# Rezone Lots 10/11 DP 1185535 (No. 5) Bridge Street, Glenreagh from RU2 Rural Landscape to R2 Low Density Residential Planning Proposal

23 May 2017 Rob Donges

#### Declaration

Document name:	Planning Proposal – Rezone Lots 10/11 DP 1185535 (No. 5) Bridge Street, Glenreagh from RU2 Rural Landscape to R2 Low Density Residential
Document Author:	Rob Donges
Occupation of document author:	Planning Consultant
Qualifications of document author:	ВА, МТСР
Declaration:	I, Rob Donges, declare that this Planning Proposal constitutes a
	planning proposal for the purposes of section 55 of the Environmental Planning and Assessment Act 1979 (the Act) and further declare that the document complies with the relevant provisions of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment's <i>A guide to preparing planning proposals</i> (August 2016).

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# **1. Preliminary**

#### 1.1 Planning Proposal

This Planning Proposal seeks to amend Clarence Valley Local Environmental Plan 2011 (CVLEP2011) to rezone Lots 10/11 DP 1185535 (No. 5) Bridge Street, Glenreagh from RU2 Rural Landscape to R2 Low Density Residential, plus associated amendments to the Minimum Lot Size Map and Heights of Buildings Map to reflect the proposed zone.

Approval of the Proposal will permit the future development of the subject site for low density residential purposes in keeping with the existing residential precinct in Glenreagh.

Figure 1 - Locality Map



#### **1.2** Property Description & Characteristics

The subject property is owned by Mrs Gwen Loy and is defined as Lot 10 DP 1185535 and Lot 11 DP 1185535, being 3,280m<sup>2</sup> and 1.473 hectares respectively, totalling 1.801 hectares. Lot 10 contains an existing dwelling and sheds while Lot 11 is vacant and cleared except for a strip to trees up to 9 metres wide along the southern boundary.

The property has its main frontage to the formed Bridge Street to the north, with unformed Nymboida Street road reserve to the west and unformed George Street road reserve to the east. The rear southern boundary fronts gravelled Railway Street.

The property slopes slightly to the south-east corner and while Lot 10 is the house site, Lot 11 is maintained as a paddock. The Loy family have been involved with the site since the 1960's and they advise that there has been no agricultural use of the property, other than intermittent grazing of a horse or two, in that period.

#### **1.3** Property History

The Village of Glenreagh Map (Third Edition) notates Lot 11 of the subject site as 'R82077 for Future Public Requirements' with a date which appears to be 13 January 1951. As such it would have been held in the ownership of the Department of Lands.

In the 1960's the Loy's commenced leasing the larger Lot 11 from the Department of Lands, while the smaller Lot 10 was leased from the Department by another party. In 1968 the Loy's purchased Lot 10 from the Department and continued to lease Lot 11 until 1991 when they also purchased it from the Department. With those two purchases, each lot converted from public land to private freehold.

In May 1997 Ulmarra Shire Council wrote to the owners advising that from July 1997 the property would be categorised and rated as Glenreagh Residential. From this history we can safely conclude that the subject site was not zoned Residential along with most of the rest of the Village as it was public land. In 1997 Ulmarra Shire Council recognised its residential use through their rating system but did not reflect that by amending their zoning system.

Under Clause 4.2B of the CVLEP 2011, Lots 10 and 11 are categorised as an "existing holding" and together have a single dwelling entitlement which has been taken up by the existing dwelling on Lot 11.



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#### **1.4 Site & Locality**

Glenreagh, with a population of approximately 850 (although the Village population is less than this) is located 48 kms south of Grafton and 38kms north of Coffs Harbour by road. The Village itself is located on the western side of the Orara River and consists of low density residential lots generally around 1,000m<sup>2</sup>, while on the eastern side of the river is a rural-residential development of approximately 70 lots. Glenreagh is unsewered and affected by flooding from the Orara River which can leave it isolated for several days, though the subject property and section of the village in which it is located are not affected by the 1 in 100 flood level.

There is around 6 hectares of greenfield residentially-zoned land at the northern end of the main village, largely fronting Tallawudjah Creek Road and a number of undeveloped lots in the rural-residential precinct.

The subject property is located at the south-western end of the Village. Unformed road reserves separate it from Glenreagh Park to the west and Glenreagh Primary School to the east. Directly opposite on Bridge Street is a relatively recent and fully developed 17-lot residential subdivision with lots generally in the range of 1,000m<sup>2</sup> - 1,200m<sup>2</sup>. To the rear is the former Dorrigo Rail Line separated from the property by Railway Street. A survey plan of the property is at Appendix A.



Figure 3 - Aerial of Site

#### **1.5** Residential Development Potential in Glenreagh Village

There is approximately 6 hectares of larger scale undeveloped residential land in Glenreagh Village, being:

- Lot 3 DP 1168543 Tallawudjah Creek Road. This split-zoned property has approximately 6 hectares of R2 land, of which approximately 50% is affected by the 1 in 100 flood level.
- Lot 3 DP 327442 (No. 16) Boundary Street 0.828 ha.
- Lot 94 DP 752843 Boundary Street 1.136 ha.

This represents approximately 5 hectares of flood free undeveloped R2 land with potential for around 40 low-density residential lots.

In addition to this existing potential, there are two areas located within the logical boundaries of the Village (Railway line to the south; zone boundaries to the west and north; flood affected land to the north and east) with potential for future low-density development:

- The subject site
- 92 Coramba Street, consisting of 5 lots totalling 1.714 ha.

Both sites have low density yield potential of approximately 12 lots.

#### **1.6 Development Potential of Subject Site**

The subject site, with a total area of 1.801 hectares, lends itself to a low-density residential subdivision of around 12 lots, one of which would contain the existing dwelling.

It is surrounded on all sides by road reserves, two of which contain formed roads, which creates multiple lot layout options though the obvious arrangement would involve a cul-desac off Bridge Street. This would replicate the Lilli Court low-density residential subdivision immediately opposite on Bridge Street which has now been fully developed. The 30 metre road reserves adjoining to the east and west create buffers to the Primary School and Glenreagh Park respectively.

The site is largely cleared, with the exception of up to a 9 metre wide stand of trees along the southern boundary which provide an effective buffer to the adjoining gravel Railway Street.

The site slopes gently to the south-east corner, and at this point, water from the site enters an open drain in Railway Street then through a culvert under the road and into a natural watercourse. Any development would likely utilise and improve this system with sufficient on-site area to provide for detention and water quality treatment.

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Reticulated water is available on the opposite side of Bridge Street and power is also available in that road reserve. Glenreagh has no reticulated sewerage system and suitable on-site wastewater systems will need to be provided for each future dwelling.

The sum result of the above is that the features and location of the subject site imbue it with excellent potential for low-density residential development, for which there has been a proven market in the Village and currently only a limited supply in the form of undeveloped residential-sized lots.

## **Planning Proposal**

#### Part 1: Objectives & Intended Outcomes

The objective of this Planning Proposal is to amend the planning controls applicable to Lots 10/11 DP 1185535 (No. 5) Bridge Street, Glenreagh, to permit low-density residential development.

The following extract from CVLEP2011 sets out the objectives and intended use of the R2 Low Density Residential Zone.

#### Zone R2 Low Density Residential

#### 1 Objectives of zone

- · To provide for the housing needs of the community within a low density residential environment.
- · To enable other land uses that provide facilities or services to meet the day to day needs of residents.

#### 2 Permitted without consent

Home-based child care; Home occupations; Home occupations (sex services)

#### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Child care centres; Community facilities; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Places of public worship; Recreation areas; Residential accommodation; Respite day care centres; Roads; Water recreation structures

#### 4 Prohibited

Attached dwellings; Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Any other development not specified in item 2 or 3

#### **Part 2: Explanation of Provisions**

The Planning Proposal seeks to rezone the subject land from RU2 Rural Landscape to R2 Low Density Residential and to amend the Lot Size and Building Height Maps to adopt the standards applicable to R2 land in Glenreagh Village, being:

- Lot Size Map 'all others'
- Building Height Map J 9 metres

#### Part 3: Justification

### Section A: Need for the Planning Proposal

#### 1. Is the Planning Proposal a result of a strategic study or report?

The Clarence Valley Settlement Strategy (CVSS) is the relevant strategic study. It was finalised in 1999 and provides a blueprint for growth in the Valley within a planning horizon to 2016.

The Settlement Strategy suggested for the Clarence Valley to 2016 in respect of small villages is generally based on a model characterised by:

"Existing small villages to expand to suitable population levels to maintain existing services and seek improved outreach services, while retaining village character and minimising environmental impact."

The Strategy classifies Glenreagh as a 'Small Village'.

Section 5.14 of the Strategy specifically addresses Glenreagh (see Appendix B). Pertinent points are:

#### • Estimated 2016 population 425 (village) and 180 (rural residential) : 605 total

Comment: The 2011 Census showed Glenreagh had a population of 862, though this may included some residents outside of both the village and rural/residential areas.

• New development to be focused towards the village centre, rather than extending along roads, to maintain compact village identity

Comment: The subject site is located within natural boundaries of the village, defined to the south by the railway line and is approximately 550 metres by road from the Post Office.

• Expansion should avoid the quarry to the north and agricultural land to the east and west

Comment: The agricultural land and quarry referred to are outside the boundaries of the village and do not include the subject site.

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#### • Expansion should be of a scale which supports existing services

Comment: The subject site has a likely development capacity of approximately 12 lots, representing a potential population increase of around 30-35. This level of increase would provide a small economic boost without overwhelming existing services.

# • Soils in the Glenreagh area have generally low suitability for septic disposal and options for improved treatment need to be investigated

Comment: On-site wastewater management has advanced considerably since the Strategy was formulated. As with the Lilli Court development immediately to the north of the site, all future lots would be subject to investigation and suitable systems designed and installed with Council approval.

• The community should be asked for its views on elements which would be important in a future small-scale expansion of Glenreagh

Comment: The Planning Proposal process, involving public consultation, would meet this requirement.

#### 2. Is the Planning the best means of achieving the objectives or intended outcomes?

Both the growth model for small villages and the specific strategy for Glenreagh are based on expansion within the village centre. One approach to achieve this objective/intended outcome would be a detailed Glenreagh Growth Management Strategy prepared by Council which addressed both existing undeveloped residential land and potential expansion sites, but the scale of expansion would not justify the expenditure of Council funds and staff time.

Although the Proposal only addresses one of the two potential expansion sites, its preparation by the owner is considered the best way of achieving the objective/intended outcome in respect of the subject site.

#### Section B: Relationship to Strategic Planning Framework

**3.** Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The North Coast Regional Plan 2036 (NSW Planning & Environment, March 2017) is now the relevant document.

Glenreagh is shown as containing an Urban Growth Area within the village, but the subject property is not within the Area. As such, the rezoning sought would represent an expansion of the UGA. The Regional Plan Appendix A lists 7 Urban Growth Area Variation Principles. Appendix H of this Proposal assesses the Proposal and its development outcome against those Principles.

The Regional Plan also includes 4 goals, 25 directions and 80 actions. The Proposal is assessed against these in the Consistency Checklist at Appendix I.

Through the assessment of the Proposal against the Variation Principles and the various goals, directions and actions, it is concluded that inconsistencies are justified largely due to:

- Small scale
- Location within village area
- Predominately cleared site with no biodiversity value
- Hazard-free with the exception of bushfire which is minor and easily mitigated
- No agricultural value
- No identified Aboriginal heritage issues

The only issue outstanding is the fact that the subject site is located outside, though adjacent to, the Glenreagh Urban Growth Area. This Proposal seeks to demonstrate that this should not exclude it from being considered for rezoning leading to future residential development.

#### NSW 2021 (NSW State Plan)

The proposal is consistent with the goal of driving economic growth in regional NSW.

# **4.** Is the Planning Proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Clarence Valley Community Plan 2015 - 2024 is Council's adopted corporate strategic plan. It is supported by Council's Delivery Program and Annual Operational Plan applicable at the time.

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Other local strategies include:

- Council's 2014 2017 Delivery Program and 2015 2016 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

An assessment of the planning proposal against these strategies is at Appendix J.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

See Appendix D.

# 6. Is the Planning Proposal consistent with applicable Ministerial Directions (S117 directions)?

See Appendix E. The inconsistencies with 1.2, 1.5 and 5.10 are considered justified due to the minor significance of the proposed rezoning.

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#### Section C – Environmental, Social & Economic Impacts

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. The site is cleared with the exception of a strip of mature native trees up to 9 metres wide running the length of the southern boundary. This provides a buffer and separation from the gravelled Railway Street running along part of that boundary and is likely to be retained for that purpose if the site is developed in the future. Although this vegetation contributes to the bushfire hazard identified on the site, future lots incorporating this vegetation will have sufficient size and depth to provide the required buffer from future dwellings.

#### 8. Are there any other likely environmental effects as a result of the Planning Proposal?

#### 8.1 Bushfire Hazard

#### Figure 4 - Bushfire Prone Land Map



The NSW Bushfire Prone Land Map indicates that a small section along the southern boundary (i.e. the 9 metre wide strip of trees) is Category 2 bushfire prone land and the 30m buffer extends into the site. This issue is addressed in Appendix E: S117 Ministerial Directions 4.4.

Any future subdivision can be designed with lot size and configuration to permit this vegetation to be retained and dwellings located to create an Asset Protection Zone. If a bushfire hazard assessment is required, it is requested that it be provided following the receipt of a gateway determination and prior to undertaking community consultation.

8.2 On-site Wastewater Management

There is no reticulated sewerage system in Glenreagh and any future development will rely on on-site systems designed by suitably qualified consultants and approved by Council, including on-going certification.

#### 8.3 Flooding



#### Figure 5 - Flood Map

The subject site is not affected by the Glenreagh 1 in 100 flood level.

#### 8.4 Other Impacts

The small scale of potential future development which may occur would have no significant impacts in terms of traffic or any other environmental issues.

#### 9. How has the Planning Proposal adequately addressed any social or economic effects?

As previously stated, the Planning Proposal seeks to implement a component of the development strategy contained in the Clarence Valley Settlement Strategy in respect of potential urban expansion in Glenreagh Village.

The potential yield of up to 12 residential lots, representing around 30-35 additional residents will have only minor economic benefits, but conversely will have no negative social impacts. The now fully developed 17 lot Lilli Court development, approved in the early 2000's, showed that there is a level of demand for new residential sites, albeit at a low level, in Glenreagh Village. The development of the subject site for the same purpose will accommodate future demand for this product.

#### 9.1 Aboriginal Heritage

An Aboriginal Heritage and Information System (AHIMS) search, along with a Due Diligence assessment are at Appendix F. The search indicates that there are no aboriginal sites recorded on or near the site.

### Section D: State and Commonwealth Interests

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

Yes. The subject site fronts Bridge Street which forms part of the Village's sealed road network.

Water and power are located immediately adjoining and the owner will be responsible for any upgrades required. Suitable on-site wastewater management systems will be designed, approved and installed on each lot as part of the construction of future dwellings.

# **11.** What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

This section will be completed following a positive gateway determination.

### Part 4: Mapping

The existing and proposed Zoning Map, Height of Buildings Map and Lot Size Map are included in Appendix A.

## Part 5: Community Consultation

It is considered that this is a 'low impact planning proposal' under Section 4.5 of "A guide to preparing local environmental plans", based on:

- The limited area to be rezoned and the resulting small scale of development.
- Its consistency with the CVSS.
- It is not a principal LEP.
- It does not reclassify public land.

## Part 6: Project Timeline

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

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

# **APPENDIX A**

- Site Survey Plan
- Current and Proposed:
  - Zoning Map
  - Minimum Lot Size Map
  - Height of Buildings Map

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1 Site Survey Plan

#### 2 - Current Zoning Map

#### 3 - Proposed Zoning Map

#### 4 - Current Height of Building Map

#### 5 - Proposed Height of Building Map

#### 6 - Current Minimum Lot Size Map

7 - Proposed Minimum Lot Size Map



# **APPENDIX B**

Glenreagh Extract – Clarence Valley Settlement Strategy

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5.14 GLENREAGH

1996 village population 276 2016 village population about 425

Glenreagh's role in the 2016 settlement hierarchy will be as a low-density small village with a distinctive character, providing good local services to residents while realising its tourist potential. It will also provide a community and services focus for the nearby Station Heights rural residential area.

Regular monitoring of Orara River water is carried out to ensure quality of the water supply. Soils in the Glenreagh area have generally low suitability for septic disposal systems. Prior to unsewered expansion of the village zone, there needs to be certainty that existing development does not have adverse health or water quality impacts. Monitoring and remediation of existing septic systems may alleviate any current problems, as well as helping the Council to assess whether on-site waste disposal is suitable for further development. Options for improved treatment levels may need to be investigated. Alternative, low-impact on-site sewage systems may be effective.

Keeping new development focused towards the village centre rather than extending out along roads will help to maintain the existing compact village identity, and will allow residents to easily access services. Care will be needed to preserve the unique scenic and ecological values of the escarpment and river corridor. This will also enhance the tourist appeal of the village. Clarence Valley Settlement Strategy

1996 rural residential population 75 2016 rural residential population 180

Expansion should avoid the quarry to the north of the village, and agricultural land to the east and west. A buffer should be maintained between Station Heights estate and the State Forest.

A strong community identity exists at present; this is a positive foundation upon which to maintain existing community infrastructure and services. However, the population should not expand to a point at which local services are strained. It is unlikely that major new services will be located in Glenreagh; expansion should be on a scale which supports existing services.

Opportunities to link in to road or rail public transport services between Coffs Harbour and Grafton should be sought. The RTA has no plans to upgrade the Orara Way within the next 10 years.

Minor commercial and light industrial opportunities catering for local needs should be encouraged, reducing the need to travel to larger centres. Home occupations should be encouraged for the same reason.

The community should be asked for its views on elements which would be important in a future small-scale expansion of Glenreagh.

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# APPENDIX C

Urban Growth Area Variation Principles

# **Urban Growth Area Variation Principles**

# 1. Policy

The variation needs to be consistent with the objectives and outcomes in the **North Coast Regional Plan 2036** and any relevant Section 117 Directions and State Environmental Planning Policies, and should consider the intent of any applicable local growth management strategy.

1.1 Assessment against the objectives and outcomes in the North Coast Regional Plan 2036 is attached at Appendix I. It concludes that the Proposal is consistent with all relevant actions with the exception of 1.1 and 1.4. The former will be resolved if the subject property is approved as a variation to the Glenreagh UGA and the latter is the responsibility of state government/council.

S177 Directions are assessed at Appendix E. It concludes that the Proposal is inconsistent with 1.2 and 1.5 but both are justified due to the absence of any agricultural production value and the 'minor significance' of the Proposal.

State Environmental Planning Policies are assessed at Appendix D. It concludes that the Proposal is compliant with all relevant Policies subject to a SEPP 55 Preliminary Investigation (at Appendix H) and an assessment against Clause 7 of SEPP Rural Lands (at Appendix G) being provided.

There is no relevant local growth strategy.

# 2. Infrastructure

The variation needs to consider the use of committed and planned major transport, water and sewerage infrastructure, and have no cost to government.

The variation should only be permitted if adequate and cost-effective infrastructure can be provided to match the expected population.

2.1 Existing water and power infrastructure are available to the property and the owner will be responsible for ensuring sufficient capacity to service any future development. Reticulated sewerage is not available in the village and all future

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dwelling will require onsite wastewater management systems to Council's specifications. These requirements will ensure that adequate and cost-effective infrastructure can be provided to match the small increase in population.

# 3. Environmental and farmland protection

The variation should avoid areas:

- Of high environmental or heritage value; and
- Mapped as important farmland, unless consistent with the interim variation criteria prior to finalising the farmland mapping review.

**3.1** The subject property has no high environmental or heritage value. Measures can be put in place through development conditions to ensure that any heritage objects unearthed during the construction phase can be identified and preserved. The subject property is not important farmland.

## 4. Land Use Conflict

The variation must be appropriately separated from incompatible land uses, including agricultural activities, sewage treatment plants, waste facilities and productive resource lands.

4.1 There are no land uses in the vicinity which are incompatible with a low-density residential development.

# 5. Avoiding risk

The variation must avoid physically constrained land identified as:

- flood prone;
- bushfire prone;
- highly erodible;
- having a severe slope; and
- having acid sulphate soils.

5.1 The subject property is not identified as being:

• flood prone

- highly erodible
- having a severe slope
- having acid sulphate soils

It is mapped as being partly bushfire prone, matching the up to 9m wide strip of mature vegetation along the southern boundary plus a 30m buffer located on clear paddock land. This hazard can be managed through the provision of larger lots on this section of the property which would allow the retention of vegetation as a useful buffer plus a cleared asset protection zone between the vegetation and future dwellings.

# 6. Heritage

The variation must protect and manage Aboriginal and non-Aboriginal heritage.

6.1 Initial assessment suggests there are no Aboriginal or non-Aboriginal heritage issues associated with the property, and controls can be put in place to ensure that any items that may be uncovered during future construction phases can be identified and preserved.

## 7. Coastal Area

Only minor and contiguous variations to urban growth areas in the coastal area will be considered due to its environmental sensitivity and the range of land uses competing for this limited area.

7.1 The subject property is not located in the coastal area.

# APPENDIX D

Assessment Against State Environmental Planning Policies

## Assessment Against State Environmental Planning Policies

Name of SEPP	Relevant?	Comment/statement of consistency		
The following State Environmental Planning Policies (SEPPs) are current and are applicable to the Clarence Valley LGA and are required to be considered whether applicable or not in a particular circumstance.				
State Environmental Planning Policy No 1 - Development Standards	No	Not applicable to CVLEP2011		
State Environmental Planning Policy No 14 - Coastal Wetlands	No			
State Environmental Planning Policy No 19 - Bushland in Urban Areas	No			
State Environmental Planning Policy No 21 - Caravan Parks	No			
State Environmental Planning Policy No 26 - Littoral Rainforests	No			
State Environmental Planning Policy No 30 - Intensive Agriculture	No			
State Environmental Planning Policy No 33 - Hazardous and Offensive Development	No			
State Environmental Planning Policy No 36 - Manufactured Home Estates	No			
State Environmental Planning Policy No 44 - Koala Habitat Protection	No	To be considered at DA stage.		
State Environmental Planning Policy No 47 - Moore Park Showground	No			
State Environmental Planning Policy No 50 - Canal Estate Development	No			
State Environmental Planning Policy No 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	No			
State Environmental Planning Policy	Yes	A stage 1 Preliminary Investigation is		

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Name of SEPP	Relevant?	Comment/statement of consistency
No 55 - Remediation of Land		attached at Appendix H
State Environmental Planning Policy No 62 - Sustainable Aquaculture	No	
State Environmental Planning Policy No 64 - Advertising and Signage	No	
State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development	No	
State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)	No	
State Environmental Planning Policy No 71 - Coastal Protection	No	
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	
State Environmental Planning Policy (Infrastructure) 2007	No	
State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007	No	
State Environmental Planning Policy (Kurnell Peninsula) 1989	No	
State Significant Precincts	No	
State Environmental Planning Policy (Mining, Petroleum Production and	No	

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Name of SEPP	Relevant?	Comment/statement of consistency
Extractive Industries) 2007		
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	
State Environmental Planning Policy (Rural Lands) 2008	Yes	The proposal to rezone rural land requires Clause 7 of the Policy to be addressed. See Appendix G
State Environmental Planning Policy (State and Regional Development) 2011	No	
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Three Ports) 2013	No	
State Environmental Planning Policy (Urban Renewal) 2010	No	
State Environmental Planning Policy (Western Sydney Employment Area) 2009	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
State Environmental Planning Policy (Integration and Repeals) 2016	No	

# **APPENDIX E**

Assessment Against S117 Ministerial Directions

# Assessment Against S117 Ministerial Directions

Section 117 Direction	Applies?	Comments
1. Employment and Resources		
1.1 Business and Industrial Zones	No	
1.2 Rural Zones	Yes	Inconsistent but justifiable. The objective of this direction is to protect the agricultural production value of rural land and a planning proposal must not rezone land from a rural zone to residential, business, industrial, village or tourist zone in the Clarence Valley Council area. The direction permits a planning proposal to be inconsistent with the prohibition on any one of 4 grounds including: (d) is of minor significance. The site was previously a crown reserve for Public Requirements. Since at least 1962 the majority of it has been leased by the current owners who intermittently grazed a couple of horses while the balance was leased by another party until purchased by the current owners in 1968. The Special Lease over Lot 11 was for the purpose of Agriculture & Grazing and so there may have been some small scale agricultural use between 1949 and 1962 but there has been none since then. As such, the proposal does not afford any agricultural production value. But the most pertinent grounds for justifying any inconsistency with
1.2 Mining Detroloum Droduction		the direction is (d) above, i.e. it involves 1.8 ha which is of 'minor significance'.
1.3 Mining, Petroleum Production and Extractive Industries	No	
1.4 Oyster Aquaculture	No	
1.5 Rural Lands	Yes	Inconsistent but justified rural land in the Clarence Valley Council area is covered by this direction whose objectives are to protect the agricultural production value of rural land and facilitate the orderly and economic development rural lands for rural and related purposes. As with Direction 1.2 above, a planning proposal may be inconsistent if it is of 'minor significance', which it is.

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Section 117 Direction	Applies?	Comments
2. Environment and Heritage		
2.1 Environmental Protection Zones	No	
2.2 Coastal Protection	No	
2.3 Heritage Conservation	Yes	The Direction applies in respect of indigenous heritage significance but only in a broad sense as there are no AHIMS records of items of significance on the site nor any evidence of any. Protection of items which may be unearthed during a future construction phase can be conditioned in a consent.
2.4 Recreation Vehicle Areas	No	
3. Housing, Infrastructure and Urban	Developmen	t
3.1 Residential Zones	Yes	<ul> <li>This direction is applicable as it relates to land which is proposed for residential development.</li> <li>The objectives of the direction are: <ul> <li>To encourage a variety and choice of housing types</li> <li>To make efficient use of infrastructure and services</li> <li>To minimise impact on environment and resource lands.</li> </ul> </li> <li>The first objective is best dealt with at a future DA stage and the other two are consistent. Should any inconsistency be detected, it is again justified as being of 'minor significance' see Clause 6(d).</li> </ul>
3.2 Caravan Parks and	No	
Manufactured Home Estates 3.3 Home Occupations	No	
3.4 Integrated Land Use and Transport	Yes	This direction is applicable as it creates a zone related to urban land, i.e. residential. The objectives revolve around urban design which encourages transport options, including walking, cycling and public transport, rather than car trips. The site is located 550m from the local Post Office and even closer to the school, pool and businesses. It is an easy walk or cycle around the village. Bus services link to Grafton. Again, any inconsistency detected is justified by Clause 5 (d) 'minor significance'.
3.5 Development Near Licensed Aerodromes	No	
3.6 Shooting Ranges	No	

APPENDIX E 2017

determination and before public consultation.

Section 117 Direction	Applies?	Comments
4. Hazard and Risk		
4.1 Acid Sulfate Soils	No	CVC Acid Sulfate Soil Map shows no acid sulfate soils in the Glenreagh area.
4.2 Mine Subsidence and Unstable Land	No	
4.3 Flood Prone Land	No	CVC Flood Map shows the subject site is not flood affected.
4.4 Planning for Bushfire Protection	Yes	The CVC Bushfire Prone Land Map shows a small strip of Category 2 Vegetation along the southern boundary and the associated 30m buffer on the site. The objectives of the direction are to protect life, property and environment from bushfire hazards by discouraging incompatible land uses in bush fire prone areas and to encourage sound management of those areas. The identified hazard is restricted to the up to 9m wide strip of trees along the southern boundary as the remainder of the site is cleared. A future subdivision can be designed to retain this vegetation and provide sufficient setbacks between it and future houses if required. If the proposal is determined to be inconsistent and a report is required, it is requested that it be provided after a gateway

#### 5. Regional Planning

5.1 Implementation of Regional Strategies	Yes	No longer applicable as the Mid North Coast Regional Strategy has been replaced by the North Coast Regional Plan 2036.
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	Clarence Valley Council is not included in the list of LGA's to which the direction applies.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the Vicinity of Ellalong, Paxton and Milifield (Cessnock LGA)	No	Revoked
5.6 Sydney to Canberra Corridor	No	Revoked
5.7 Central Coast	No	Revoked
5.8 Second Sydney Airport: Badgerys Creek	No	
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# APPENDIX E 2017

Section 117 Direction	Applies?	Comments
5.9 North-West Rail Link Corridor Strategy	No	
5.10 Implementation of Regional Plans	Yes	The applicable Plan is the North Coast Regional Plan 2036 and assessment against the Plan is at Appendix I. It is considered that all identified inconsistencies are justified.
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	Complies
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	Yes	Proposes to rezone to zone, height limit and minimum lot size provisions already existing in CVLEP2011.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No	
7.2 Implementation of Greater Macarthur Land Release Investigation	No	
7.3 Parramatta Road Corridor Urban transformation Strategy	No	

# APPENDIX F

Aboriginal Heritage Assessment

## Aboriginal Cultural Heritage Due Diligence Assessment

### Lots 10/11 DP 1185535 (No. 5) Bridge Street, Glenreagh

### Introduction

This assessment is in accordance with the "Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW, 2010)."

### The Generic Due Diligence Process

#### Step 1

"Will the activity disturb the ground surface or any culturally modified trees"

Comment: The ground surface will be disturbed during the construction of roads, laying of underground services and construction of dwellings.

### Step 2

Are there any:

(a) "Relevant confirmed site records or other associated landscape feature information on AHIMS and/or"

Comment: No. See attached AHIMS information.

(b) "any other source of information of which a person is already aware? and/or"

Comment: No.

(c) "landscape features that are likely to indicate presence of Aboriginal objects"

Comment: No. The site is largely cleared and maintained as a large residential lot and paddock. There is a stand of trees along the southern boundary, but no evidence of any Aboriginal objects.

As a result of the Step 2 assessment, the process proceeds to the following:

"AHIP application not necessary. Proceed with caution. If any Aboriginal objects are found, stop work and notify DECCW. If human remains are found, stop work, secure the site and notify the NSW Police and DECCW."

This advice will be reflected in conditions attached to any future development consent.

Rob Donges BA MT&CP

# APPENDIX F 2017



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : rdongesyamba@icloud.com Client Service ID : 268927

Date: 01 March 2017

Rob Donges 2/67 wooli st yamba New South Wales 2464 Attention: Rob Donges

Email: rdongesyamba@icloud.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 11. DP:DP1185535 with a Buffer of 200 meters. conducted by Rob Donges on 01 March 2017.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0 Aboriginal site	s are recorded in or near the above location.
0 Aboriginal pla	ces have been declared in or near the above location. *

# APPENDIX G

Clause 7, SEPP Rural Lands Assessment

#### **Clause 7 Rural Planning Principles**

The Rural Planning Principles are as follows:

(a) The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.

The subject property has limited productive potential, historically restricted to casual grazing of a couple of horses. It is in nature and use a large residential property.

(b) Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or state.

Conversion of the subject property to residential will not diminish the importance of rural lands and agriculture in the area.

(c) Recognition of the significance of rural land uses to the state and rural communities, including the social and economic benefits of rural land use and development.

The subject property has not contributed any social or economic benefits to the local community in its current rural classification due to its limited use over many decades.

(d) In planning for rural lands, to balance the social, economic and environmental interest of the community.

The social, economic and environmental interests of the local community will not be affected by this insignificant loss of rural land in the area.

(e) The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.

The subject property has limited native vegetation which can be protected as a buffer to the adjoining gravel road; has no impact on water resources and is constrained only by a limited bushfire hazard which can be mitigated as part of the future subdivision design.

*(f)* The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.

The subject property, due to its small size and location within the village does not currently provide opportunities for rural lifestyle, settlement and housing.

(g) The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.

The Proposal will not result in rural housing but residential housing utilising existing services and infrastructure in the village.

(h) Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director General.

An assessment of the Proposal's consistency with the North Coast Regional Plan 2036 is contained at Appendix I. The identified inconsistencies are considered justified due to the property's small scale, lack of agricultural productivity and location within the boundaries of Glenreagh Village.

# **APPENDIX H**

SEPP 55 – Remediation of Land Stage 1 Preliminary Investigation

# **SEPP 55 - Remediation of Land**

## 1. Introduction

"Managing Land Contamination: Planning Guidelines – SEPP 55 – Remediation of Land" (DUAP and NSW EPA 1998) requires that Planning Proposals are backed up by information demonstrating that the subject land is suitable for the proposed use, in this instance that it is not contaminated by substances that would render it unsuitable for residential occupation, or if it is contaminated, can it be remediated.

If there is an indication that the land may be contaminated, appropriate procedures outlined in the Guidelines need to be followed. Agricultural / horticultural activities are listed in the Guidelines as "activities which may cause contamination".

Due to the property's rural location and zoning, (albeit within an urban village), it is considered prudent to undertake a Stage 1 - Preliminary Investigation in accordance with the Guidelines.

## 2. Preliminary Investigation

#### 2.1 Objective

To identify any past or present potentially contaminating activities, provide a preliminary assessment of any site contamination and, if required, provide a basis for a more detailed investigation.

## 3. Site History

The following history has been compiled from records of correspondence from government agencies kept by the owner, and from her recollections and those of her family.

3.1 Plan of Portion 86 (which became Lot 11 with a slight boundary adjustment) dated March 1937, contains the following information:

- Portion 86 was covered by a Special License 36:17 for a Residence and Grazing from October 1936 to December 1943.
- Portion 86 is notated as containing 'thick mahogany, ironbark and tallowwood'.
- Attachment A

**3.2** The Village of Glenreagh Map (Third Edition), which is undated, notates current Lot 11 (i.e. previously Portion 86) as R82077 for Future Public Requirements with a date that appears to be 13 January, 1951.

**3.3** Lot 11 (Portion 86) was covered by Special Lease 1949/107 which gives an indication of when it was initially issued. The first record of the Loy's involvement was an account for rent on Special Lease 1949/107 for the period June 1962 to February 1963.

The family continued to pay annual lease fees into the late 1980's.

An extension of Terms of Special Leases dated 27 May, 1966 lists Special Lease 1959/107 held by Max Loy for the term of 1 January, 1966 to 31 December, 1990 for the purpose of "Grazing and Agriculture".

#### – Attachment B

On 26 June 1980, the Land Board Office wrote to Max Loy advising that they would not allow the lease to be converted to a purchase or its term extended to perpetuity! The letter further states that the Department had a very firm policy aimed at retaining the Crown's ownership of those lands which are of 'environmental, conservation or recreational significance'. Lot 11 must have fallen into one of those categories.

#### – Attachment C

On 20 February, 1991, the Department of Lands advised Max Hoy that his application for conversion of Special Lease 1949/107 into Original Conditional Purpose 1989/37 had been approved by the Minister.

#### - Attachment D

3.4 Lot 10 was covered by Special Lease 1954/25 which again would indicate the date of its inception.

An "Extension of Special Leases" document dated 3 January, 1969, lists Special Lease 1954/25 held by Max Loy for the term 1 January, 1969 to 31 December, 1978 for the purpose of Grazing.

- Attachment E

### APPENDIX H 2017

On 13 October, 1973 the Department of Lands advised Max Loy that the title to Conditional Purchase 1968/24, converting part of Special Lease 1954/25, commenced on 18 April, 1968. There is no details of when that purchase was completed but in 1975, Mr Loy, was still paying purchase instalments and rent on the Special Lease.

**3.5** The Loy family advise that during their involvement with the property it has never been used for agriculture/horticulture; rather at various times, a couple of horses have been grazed.

### 4. Conclusions

The following conclusions can be established:

- In 1937 Portion 86 (Lot 11) was covered by a Special Lease for Grazing.
- Portion 86 was covered by a Special Lease for Grazing until December 1943 at least. This may have extended to 1949.
- Special Lease 1949/107 was issued though the original purpose is unknown.
- In 1966 Special Lease 1949 / 107 was for Grazing and Agriculture. This purpose may have extended back to 1949.
- Lot 10 was covered by Special Lease 1954/25 which in 1966 was recorded as being for the purpose of Grazing.
- The Loy family became involved in at least the early 1960's and have never used the property for agriculture since that time.

It is possible Lot 11 was used for agriculture due to the nature of the Special Lease between 1949 and the early 1960's when the Loys took over the Lease. There is no evidence that Lot 10 was ever leased for agriculture.

The decision is whether possible agricultural use on a 1.5 hectare property for a possible period of 13 years (1949 – 1962) over 50 years ago would pose a soil contamination risk.

Weighed against this is the use of the property before and after that 13 year period for grazing and the lack of evidence of any agricultural use.

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- **	"C"
	New South Wales Government
	HR. MAX LOY. GLENREAGH 2461. Dur reference: MR. MAX LOY. MR. MAX LOY. MR. MAX LOY. MR. CAIRM Your reference: Your reference:
	. Telephone: 420
	Dear Sir/Madam,
	I write to inform you of action taken by the Department affecting the lease detailed below. Departmental records show that this lease is held by you.
	The Crown Lands Consolidation Act, 1913, makes provision for the lodgement of an application for the conversion of leases to freehold or the extension of the term to perpetuity. Applications lodged are examined in detail and in appropriate circumstances a reserve from sale has been placed over the land. This then constitutes a statutory bar to the granting of the application.
	The Department has recently adopted a very firm policy aimed at retention in the Crown's ownership of those lands which are of environmental, conservation or recreational significance and a programme of review of leases has been undertaken in order to determine those which fall within the policy guidelines. Your lease has been included in that review and it has been determined that the lease should not be allowed to be converted to a purchase or its term extended to perpetuity. Accordingly a reserve from sale has been notified over the land. Details are set out below.
	Whilst the reserve from sale is, as stated, a statutory bar to conversion or extension of term of the lease to perpetuity, your use and occupation of the land in accordance with the provisions of the lease is not otherwise affected.
	Yours faithfully,
	Officer in Charge fo
	SPECIAL Lease 1949 107 (PORTION 86, 1-596 h3. VILLAGE GLENREAGH) Land District GRAFTON
	Reserve No From sale for future
	Public Requirement notified Gazette



lary, 19 date c date c lssued l ll rende to rental recoding for La		Munici	Tallagi	Jemalc	Liverp	Shoalf	Yarro' luml:	Ulmar	Tallag
E <sup>11</sup> Sydney, 3rd January, 19 sydney, 3rd January, 19 month after the date of will shortly be tsued 1 Non-payment will rende absequent year, the rende absequent year, the rende absequent year, the rende absequent year, the rende	toe	Excess at Credit	69 :	:	:	:	:	:	:
"E" Sydney, 3rd January, 19 Sydney, 3rd January, 19 ds within one month after the date of poyment which will shortly be tsued 1 poyment which will shortly be tsued 1 pointe. 68. and any subsequent year, the routed for the month of December of the preceding r. L. LEWIS, Minister for Lat.	Balance	Payable by Lessce	\$ 245.00 <i>d</i>	5.00	508.96	2	32.64	7.00	20.00
Secretary for Lands within one month after the date of notice calling for payment which will shortly be tsued 1 under Secretary for Lands. Non-payment will rende leave liable to forfeiture. For the year 1968, and any subsequent year, the rende the paid during the month of December of the preceding the paid during the month of December of the preceding T. L. LEWIS, Minister for Lands	Amount paid	payments to and any other att Dec. amount 1970 at credit	\$ 6.00	6.00	28.04	12.00	6.00	6.00	10.00
Secretary for Lands with notice calling for paymen there Secretary for Lan lease liable to forfuture. For the year 1968, and be paid during the month	Rent required	payments to 31st Dec.	\$ 245.00	5.00	528.00	20.00	32.64	7.00	24.00
	(1) Stamp Duty	(2) Amount of expenses chargeable	\$ (1)	(1) (2) 6.00	(1) 3.00 (2) 6.00	(1) (2) 6.00	(1)	(1) (2) 6.00	(1) (2) 6.00
LEASES xress will ary for La ated to fu by the less to the U		Annual Rent	5 61.25 <i>c</i>	5.00a	264.00	10.00a	16.32b	7.00	4.00
EXTENSION OF TERMS OF SPECIAL LEASES Any amounts which have been paid in excess will be refunded upon application to the Under Screatary for Lands. If non claimed, the amounts will be appropriated to future clarges as they fold due. Any amounts required to complete payments of expenses and rent to 31st December, 1968, must be paid by the leaseness to the Crown Land Agent of the District, or to the Under SCHEDULE		Term of Lease	1 Jan., 1966, to 31 Dec., 1975.,	1 Jan., 1969, to 31 Dec., 1993.	1 Jan., 1968, to 31 Dec., 1979.	1 Jan., 1968, to 31 Dec., 1986.	1 Jan., 1968, to 31 Dec., 1977.	1 Jan., 1969, to 31 Dec., 1978.	1 Jan., 1964, to 31 Dec., 1971.
N OF TERMS us which have application to d, the amounts y full due. is required to is December, 10 Land Agent of Sci-		Purpose of Lease	Grazing and agriculture.	Grazing and access	Sale yards	Grazing	County Grazing and Area, 74 residence.	Grazing	Grazing
		Situation and Area of Land	Parish Braidwood, County St Vincent, portions 105 to 109. Area, about 17 acres 2 roods.	Parish Carrawabity, County Ash- Grazing and burnham, portion 174. Area, access 2 acres 3 roods 7 perches.	Parish Gunnedah, County Pott- inger, portions 396, 581, and 682. Area, 10 acres 3 roods 30	perches. Parish Burrawang, County Camden, portions 210, 37, and adjoining lands. Area, about 160 acres.	Parish Queanbeyan, County Murray, portion 47. Area, 74 acres.	idjah, ection 7.	about 3 roods. Parish Araluen, County St Vincent allotments 1 to 9, in- clusive, 11, 12, and 14, section 8, village Araluen West, Area, 3 acres 3 roods 7 <sup>3</sup> / <sub>4</sub> perches.
(9835) (11 is hereby notified that the terms of the Special Leases of the lands specified in the annexed Schedule have been ex- tended. The leases are subject to the provisions of the Crown Lands Consolitation Act, 1913, and the Regulations there- under, and to the special conditions, provisions, exceptions, covenants, and reservations set out at the foot of the Schedule.		Name and Address of Lessee	Coffey, Mary Louise, P of Wallace Street, Braidwood.	Mungarra Proprietary F Ltd, c.o. Mr A. C. Perry, "Mungarra",	Plains Shire c.o. The crk, P.O. Box	dah. ald Bruce e Hughes, audby, of I Street,	Voods, Leila Anne I (Mrs), R.M.B. 3, Cooma Road, Qucan-	homas, of Street,	
notified that pecified in this pecified in this are subject pidation Act, to the specia nd reservation	-	No. of Lease	1955-18, Braidwood.	1953-88, Forbes.	1940-2, Gunnedah.	1944-5, Moss Vale.	1958-7, Queanbeyan.	1954-25, Grafton.	1944-3, Braidwood.
(9835) (17 is hereby the lands sr tended. The lease Lands Consult, and under, and covenants, an		Reg. No. of Papers	Tenure 1966-993	1968-6384	1968-2658	1968-6455	1968-6407	1968-5912	1964-1052

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d Plus \$0.52 interest on overdue paymen

c Includes \$1.25 rent for use of Crown improvements.

b Includes \$1.32 rent for use of Crown improvements.

a Rent subject to review. 24th August, 1965. 2017

# **APPENDIX I**

North Coast Regional Plan 2036 Consistency Checklist

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NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS				
Goal 1 - The most stunning environment in NSW						
Direction 1 - Deliver environmentally sustain	able growth					
Action 1.1 - Focus future urban development	No but justified.	Glenreagh Village is				
to mapped urban growth areas.		identified as an Urban Growth Area in the Regional Plan, but the subject site is <u>not</u> included in the Area. The Regional Plan includes a mechanism for varying Urban Growth Areas (Appendix A-Urban Growth Area Variation Principles) and these are addressed in Appendix I of this Proposal.				
Action 1.2 - Review areas identified as	N/A	Property is not identified				
'under investigation' within urban growth areas to identify and map sites of potentially high environmental value.		as 'under investigation'				
<u>Action 1.3</u> - Identify residential, commercial or industrial uses in urban growth areas by developing local growth management strategies endorsed by the Department of Planning and Environment.	N/A					
<u>Action 1.4</u> - Prepare land release criteria to assess appropriate locations for future residential, commercial and industrial uses.	No but justified.	The North Coast Regional Plan 2036 – Implementation Plan 2017-2019 identifies the Department of Planning and Environment partnered by Council as being responsible for delivering this action within 2 years. As such it is outside the power of the proponent to enable the Proposal to be consistent with the Action.				
Goal 1 - The most stunning environment in N	SW	·				
Direction 2 - Enhance biodiversity, coastal an		and water catchments				
<u>Action 2.1</u> - Focus development to areas of	Consistent	The majority of the site				
least biodiversity sensitivity in the region	consistent	is cleared and the strip				

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NORTH COAST REGIONAL PLAN 2036	CONSISTENCY	COMMENTS
GOALS, DIRECTIONS & ACTIONS and implement the 'avoid, minimise, offset'		of trees up to 9 metres
hierarchy to biodiversity, including areas of		wide along the southern
high environmental value.		boundary can be retained as an effective
		buffer to the adjoining
		gravel road.
Action 2.2 - Ensure local plans manage	N/A	
marine environments, water catchment		
areas and groundwater sources to avoid		
potential development impacts. Goal 1 - The most stunning environment in N	S10/	
Direction 3 - Manage natural hazards and clir		
Action 3.1 - Reduce the risk from natural	Consistent as a	The strip of trees along
hazards, including the projected effects of	minor bushfire	the southern boundary
climate change, by identifying, avoiding and	can be avoided	are mapped as a
managing vulnerable areas and hazards.	and managed.	bushfire hazard and the
		associated 30m buffer
		extends onto the property. The large lot
		sizes will enable this
		hazard to be managed as
		the Action requires.
		There are no other
		identified hazards.
Action 3.2 - Review and update floodplain	N/A	The Action is the
risk, bushfire and coastal management		responsibility of Council,
mapping to manage risk, particularly where		though it should be
urban growth is being investigated.		noted that the
		Glenreagh Flood Plan has been updated in the
		last few years.
Action 3.3 - Incorporate new knowledge on	N/A	,,,
regional climate projections and related		
cumulative impacts in local plans for new		
urban development.		
Goal 1 - The most stunning environment in N		
Direction 4 - Promote renewable energy opp Action 4.1 - Diversify the energy sector by	N/A	
identifying renewable energy resource		
precincts and infrastructure corridors with		
access to the electricity network.		
Action 4.2 - Enable appropriate smaller-scale	N/A	
renewable energy projects using bio-waste,		
solar, wind, small-scale hydro, geothermal or		

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NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
other innovative storage technologies.		
Action 4.3 - Promote appropriate smaller	N/A	
and community-scale renewable energy		
projects.		
Goal 2 - A thriving, interconnected economy		
Direction 5 - Strengthen communities of inter	rest and cross-regi	onal relationships
Action 5.1 - Collaborate on regional and	N/A	
intra-regional housing and employment land		
delivery, and industry development.		
Action 5.2 - Integrate cross-border land use	N/A	
planning between NSW and South East	-	
Queensland, and remove barriers to		
economic, housing and jobs growth.		
Action 5.3 - Encourage ongoing cooperation	N/A	
and land use planning between the City of		
Gold Coast and Tweed Shire Council.		
Action 5.4 - Prepare a regional economic	N/A	
development strategy that drives economic		
growth opportunities by identifying key		
enabling infrastructure and other policy		
interventions to unlock growth.		
Goal 2 - A thriving, interconnected economy	L	
Direction 6 - Develop successful centres of en	nployment	
Action 6.1 - Facilitate economic activity	N/A	
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.		
Action 6.3 - Promote knowledge industries	N/A	
by applying flexible planning controls,		
providing business park development		
opportunities and identifying opportunities		
for start-up industries.		
Action 6.3 - Reinforce centres through local	N/A	
growth management strategies and local		
environmental plans as primary mixed-use		
locations for commerce, housing, tourism,		
social activity and regional services.		
Action 6.4 - Focus retail and commercial	N/A	
activities in existing centres and develop		
place-making focused planning strategies		
for centres.		
Action 6.5 - Promote and enable an	N/A	

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NORTH COAST REGIONAL PLAN 2036	CONSISTENCY	COMMENTS
GOALS, DIRECTIONS & ACTIONS		
appropriate mix of land uses and prevent		
the encroachment of sensitive uses on		
employment land through local planning		
controls.		
Action 6.6 - Deliver an adequate supply of	N/A	
employment land through local growth		
management strategies and local		
environmental plans to support jobs growth.		
Action 6.7 - Ensure employment land	N/A	
delivery is maintained through an annual		
North Coast Housing and Land Monitor.		
Goal 2 - A thriving, interconnected economy		- <b>·</b>
Direction 7 - Coordinate the growth of region	al cities	
Action 7.1 - Prepare action plans for regional	N/A	
cities that:		
<ul> <li>ensure planning provisions promote</li> </ul>		
employment growth and greater housing		
diversity;		
promote new job opportunities that		
complement existing employment nodes		
around existing education, health and		
airport precincts;		
<ul> <li>identify infrastructure constraints and</li> </ul>		
public domain improvements that can		
make areas more attractive for		
investment; and		
<ul> <li>deliver infrastructure and coordinate the</li> </ul>		
most appropriate staging and		
sequencing of development.		
Goal 2 - A thriving, interconnected economy		•
Direction 8 - Promote the growth of tourism		
Action 8.1 - Facilitate appropriate large-scale	N/A	
tourism developments in prime tourism		
development areas such as Tweed Heads,		
Tweed Coast, Ballina, Byron Bay, Coffs		
Harbour and Port Macquarie.		
Action 8.2 - Facilitate tourism and visitor	N/A	
accommodation and supporting land uses in		
coastal and rural hinterland locations		
through local growth management		
strategies and local environmental plans.		
Action 8.3 - Prepare destination	N/A	
management plans or other tourism focused		
strategies that:		
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NORTH COAST REGIONAL PLAN 2036	CONSISTENCY	COMMENTS
GOALS, DIRECTIONS & ACTIONS	CONSISTENCE	COIVIIVIEINTS
<ul> <li>identify culturally appropriate Aboriginal</li> </ul>		
tourism opportunities;		
<ul> <li>encourage tourism development in</li> </ul>		
natural areas that support conservation		
outcomes; and		
<ul> <li>strategically plan for a growing</li> </ul>		
international tourism market.		
	N/A	
Action 8.4 - Promote opportunities to	NA	
expand visitation to regionally significant		
nature-based tourism places, such as		
Ellenborough Falls, Dorrigo National Park,		
Wollumbin–Mount Warning National Park,		
Iluka Nature Reserve and Yuraygir Coastal		
Walk.	N//A	
Action 8.5 - Preserve the region's existing	N/A	
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.		
Goal 2 - A thriving, interconnected economy		
Direction 9: Strengthen regionally significant	-	1
Action 9.1 - Enhance the competitive value	N/A	
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.		
Action 9.2 - Identify buffer and mitigation	N/A	
measures to minimise the impact of		
development on regionally significant		
transport infrastructure including regional		
and state road network and rail corridors.		
Action 9.3 - Ensure the effective	N/A	
management of the State and regional road		
network by:		
<ul> <li>preventing development directly</li> </ul>		
adjoining the Pacific Highway;		
<ul> <li>preventing additional direct 'at grade'</li> </ul>		
access to motorway-class sections of the		
Pacific Highway;		

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NORTH COAST REGIONAL PLAN 2036	CONSISTENCY	COMMENTS
GOALS, DIRECTIONS & ACTIONS		
<ul> <li>locating highway service centres on the</li> </ul>		
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		
<ul> <li>identifying strategic sites for major road</li> </ul>		
freight transport facilities.		
Goal 2 - A thriving, interconnected economy		
Direction 10 - Facilitate air, rail and public tra	-	re
Action 10.1 - Deliver airport precinct plans	N/A	
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.		
Action 10.2 - Consider airport-related	N/A	
employment opportunities and precincts		
that can capitalise on the expansion		
proposed around Gold Coast Airport.		
Action 10.3 - Protect the North Coast Rail	N/A	
Line and high-speed rail corridor		
to ensure network opportunities are not		
sterilised by incompatible land uses or land		
fragmentation.		
Action 10.4 - Provide public transport where	N//A	
the size of the urban area has the potential		
to generate sufficient demand.		
Action 10.5 - Deliver a safe and efficient	N/A	
transport network to serve future		
release areas.		
Goal 2 - A thriving, interconnected economy	1	
Direction 11: Protect and enhance productive	e agricultural lands	
Action 11.1 - Enable the growth of the	Consistent	The subject property has
agricultural sector by directing urban and		a long history of very
rural residential development away from		intermittent minor
important farmland and identifying locations		grazing (up to 2 horses).
to support existing and small-lot primary		Its history, small size and
production, such as horticulture in Coffs		isolation from
Harbour.		agricultural land and
		location within the
		village means that it is
		not important farmland.
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NORTH COAST REGIONAL PLAN 2036	CONSISTENCY	COMMENTS
GOALS, DIRECTIONS & ACTIONS		
Action 11.2 - Deliver a consistent	N/A	Is not important
management approach to important		farmland
farmland across the region by updating the		
Northern Rivers Farmland Protection Project		
(2005) and Mid North Coast Farmland		
Mapping Project (2008).		
Action 11.3 - Identify and protect intensive	N/A	
agriculture clusters in local plans to avoid		
land use conflicts, particularly with		
residential and rural residential expansion.		
Action 11.4 - Encourage niche commercial,	N/A	
tourist and recreation activities		
that complement and promote a stronger		
agricultural sector, and build the sector's		
capacity to adapt to changing circumstances.		
Action 11.5 - Address sector-specific	N/A	
considerations for agricultural industries		
through local plans.		
Goal 2 - A thriving, interconnected economy	•	•
Direction 12 - Grow agribusiness across the re	egion	
Action 12.1 - Promote the expansion of food	N/A	
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.		
Action 12.2 - Encourage the co-location of	N/A	
intensive primary industries, such as feedlots		
and compatible processing activities.		
Action 12.3 - Examine options for	N/A	
agribusiness to leverage proximity from the		
Gold Coast and Brisbane West Wellcamp		
airports.		
Action 12.4 - Facilitate investment in the	N/A	
agricultural supply chain by protecting		
assets, including freight and logistics		
facilities, from land use conflicts arising from		
the encroachment of incompatible land		
uses.		
Goal 2 - A thriving, interconnected economy		
Direction 13 - Sustainably manage natural res	SOURCES	
<u>Action 13.1</u> - Enable the development of the	N/A	There are no natural,
region's natural, mineral and forestry	1.1.1	mineral or forestry
region s natural, nineral and lorestry		mineraror jorestry

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NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
resources by directing to suitable locations		resources or activities
land uses such as residential development		within range that would
that are sensitive to impacts from noise,		affect the subject
dust and light interference.		property.
Action 13.2 - Plan for the ongoing productive	N/A	
use of lands with regionally significant		
construction material resources in locations		
with established infrastructure and resource		
accessibility.		
Goal 3 - Vibrant and engaged communities		
Direction 14 - Provide great places to live and	lwork	
Action 14.1 - Prepare precinct places in	N/A	
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.		
Action 14.2 - Deliver precinct plans that are	N/A	
consistent with the Precinct Plan Guidelines	NA	
(Appendix C).		
Goal 3 - Vibrant and engaged communities	angaged and well	connected communities
Direction 15 - Develop healthy, safe, socially		
Action 15.1 - Deliver best-practice guidelines	N/A	
for planning, designing and developing		
healthy built environments that respond to		
the ageing demographic and subtropical		
climate.		
Action 15.2 - Facilitate more recreational	N/A	
walking and cycling paths and expand inter-		
regional and intra-regional walking and		
cycling links, including the NSW Coastline		
cycling links, including the NSW Coastline Cycleway.		
cycling links, including the NSW Coastline Cycleway. <u>Action 15.3</u> - Implement actions and invest	N/A	
cycling links, including the NSW Coastline Cycleway. <u>Action 15.3</u> - Implement actions and invest in boating infrastructure priorities identified	N/A	
cycling links, including the NSW Coastline Cycleway. <u>Action 15.3</u> - Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating	N/A	
cycling links, including the NSW Coastline Cycleway. <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.		
cycling links, including the NSW Coastline Cycleway. <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. <u>Action 15.4</u> - Create socially inclusive	N/A N/A	
cycling links, including the NSW Coastline Cycleway. <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. <u>Action 15.4</u> - Create socially inclusive communities by establishing social		
cycling links, including the NSW Coastline Cycleway. <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. <u>Action 15.4</u> - Create socially inclusive communities by establishing social infrastructure benchmarks, minimum		
cycling links, including the NSW Coastline Cycleway. <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. <u>Action 15.4</u> - Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment		
cycling links, including the NSW Coastline Cycleway. <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. <u>Action 15.4</u> - Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment frameworks within local planning.	N/A	
cycling links, including the NSW Coastline Cycleway. <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. <u>Action 15.4</u> - Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment		

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boriginal commun	ities
N/A	This is the responsibility of council.
Consistent.	Local Aboriginal communities will be engaged in the process leading to the local environmental plan as required by Council and the state government.
ermination of Abor	iginal communities
N/A N/A	
N/A	
Coast's Aboriginal Consistent	heritageA Due Diligence reportincluding an AHIMSsearch has beenprepared. It isanticipated that anyfuture developmentconsents will beconditioned to provideprotection to objectswhich may be uncoveredduring futureconstruction works.
	N/A Consistent.

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NORTH COAST REGIONAL PLAN 2036	CONSISTENCY	COMMENTS
GOALS, DIRECTIONS & ACTIONS		
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.	,	
Action 18.3 - Develop local heritage studies	N/A	
in consultation with the local Aboriginal		
community, and adopt appropriate		
measures in planning strategies and local		
plans to protect Aboriginal heritage.		
Action 18.4 - Prepare maps to identify sites	N/A	
of Aboriginal heritage in 'investigation'		
areas, where culturally appropriate, to		
inform planning strategies and local plans to		
protect Aboriginal heritage.		
Goal 3 - Vibrant and engaged communities		·
Direction 19 - Protect historic heritage		
Action 19.1 - Ensure best-practice guidelines	N/A	
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.		
Action 19.2 - Prepare, review and update	N/A	
heritage studies in consultation with the	.,,,,	
wider community to identify and protect		
historic heritage items, and include		
appropriate local planning controls.		
Action 19.3 - Deliver the adaptive or	N/A	
sympathetic use of heritage items and	/ <b>/</b> / / ·	
assets.		
Goal 3 - Vibrant and engaged communities	o huilt charactor	
Direction 20 - Maintain the region's distinctiv		
Action 20.1 - Deliver new high-quality	N/A	
development that protects the distinct		
character of the North Coast, consistent with		
the North Coast Urban Design Guidelines		
(2009)		
Action 20.2 - Review the North Coast Urban		
Design Guidelines (2009).		
Goal 3 - Vibrant and engaged communities		
Direction 21 - Coordinate local infrastructure	-	1
Action 21.1 - Undertake detailed	N/A	Not a major release area
infrastructure service planning to support		

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NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS	
proposals for new major release areas.			
Action 21.2 - Maximise the cost-effective	Consistent	With the exception of a	
and efficient use of infrastructure by		reticulated sewerage	
directing development towards existing		system, adequate	
infrastructure or promoting the co-location		infrastructure is	
of new infrastructure.		available in the village.	
Goal 4 - Great housing choice and lifestyle op	otions		
Direction 22 - Deliver greater housing supply			
Action 22.1 - Deliver an appropriate supply	Consistent	The future development	
of residential land within local growth		of the site will deliver a	
management strategies and local plans to		small number of	
meet the region's projected housing needs.		additional dwellings (12-	
		15) in a village identified	
		as containing an Urban	
		Growth Area, even	
		though the site does not	
		form part of that Area.	
Action 22.2 - Facilitate housing and	N/A		
accommodation options for temporary			
residents by:			
<ul> <li>preparing planning guidelines for</li> </ul>			
seasonal and itinerant workers			
accommodation to inform the location			
and design of future facilities; and			
<ul> <li>working with councils to consider</li> </ul>			
opportunities to permit such facilities			
through local environmental plans.			
Action 22.3 - Monitor the supply of	N/A		
residential land and housing through the			
North Coast Housing and Land Monitor.			
Goal 4 - Great housing choice and lifestyle op	otions		
Direction 23 - Increase housing diversity and			
Action 23.1 - Encourage housing diversity by	N/A		
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.			
Action 23.1 - Develop local growth	N/A		
management strategies to respond to			
changing housing needs, including			
household and demographic changes, and			
support initiatives to increase ageing in			
place.			
Goal 4 - Great housing choice and lifestyle op			

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NORTH COAST REGIONAL PLAN 2036	CONSISTENCY	COMMENTS
GOALS, DIRECTIONS & ACTIONS		
Direction 24: Deliver well-planned rural resid	ential housing areas	5
Action 24.1 - Facilitate the delivery of well-	N/A	
planned rural residential housing areas by:		
<ul> <li>identifying new rural residential areas in</li> </ul>		
a local growth management strategy or		
rural residential land release strategy		
endorsed by the Department of Planning		
and Environment; and		
<ul> <li>ensure that such proposals are</li> </ul>		
consistent with the Settlement Planning		
Guidelines: Mid and Far North Coast		
Regional Strategies (2007) or land		
release criteria (once finalised).		
Action 24.2 - Enable sustainable use of the	N/A	
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.		
Goal 4 - Great housing choice and lifestyle op		
Direction 25 - Deliver more opportunities for	-	T
<u>Action 25.1</u> - Deliver more opportunities for	N/A	This is a matter for the
affordable housing by incorporating policies		DA process.
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.		
Action 25.2 - Prepare guidelines for local	N/A	
housing strategies that will provide guidance		
on planning for local affordable housing		
needs.		

# **APPENDIX J**

Council's Local Strategy and Strategic Plans Consistency Checklist

# APPENDIX J 2017

#### APPENDIX J: COUNCIL'S LOCAL STRATEGY AND STRATEGIC PLAN/S CONSISTENCY CHECKLIST

Strategy/Strategic Plan	Relevant component/statement of consistency
Clarence Valley Community Plan 2015 - 2024	The Community Plan includes a range of objectives, strategies and actions to address the 5 themes around which the Plan is constructed – Society, Infrastructure, Economy, Environment and Leadership.
	Under Economy, the Plan details Council's role in fostering economic development and diversity, while under Environment its role is protection and maintaining environmental features and qualities.
	A Proposal such as this, involving the rezoning of a small parcel of land cannot in itself have any measurable impact on achieving the Plan's objectives, but neither can it have a measurable negative impact.
	In short, the Proposal would result in a small economic boost to Glenreagh with no negative environmental impacts as the site is predominately cleared and wastewater quality can be adequately controlled.
Council's 2014 - 2017 Delivery Program and 2016 - 2017 Operational Plan	Not applicable
Maclean Urban Catchment Local Growth Management Strategy 2011	Not applicable
South Grafton Heights Precinct Strategy	Not applicable
Clarence Valley Settlement Strategy	See Section A Q1
Lower Clarence Retail Strategy (May 2007)	Not applicable
Yamba Retail/Commercial Strategy (May 2002)	Not applicable
Clarence Valley Economic	Not applicable

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APPENDIX J

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Development Strategic Plan	
Clarence Valley Industrial Lands	Not applicable
Strategy	
Clarence Valley Affordable Housing	Not applicable
Strategy	
Clarence Valley Council Biodiversity	The Proposal will not have biodiversity impacts
Management Strategy 2010	
Clarence River Way Masterplan 2009	Not applicable
Clarence Valley Open Spaces Strategic	Not applicable
Plan 2012	