

Clarence Valley Council
Planning Proposal -
reclassification of
Council Land 2020
(REZ2020/0005)
September 2020

Declaration

Document name: Planning Proposal - Reclassification of Council Land 2020 (REZ2020/0005)

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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* (December 2018).

Date: 16 September 2020 (Version 2.0)

Document History and Version Control				
Version	Prepared by	Approved by	Date Approved	Brief Description
1.0	TD	TD	10/09/2020	Draft for submission to Planning Gateway
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1. PRELIMINARY

1.1 Context

This document is a planning proposal that aims to support the reclassification of five public land parcels from community to operational. It is emphasized that it is not intended to change the land zoning of any land under the Clarence Valley Local Environmental Plan 2011.

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*" (December 2018).

This document is a fresh planning proposal that follows the completion of *Planning Proposal - Reclassification of Council Land 2018 (REZ2017/0003)* which culminated in the reclassification of one hundred and fifty seven (157) public land parcels from community to operational. This became Amendment No. 40 to Clarence Valley LEP 2011 (CVLEP 2011), which was notified and effective on 3 May 2019.

More specifically the current planning proposal aims to reclassify from "community" to "operational" the lots listed below:

- Lots 223 DP 260230 and Lot 286 DP 262200, Westringia Place, Yamba; and
- Lots 10 DP 866724, Lot 12 DP 881975 & Lot 54 DP 1013843, Witonga Drive, Yamba.

All 5 lots comprise drainage reserve lots as part of canal/waterway residential subdivisions at Yamba. The lots constitute drainage reserves under section 49(3) of the Local Government Act 1993. The lots were originally part of *Planning Proposal - Reclassification of Council Land 2018 (REZ2017/0003)* referred to above but were removed from the planning proposal due to technical issues which would have further delayed the progress of that planning proposal.

The **location** of these Lots is shown in Figures 1 and 2 below. A more detailed map showing the lots is in Appendix 1.



Figure 1: Location - Lots 223 DP 260230 and Lot 286 DP 262200, Westringia Place, Yamba

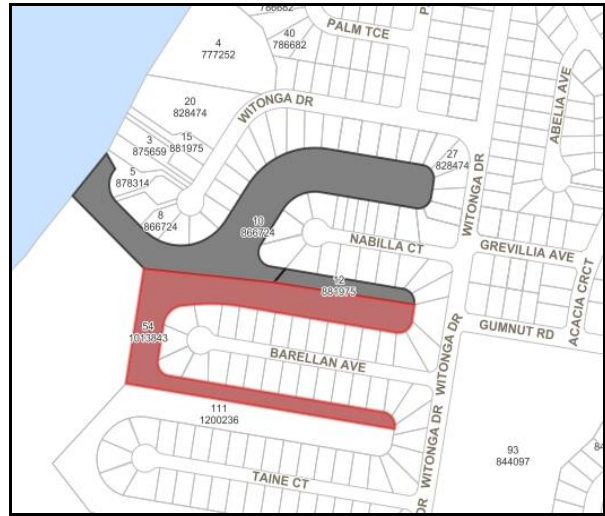


Figure 2: Location - Lots 10 DP 866724, Lot 12 DP 881975 & Lot 54 DP 1013843, Witonga Drive, Yamba

1.2 Current Zoning & Use

The current land zoning of the lots under the CVLEP 2011 is as follows:

- (i) Lots 223 DP 260230 and Lot 286 DP 262200, Westringia Place, Yamba - W2 Recreational Waterway; and
- (ii) Lots 10 DP 866724, Lot 12 DP 881975 & Lot 54 DP 1013843, Witonga Drive, Yamba - R2 Low Density Residential (Lots 12 & 54) and Part W2 Recreational Waterway and Part R2 in the case of Lot 10.

Refer also to maps indicating land zoning in Appendix 1.

The lands are deemed to be currently classified as community under the *Local Government Act 1993* (LG Act).

1.3 Background to land classification and reclassification

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 (Department of Local Government [2000], Practice Note 1: Public Land Management [Revised], Department of Local Government, Sydney, NSW).

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.

History and current position of public land classification

Issues associated with historic land classifications were brought to the fore during the Depot, Office Accommodation and Land Rationalisation project. This has been a key strategy adopted by Council to assist with achieving long term financial sustainability for the organisation by reducing duplication and operating costs.

The project has required a detailed assessment of the status of a number of Council owned land parcels. That analysis 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) were taken or deemed to be classified as community land. Steps were taken in 2016 to initiate a process intended to effectively “classify” those lands by reclassifying them to operational as originally intended. This will formalise the clear intention of the former 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. This original planning proposal was split into two (2) planning proposals (9 parcels and 198 land parcels) for operational and technical reasons to enable the more immediate progression of a planning 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)*.

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

A second planning proposal entitled *Planning Proposal - Reclassification of Council Land 2018 (REZ2017/0003)* sought to deal with the reclassification of the remaining public land parcels (198 as at October 2017). For a variety of reasons the number of land parcels covered by that planning proposal reduced over time from 198 to 157.

On 9 November 2018 the then Department of Planning and Environment expressed concern over the lack of notification given to the holders of licences of structures within the Westringia Place and Witonga Drive drainage reserves (being items no. 57 and 61 of Volume 2 of that planning proposal); the Department requested Council to either re-exhibit and notify the planning proposal to affected parties, including licence holders within the abovementioned drainage reserves, or consider deferral of the subject items to a future planning proposal. The latter course of action was chosen thereby removing five (5) lots/parcels from that current planning proposal to allow the remaining 157 lots to proceed.

Planning Proposal - Reclassification of Council Land 2018 (REZ2017/0003) was finalised by the notification of Clarence Valley Local Environmental Plan 2011 (Amendment No 40) on the NSW Legislation website on 3 May 2019.

The five (5) lots/parcels deferred from *Planning Proposal - Reclassification of Council Land 2018 (REZ2017/0003)* are now the lots/parcels the subject of this current planning proposal.

1.4 Conclusion and next steps

To sum up, this planning proposal therefore deals with the reclassification of 5 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 interests¹ 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.

¹ *Interests in lands 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.*

2. PART 1 - OBJECTIVE OR INTENDED OUTCOME

The objective or intended outcome of the planning proposal, as amended, is to reclassify from “community” to “operational” the Council owned public lands referred to below:

1. Lots 223 DP 260230 and Lot 286 DP 262200, Westringia Place, Yamba; and
2. Lots 10 DP 866724, Lot 12 DP 881975 & Lot 54 DP 1013843, Witonga Drive, Yamba.

Note: in essence the principal reason for and purpose of the planning proposal is to reaffirm the intention of public land classifications of a range of land parcels that were intended to be classified as operational by various Council resolutions as far back as 27 years ago.

3. PART 2 - EXPLANATION OF PROVISIONS

The objectives or intended outcomes of the Proposal, as amended, will be achieved by amending Schedule 4 of *Clarence Valley Local Environmental Plan 2011* so as to include the public lands (5 lots/parcels) referred to in PART 1 above 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.

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 these Lots is shown in Figures 1 and 2 above. A more detailed map showing the lots is in Appendix 1.

Note 3: As no part Lots are proposed to be reclassified there is no need for any draft local environmental plan mapping.

4. PART 3 - JUSTIFICATION

Section A – Need for the planning proposal

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

The 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 May 2016 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 1.3 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 are being 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*. A copy of PN 16-001 is in Appendix 2, whilst Appendix 3 provides the information required to be provided by PN 16-001 in the form of two (2) written statements for the land to be reclassified.

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 in 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) *
- Delivery Program & 2020/21 Operational Plan *
- 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 in 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 in 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 in 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.

An operational classification will facilitate the licensing of existing private waterway structures located in the drainage reserve lots.

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?

There has been no consultation with State and Commonwealth public authorities to date. However refer to Section 6. PART 5 - COMMUNITY CONSULTATION, below for proposed consultation.

5. PART 4 - MAPPING

The **location** of the land affected by this planning proposal is shown in Figures 1 and 2 above. A more detailed map showing the lots and their location is in Appendix 1.

Appendix 1 also contains maps which indicate current land zoning.

Refer also to Appendix 3 which provides the information required to be provided by PN 16-001 in the form of two (2) written statements for land to be reclassified. These contain maps also indicating the location of the land to be reclassified.

As no part Lots are proposed to be reclassified there is no need for any formal draft local environmental plan mapping as part 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 6.5.2) to be a 'low' impact planning proposal.

Therefore it is intended that the proposal be exhibited for a minimum of 28 days in accordance with Section 6.5.2 of the above guideline.

At this stage it is not proposed to consult with any public authorities unless the Gateway determination specifies consultation with particular authorities.

The planning proposal will also be exhibited in accordance with DPEs PN 16-001 a copy of which is included in Appendix 2. 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 Appendix 3.

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
September 2020	Referral of Planning Proposal to DPIE
October 2020	Receipt of Gateway determination (exact date to be determined)
November 2020	Public Exhibition of Planning Proposal
November 2020	Notification of public hearing
December 2020	Public hearing (exact date TBA)
February 2021	Environment, Planning & Community Committee & Ordinary Council Meeting, respectively - consider report on submissions & public hearing
March 2021	Referral to DPIE with request to arrange making of final plan (exact date TBA)
April 2021	Notification of LEP Amendment (exact date TBA)


APPENDIX 1 - Mapping




**Clarence Valley
Local
Environmental
Plan 2011**

Draft Land Reclassification Map

Land Reclassification (Part Lots)

 Proposed Community Land

Cadastral

 Cadastral 15/01/2020 © NSW Spatial services

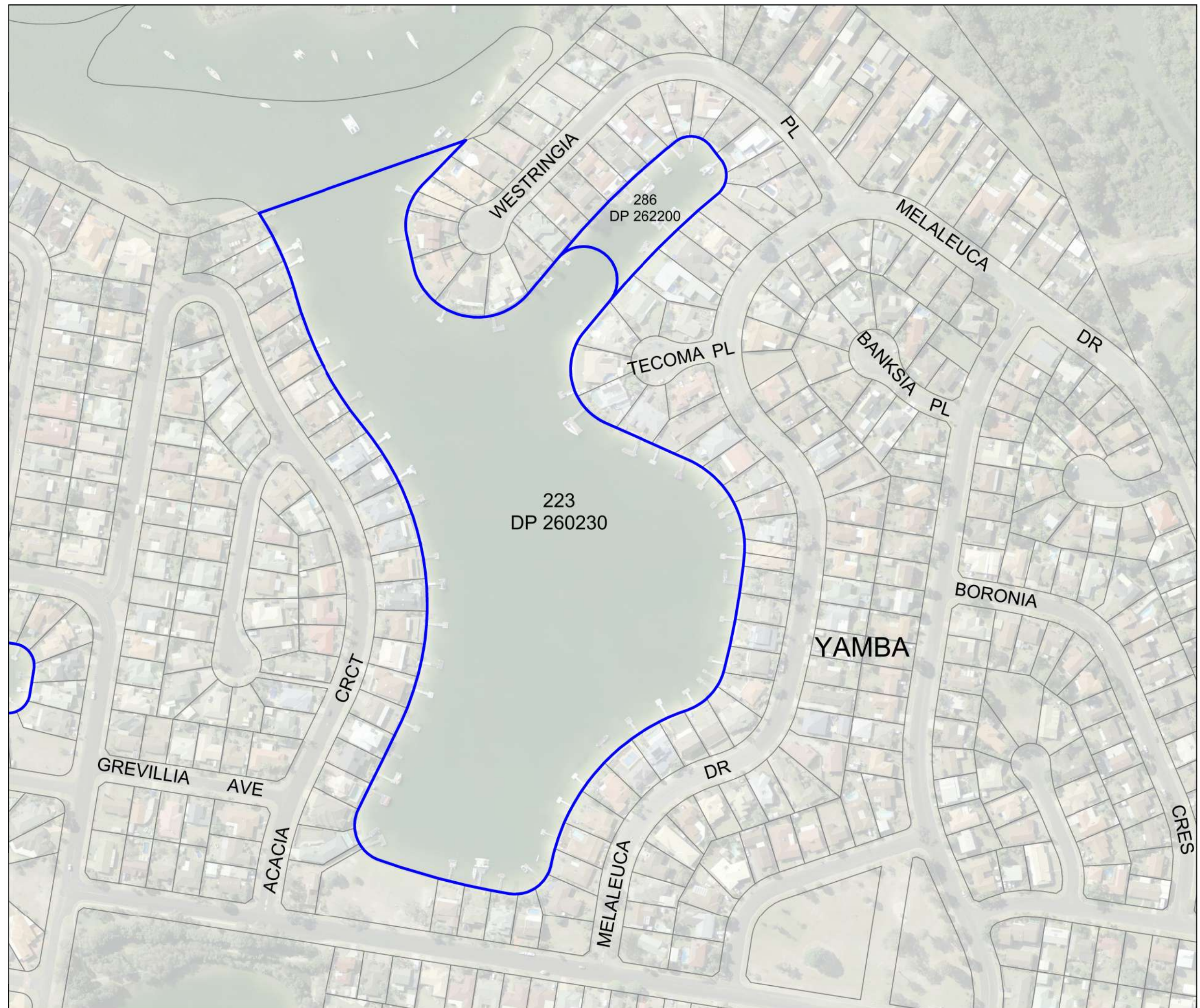
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This map is not a legal document



0 40 80 Metres
Scale: 1:2,500 @ A3 Landscape

Projection: GDA 1994
MGA Zone 56

Map Identification Number:







Clarence Valley Local Environmental Plan 2011

Draft Land Reclassification Map

Land Reclassification (Part Lots)

 Proposed Community Land

Cadastral

 Cadastral 15/01/2020 © NSW Spatial services

This map is for explanation purposes only.
This map is not a legal document



0 40 80 Metres

Scale: 1:2,000 @ A3 Landscape

Projection: GDA 1994
MGA Zone 56


Map Identification Number:



Land Zoning Map

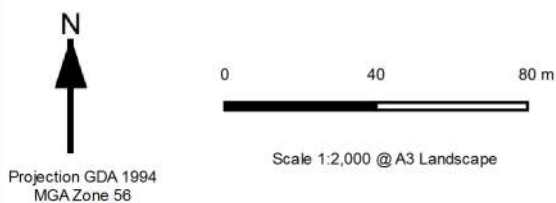
ZONE

B1	Neighbourhood Centre
B1	Local Centre
B2	Commerical Core
B3	Business Development
B4	National Parks and Nature Reserves
B6	Environmental Conservation
E1	Environmental Management
E2	General Industrial
E3	Working Waterfront
IN1	General Residential
IN2	Low Density Residential
R1	Medium Density Residential
R2	Large Lot Residential
R3	Public Recreation
R5	Private Recreation
RE1	Primary Production
RE2	Rural Landscape
RU1	Forestry
RU2	Special Activities
RU3	Infrastructure
RU5	Tourist
SP2	W1 Natural Waterways
W1	W2 Recreational Waterways
W2	W3 Working Waterways

 Cadastre 26/08/2020, © NSW Spatial services

 Subject land

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Map Identification Number:



Land Zoning Map

ZONE

B1	Neighbourhood Centre
B1	Local Centre
B2	Commerical Core
B3	Business Development
B4	National Parks and Nature Reserves
B6	Environmental Conservation
E1	Environmental Management
E2	General Industrial
E3	Working Waterfront
IN1	General Residential
IN2	Low Density Residential
R1	Medium Density Residential
R2	Large Lot Residential
R3	Public Recreation
R5	Private Recreation
RE1	Primary Production
RE2	Rural Landscape
RU1	Forestry
RU2	Special Activities
RU3	Infrastructure
RU5	Tourist
SP2	W1 Natural Waterways
W1	W2 Recreational Waterways
W2	W3 Working Waterways

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 Subject land

This map is for explanation purposes only.
This map is not a legal document.



0 30 60 m

Scale 1:1,500 @ A3 Landscape

Projection GDA 1994
MGA Zone 56

Map Identification Number:



APPENDIX 2 - 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.33¹) 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.

¹ 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

Authorised by:
Carolyn McNally
Secretary

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*.

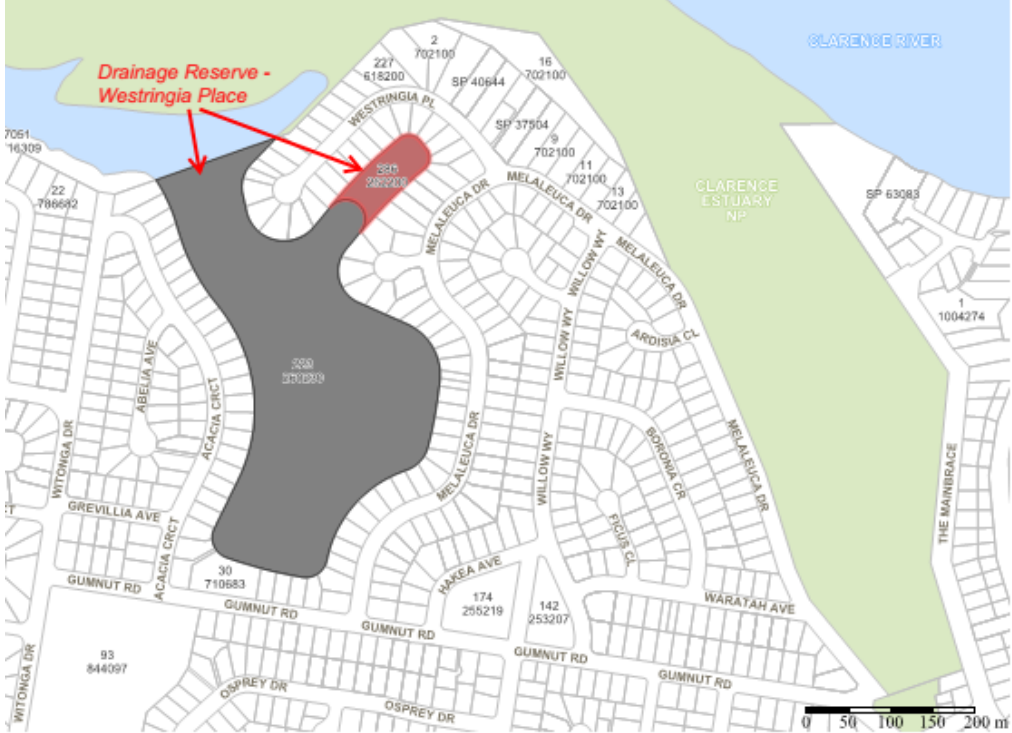
Importantly, *A guide to preparing local environmental plans* contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

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 3 - information required to be provided by Practice Note PN 16-001 - Classification and reclassification of public land through a local environmental plan

1. Drainage Reserve - Westringia Place		
Property information		
Address of property	Westringia Place Yamba	
Name of property	Drainage Reserve - Westringia Place	
Lot No./DP No.	Lots 223 DP 260230 and Lot 286 DP 262200 (8.222ha & 4833m ²)	
Current classification	community	
Proposed classification	operational	
Current land use	utility & services - drainage reserve	
Proposed land use	utility & services - drainage reserve	
Current Zone CVLEP 2011	W2 Recreational Waterways	
Other Council ref. details	Property no. 117424	Land No. 25443 & 25445 (2 land parcels)
Location map		
		

Statement addressing documentation and justification requirements of Department of Planning and Environment Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan including Attachment 1	
1. Current & proposed classification of the land.	Current classification – community Proposed classification – operational
2. Is the land a ‘public reserve’ as defined in the LG Act?	Yes - see item 9 below.
3. The strategic and site specific merits of the reclassification.	The lots are an active and functional drainage reserve asset. Their proposed classification as operational is considered appropriate and will allow them to be better maintained and managed as a drainage reserve free of the constraints of a community land classification.
4. Is the planning proposal is the result of a strategic study or report?	No. However refer to page 11 of the planning proposal.

5. Is the planning proposal is consistent with council's community plan or other local strategic plan?	Yes. Refer to page 12 and Appendix 5 of the planning proposal.
6. Summary of council's interests in the land.	Nil other than as owner of the land.
7. Are any interests in the land proposed to be discharged?	No.
8. The effect of the reclassification.	There are no physical or operational changes or effects anticipated as a result of the reclassification.
9. Evidence of public reserve status or relevant interests, or lack thereof.	Lot 223 was created as a drainage reserve in DP 260230 registered on 3 June 1980. Lot 286 was created as a drainage reserve in DP 262200 registered on 12 November 1981. Together they constitute drainage reserves under section 49(3) of the LG Act.
10. Current use(s) of the land, and whether uses are authorised or unauthorised.	The current use and function of the "land" is drainage reserve (utility & services - drainage reserve). The lots form part of a waterway/canal that is part of an existing residential subdivision.
11. Current or proposed lease or agreements; details of duration, terms and controls.	Yes. There are 80 water recreation structures located on these lots. The occupation of 59 of them are authorised by a current licence agreement to the adjoining landowner.
12. Any agreement for the sale or lease of the land – inc. basic details, timing.	There are no agreements or proposed agreements for the sale of the land. Refer to 11 above for details in relation to current licence agreements.
13. Is rezoning of the land proposed in association with the reclassification?	No. Rezoning of the land is NOT proposed.
14. How council may or will benefit financially, and how these funds will be used;	No financial benefit for Council is expected. Reclassification to operational is not expected to generate funds for Council.
15. Expected financial benefit for Council if any?	No financial benefit for Council is expected.
16. 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.	Not relevant to this proposal, as the current reclassification process is merely correcting an anomaly in earlier public land classification processes.
17. Inclusion of a Land Reclassification (part lots) Map, if land to be reclassified does not apply to the whole lot.	N/A.

<p>18. Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.</p>	<p>There are no relevant government agencies that warrant being consulted in relation to this proposal.</p>
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2. Drainage Reserve - Witonga Drive		
Property information		
Address of property	Witonga Drive Yamba	
Name of property	Drainage Reserve - Witonga Drive	
Lot No./DP No.	Lots 10 DP 866724, Lot 12 DP 881975 & Lot 54 DP 1013843 (2.091ha, 2422m ² & 1.665ha)	
Current classification	community	
Proposed classification	operational	
Current land use	utility & services - drainage reserve	
Proposed land use	utility & services - drainage reserve	
Current Zone CVLEP 2011	R2 Low Density Residential; W2 Recreational Waterways (Part Lot 10)	
Other Council ref. details	Property no. 119036	Land No. 28420, 29221 & 29644 (3 land parcels)
Location map		
		

Statement addressing documentation and justification requirements of Department of Planning and Environment Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan including Attachment 1	
1. Current & proposed classification of the land.	Current classification – community Proposed classification – operational
2. Is the land a ‘public reserve’ as defined in the LG Act?	Yes – see item 9 below.
3. The strategic and site specific merits of the reclassification.	The lots are an active and functional drainage reserve asset. Their proposed classification as operational is considered appropriate and will allow them to be better maintained and managed as a drainage reserve free of the constraints of a community land classification.
4. Is the planning proposal is the result of a strategic study or report?	No. However refer to page 11 of the planning proposal.

5. Is the planning proposal consistent with council's community plan or other local strategic plan?	Yes. Refer to page 12 and Appendix 5 of the planning proposal.
6. Summary of council's interests in the land.	Nil other than as owner of the land.
7. Are any interests in the land proposed to be discharged?	No.
8. The effect of the reclassification.	There are no physical or operational changes or effects anticipated as a result of the reclassification.
9. Evidence of public reserve status or relevant interests, or lack thereof.	Lot 10 was created as a drainage reserve in DP 866724 registered on 14 March 1997. Lot 12 was created as a drainage reserve in DP 881975 registered on 4 December 1998. Lot 54 was created as a drainage reserve in DP 1013843 registered on 31 May 2000. Together they constitute drainage reserves under section 49(3) of the LG Act.
10. Current use(s) of the land, and whether uses are authorised or unauthorised.	The current use and function of the "land" is drainage reserve (utility & services - drainage reserve). The lots form part of a waterway/canal that is part of an existing residential subdivision.
11. Current or proposed lease or agreements; details of duration, terms and controls.	Yes. There are 71 water recreation structures located on these lots. The occupation of 57 of them are authorised by a current licence agreement to the adjoining landowner.
12. Any agreement for the sale or lease of the land – inc. basic details, timing.	There are no agreements or proposed agreements for the sale of the land. Refer to 11 above for details in relation to current licence agreements.
13. Is rezoning of the land proposed in association with the reclassification?	No. Rezoning of the land is NOT proposed.
14. How council may or will benefit financially, and how these funds will be used;	No financial benefit for Council is expected. Reclassification to operational is not expected to generate funds for Council.
15. Expected financial benefit for Council if any?	No financial benefit for Council is expected.
16. 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.	Not relevant to this proposal, as the current reclassification process is merely correcting an anomaly in earlier public land classification processes.
17. Inclusion of a Land Reclassification (part lots) Map, if land to be reclassified does not apply to the whole lot.	N/A.
18. Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	There are no relevant government agencies that warrant being consulted in relation to this proposal.

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
Goal 1 - The most stunning environment in NSW Direction 1 - Deliver environmentally sustainable growth		
Action 1.1 - Focus future urban development to mapped urban growth areas.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 1.2 - 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.
Action 1.3 - Identify residential, commercial or industrial uses in urban growth areas by developing local growth management strategies endorsed by the Department of Planning and Environment.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 1.4 - 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.
Goal 1 - The most stunning environment in NSW Direction 2 - Enhance biodiversity, coastal and aquatic habitats, and water catchments		
Action 2.1 - Focus development to areas of least biodiversity sensitivity in the region and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 2.2 - 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.
Goal 1 - The most stunning environment in NSW Direction 3 - Manage natural hazards and climate change		
Action 3.1 - Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 3.2 - 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.
Action 3.3 - 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.
Goal 1 - The most stunning environment in NSW Direction 4 - Promote renewable energy opportunities		
Action 4.1 - Diversify the energy sector by identifying renewable energy resource precincts and infrastructure corridors with access to the electricity	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
network.		
<u>Action 4.2</u> - Enable appropriate smaller-scale renewable energy projects using bio-waste, solar, wind, small-scale hydro, geothermal or other innovative storage technologies.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 4.3</u> - Promote appropriate smaller and community-scale renewable energy projects.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Goal 2 - A thriving, interconnected economy		
Direction 5 - Strengthen communities of interest and cross-regional relationships		
<u>Action 5.1</u> - 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.
<u>Action 5.2</u> - Integrate cross-border land use planning between NSW and South East Queensland, and remove barriers to economic, housing and jobs growth.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 5.3</u> - 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.
<u>Action 5.4</u> - Prepare a regional economic development strategy that drives economic growth opportunities by identifying key enabling infrastructure and other policy interventions to unlock growth.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Goal 2 - A thriving, interconnected economy		
Direction 6 - Develop successful centres of employment		
<u>Action 6.1</u> - Facilitate economic activity around industry anchors such as health, education and airport facilities by considering new infrastructure needs and introducing planning controls that encourage clusters of related activity.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 6.3</u> - Promote knowledge industries by applying flexible planning controls, providing business park development opportunities and identifying opportunities for start-up industries.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 6.3</u> - Reinforce centres through local growth management strategies and local environmental plans as primary mixed-use locations for commerce, housing, tourism, social activity and regional services.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 6.4</u> - 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.
<u>Action 6.5</u> - Promote and enable an appropriate mix of land uses and prevent the encroachment of sensitive uses on employment land through local planning controls.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<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.

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY Consistent - Yes or No?	COMMENTS
<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.
Goal 2 - A thriving, interconnected economy Direction 7 - Coordinate the growth of regional cities		
<u>Action 7.1</u> - Prepare action plans for regional cities that: <ul style="list-style-type: none"> ▪ ensure planning provisions promote employment growth and greater housing diversity; ▪ promote new job opportunities that complement existing employment nodes around existing education, health and airport precincts; ▪ identify infrastructure constraints and public domain improvements that can make areas more attractive for investment; and ▪ deliver infrastructure and coordinate the most appropriate staging and sequencing of development. 	Yes	Consistent although this action is not directly relevant to the planning proposal.
Goal 2 - A thriving, interconnected economy Direction 8 - Promote the growth of tourism		
<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"> ▪ identify culturally appropriate Aboriginal tourism opportunities; ▪ encourage tourism development in natural areas that support conservation outcomes; and ▪ strategically plan for a growing international tourism market. 	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, Dorrig 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 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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Goal 2 - A thriving, interconnected economy Direction 9: Strengthen regionally significant transport corridors		

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY Consistent - Yes or No?	COMMENTS
<u>Action 9.1</u> - 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.
<u>Action 9.2</u> - 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.
<u>Action 9.3</u> - Ensure the effective management of the State and regional road network by: <ul style="list-style-type: none"> ▪ preventing development directly adjoining the Pacific Highway; ▪ preventing additional direct 'at grade' access to motorway-class sections of the Pacific Highway; ▪ 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 ▪ identifying strategic sites for major road freight transport facilities. 	Yes	Consistent although this action is not directly relevant to the planning proposal.
Goal 2 - A thriving, interconnected economy Direction 10 - Facilitate air, rail and public transport infrastructure		
<u>Action 10.1</u> - 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.
<u>Action 10.2</u> - 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.
<u>Action 10.3</u> - 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.
<u>Action 10.4</u> - 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.
<u>Action 10.5</u> - Deliver a safe and efficient transport network to serve future release areas.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Goal 2 - A thriving, interconnected economy Direction 11: Protect and enhance productive agricultural lands		
<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,	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
such as horticulture in Coffs Harbour.		
<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.
Goal 2 - A thriving, interconnected economy		
Direction 12 - Grow agribusiness across the region		
<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.
Goal 2 - A thriving, interconnected economy		
Direction 13 - Sustainably manage natural resources		
<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 light interference.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 13.2</u> - Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Goal 3 - Vibrant and engaged communities		
Direction 14 - Provide great places to live and work		
<u>Action 14.1</u> - Prepare precinct plans in growth areas, such as Kingscliff, or	Yes	Consistent although this action is not

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY Consistent - Yes or No?	COMMENTS
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.		directly relevant to the planning proposal.
<u>Action 14.2</u> - 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.
Goal 3 - Vibrant and engaged communities		
Direction 15 - Develop healthy, safe, socially engaged and well-connected communities		
<u>Action 15.1</u> - Deliver best-practice guidelines for planning, designing and developing healthy built environments that respond to the ageing demographic and subtropical climate.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 15.2</u> - Facilitate more recreational walking and cycling paths and expand inter-regional and intra-regional walking and cycling links, including the NSW Coastline Cycleway.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 15.3</u> - Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 15.4</u> - 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.
<u>Action 15.5</u> - Deliver crime prevention through environmental design outcomes through urban design processes.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Goal 3 - Vibrant and engaged communities		
Direction 16 - Collaborate and partner with Aboriginal communities		
<u>Action 16.1</u> - 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.
<u>Action 16.2</u> - 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.
Goal 3 - Vibrant and engaged communities		
Direction 17: Increase the economic self-determination of Aboriginal communities		
<u>Action 17.1</u> - 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.
<u>Action 17.2</u> - Foster closer cooperation with Local Aboriginal Land Councils to identify the unique potential and assets of the North Coast communities.	Yes	
<u>Action 17.3</u> - Identify priority sites with economic development potential that Local Aboriginal Land Councils may wish to consider for further	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
investigation.		
Goal 3 - Vibrant and engaged communities		
Direction 18 - Respect and protect the North Coast's Aboriginal heritage		
<u>Action 18.1</u> - 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.
<u>Action 18.2</u> - 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.
<u>Action 18.3</u> - 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.
<u>Action 18.4</u> - 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.
Goal 3 - Vibrant and engaged communities		
Direction 19 - Protect historic heritage		
<u>Action 19.1</u> - 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.
<u>Action 19.2</u> - 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.
<u>Action 19.3</u> - Deliver the adaptive or sympathetic use of heritage items and assets.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Goal 3 - Vibrant and engaged communities		
Direction 20 - Maintain the region's distinctive built character		
<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.
Goal 3 - Vibrant and engaged communities		
Direction 21 - Coordinate local infrastructure delivery		
<u>Action 21.1</u> - Undertake detailed infrastructure service planning to support	Yes	Consistent although this action is not

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY Consistent - Yes or No?	COMMENTS
proposals for new major release areas.		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.
Goal 4 - Great housing choice and lifestyle options		
Direction 22 - Deliver greater housing supply		
<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: <ul style="list-style-type: none"> ▪ 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.
Goal 4 - Great housing choice and lifestyle options		
Direction 23 - Increase housing diversity and choice		
<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.
Goal 4 - Great housing choice and lifestyle options		
Direction 24: Deliver well-planned rural residential housing areas		
<u>Action 24.1</u> - Facilitate the delivery of well-planned rural residential housing areas by: <ul style="list-style-type: none"> ▪ 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 ▪ 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). 	Yes	Consistent although this action is not directly relevant to the planning proposal.
<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	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
strip, unless already identified in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment.		
Goal 4 - Great housing choice and lifestyle options Direction 25 - Deliver more opportunities for affordable housing		
<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.	Yes	Consistent although this action is not directly relevant to the planning proposal.
<u>Action 25.2</u> - Prepare guidelines for local housing strategies that will provide guidance on planning for local affordable housing needs.	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	<p>The themes and objectives of the Community Plan most relevant to the planning proposal are:</p> <p>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.</p> <p>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.</p> <p>The planning proposal will complement and is consistent with the following strategies and actions under the current Delivery Program and Operational Plan.</p>
Delivery Program & 2020/21 Operational Plan	<p>Objective 2.1 - We will have communities that are well serviced with appropriate infrastructure Strategy 2.1.3 - Provide strategic asset management planning Strategy 2.1.4 - Manage and enhance our parks, open spaces and facilities</p> <p>Objective 5.1 - We will have a strong, accountable and representative Government</p> <ul style="list-style-type: none"> • Strategy 5.1.4 – Ensure transparent and accountable decision making for our community • Strategy 5.1.6 - Ensure decisions reflect the long-term interest of the community and support financial and infrastructure sustainability <p>Strategy 5.1.8 – Ensure good governance, effective risk management and statutory compliance</p> <ul style="list-style-type: none"> • Not relevant. The planning proposal has no direct relevance to this strategy and vice versa.
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.

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 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 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 47 - Moore Park Showground	No	N/A
State Environmental Planning Policy No 50 - Canal Estate Development	No	N/A
State Environmental Planning Policy No 55 - Remediation of Land	No	N/A – no longer applicable as clause 6 <i>Contamination and remediation to be considered in zoning or rezoning proposal</i> was repealed on 17 April 2020. Refer to section 9.1 Direction 2.6 Remediation of Contaminated Land in Appendix 7 below.
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 (Aboriginal Land) 2019	No	N/A - The planning proposal does not affect any land that is Identified on the State Environmental Planning Policy (Aboriginal Land) 2019 Land Application Map.
State Environmental Planning Policy (Activation Precincts) 2020		N/A - The planning proposal does not affect any land that is Identified as being within an Activation Precinct under this Policy.
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 (Coastal Management) 2018	Yes	Consistent – although relevant the proposal is a reclassification of public lands only and is not rezoning of land; the reclassification of the relevant public lands is not intending to facilitate any specific development that might impact any land affected by the SEPP and matter required to be considered in relation to the various coastal management areas in Part 2 of the SEPP.

Name of SEPP	Relevant?	Comment/statement of consistency
State Environmental Planning Policy (Concurrences and Consents) 2018	No	N/A
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	No	N/A
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	N/A
State Environmental Planning Policy (Gosford City Centre) 2018	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 (Koala Habitat Protection) 2019	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 (Kosciuszko National Park - Alpine Resorts) 2007	No	N/A
State Environmental Planning Policy (Kurnell Peninsula) 1989	No	N/A
State Environmental Planning Policy (Major Infrastructure Corridors) 2020	No	N/A
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	N/A
State Environmental Planning Policy (Primary Production and Rural Development) 2019	No	N/A
State Environmental Planning Policy (State and Regional Development) 2011	No	N/A
State Environmental Planning Policy (State Significant Precincts) 2005		
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 (Vegetation in Non-Rural Areas) 2017	Yes	Consistent - This is not a development application (DA); further the planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
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
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Not applicable	This direction is not applicable in this instance as the planning proposal does not affect land within an existing or proposed business or industrial zone.
1.2 Rural Zones	Not applicable	This direction is not applicable in this instance as the planning proposal does not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive industries	Not applicable	The planning proposal does not affect any land identified as having extractive resources of regional significance and their haulage routes.
1.4 Oyster Aquaculture	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.
1.5 Rural Lands	Consistent	This direction is not applicable in this instance as the planning proposal does not affect land within an existing or proposed rural or environment protection zone.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental protection Zones	Not applicable	This direction is not applicable in this instance as the planning proposal does not apply to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP.
2.2 Coastal protection	Consistent	<p>This direction applies but only in a broad sense. The lands to be reclassified are within the coastal zone including the coastal environment area. Some of the land is mapped as being within the coastal use area.</p> <p>The planning proposal does not propose anything that is antipathetic to the matters referred to in clause 4 (a) to (d) of Direction 2.2. As the proposal is not intending to rezone land it is also consistent with clauses (5) and (6) of the Direction.</p> <p>Further the proposed reclassification does hinder the achievement of the objective of this direction.</p>
2.3 Heritage Conservation	Consistent	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The lots are not a heritage item and not within a Heritage Conservation Area.

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
		<p>A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has indicated that there are no Aboriginal sites recorded or Aboriginal places declared within 200 metres of the lots.</p> <p>The planning proposal will not hinder the achievement of the objectives of this direction.</p>
2.4 Recreation Vehicle Areas	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).
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	This direction does not apply to the Clarence Valley LGA.
2.6 Remediation of Contaminated Land	Consistent	<p>Consistent, though not applicable.</p> <p>The proposal is for the 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 paragraph (2) (c) of Direction 2.6.</p>
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	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.
3.2 Caravan Parks and Manufactured Home Estates	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).
3.3 Home Occupations	Not applicable	The planning proposal does not intend to alter the status quo in relation to home occupations in dwelling houses.
3.4 Integrated Land Use and Transport	Consistent	<p>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>.</p> <p>Some of the land affected by the planning proposal is zoned residential. However, 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.</p>
3.5 Development Near Licensed Aerodromes	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.
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

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
		existing shooting range.
4. HAZARD AND RISK		
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 its requirements 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	None of the lots affected by this planning proposal are mapped as bush fire prone land on the relevant bush fire prone maps. The lots are in fact drainage reserve/waterway lots.
5. REGIONAL PLANNING		
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.
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 not applicable as none of the lots the subject of the proposal is in the vicinity of the existing and/or proposed alignment of the Pacific Highway.
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	Not applicable.	<i>Revoked 10 July 2008 - See amended Direction</i>

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
Corridor		5.1
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	<p>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.</p> <p>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.</p>
6. LOCAL PLAN MAKING		
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.
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.
7. METROPOLITAN PLANNING		
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.