**Planning Proposal**

Amend Clarence Valley Local Environmental Plan 2011 Lot Size Map as it Applies to:

* Mountainview Estate Summerland Way, Mountainview
* Lot 132 DP1263591 (No. 8A) Cronin Avenue, Junction Hill

**Document Control Sheet**

|  |  |
| --- | --- |
| Document Title: | Mountainview Estate Summerland Way, MountainviewLot 132 DP1263591 (No. 8) Cronin Avenue, Junction Hill |
| Author: | Rob Donges for A. Fletcher & Associates Pty Ltd |
| Date of Issue: | May 2020 |
|  |  |
| **Document Distribution** |
| Date | Status | Distribution – Number of Copies |
| Client | Council | Other |
| May 2020 | Final | 1 | 1 |  |
|  |  |  |  |  |
|  |  |  |  |  |

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of printing, A.Fletcher & Associates Pty Ltd disclaims any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

Contents

[Annexures 2](#_Toc35185540)

[1. Preliminary 3](#_Toc35185541)

[1.1 Context 3](#_Toc35185542)

[1.2 Introduction 3](#_Toc35185543)

[1.3 Background 3](#_Toc35185544)

[1.4 The Sites 8](#_Toc35185545)

[1.4.1 Mountainview Estate 8](#_Toc35185546)

[1.4.2 Cronin Estate 9](#_Toc35185547)

[2. Part 1: Objective or Intended Outcome 9](#_Toc35185548)

[3. Part 2: Explanation of Provision 10](#_Toc35185549)

[4. Part 3: Justification 11](#_Toc35185550)

[5. Part 4: Mapping 15](#_Toc35185551)

[6. Part 5: Community Consultation 15](#_Toc35185552)

[7. Part 6: Project Timeline 15](#_Toc35185553)

# Annexures

1. Existing and Proposed Lot Size Map – Mountainview Estate, Summerland Way Mountainview
2. Existing and Proposed Lot Size Map – Lot 132 DP1263591 (No. 8A) Cronin Avenue Junction Hill
3. North Coast Regional Plan 2036 Consistency Checklist
4. Clarence Valley Council’s Local Strategy and Strategic Plans Consistency Checklist
5. State Environmental Planning Policy Consistency Checklist
6. Section 9.1 Direction Consistency Checklist
7. Approved Subdivision of Lot 13 DP815322 – CVC letter confirming substantial commencement & copy of DP 1263591
8. Approved Subdivision Plans Mountainview Estate and DP 1263591 at Cronin Avenue

# Preliminary

#### 1.1 Context

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

#### 1.2 Introduction

Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) came into effect on 23 December 2011. It amalgamated into a single document, formatted in accordance with the State government’s ‘Standard Instrument’, the following local environment plans as they applied to the Clarence Valley local government area:

* Copmanhurst LEP1990
* Grafton LEP 1988
* Maclean LEP 186
* Ulmarra LEP 1992
* Richmond River LEP 1992

As a result all rural-zoned lands within those LEP’s were allocated to one of 3 rural zones or to the R5 Large Lot Residential zone in CVLEP 2011.

#### 1.3 Background

Among the previous rural zones, land zoned 1(c) Rural (Small Holdings) under Copmanhurst LEP1990 was classified R5 Large Lot Residential. Relevant to this Planning Proposal, that change affected:

* Mountainview Estate, Summerland Way Mountainview
* Cronin Estate, Pine Street Junction Hill

Copmanhurst LEP 1990 included the following clause:

**“Subdivision and Dwelling-Houses in Zone No. 1 (c)”**

*20. (1) The council shall not consent to the subdivision of land within Zone No 1 (c) if the land is intended to be used for the purpose of the erection of dwelling-houses unless:*

*(a) the area of each allotment to be created will be not less than 2 000 square metres, and*

*(b) a majority of the allotments to be created will have an area of not less than 4 000 square metres, and*

*(c) each allotment will have frontage to a Class A Road, and*

*(d) the total number of lots created under this clause and clause 18 (2) in any 12 month period does not exceed the number specified in writing by the Director.*

*(2) The council shall not consent to the creation of an allotment referred to in subclause (1) unless it will be connected to a reticulated water supply system and the council is satisfied that the allotment is capable of accommodating adequate facilities for the disposal of sewage and domestic waste.*

*(3) The council shall not consent to the erection of a dwelling-house on an allotment of land within Zone No 1 (c) unless the allotment:*

*(a) was lawfully created or approved by the Council before, and is one on which a dwelling-house could lawfully have been erected immediately prior to, 30 March 1990, or*

*(b) is an existing parcel of land and is consolidated into one allotment, or*

*(c) was created pursuant to subclauses (1) and (2).*

*(4) The council shall not consent to the erection of a dwelling-house on land within Zone No 1 (c) unless the allotment has frontage to a Class A road.*

This clause, and in particular the provisions of sub-clause (1), was utilised to approve a 43 lot small holding subdivision at Summerland Way, Mountain View (known as Mountainview Estate) and a 21 small holding subdivision at Pine Avenue, Junction Hill (known as Cronin Estate) and a subsequent resubdivision of 1 of those lots into 2.

With the adoption of CVLEP2011, statutory minimum lot sizes were determined by classifications included on the Lot Size Map. Both Mountainview Estate and Cronin Estate are classified “**W 4000sqm**” on the map.

CVLEP2011 also includes the following:

**4.2B Erection of dwelling houses and dual occupancies on land in certain rural, residential and environmental protection zones**

*(1) The objectives of this clause are as follows—*

*(a) to minimise unplanned rural residential development,*

*(b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in rural, residential and environmental protection zones,*

*(c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.*

*(2) This clause applies to land in the following zones—*

*(a) Zone RU1 Primary Production,*

*(b) Zone RU2 Rural Landscape,*

*(c) Zone RU3 Forestry,*

*(d) Zone R5 Large Lot Residential,*

*(e) Zone E3 Environmental Management.*

*(3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land is—*

*(a) a lot that is at least the minimum lot size specified for that land by the Lot Size Map, or*

*(b) a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or*

*(c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or*

*(d) an existing holding, or*

*(e) a lot created under clause 4.1A(4), or*

*(f) a lot created following a boundary adjustment, but only if a dwelling house or dual occupancy could be erected on the lot immediately before that boundary adjustment under paragraph (a), (b), (c), (d) or (e).*

*Note. A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.*

*(4) Land ceases to be a lot referred to in subclause (3)(b), (c) or (f), or a holding referred to in subclause (3)(d), if an application for development consent referred to in subclause (3) is not made in relation to that land before the date 10 years after the commencement of this Plan.*

*(5) Despite subclause (3), development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if—*

*(a) there is a lawfully erected dwelling house or dual occupancy on the land and the dwelling house or dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy, or*

*(b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by—*

*(i) a minor realignment of its boundaries that did not create an additional lot, or*

*(ii) a subdivision creating or widening a public road or public reserve or for another public purpose.*

*(6) In this clause—*

*existing holding means land that—*

*(a) was a holding on the relevant date, and*

*(b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,*

*whether or not there has been a change in the ownership of the holding since the relevant date, and includes any other land adjoining that land acquired by the owner since the relevant date.*

*holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.*

*relevant date means—*

*(a) in the case of land to which the Copmanhurst Local Environmental Plan 1990 applied immediately before the commencement of this Plan—4 June 1971, or*

*(b) in the case of land to which the Ulmarra Local Environmental Plan 1992 applied immediately before the commencement of this Plan—5 September 1969, or*

*(c) in the case of land to which the Richmond River Local Environmental Plan 1992 applied immediately before the commencement of this Plan—18 February 1970.*

*Note. The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.*

Sub-clause 3(a) requires that in order for a dwelling-house or dual occupancy (hereafter just referred to as ‘dwelling’) to be erected on a lot it must be at least the minimum lot size specified on the Lot Size Map, which in this instance is 4000m2.

Sub-clause 3(c) permits the erection of a dwelling on a lot resulting from a subdivision for which development consent (or equivalent) was granted before CVLEP 2011 commenced and on which a dwelling would have been permissible if the plan of subdivision had been registered before that commencement.

Sub-clause 4 requires an application for approval for a dwelling on a lot to which sub-clause 3(c) applies to be granted within 10 years of the commencement of CVLEP2011, being 23 December 2021. The practical effect of this sub clause is that dwelling entitlements on approved lots less than 4000m2 in the R5 zone will lapse after that date if they do not have a dwelling approved.

Mountainview Estate contains 10 lots of between 2000m2 and 3999m2 which have dwelling entitlements but for which no consent for such has been issued.

Cronin Estate includes Lot 132 DP1263591 (No. 8A) Cronin Avenue for which consent was issued on 20 September 2011 for subdivision into 2 lots less than 4000m2. This was approved under the provisions of State Environmental Planning Policy No. 1 as one of the lots is less than the 2000m2 minimum in Clause 20 of Copmanhurst LEP 1990, and substantial commencement was secured by the construction of a sewer junction serving the property. The subdivision plan was registered on 25th May, 2020 as DP 1263591. Lot 131 has an existing dwelling but Lot 132 is vacant. (See CVC letter and copy of DP 1263591 at Annexure G).

All of the 10 lots in Mountainview Estate and Lot 132 in Cronin Estate will lose their dwelling entitlements after 23 December 2021 if they do not have development consent to erect a dwelling by that date.

This Planning Proposal seeks to preserve those specific dwelling entitlements beyond 23 December 2021.

#### 1.4 The Sites

#### 1.4.1 Mountainview Estate



Figure 1- Location Map

Mountainview Estate is a 43 lot subdivision of land formerly described as Lot 184 DP751371 and Lot 321 DP634082 Summerland Way Mountain View and was approved by Clarence Valley Council on 16 March 2010(copy of approved plan at Annexure H). All roads, major stormwater and water reticulation within the Estate have been completed and Stage 1 (21 lots) was registered on 31 July 2018 as DP 1244553. Stage 2 (22 lots) is currently in the process of being registered.

Of the 43 lots 19 were between 2000m2 and 3999m2, representing 44% and so below the 50% threshold set by Clause 20 (1) of the former Copmanhurst LEP 1990. One of those lots in Stage 1 currently does not have a development application approved for a dwelling. When registered, Stage 2 will contain 9 lots of between 2000m2 and 3999m2 giving a total of 10 lots which potentially could lose their dwelling entitlement after 23 December 2021.

#### 1.4.2 Cronin Estate



Figure 2- Location Map - Cronin Avenue

Cronin Estate is a well established large lot subdivision in Junction Hill on the southern periphery of the village. It initially consisted of 21 lots of which 10 were between 2000m2 and 3999m2, and so below the 50% threshold set by Clause 20 (1) of the former Copmanhurst LEP 1990. One of the lots above 4000m2 was subsequently approved for subdivision into 2 lots below 4000m2, giving a total of 22 lots.

All lots currently contain dwellings though on 20 September 2011 Clarence Valley Council issued consent to subdivide Lot 13 DP815322 (No. 8) Cronin Avenue Junction Hill (4238m2) into Lot 131 (1951m2) and Lot 132 (2287m2) – Copy of DP 1263591 at Annexure H. The former Lot 131 contains an existing dwelling whilst the latter Lot 132 is vacant. This plan is registered and Lot 132 could potentially lose its dwelling entitlement after 23 December 2021.

#### Part 1: Objective or Intended Outcome

The objectives of the proposal are to:

1. Allow the 10 lots in Mountainview Estate listed in Table 1, all with site areas between 2000m2 and 3999m2 and approved under Clause 20 of the former Copmanhurst LEP 1990, to retain their dwelling entitlements beyond 23 December 2021 and in perpetuity.
2. Allow Lot 132 DP 1263591 to retain its dwelling entitlement beyond 23 December 2021 and in perpetuity.

| **Lot No.**  | **DP No.** | **Size in m2** |
| --- | --- | --- |
| 13 | 1244553 | 3,087 |
| 23 |  | 3,774 |
| 24 |  | 3,552 |
| 25 |  | 3,386 |
| 28 |  | 3,696 |
| 29 |  | 3,600 |
| 30 |  | 3,600 |
| 31 |  | 3,969 |
| 32 |  | 3,201 |
| 36 |  | 2,724 |

The intended outcome of (i) is to allow the orderly completion of Mountainview Estate including the erection of a dwelling on each lot in accordance with approval issued by Council and without the disruption that would occur if the sunset date took effect and resubdivisions/consolidations were required to create compliant lots.

The intended outcome of (ii) is to allow the erection of a dwelling on Lot 132 as envisaged by Council when the subdivision was approved without the risk of not being able to proceed should the sunset date come into effect.

#### Part 2: Explanation of Provision

To achieve the objectives of Part 1 above, the following amendments are required to Clarence Valley LEP 2011

1. *“Amendment to Lot Size Map – Sheet LSZ\_007 in accordance with the proposed lot size map shown in Annexure A. This designates the following lots with the letter V, denoting a minimum lot size of 2000m2”.*

| ***Lot No.***  | ***DP No.*** |
| --- | --- |
| *13* | *1244553* |
| *23* |  |
| *24* |  |
| *25* |  |
| *28* |  |
| *29* |  |
| *30* |  |
| *31* |  |
| *32* |  |
| *36* |  |

1. *“Amendment to Lot Size Map – Sheet LSZ\_007H in accordance with the proposed lot size map shown in Annexure B. The proposal designates the subject land with the letter V, denoting a minimum lot size of 2000m2”.*

#### Part 3: Justification

**Section A – Need for Planning Proposal**

**4.1 In the Planning Proposal a result of any strategic study or report**

No.

Mountainview Estate was approved under the provisions of Clause 20 of the former Copmanhurst LEP 1990 which permitted the subdivision of land zoned 1 (c) Rural (Small Holdings) to create lots with areas ranging from 2000m2 – 3999m2 where, inter alia, at least half the lots in the subdivision had a minimum area of 4000m2. The subject development complied with this and the other requirements of Clause 20 which permitted Council to consider the subdivision application for approval. In assessing the application, Council would have to have taken into account the objectives of the 1 (c) zone which were:

1. *to cater for the demand for rural residential living opportunities on small allotments of land which are not productive for food or fibre production, and*
2. *to cater for the demand for rural residential living opportunities on land having ready access to urban facilities, provided that such development does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services, and*
3. *to enable other forms of development to be carried out on land within the zone if they are in keeping with the rural character of the locality and are compatible with the existing or likely future rural residential allotments.*

In approving the subdivision, Council must have concluded the development complied with the objectives, particularly to cater for rural residential living on land with no productive agricultural potential; close to urban facilities (Junction Hill 4.7km, Grafton CBD 10.5km); and with services available (sealed road access, reticulated water).

As such Mountainview Estate embodies the form of development that Clause 20 intended to achieve. If any of the 10 lots currently below 4000m2 and without development consent for a dwelling were to remain so after 23 December 2021 and be subject to the sunset provisions of Clause 4.2B then the strategic objectives of Clause 20 which the Estate met when it was approved could no longer be met in its approval form.

The subdivision of Lot 13 in the Cronin Estate was approved in recognition of the suitability of that property to support 2 dwellings in terms of dwelling sites, services, access and amenity and that recognition would be lost if the dwelling entitlement was to disappear.

Also, in broader terms, one of Council’s responsibilities is to oversee the orderly development of land in accordance with relevant statutory and strategic requirements. If some or all of the affected lots were to lose their dwelling entitlements they would be rendered valueless unless resubdivisions/consolidations occurred to create lots greater than the minimum permissible (4000m2 or possibly down to 3600m2 if the provisions of CVLEP 2011 **Clause 4.6 Exceptions to development standards** could be satisfied). In some instances at Mountainview Estate this may involve the creation of non-contiguous lots.

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

The best means of achieving the objectives and intended outcomes of the proposal would be for all the affected lots to be sold and have development consent for a dwelling by 23 December 2021. Unfortunately this cannot be guaranteed and requiring this to occur by not approving the amendments would likely have negative financial implications for the owners of the 2 parcels and could result in the disruptions to orderly development discussed above. Potential sales in Stage 2 have already been lost due to the “sunset” clause in the CVLEP 2011.

Two alternative approaches would be:

* Should the sunset clause come into effect, rely on the provisions of **Clause 4.6 Exceptions to development standards** of CVLEP2011. This clause allows a written request seeking to contravene a development standard to be considered by Council in certain circumstances. In this instance the development standard to be contravened would be 4000m2 minimum lot size required to erect a dwelling on the subject lots. Council would need to be satisfied that the standard was ‘unreasonable or unnecessary’ and that there were sufficient environmental planning grounds to justify the contravention. Council’s authority under this clause only extends to a maximum 10% variation, so to a minimum lot size of 3600m2, while there are 5 lots less than that size in Mountainview Estate which Council could not consider. Hence this potential course of action has 2 elements which render it less suitable than the proposal – firstly, it does not apply to all the affected lots; and secondly, it cannot be applied until the sunset clause has come into effect so that if applications were not approved there would be no other course of action available other than to disrupt the approved subdivision pattern with the potential for the deleterious impacts discussed above.
* An alternative statutory solution in the case of Mountainview Estate would be to replace Amendment (1) with the following:

*“Amendment to Lot Size Map – Sheet LSZ\_007 in accordance with the proposed lot size map shown in Annexure A. This designates Mountainview Estate with the classification V1 denoting a minimum lot size of 2000m2 where the majority of lots created have an area not less than 4000m2”.*

The map of Annexure A under this approval would show all 43 lots classified V1 (which is not a current classification) and subject to the minimum lot control contained in the former Clause 20, Copmanhurst LEP 1990. This would be a ‘tidier’ mapping approach compared to the patchwork outcome of the proposed amendment and would create connectivity with the former Clause 20 and so provided an explanation as to how the development pattern occurred. But it would also open the potential for lots in the Estate greater than 4000m2 to subdivide into lots above 2000m2.

The advantages of the proposed amendment is that in respect of the first alternative it provides certainty that reliance on Clause 4.6 of CVLEP2011 cannot and in respect of the second there can be no further subdivision beyond that contained in the original approval. For this reason the proposed amendment in respect of Mountainview Estate is considered the best means of achieving the objectives and outcomes sought.

In respect of Lot 132 in Cronin Estate, the first alternative utilising **Clause 4.6** could be applied but it has the same inherent risk as for Mountainview Estate. There is no other alternative for Cronin Estate.

**Relationship to Strategic Planning Framework**

**4.3 Applicable Regional Plan**

The North Coast Regional Plan 2036 consistency checklist is at Annexure C.

No goals, directions or actions contained within the Plan are directly relevant to the proposal as it relates to developments approved prior to the Plan coming into effect and will not physically alter those developments.

**4.4 Consistency with Council’s Local Strategies and other Local Strategic Plans**

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

Other local strategies include:

* 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

An assessment of the planning proposal against these strategies is at Annexure D.

The proposal is not inconsistent with any of the adopted local strategies or plans, and is consistent with the Clarence 2027 goal of encouraging a strong and diverse economy, which land development contributes to.

**4.5 Consistency with Applicable SEPP’s (State Environmental Planning Policies)**

See Annexure E. There are no Policies which are directly applicable to the proposal and so no inconsistencies.

**4.6 Consistency with applicable Ministerial Directions (Sec. 9.1)**

See Annexure F. There are 4 Directions directly applicable to the proposal and it is consistent with all of them.

**Environmental, Social and Economic Impacts**

**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?**

There will be no development other than that previously assessed and approved. Future development applications for dwellings on the affected lots will be individually assessed for environmental impacts whether the proposal is adopted or not.

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

As in 4.7, the proposal itself has no environmental effects. Any potential impacts were assessed as part of the original approval process and any impacts from the construction of future dwellings will be the result of the original approvals, not the proposed amendments.

**4.9 Relevant Social & Economic Effects?**

Social impacts were assessed in the original approved processes. The proposal has no social implications which would change the original assessments.

If the proposal is approved, it will allow the full economic benefits of both developments to be achieved as assessed in the original approval processes. If not approved, it is possible that full economic benefits will not be achieved, but more significantly, that there could be negative economic impacts if lots were to lose their dwelling entitlements after both developments, and particularly Mountainview Estate, have completed extensive civil works at considerable cost.

**State and Commonwealth Interests**

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

Yes. Power, water and telecommunications available. Sealed road access. On-site wastewater management systems approved by Council are required for all dwellings.

**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. A gateway determination has not yet been issued.

#### Part 4: Mapping

Copies of current and proposed versions of the Minimum Lot Size map are attached at Annexure A for Mountainview Estate and Annexure B for Cronin Estate.

#### Part 5: Community Consultation

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

On this basis, it is intended that the planning proposal be advertised for 14 days in accordance with Section 5.5.2 of “*Á guide to preparing local environmental plans*”. It is also intended to provide written notification to land owners in the immediate vicinity of the subject land.

#### Part 6: Project Timeline

|  |  |
| --- | --- |
| **Plan Making Step** | **Estimated Completion** |
| Council Resolution | TBA |
| Gateway Determination (Anticipated) | TBA |
| Government Agency Consultation | TBA |
| Public Exhibition | TBA |
| Submissions Assessment | TBA |
| RPA Assessment of Planning Proposal and Exhibition Outcomes | TBA |
| Submission of Endorsed LEP to DP&E for finalisation | TBA |
| Anticipated date RPA will make plan (if delegated) | TBA |
| Forwarding of LEP Amendment to DP&E for notification(if delegated) | TBA |

The table will be completed when the relevant information is available.

**ANNEXURE A**

EXISTING AND PROPOSED LOT SIZE MAP –

MOUNTAINVIEW ESTATE, SUMMERLAND WAY, MOUNTAIN VIEW

Existing Lot Size Map



**ANNEXURE B**

EXISTING AND PROPOSED LOT SIZE MAP –

LOT 132 DP1263591 (No. 8A) CRONIN AVENUE, JUNCTION HILL



Existing Lot Size Map

**ANNEXURE C**

NORTH COAST REGIONAL PLAN 2036 CONSISTENCY CHECKLIST

**NORTH COAST REGIONAL PLAN 2036 CONSISTENCY CHECKLIST**

*(Note - refer to section 4.3 of this template document)*

| **NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS** | **CONSISTENCY** | **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 | Both locations involve approved urban developments |
| 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 network. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 4.2 - Enable appropriate smaller-scale renewable energy projects using bio-waste, solar, wind, small-scale hydro, geothermal or other innovative storage technologies. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 4.3 - Promote appropriate smaller and community-scale renewable energy projects. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| **Goal 2 - A thriving, interconnected economy****Direction 5 - Strengthen communities of interest and cross-regional relationships** |
| Action 5.1 - Collaborate on regional and intra-regional housing and employment land delivery, and industry development. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 5.2 - Integrate cross-border land use planning between NSW and South East Queensland, and remove barriers to economic, housing and jobs growth. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 5.3 - Encourage ongoing cooperation and land use planning between the City of Gold Coast and Tweed Shire Council. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 5.4 - Prepare a regional economic development strategy that drives economic growth opportunities by identifying key enabling infrastructure and other policy interventions to unlock growth. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| **Goal 2 - A thriving, interconnected economy****Direction 6 - Develop successful centres of employment** |
| Action 6.1 - Facilitate economic activity around industry anchors such as health, education and airport facilities by considering new infrastructure needs and introducing planning controls that encourage clusters of related activity. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 6.3 - Promote knowledge industries by applying flexible planning controls, providing business park development opportunities and identifying opportunities for start-up industries. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 6.3 - Reinforce centres through local growth management strategies and local environmental plans as primary mixed-use locations for commerce, housing, tourism, social activity and regional services. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 6.4 - Focus retail and commercial activities in existing centres and develop place–making focused planning strategies for centres. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 6.5 - Promote and enable an appropriate mix of land uses and prevent the encroachment of sensitive uses on employment land through local planning controls. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 6.6 - 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 |
| Action 6.7 - 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** |
| Action 7.1 - Prepare action plans for regional cities that:* 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** |
| Action 8.1 - Facilitate appropriate large-scale tourism developments in prime tourism development areas such as Tweed Heads, Tweed Coast, Ballina, Byron Bay, Coffs Harbour and Port Macquarie. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 8.2 - Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through local growth management strategies and local environmental plans. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 8.3 - Prepare destination management plans or other tourism focused strategies that:* 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 |
| Action 8.4 - Promote opportunities to expand visitation to regionally significant nature-based tourism places, such as Ellenborough Falls, Dorrigo National Park, Wollumbin–Mount Warning National Park, Iluka Nature Reserve and Yuraygir Coastal Walk. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 8.5 - Preserve the region’s existing tourist and visitor accommodation by directing permanent residential accommodation away from tourism developments, except where it is ancillary to existing tourism developments or part of an area otherwise identified for urban expansion 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**  |
| Action 9.1 - Enhance the competitive value of the region by encouraging business and employment activities that leverage major inter-regional transport connections, such as the Pacific Highway, to South East Queensland and the Hunter. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 9.2 - Identify buffer and mitigation measures to minimise the impact of development on regionally significant transport infrastructure including regional and state road network and rail corridors. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 9.3 - Ensure the effective management of the State and regional road network by:* 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** |
| Action 10.1 - Deliver airport precinct plans for Ballina–Byron, Lismore, Coffs Harbour and Port Macquarie that capitalise on opportunities to diversify and maximise the potential of value-adding industries close to airports. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 10.2 - Consider airport-related employment opportunities and precincts that can capitalise on the expansion proposed around Gold Coast Airport. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 10.3 - Protect the North Coast Rail Line and high-speed rail corridor to ensure network opportunities are not sterilised by incompatible land uses or land fragmentation. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 10.4 - Provide public transport where the size of the urban area has the potential to generate sufficient demand. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 10.5 - Deliver a safe and efficient transport network to serve future 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** |
| Action 11.1 - Enable the growth of the agricultural sector by directing urban and rural residential development away from important farmland and identifying locations to support existing and small-lot primary production, such as horticulture in Coffs Harbour. | *Yes* | Consistent as the proposal will retain agricultural land in an appropriate zoning. |
| Action 11.2 - Deliver a consistent management approach to important farmland across the region by updating the Northern Rivers Farmland Protection Project (2005) and Mid North Coast Farmland Mapping Project (2008). | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 11.3 - Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 11.4 - Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector’s capacity to adapt to changing circumstances. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 11.5 - Address sector-specific considerations for agricultural industries through local plans. | *Yes* | 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** |
| Action 12.1 - Promote the expansion of food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight and logistics, and processing through flexible planning provisions in local growth management strategies and local environmental plans. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 12.2 - 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 |
| Action 12.3 - 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 |
| Action 12.4 - Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflicts arising from the encroachment of incompatible land uses. | *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** |
| Action 13.1 - Enable the development of the region’s natural, mineral and forestry resources by directing to suitable locations land uses such as residential development that are sensitive to impacts from noise, dust and light interference. | *Yes*  | Consistent although this action is not directly relevant to the planning proposal |
| Action 13.2 - Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| **Goal 3 - Vibrant and engaged communities****Direction 14 - Provide great places to live and work** |
| Action 14.1 - Prepare precinct plans in growth areas, such as Kingscliff, or centres bypassed by the Pacific Highway, such as Woodburn and Grafton, to guide development and establish appropriate land use zoning, development standards and developer contributions. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 14.2 - Deliver precinct plans that are consistent with the Precinct Plan Guidelines (Appendix C). | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| **Goal 3 - Vibrant and engaged communities****Direction 15 - Develop healthy, safe, socially engaged and well-connected communities** |
| Action 15.1 - Deliver best-practice guidelines for planning, designing and developing healthy built environments that respond to the ageing demographic and subtropical climate. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 15.2 - Facilitate more recreational walking and cycling paths and expand inter-regional and intra-regional walking and cycling links, including the NSW Coastline Cycleway. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 15.3 - Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 15.4 - Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment frameworks within local planning. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 15.5 - Deliver crime prevention through environmental design outcomes through urban design processes. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| **Goal 3 - Vibrant and engaged communities****Direction 16 - Collaborate and partner with Aboriginal communities** |
| Action 16.1 - Develop partnerships with Aboriginal communities to facilitate engagement during the planning process, including the development of engagement protocols. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 16.2 - Ensure Aboriginal communities are engaged throughout the preparation of local growth management strategies and local environmental plans. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| **Goal 3 - Vibrant and engaged communities****Direction 17: Increase the economic self-determination of Aboriginal communities**  |
| Action 17.1 - Deliver opportunities to increase the economic independence of Aboriginal communities through training, employment and tourism. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 17.2 - Foster closer cooperation with Local Aboriginal Land Councils to identify the unique potential and assets of the North Coast communities. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 17.3 - Identify priority sites with economic development potential that Local Aboriginal Land Councils may wish to consider for further investigation. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| **Goal 3 - Vibrant and engaged communities****Direction 18 - Respect and protect the North Coast’s Aboriginal heritage** |
| Action 18.1 - Ensure Aboriginal objects and places are protected, managed and respected in accordance with legislative requirements and the wishes of local Aboriginal communities. | *Yes* | Existing consent for Mountainview Estate contains conditions governing actions to be taken should Aboriginal objects be found during civil construction |
| Action 18.2 - Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms are identified. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 18.3 - Develop local heritage studies in consultation with the local Aboriginal community, and adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 18.4 - Prepare maps to identify sites of Aboriginal heritage in ‘investigation’ areas, where culturally appropriate, to inform planning strategies and local plans to protect Aboriginal heritage. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| **Goal 3 - Vibrant and engaged communities****Direction 19 - Protect historic heritage** |
| Action 19.1 - Ensure best-practice guidelines are considered such as the Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance and the NSW Heritage Manual when assessing heritage significance. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 19.2 - Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items, and include appropriate local planning controls. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 19.3 - Deliver the adaptive or sympathetic use of heritage items and assets. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| **Goal 3 - Vibrant and engaged communities****Direction 20 - Maintain the region’s distinctive built character** |
| Action 20.1 - 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 |
| Action 20.2 - 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** |
| Action 21.1 - Undertake detailed infrastructure service planning to support proposals for new major release areas. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 21.2 - 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** |
| Action 22.1 - Deliver an appropriate supply of residential land within local growth management strategies and local plans to meet the region’s projected housing needs. | *Yes* | Cronin Estate is within an identified Growth Area (Junction Hill) Mountainview Estate is not but was approved prior to the Regional Plan coming into force and was in accordance in the planning controls existing at the time. |
| Action 22.2 - Facilitate housing and accommodation options for temporary residents by:* preparing planning guidelines for seasonal and itinerant workers accommodation to inform the location and design of future facilities; and
* working with councils to consider opportunities to permit such facilities through local environmental plans.
 | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| Action 22.3 - 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** |
| Action 23.1 - 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 |
| Action 23.1 - 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** |
| Action 24.1 - Facilitate the delivery of well-planned rural residential housing areas by:* 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 as both amendments apply to previously approved rural residential developments and result in no material changes to these developments |
| Action 24.2 - Enable sustainable use of the region’s sensitive coastal strip by ensuring new rural residential areas are located outside the coastal strip, unless already identified in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment. | *Yes* | Consistent although this action is not directly relevant to the planning proposal |
| **Goal 4 - Great housing choice and lifestyle options****Direction 25 - Deliver more opportunities for affordable housing** |
| Action 25.1 - 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 |
| Action 25.2 - 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 |

**ANNEXURE D**

CLARENCE VALLEY COUNCIL’S LOCAL STRATEGY

& STRATEGIC PLANS CONSISTENCY CHECKLIST

**COUNCILS LOCAL STRATEGY AND STRATEGIC PLAN/S CONSISTENCY CHECKLIST**

|  |  |
| --- | --- |
|  **Strategy/Strategic Plan** | **Relevant component/statement of consistency** |
| The Clarence 2027 Delivery Program and Operational Plan  | Both documents reference the need for a strong and diverse local economy. The completion of both projects and subject of the proposal will add to economic development in a manner that was clearly accepted by Council when issuing the development consents. Should the sunset clause come into effect and prevent the full developments approved under these consents, there will be negative economic impacts as full potential will not be achieved. |
| Maclean Urban Catchment Local Growth Management Strategy 2011 | N/A |
| South Grafton Heights Precinct Strategy | N/A |
| Clarence Valley Settlement Strategy | Junction Hill is identified as a growth area but the Strategy is silent on Mountainview and surrounds. The Strategy requires that rural-residential settlements should link into the ‘functional hierarchy’ of the Valley’s settlement pattern, so being close to and having good access to, human services/community facilities. Mountainview Estate is 4.7km from Junction Hill and 10.5km from Grafton and is connected to both by the sealed road network. |
| Lower Clarence Retail Strategy (May 2007) | N/A |
| Yamba Retail/Commercial Strategy (May 2002) | N/A |
| Clarence Valley Economic Development Strategic Plan | N/A |
| Clarence Valley Industrial Lands Strategy | N/A |
| Clarence Valley Affordable Housing Strategy | N/A |
| Clarence Valley Council Biodiversity Management Strategy 2010 | The Strategy sets out how and why Council will preserve biodiversity in the Clarence Valley. The Strategy was adopted in August 2010, after Mountainview Estate was approved (March 2010) but before the subdivision of Lot 13 was approved (September 2010). The proposal will have no biodiversity impacts. |
| Clarence River Way Masterplan 2009 | N/A |
| Clarence Valley Open Spaces Strategic Plan 2012 | N/A |

**ANNEXURE E**

STATE ENVIRONMENTAL PLANNING POLICY

CONSISTENCY CHECKLIST

**STATE ENVIRONMENTAL PLANNING POLICY CONSISTENCY CHECKLIST**

| **Name of SEPP** | **Relevant/applicable?** | **Comment/statement of consistency** |
| --- | --- | --- |
| *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.* |
| State Environmental Planning Policy No 1 - Development Standards | No | Not applicable to the CVLEP 2011 or to the planning proposal. |
| State Environmental Planning Policy No 19 - Bushland in Urban Areas | No | N/A |
| State Environmental Planning Policy No 21 - Caravan Parks | No | N/A |
| State Environmental Planning Policy No 30 - Intensive Agriculture | No | N/A |
| State Environmental Planning Policy No 33 - Hazardous and Offensive Development | No | N/A |
| State Environmental Planning Policy No 36 - Manufactured Home Estates | No | N/A |
| State Environmental Planning Policy No 44 - Koala Habitat Protection | No | N/A |
| State Environmental Planning Policy No 47 - Moore Park Showground | No | N/A |
| State Environmental Planning Policy No 50 - Canal Estate Development |  |  |
| State Environmental Planning Policy No 52 - Farm Dams and Other Works in Land and Water Management Plan Areas | No | N/A |
| State Environmental Planning Policy No 55 - Remediation of Land | No | The proposal applies to developments which have been fully assessed and approved by Council and there is nothing within the proposal that could be relevant to this SEPP |
| State Environmental Planning Policy No 62 - Sustainable Aquaculture | No | N/A |
| State Environmental Planning Policy No 64 - Advertising and Signage | No | N/A |
| State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development | No | N/A |
| State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes) | No | N/A |
| State Environmental Planning Policy (Affordable Rental Housing) 2009 | No |  |
| State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 | No | N/A |
| State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 | No | N/A |
| State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 | No | N/A |
| State Environmental Planning Policy (Infrastructure) 2007 | No | N/A |
| State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007 | No | N/A |
| State Environmental Planning Policy (Kurnell Peninsula) 1989 | No | N/A |
| State Environmental Planning Policy (State Significant Precincts) 2005 | No | N/A |
| State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 | No | N/A |
| State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 | No | N/A |
| State Environmental Planning Policy (Penrith Lakes Scheme) 1989 | No | N/A |
| State Environmental Planning Policy (Rural Lands) 2008 | No | N/A |
| State Environmental Planning Policy (State and Regional Development) 2011 | No | N/A |
| State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 | No | N/A |
| State Environmental Planning Policy (Sydney Region Growth Centres) 2006 | No | N/A |
| State Environmental Planning Policy (Three Ports) 2013 | No | N/A |
| State Environmental Planning Policy (Urban Renewal) 2010 | No | N/A |
| State Environmental Planning Policy (Western Sydney Employment Area) 2009 | No | N/A |
| State Environmental Planning Policy (Western Sydney Parklands) 2009 | No | N/A |
| State Environmental Planning Policy (Integration and Repeals) 2016 | No | N/A |
| State Environmental Planning Policy (Coastal Management) 2018 | Yes | N/A |

**ANNEXURE F**

SECTION 9.1 DIRECTION CONSISTENCY CHECKLIST

**SECTION 9.1 DIRECTION CONSISTENCY CHECKLIST**

| **SECTION 9.1 DIRECTION** | **CONSISTENCY** | **COMMENTS** |
| --- | --- | --- |
| **1. EMPLOYMENT AND RESOURCES** |
| * 1. **Business and Industrial Zones**
 | Not Applicable  | The proposal does not involve business or industrial zones |
| * 1. **Rural Zones**
 | Not Applicable  | The proposal does not involve rural-zoned land. |
| * 1. **Mining, Petroleum Production and Extractive industries**
 | Not Applicable | The proposal does not affect any land identified as having extractive resources of regional significance or their haulage routes. |
| * 1. **Oyster Aquaculture**
 | Not Applicable | The proposal does not affect land within the vicinity of any oyster aquaculture leases. |
| **1.5 Rural Lands** | Not Applicable | The proposal does not apply to rural land |
| **2. ENVIRONMENT AND HERITAGE**  |
| **2.1 Environmental protection Zones** | Not Applicable  | The proposal does not apply to Environmental Protection Zones.  |
| **2.2 Coastal protection** | Not Applicable  | The proposal does not affect land located in the coastal zone  |
| **2.3 Heritage Conservation** | Not Applicable | The proposal does not affect any objects or areas of heritage significance |
| **2.4 Recreation Vehicle Areas** | Not Applicable  | The proposal does not involve the development of land for use as a recreation vehicle area |
| **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 Council area, but the principle of only zoning land for environmental protection if it has environmental values is relevant nevertheless |
| **3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT** |
| **3.1 Residential Zones** | Consistent | The proposal is consistent with this direction in as much as it will protect existing consents for residential development with provide a variety and choice of housing types and efficiently utilises existing infrastructure |
| **3.2 Caravan Parks and Manufactured Home Estates** | Not Applicable  | The proposal does not involve the development or a caravan park or manufactured home estate |
| **3.3 Home Occupations** | Not Applicable | The proposal does not intend to alter the current legislative controls of home occupations in dwellings |
| **3.4 Integrated Land Use and Transport**  | Not Applicable | The proposal alters a provision (minimum lot size) relating to residential land but only in respect of approved developments and so the provisions of this direction are not applicable |
| **3.5 Development Near Licensed Aerodromes** | Not Applicable  | The proposal does not affect land area licensed for aerodromes  |
| **3.6 Shooting Ranges**  | Not Applicable  | The proposal does not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range. |
| **4. HAZARD AND RISK** |
| **4.1 Acid Sulfate Soils** | Not Applicable | The proposal does not involve land identified as containing ASS. |
| **4.2 Mine Subsidence and Unstable land** | Not Applicable  | The proposal does not affect any Mine Subsidence Districts  |
| **4.3 Flood Prone Land** | Not Applicable  | The proposal does not involve flood prone land. |
| **4.4 Planning for Bushfire Protection** | Not Applicable  | The proposal does not involve any land affected by bushfire hazard |
| **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 does not apply to the Clarence Valley Council area. |
| **5.3 Farmland of State and Regional Significance on the NSW Far North Coast** | Not applicable. | This Direction does not apply to the Clarence Valley Council area.  |
| **5.4 Commercial and Retail Development along the Pacific Highway, North Coast** | Not Applicable  | The proposal does not involve land covered by this Direction |
| **5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)** | Not applicable. | *Revoked 18 June 2010* |
| **5.6 Sydney to Canberra Corridor** | Not applicable. | *Revoked 10 July 2008 - See amended Direction 5.1* |
| **5.7 Central Coast** | Not applicable. | *Revoked 10 July 2008 - See amended Direction 5.1* |
| **5.8 Second Sydney Airport: Badgerys Creek** | Not applicable. | This Direction does not apply to the Clarence Valley Council area.  |
| **5.9 North West Rail Link Corridor Strategy** | Not applicable. | This Direction does not apply to the Clarence Valley Council area.  |
| **5.10 Implementation of Regional Plans** | Consistent  | The proposal involves land covered by North Coast Regional Plan 2036 and is not inconsistent with any provisions of that Plan (see 4.3 of this report) |
| **6. LOCAL PLAN MAKING** |
| **6.1 Approval and Referral Requirements** | Consistent | The proposal does not include provisions which require concurrence, consultation or referral of a Minister or public authority |
| **6.2 Reserving Land for Public Purposes** | Not Applicable | This proposal does not involve the reserving of land for public purposes  |
| **6.3 Site Specific Provisions** | Consistent  | The proposal does not impose restrictive site specific planning controls on the subject lands other than the original lot size standard under which they were approved |
| **7. METROLPOLITAN PLANNING** |
| **7.1 Implementation of a Plan for Growing Sydney** | Not applicable. | This Direction does not apply to the Clarence Valley Council area.  |
| **7.2 Implementation of Greater Macarthur Land Release Investigation** | Not applicable. | This Direction does not apply to the Clarence Valley Council area.  |
| **7.3 Parramatta Road Corridor Urban Transformation Strategy** | Not applicable. | This Direction does not apply to the Clarence Valley Council area.  |
| **7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan** | Not applicable. | This Direction does not apply to the Clarence Valley Council area.  |
| **7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan** | Not applicable. | This Direction does not apply to the Clarence Valley Council area.  |
| **7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan** | Not applicable. | This Direction does not apply to the Clarence Valley Council area.  |
| **7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor** | Not applicable. | This Direction does not apply to the Clarence Valley Council area.  |

**ANNEXURE G**

APPROVED SUBDIVISION OF LOT 13 DP815322 –

CVC LETTER CONFIRMING SUBSTANTIAL COMMENCEMENT

& COPY OF DP 1263591





**ANNEXURE H**

- APPROVED SUBDIVISION PLANS FOR MOUNTAINVIEW ESTATE

- DP 1263591 AT CRONIN AVENUE



