that is proposed for such land having regard to the floodplain management controls in Council's development control plans.
4.4 Planning for Bushfire Protection	Consistent	Some of the land parcels proposed for land reclassification are mapped as bush fire prone on the relevant bush fire prone maps. The planning proposal is not proposing to facilitate the carrying out of a particular development. Notwithstanding this it is proposed to consult with the NSW Rural Fire Service following the issue of any Gateway determination to proceed.
<b>5. REGIONAL PLANNING</b>		
5.1 Implementation of Regional Strategies	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.
5.2 Sydney Drinking Water Catchments	Not applicable.	This direction is not applicable in this instance; the planning proposal does not apply to land within the Sydney drinking water catchment.

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	This direction is not applicable in this instance as it does not apply to the Clarence Valley LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Consistent	This direction is relevant and applicable in so far as the land containing the Maclean Tourist Centre Complex & Wharf (Ferry Park), being Lot 434, DP 823599 is located adjacent to and in the vicinity of the existing and/or proposed alignment of the Pacific Highway [Direction 5.4(3)]. However as the planning proposal is not proposing to facilitate the carrying out of a particular development it does not hinder the achievement of the directions objectives nor does it contravene the requirements of the direction.
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.	<i>Revoked 18 June 2010</i>
5.6 Sydney to Canberra Corridor	Not applicable.	<i>Revoked 10 July 2008 - See amended Direction 5.1</i>
5.7 Central Coast	Not applicable.	<i>Revoked 10 July 2008 - See amended Direction 5.1</i>
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	This Direction not applicable in this instance; the planning proposal does not apply to land in the vicinity of any future second Sydney Airport at Badgerys Creek.
5.9 North West Rail Link Corridor Strategy	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.
5.10 Implementation of Regional Plans	Consistent	The applicable regional plan is the North Coast Regional Plan 2036. Refer also to section 4.3, pages 10-11 of this planning proposal document.  The NCRP 2036 has very few if any actions (or goal or direction) that is of relevance to a planning proposal of this nature. Conversely the planning proposal does not impact nor is considered to be inconsistent with any action (or goal or direction) contained within the NCRP 2036. Accordingly, the proposal is considered to be consistent with the NCRP 2036. A detailed assessment of the planning proposal against the NCRP 2036 actions is at Appendix 4.
<b>6. LOCAL PLAN MAKING</b>		
6.1 Approval and Referral Requirements	Consistent	The planning proposal is not intending to introduce concurrence, consultation or referral requirements nor identify development as designated development.



SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
6.2 Reserving Land for Public Purposes	Consistent	The planning proposal is not intending to create, alter or reduce existing zonings or reservations of land for public purposes. In this sense the proposal does not trigger the requirements of this direction.
6.3 Site Specific Provisions	Consistent	The requirements of this Direction are not triggered as it is not intending to permit a particular development on a particular site.
<b>7. METROPOLITAN PLANNING</b>		
7.1 Implementation of a Plan for Growing Sydney	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.
7.3 Parramatta Road Corridor Transformation Strategy	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.



**APPENDIX 8 - Practice Note PN 16-001 - *Classification and reclassification of public land through a local environmental plan***

Ref No.	PN 16-001
Issued	5 October 2016
Related	Supersedes PN 09-003

## Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

### Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- *Community* land – is land council makes available for use by the general public, for example, parks, reserves or sports grounds.
- *Operational* land – is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

#### What is public land?

*Public land* is defined in the LG Act as any land (including a *public reserve*) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

### Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council's strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased,

but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

There are no special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

### How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

**Classification** of public land occurs when it is first acquired by a council and classified as either community or operational.

**Reclassification** of public land occurs when its classification is changed from community to operational, or from operational to community.

## Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local plan-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP is the mechanism with which council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land (LG Act s.30).

It is critical that all interests are identified upfront as part of any planning proposal. If public land is reclassified from community to operational, without relevant interests being identified and discharged, then the land will need to be reclassified back to community (usually by council resolution under LG Act s.33<sup>1</sup>) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

**Public reserve** is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve.

Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel.

**Interests in land** refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else's land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

## Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

## Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

## Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

<sup>1</sup> Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).

## Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

## Governor's approval

The Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor's approval is required, the council's report accompanying the final planning proposal must address:

- council's interests in the land;
- whether the land is a 'public reserve';
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

## Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(l)).

## Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as *community* land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
- land controlled by council and vested in Corporation Sole - Minister administering the EP&A Act.

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

## Further information

A copy of this practice note, *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* is available at:

<http://www.planning.nsw.gov.au>

For further information, please contact the Department of Planning and Environment's Information Centre by one of the following:

Post: GPO Box 39, Sydney NSW 2001.

Tel: 1300 305 695

Email: [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

**Authorised by:**  
**Carolyn McNally**  
**Secretary**

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**Important note:** This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

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## ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*.

Importantly, *A guide to preparing local environmental plans* contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in *Practice Note No. 1 - Public Land Management* (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*).

- ☐ the current and proposed classification of the land;
- ☐ whether the land is a 'public reserve' (defined in the LG Act);
- ☐ the strategic and site specific merits of the reclassification and evidence to support this;
- ☐ whether the planning proposal is the result of a strategic study or report;
- ☐ whether the planning proposal is consistent with council's community plan or other local strategic plan;
- ☐ a summary of council's interests in the land, including:
  - how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)
  - if council does not own the land, the land owner's consent;
  - the nature of any trusts, dedications etc;
- ☐ whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- ☐ the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);
- ☐ evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);
- ☐ current use(s) of the land, and whether uses are authorised or unauthorised;
- ☐ current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- ☐ current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);
- ☐ any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- ☐ how council may or will benefit financially, and how these funds will be used;
- ☐ how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;
- ☐ a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and
- ☐ preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.



**APPENDIX 9 - Gateway determination** (to be inserted when received from DPE)



**APPENDIX 10 - draft “Land Reclassification (Part Lots) Map”** (more accurate map to be inserted following Gateway)



## Ferry Park 1



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