



PLANNING PROPOSAL

Clarence Valley Local Environmental Plan 2011 Housekeeping Amendments 2017.

Prepared by: Clarence Valley Council

Declaration

Document name: Planning Proposal – CVLEP Housekeeping Amendments 2017

Document Author: Ryan Jameson

Position of document author: Strategic Planner, Clarence Valley Council

Qualifications of document author: B. Regional & Town Planning

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

Date: 28 September 2017

Document History and Version Control				
Version	Prepared by	Approved by	Date Approved	Brief Description
1.0	RJ	SL	28/9/17	Draft for submission to Planning Gateway

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1. PRELIMINARY

1.1 Context

This planning proposal constitutes a document referred to in Section 55 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 56 of the Act is requested.

1.2 Subject Land

This planning proposal applies to specific parcels of land in various localities throughout the Clarence Valley LGA.

1.3 Current Zoning & Use

The planning proposal applies to a variety of zones and uses within the area covered by the Clarence Valley Local Environmental Plan 2011 (CVLEP 2011).

1.4 Background

This Planning Proposal has been prepared to resolve a number of anomalies in the provisions and maps of the CVLEP 2011 that have been identified in the time since the last Planning Proposal for CVLEP Housekeeping Amendments was prepared in August 2016. The proposed amendments have been grouped together into one Planning Proposal in order to rationalise the number of amendments to Council's principle planning instrument. In summary, there are 11 amendments relating to:

- mapping errors and anomalies in different CVLEP mapping layers (9, or 82%, of the proposed amendments);
- errors/inaccuracies in the listing of heritage items in Schedule 5 of the CVLEP (2, or 18%, of the proposed amendments);

2. OBJECTIVE OR INTENDED OUTCOME

The objectives of the Planning Proposal are:

- To make minor amendments to CVLEP mapping layers, including the Land Zoning Map, Lot Size Map, Heritage Map and Drinking Water Catchment Map to rectify minor errors and anomalies arising from the amalgamation of the LEP maps of the Clarence Valley's former Councils into the CVLEP 2011 maps, subdivision of land containing mapped heritage items, changes in land ownership, inaccurate mapping and other issues.
- To rectify minor mis-descriptions in the listings of heritage items in CVLEP Schedule 5 Environmental Heritage resulting from changes in addresses and land titles.

3. EXPLANATION OF PROVISIONS

The planning proposal intends to make minor amendments to a number of CVLEP maps (being the Land Zoning Map, Lot Size Map, Heritage Map and Drinking Water Catchment Map) and a number of heritage item listings in Schedule 5. Some amendments affect single properties while others affect multiple properties across a particular locality.

Full details of each of the 11 proposed amendments are provided in Appendix 3, including amendment ID number, amendment title, land description/address, land owner(s), description of issue, description of proposed amendment to the CVLEP, existing CVLEP maps and proposed CVLEP maps.

4. JUSTIFICATION

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

The planning proposal is not a result of any strategic study or report but the result of a periodic review of the CVLEP 2011 which has identified a number of minor errors and anomalies in its provisions and maps.

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

The planning proposal is considered the best and only means of achieving the objectives listed in Part 2.

5. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

5.1 Consistency with Applicable Regional Plan – North Coast Regional Plan

The Clarence Valley LGA is subject to the North Coast Regional Plan (NCRP) 2036. The Planning Proposal provisions are administrative in nature and are not inconsistent with the objectives and actions of the NCRP.

5.2 Consistency with Council's local strategies and other local strategic plans

The Clarence 2027 is Council's adopted community strategic plan which will guide Council decision making over the next 10 years. This planning proposal is consistent with the outcomes identified in the plan.

The planning proposal is consistent with Council's Delivery Program 2017-2021, specifically the Action under Strategy 5.1.6 of the Program which states "*Review of CVLEP & DCPs to address anomalies and prepare draft and refer to Council for pre-Gateway decision*".

5.3 Consistency with applicable state environmental planning policies

The planning proposal is consistent with the applicable State Environmental Planning Policies. A checklist of the SEPPs is provided at Appendix 1.

5.4 Consistency with applicable Ministerial Directions (s.117 Directions)

The planning proposal is consistent, or justifiably inconsistent with the applicable s117 Ministerial Directions. A Section 117 Direction checklist is provided at Appendix 2.

6. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

6.1 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 adverse impact on any of these matters as a result of this Planning Proposal.

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

No other adverse environmental effects are likely to arise as a result of the planning proposal.

6.3 How has the planning proposal adequately addressed any social and economic effects?

The proposed amendments to CVLEP maps and provisions are not likely to create any adverse social or economic impacts.

7. STATE AND COMMONWEALTH INTERESTS

7.1 Is there adequate public infrastructure for the planning proposal?

Not applicable - the planning proposal will not place any additional demand on public infrastructure.

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

The views of relevant public authorities have not been sought at this stage as a Gateway Determination has not yet been issued. Council will be required to consult with the NSW Rural Fire Service in accordance with s117 Ministerial Direction 4.4 Planning for Bushfire Protection. Consultation will be undertaken with other State government agencies as required by the Gateway determination.

Note: The Department of Industry – Lands & Forestry will be separately notified as owner of land affected by various proposed amendments.

8. MAPPING

Appendix 3 contains a detailed outline of each proposed CVLEP amendment, including locality maps and existing CVLEP maps for those amendments proposing a change to mapping. At this stage, proposed CVLEP maps have not been prepared for all mapping amendments. Rather, a simple text explanation of the proposed amendment is provided and is illustrated using the existing CVLEP map in some cases. Proposed CVLEP maps will be prepared in accordance with the Standard Instrument LEP format prior to public exhibition if required by the Gateway.

9. COMMUNITY CONSULTATION

Council will undertake community consultation following the issue of a Gateway Determination. For the purpose of public notification, Council considers that this planning proposal is low impact in accordance with the Department of Planning and Environment's "A guide to preparing local environmental plans". A fourteen (14) day public exhibition period is deemed appropriate.

Notification of the exhibited planning proposal will include:

- a) Placement of an advertisement in a newspaper circulating within the Clarence Valley LGA.
- b) Exhibition in Council's customer service centres and on council's website

- c) Written notification to the owners of properties affected by the proposal

10. PROJECT TIMELINE

A proposed timeline for the completion of the planning proposal is below. While it may be possible to finalise the planning proposal in 7 months as indicated below, a 9 month timeframe will be requested given the potential for unforeseen issues to be raised during the public exhibition of the proposal that require more detailed consideration by Council. Council will make reasonable efforts to finalise the planning proposal ahead of this timeframe.

Task	Timeframe	Completed
Referral of Planning Proposal to Department of Planning & Environment (DP&E) for Gateway determination	October 2017	
Gateway determination issued	November 2017	
Amend Planning Proposal in accordance with any requirements of Gateway determination	November 2017	
Public exhibition and State government agency consultation	November/December 2017	
Consider submissions	December 2017	
Report to Council to adopt final Planning Proposal	February 2018	
Obtain opinion from Parliamentary Counsel's Office	March 2018	
LEP made by Council delegate	April 2018	
LEP notified	April 2018	

Appendix 1: State Environmental Planning Policies Checklist

STATE ENVIRONMENTAL PLANNING POLICY	CONSISTENCY	COMMENTS
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.		
SEPP 14 Coastal Wetlands	Not Applicable	
SEPP 21 Caravan Parks	Not Applicable	
SEPP 26 Littoral Rainforests	Not Applicable	
SEPP 30 Intensive Agriculture	Not Applicable	
SEPP 33 Hazardous & Offensive Development	Not Applicable	
SEPP 36 Manufactured Home Estates	Not Applicable	
SEPP 44 Koala Habitat Protection	Consistent	Amendment Map7 <i>Old Glen Innes Road zoning</i> affects land in proximity to core koala habitat. See Map7 at Appendix 3 for detailed comments. Not applicable to any other proposed amendments.
SEPP 50 Canal Estate Development	Not Applicable	
SEPP 55 Remediation of Land	Consistent	Detailed comments addressing SEPP 55 are included at Appendix 3 for mapping amendments involving a change of land zone (Map1, Map2 and Map7). Not applicable to any other proposed amendments.
SEPP 62 Sustainable Aquaculture	Not Applicable	
SEPP 64 Advertising & Signage	Not Applicable	
SEPP 65 Design Quality of Residential Apartment Development	Not Applicable	
SEPP 71 Coastal Protection	Consistent	All amendments on land in the coastal zone are consistent with SEPP 71.
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable	
SEPP Building Sustainability Index: BASIX 2004	Not Applicable	
SEPP (Major Development) 2005	Not Applicable	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Consistent	The permissibility of mining or extractive industries on land affected by any proposed amendments will not be affected.
SEPP (Miscellaneous Consent Provisions) 2007	Not Applicable	
SEPP (Infrastructure) 2007	Not Applicable	
SEPP (Rural Lands) 2008	Consistent	All amendments on land in a rural zone are consistent with the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent	Refer to Appendix 3 for more detailed comments

STATE ENVIRONMENTAL PLANNING POLICY	CONSISTENCY	COMMENTS
		addressing the SEPP for amendments involving the addition or removal of heritage listings/mapping from land (Map3, Map5 and Map6). Not applicable to any other proposed amendments.
SEPP (Affordable Rental Housing) 2009	Not Applicable	
SEPP (State and Regional Development) 2011	Not Applicable	
SEPP (Integration and Repeals) 2016	Not Applicable	
SEPP (Vegetation in Non-Rural Areas) 2017	Not Applicable	
SEPP (Educational Establishments and Child Care Facilities) 2017	Not Applicable	

Note 1:

The following SEPPs, whilst still current, are not applicable or relevant to the Clarence Valley LGA:

- *SEPP 1 Development Standards*
- *SEPP 19 Bushland in Urban Areas*
- *SEPP 29 Western Sydney Recreation Area*
- *SEPP 39 Spit Island Bird Habitat*
- *SEPP 47 Moore Park Showground*
- *SEPP 52 Farm Dams & Other Works in Land & Water Management Plan Areas*
- *SEPP 59 Central Western Sydney Regional Open Space and Residential*
- *SEPP 60 Exempt & Complying Development*
- *SEPP 70 Affordable Housing (Revised Schemes)*
- *SEPP (Development on Kurnell Peninsula) 1989*
- *SEPP (Sydney Regional Growth Centres) 2006*
- *SEPP (Kosciuszko National Park – Alpine Resorts) 2007*
- *SEPP (Western Sydney Parklands) 2009*
- *SEPP (Western Sydney Employment Area) 2009*
- *SEPP ((Penrith Lakes Scheme) 1989*
- *SEPP (SEPP 53 Transitional Provisions) 2011*
- *SEPP (Sydney Drinking Water Catchment) 2011*
- *SEPP (Urban Renewal) 2010*
- *SEPP (Three Ports) 2013*
- *SEPP - North Coast Regional Environmental Plan*

Note 2:

The following SEPPs have been repealed and therefore are no longer relevant:

- *SEPP 2 Minimum Standards for Residential Flat Buildings (Repealed by SEPP 20)*
- *SEPP 3 Castlereagh Liquid Waste Depot (Repealed by Infrastructure SEPP)*
- *SEPP 4 Development Without Consent and Miscellaneous Complying and Exempt Development (clause 6 and Parts 3 and 4 only)*
- *SEPP 5 Housing for Older People with a Disability (Repealed by Seniors Living SEPP)*
- *SEPP 6 Number of Storeys in a Building*
- *SEPP 7 Port Kembla Coal Loader (Repealed by Infrastructure SEPP)*
- *SEPP 8 Surplus Public Land (Repealed by Infrastructure SEPP)*
- *SEPP 9 Group Homes (Repealed by Infrastructure SEPP)*

- *SEPP 10 Retention of Low Cost Rental Accommodation*
- *SEPP 11 Traffic Generating Developments (Repealed by Infrastructure SEPP)*
- *SEPP 12 Public Housing (dwelling houses) (Repealed by SEPP 53)*
- *SEPP 13 Sydney Heliport (Repealed by Sydney REP 26)*
- *SEPP 15 Multiple Occupancy of Rural Land (Repealed by SEPP 42)*
- *SEPP 16 Tertiary Institutions (Repealed by Infrastructure SEPP)*
- *SEPP 20 Minimum Standards for Residential Flat Buildings (Repealed by SEPP 53)*
- *SEPP 22 Shops and Commercial Premises*
- *SEPP 25 Residential Allotment Sizes (Repealed by SEPP 53)*
- *SEPP 27 Prison Sites (Repealed by Infrastructure SEPP)*
- *SEPP 28 Town Houses & Villa Houses (Repealed by SEPP 25 Amendment 4)*
- *SEPP 31 Sydney (Kingsford Smith) Airport (Repealed by Infrastructure SEPP)*
- *SEPP 32 Urban Consolidation (Redevelopment of Urban Land).*
- *SEPP 34 Major Employment Generating Industrial Development (Repealed by Major projects SEPP)*
- *SEPP 35 Maintenance Dredging of Tidal Waterways (Repealed by Infrastructure SEPP)*
- *SEPP 37 Continued Mines & Extractive Industries (Repealed by Mining, Petroleum Production and Extractive Industries SEPP)*
- *SEPP 38 Olympic games & Related Projects (Repealed by Major Projects SEPP)*
- *SEPP 42 Multiple Occupancy & Rural Land (Repealed by SEPP 15)*
- *SEPP 43 New Southern Railway (Repealed by Infrastructure SEPP)*
- *SEPP 45 Permissibility of Mining (Repealed by Mining, Petroleum Production and Extractive Industries SEPP)*
- *SEPP 46 Protection & Management of Native Vegetation (Repealed by Native Vegetation Conservation Act 1997)*
- *SEPP 48 Major Putrescible Landfill Sites (Repealed by Infrastructure SEPP)*
- *SEPP 51 Eastern Distributor (Repealed by Infrastructure SEPP)*
- *SEPP 53 Metropolitan Residential Development*
- *SEPP 54 Northside Storage Tunnel (Repealed by Infrastructure SEPP)*
- *SEPP 56 Sydney Harbour Foreshores & Tributaries (Repealed by Major Projects SEPP Amendment)*
- *SEPP 58 Protecting Sydney's Water Supply (Repealed by Drinking Water Catchments REP No 1)*
- *SEPP 61 Exempt & Complying Development for White Bay & Glebe Island Ports (Repealed by Infrastructure SEPP)*
- *SEPP 63 Major Transport Projects (Repealed by Infrastructure SEPP)*
- *SEPP 67 Macquarie Generation Industrial Development Strategy (Repealed by Infrastructure SEPP)*
- *SEPP 69 Major Electricity Supply Projects (Repealed by Infrastructure SEPP)*
- *SEPP 72 Linear Telecommunications Development – Broadband (Repealed by Infrastructure SEPP)*
- *SEPP 73 Kosciuszko Ski Resorts (Repealed by SEPP Kosciuszko National Park – Alpine Resorts)*
- *SEPP 74 Newcastle Port & Employment Lands (Repealed by Major Projects SEPP)*
- *SEPP (ARTC Rail Infrastructure) 2004 (Repealed by Infrastructure SEPP) SEPP (Sydney Metropolitan Water Supply) 2004 (Repealed by Infrastructure SEPP)*
- *SEPP – North Coast Regional Environmental Plan 1988 (NCREP)*

Appendix 2: Section 117 Directions Checklist

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Consistent.	Her1 amends a heritage listing on land in a business zone. Not applicable to any other amendment.
1.2 Rural Zones	No (Justifiably inconsistent) in regards to amendment Map7. Other amendments consistent.	Map7 rezones a 'wedge' of land between 2 existing R5 zones from RU2 to R5 consistent with the zoning and intended future use of the subject land. The inconsistency with Direction 1.2 is considered to be of minor significance. Map1 applies zone RU1 and a 100ha lot size to a piece of unzoned rural land which will protect the agricultural production value of the land, consistent with the objective of the Direction. Similarly Map2 applies zone RU2 and a 40ha lot size to a rural lot formerly zoned RE1. Map4 and Map8 apply a 40ha lot size to rural zoned land with no current lot size designation. All other amendments subject to Direction 1.2 are consistent.
1.3 Mining, Petroleum Production and Extractive industries	Consistent.	The planning proposal will not prohibit or restrict the mining or future expansions of State or regionally significant coal, other minerals, petroleum and extractive materials.
1.4 Oyster Aquaculture	Not applicable.	The planning proposal will not result in adverse impacts on oyster aquaculture areas or land uses that are incompatible with these areas.
1.5 Rural Lands	Consistent.	Amendments Map1, Map2 and Map7 alter the extent of rural zones and are consistent with the Rural Planning Principles in the SEPP (Rural Lands) 2008. Amendments Map4, Map8 and Map9 apply a 40ha lot size to rural zoned land with no current lot size designation and are consistent with the Rural Planning Principles and Rural Subdivision Principles of the SEPP (Rural Lands) 2008. Not applicable to any other amendment.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection	Consistent.	Amendment Map7 rezones land in

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
Zones		proximity to core koala habitat. Future development of the land and surrounding land will be subject to assessment under SEPP 44 and updated ecological assessment to determine and manage any impacts on koala habitat. Not applicable to any other proposed amendments.
2.2 Coastal Protection	Consistent.	All amendments affecting land within the coastal zone are consistent with the Direction. Existing clause 5.5 of the CVLEP requires consideration of the NSW Coastal Policy and Coastal Design Guidelines in the assessment of development applications.
2.3 Heritage Conservation	Consistent.	The Planning Proposal seeks to correct errors and anomalies in the listings of items of heritage significance in Schedule 5 of the CVLEP 2011 and on the Heritage Map. Accurately identifying items of heritage significance in the CVLEP will provide for their protection and conservation, consistent with the Direction. Heritage items on land affected by other amendments will continue to be protected and conserved under existing clause 5.10 of the CVLEP.
2.4 Recreation Vehicle Areas	Not applicable.	The proposal does not enable land to be used for recreational vehicle areas.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Consistent.	Amendment Map7 is the only amendment that alters the extent of Residential zones. It rezones a 'wedge' of land between 2 existing R5 zones from RU2 to R5 consistent with the zoning and intended future use of the subject land and is considered consistent with the Direction. All other amendments affecting land in a residential zone are consistent.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.	Direction not applicable in this instance.
3.3 Home Occupations	Not applicable.	This proposal does not alter home occupation provisions in the Clarence Valley LEP.

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
3.4 Integrated Land Use and Transport	Not applicable	Direction is not applicable in this instance.
3.5 Development Near Licensed Aerodromes	Not applicable.	Direction is not applicable in this instance.
3.6 Shooting Ranges	Not applicable.	Direction is not applicable in this instance.
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	Consistent.	No amendments affecting land on the acid sulfate soils map propose an intensification of land uses. Existing CVLEP clause 7.1 applies to development on land affected by acid sulfate soils and is consistent with the Direction.
4.2 Mine Subsidence and Unstable land	Not applicable.	Direction is not applicable in this instance.
4.3 Flood Prone Land	Consistent.	No amendments propose rezonings of flood prone land between the categories of zones in clause 5 of the Direction. All amendments affecting flood prone land are consistent with the Direction. Existing clauses 7.3 and 7.4 of the Clarence Valley LEP apply to development proposed on flood prone land and are consistent with the Floodplain Development Manual 2005.
4.4 Planning for Bushfire Protection	Consistent.	Amendments Map1, Map4, Map7 and Map8 affect bushfire prone land or land in proximity to land considered to be bushfire prone and are consistent with the Direction. Council will consult with the Commissioner of the NSW Rural Fire Service following the receipt of a Gateway determination.
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	Consistent.	The planning proposal provisions are administrative in nature and are not inconsistent with the objectives and actions of the Mid North Coast Regional Strategy.
5.2 Sydney Drinking Water Catchments	Not applicable.	Direction is not applicable in this instance.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	Direction is not applicable in this instance.

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	Direction is not applicable in this instance.
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.	Direction is not applicable in this instance.
5.6 Sydney to Canberra Corridor	Not applicable.	Direction is not applicable in this instance.
5.7 Central Coast	Not applicable.	Direction is not applicable in this instance.
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	Direction is not applicable in this instance.
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	Not applicable.	This planning proposal is not seeking to introduce concurrence, consultation or referral requirements nor does it identify development as designated development.
6.2 Reserving Land for Public Purposes	Consistent.	Refer to amendment Map2 in Appendix 3 for detailed comments. The approval of the Director-General, Department of Planning (or an officer of the Department nominated by the Director-General) is requested in this instance. Not applicable to any other amendments.
6.3 Site Specific Provisions	Not applicable.	Direction is not applicable in this instance.
7. METROPOLITAN PLANNING		
7.1 Implementation of A Plan for Growing Sydney	Not applicable.	Direction is not applicable in this instance.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.	Direction is not applicable in this instance.

Appendix 3: Detailed Explanation of Provisions

Amendment ID: Map1

Hernani Unzoned lot

Land affected:

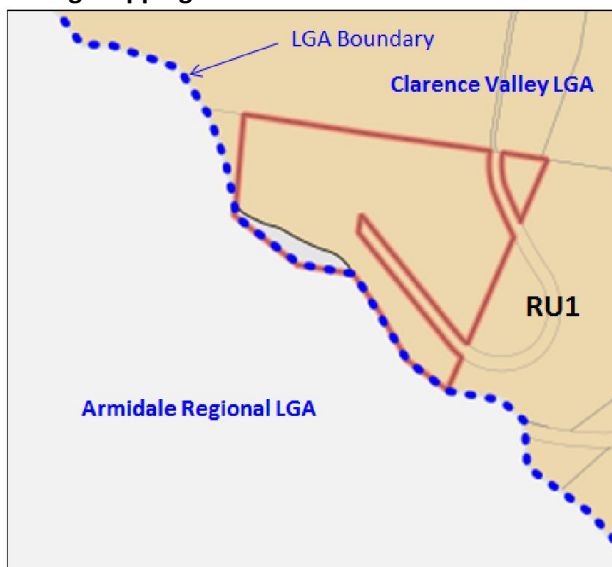
Part of Lot 6 DP 623562, 521 Majors Point Rd, Hernani
(lot area = 70.9ha)

Land owner/s:

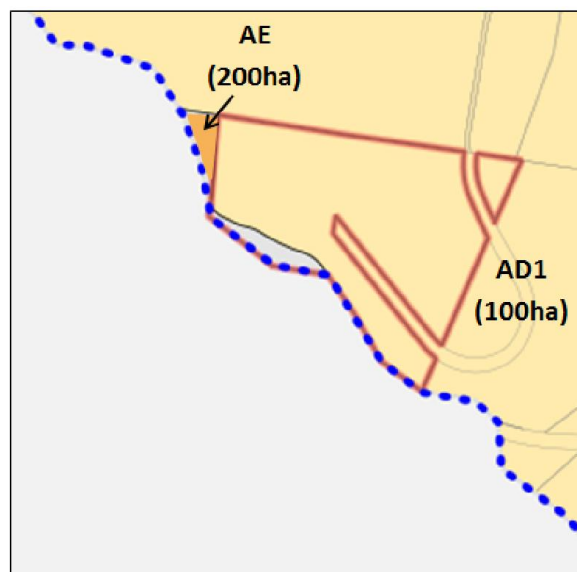
Brian and Christine Hillier

**Description of issue:**

A small area on the southern boundary of the subject lot is unzoned, has no minimum lot size designated and is not mapped as being located within a drinking water catchment. The rest of the lot is zoned RU1 Primary Production with a minimum lot size of 100ha and is mapped within the drinking water catchment. Adjoining lots within the Clarence Valley LGA are also zoned RU1 with a minimum lot size of 100ha (apart from a small portion of adjoining Lot 1 DP 591128 which has a 200ha minimum lot size designated due to the lot being located mostly in the Armidale Regional LGA) and are mapped within the drinking water catchment. It is proposed to apply zone RU1 Primary Production, minimum lot size of 100ha and the drinking water catchment map to the unzoned portion of the subject lot.

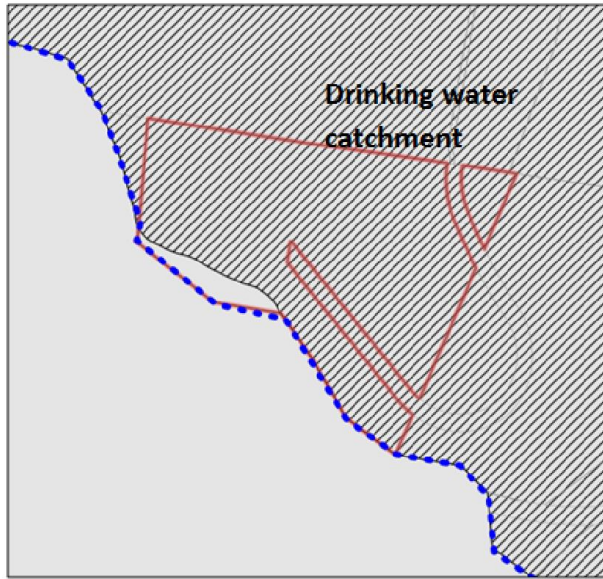
Existing mapping:

Clarence Valley LEP 2011 Land Zoning Map



Clarence Valley LEP 2011 Lot Size Map (LSZ_004)

(LZN_004)

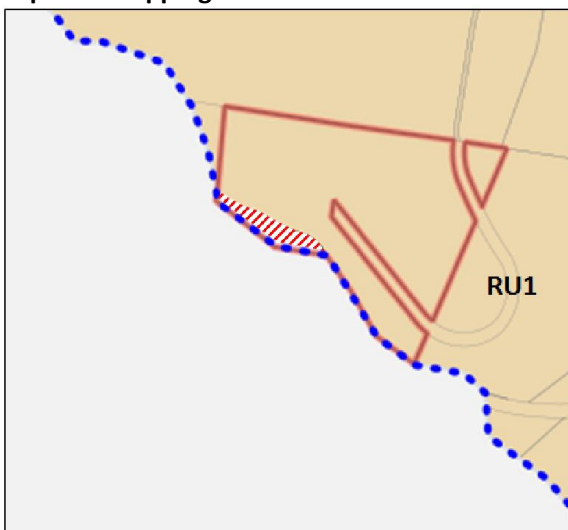


Clarence Valley LEP 2011 Drinking Water Catchment Map (CL1_004)

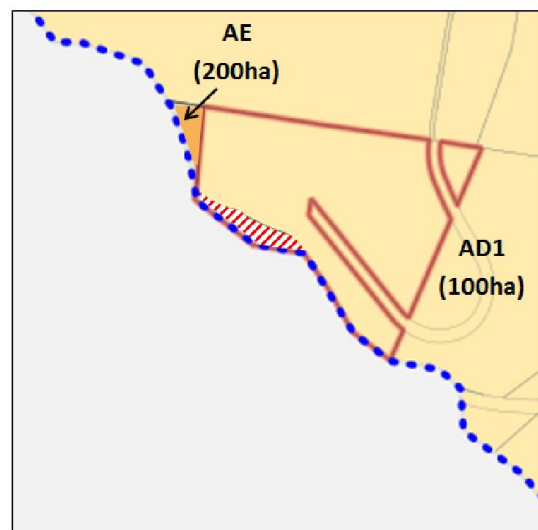
Proposed amendment:

- Apply zone RU1 Primary Production, 100ha Lot Size and Drinking Water Catchment map to the unzoned portion of the subject lot (area hatched red on the proposed Land Zoning, Lot Size and Drinking Water Catchment Maps below).

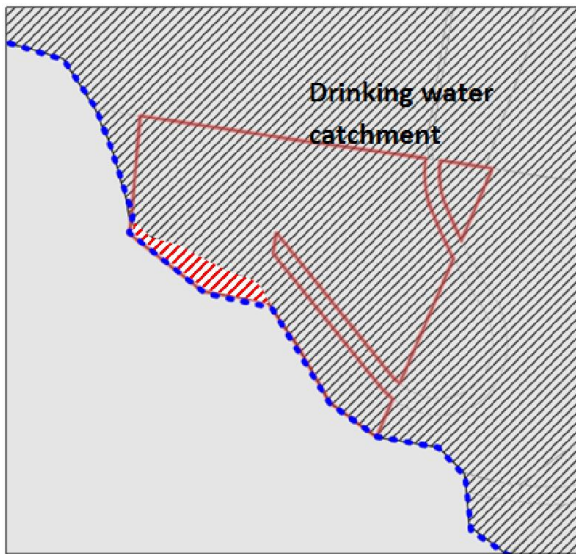
Proposed mapping:



Clarence Valley LEP 2011 Land Zoning Map (LZN_004)



Clarence Valley LEP 2011 Lot Size Map (LSZ_004)



Clarence Valley LEP 2011 Drinking Water Catchment Map (CL1_004)

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP 55 Remediation of Land	No (justifiably inconsistent)	Although the subject land is potentially contaminated due to its use for agricultural purposes, the application of zone RU1 will restrict the range of permissible uses of the land compared to its current unzoned status, under which any land use is permissible with consent under clause 2.4 of the Clarence Valley LEP 2011. Contamination issues are also a routine consideration in Council's assessment of development applications for sensitive uses on rural land that may arise as a result of the rezoning.

The proposal is not inconsistent with any other SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions.

Amendment ID: Map2

Red Lane zoning

Land affected:

Part of Lot 3 DP1181332, 162
Red Lane, Mountain View

Land owner/s:

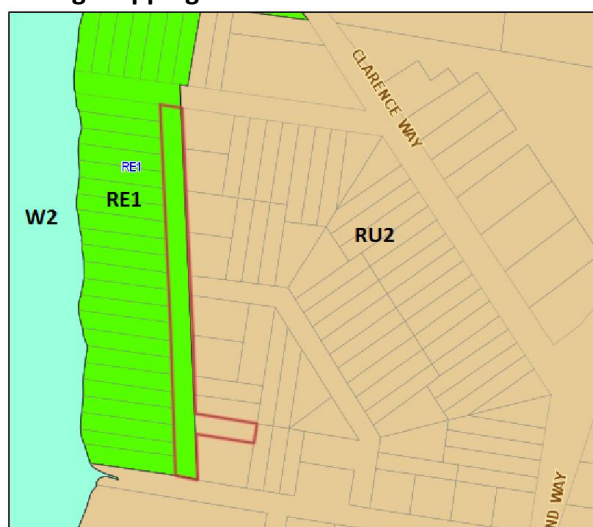
Catherine Asquith



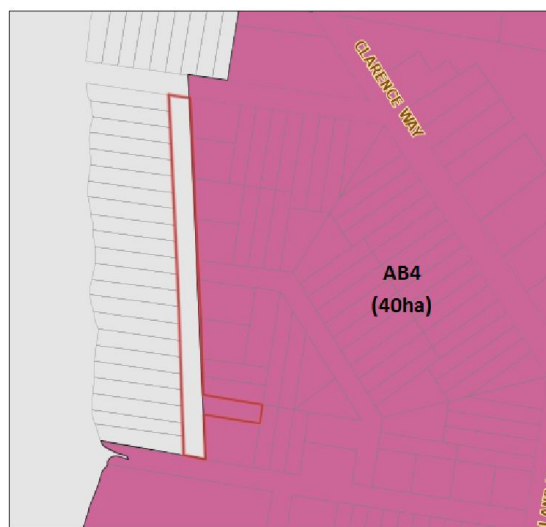
Description of issue:

Part of the subject lot is zoned RE1 Public Recreation in the Clarence Valley Local Environmental Plan 2011 but the lot is privately owned and is not reserved for acquisition for public purposes. Council seeks to correct this zoning anomaly by applying zone RU2 Rural Landscape to this part of the lot, which is consistent with the zoning of the remainder of the lot and the zoning of adjoining lots in the same ownership. A corresponding amendment to the CVLEP Lot Size Map is required to change the minimum lot size of the rezoned land from 0ha to 40ha.

Existing mapping:



Clarence Valley LEP 2011 Land Zoning Map
(LZN_007)



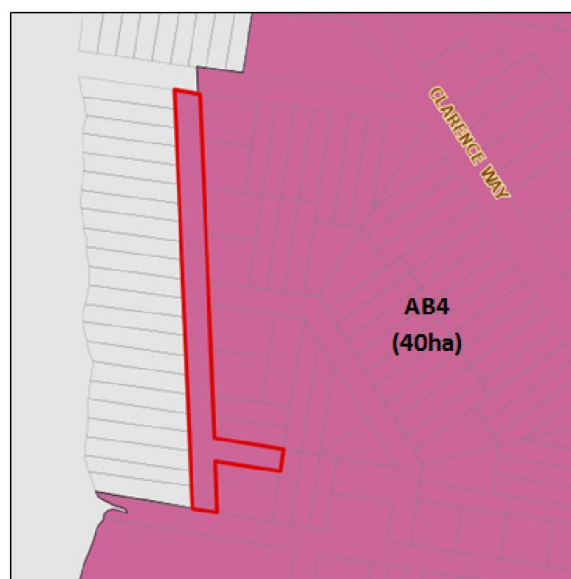
Clarence Valley LEP 2011 Lot Size Map (LSZ_007)

Proposed amendment:

- Rezone part of Lot 3 DP1181332 from RE1 Public Recreation to RU2 Rural Landscape;
- Apply a 40ha Lot Size to the rezoned land.

Proposed mapping:

Clarence Valley LEP 2011 Land Zoning Map
(LZN_007)



Clarence Valley LEP 2011 Lot Size Map (LSZ_007)

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP 55 Remediation of Land	Yes	Although the subject land is potentially contaminated due its use for agricultural purposes, the application of zone RU2 does not increase the associated risk to the public or the environment given the range of uses already permitted under the current RE1 zoning. Contamination issues are also a routine consideration in Council's assessment of development applications for sensitive uses on rural land that may arise as a result of the rezoning.

The proposal is not inconsistent with any other SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Section 117 Direction	Consistent?	Comment
6.2 Reserving Land for Public Purposes	Yes	The subject land is privately owned, used for agriculture and is not reserved for acquisition for public purposes. The proposal seeks to rezone the land from RE1 Public Recreation to RU2 Rural Landscape accordingly. The approval of the Director-General, Department of Planning (or an officer of the Department nominated by the Director-General) is requested.

Consistent with all other applicable Section 117 Directions.

Amendment ID: Map3

33A Taloumbi St heritage

Land affected:

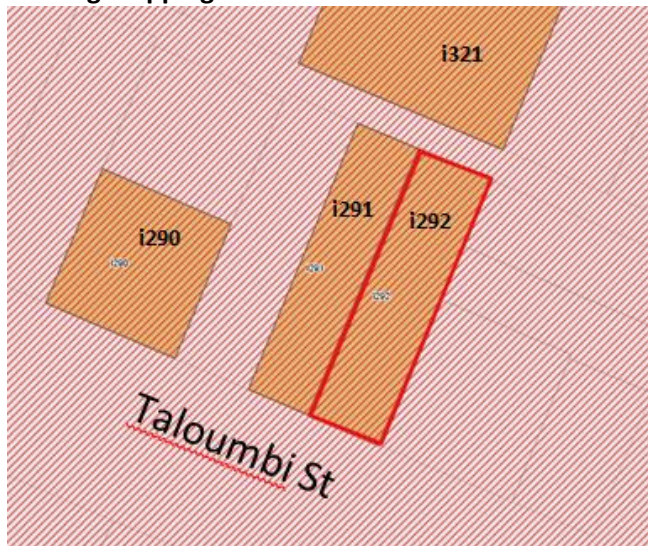
Lot 2 DP547957, 33A Taloumbi St
Macleay.

Land owner/s:

Kevin Bateman & Elizabeth Bateman

**Description of issue:**

The dwelling on the subject land is identified as a heritage item in Schedule 5 of the Clarence Valley Local Environmental Plan 2011 (CVLEP) and on the Heritage Map (item i292). This appears to be an error as the heritage listing is for one of several weatherboard cottages (others being located at 27 and 31 Taloumbi St) but the subject dwelling is brick veneer with a tiled roof and was constructed in 1987 according to Council's development approval records. The dwelling is not considered to be of any heritage significance and it is appropriate that the heritage listing in the CVLEP be removed by deleting item i292 from Schedule 5 and from the Heritage Map.

Existing mapping:

Clarence Valley LEP 2011 Heritage Map (HER_011FB)

Proposed amendment:

- Delete the row containing heritage item i292 from Schedule 5 of the Clarence Valley LEP 2011;
- Remove the mapping of the subject land as a heritage item from the Heritage Map under the Clarence Valley LEP 2011 (i.e. remove the brown infill from the land on the Heritage Map above). The land will continue to be mapped as being within a heritage conservation area.

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP 55 Remediation of Land	Yes	No change to land zoning is proposed. Removal of heritage listing reduces potential range of permissible uses of the land under CVLEP clause 5.10(10). The subject land is unlikely to be contaminated due to its residential use.
SEPP (Exempt and Complying Development Codes) 2008	Yes	Removing the subject land's heritage listing will remove some of the heritage constraints which prevents most exempt and complying development from being undertaken on it.

Not inconsistent with any other SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions. No change to land use zoning proposed.

Amendment ID: Map4

Glenreagh Lot Size 1

Land affected:

Part Lot 97 DP 752843;
Lot 3 DP 1168543;
Lot 2 DP 1168543;
Lot 50 DP 1004642;
Lot 51 DP 1004642;
Lot 104 DP 752843;
Lot 92 DP 752843;
Lot 5 DP 198501;
Part of Coramba Street and
Tallawudjah Creek road
reserves;
George St Crown road
reserve;
Crown reserve either side of
Coramba St (adjoining
Glenreagh Mountain
Railway)

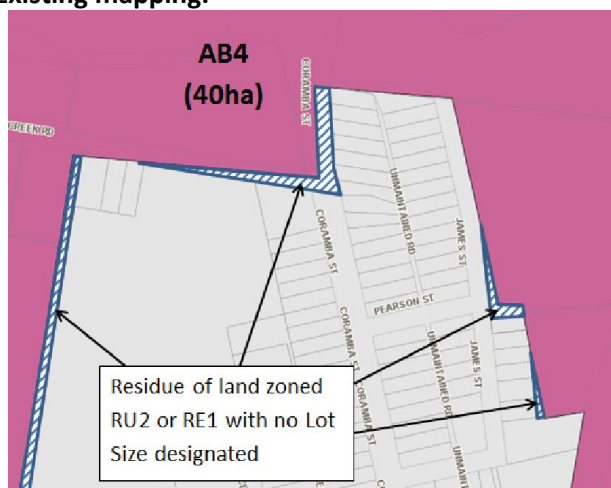
Land owner/s:

Glenreagh Public Recreation
Reserve Trust;
Raymac Developments P/L;
Robert Cameron;
Warren Grocott & Leanne Grocott;
Patricia Counsel;
Glenreagh Mountain Railway Inc;
Department of Industry - Lands & Forestry

**Description of issue:**

The Clarence Valley Local Environmental Plan 2011 (CVLEP) Lot Size Map doesn't completely align with the Land Zoning Map or property boundaries, leaving parts of the subject lands identified above without a minimum lot size. The subject lands are zoned either RU2 Rural Landscape or RE1 Public Recreation and have a 40ha lot size designated over the remainder of their area. It is proposed to adjust the Lot Size Map so that it aligns with the Land Zoning Map and a 40ha minimum lot size applies to all areas of the subject lands zoned RU2 Rural Landscape or RE1 Public Recreation as was originally intended.

Existing mapping:



Clarence Valley LEP 2011 Lot Size Map (LSZ_012)

Clarence Valley LEP 2011 Lot Size Map (LSZ_012)

Proposed amendment:

- Apply a 40ha Lot Size to the land zoned RU2 or RE1 that currently has no lot size designated (land hatched in blue on the existing mapping above)

Applicable SEPPs and consistency:

Consistent with all applicable SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions. No change to land use zoning proposed.

Amendment ID: Map5

Maclean hospital heritage

Land affected:

Lot 10 DP1113720, 21 Union St
Maclean;
Lot 110 DP1168362, 27 Union St
Maclean

Land owner/s:

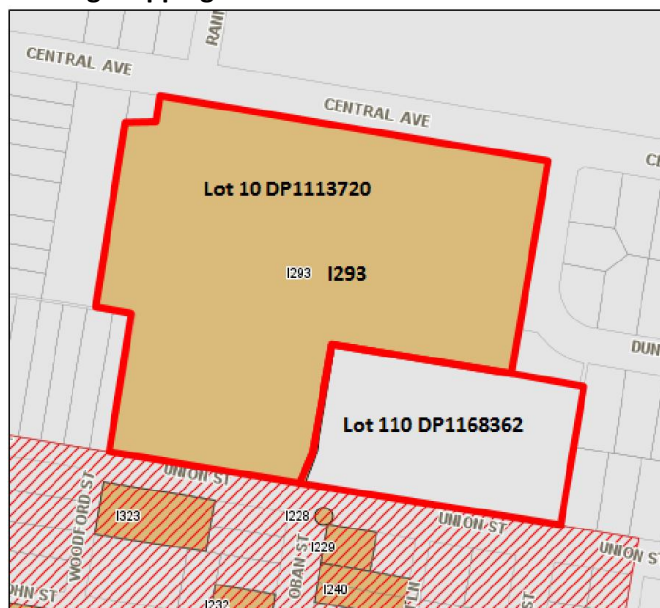
Northern NSW Local Health District;
Frank Whiddon Masonic Homes Of
NSW



Description of issue:

Heritage item i293, the former operating theatre of Maclean Hospital, is located on Lot 110 DP1168362 (site of Lower Clarence Retirement Village) but is incorrectly identified on the Heritage Map as being on Lot 10 DP1113720 (current site of Maclean Hospital). It is proposed to relocate the mapping of item i293 from Lot 10 DP1113720 to Lot 110 DP1168362 on the Heritage Map. The listing of item i293 in Schedule 5 of the Clarence Valley Local Environmental Plan 2011 is correct.

Existing mapping:



Clarence Valley LEP 2011 Heritage Map (HER_011FB)

Proposed amendment:

- Relocate the mapping of item i293 from Lot 10 DP1113720 to Lot 110 DP1168362 on the Heritage

Map under the Clarence Valley LEP 2011 (i.e. remove the brown infill from Lot 10 DP1113720 and apply it to Lot 110 DP1168362 on the existing Heritage Map above).

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP 55 Remediation of Land	Yes	No change to land zoning is proposed. The subject lands are unlikely to be contaminated due to their use for a hospital and seniors housing.
SEPP (Exempt and Complying Development Codes) 2008	Yes	Transferring the heritage listing will affect the range of exempt and complying development that can be undertaken on the subject lots.

Not inconsistent with any other SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions. No change to land use zoning proposed.

Amendment ID: Map6

Queen St heritage

Land affected:

Lot 8 DP1170746, 206 Queen St Grafton;
Lot 9 DP1170746, 206A Queen St Grafton

Landowner/s:

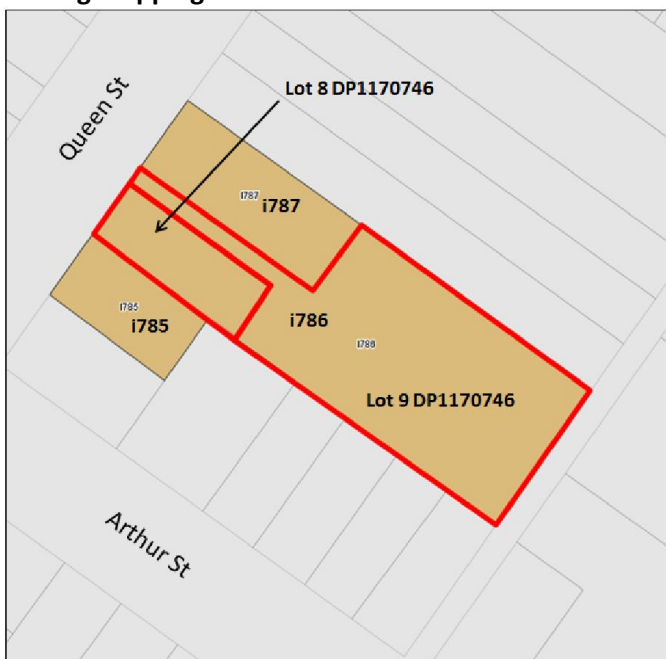
Brenton Blanch & Madeleine Richey;
Stuart McLaughlan & Sharon McLaughlan



Description of issue:

The subject lots are identified as heritage item i786 on the CVLEP 2011 Heritage Map. Item i786 is the dwelling on Lot 8 DP1170746 however Lot 9 DP1170746 contains no items of heritage significance. The 2 lots were formerly one lot, being Lot 8 DP871610, at the time the dwelling was heritage listed, which is why both current lots are identified on the Heritage Map. Schedule 5 of the CVLEP also identifies former Lot 8 DP871610 as the land subject to the heritage listing. Consequently, the mapping of Lot 9 DP1170746 as a heritage item needs to be removed from the Heritage Map and the 'Property description' for item i786 needs to be updated in Schedule 5 of the CVLEP.

Existing mapping:



Proposed amendment:

- Remove the mapping of Lot 9 DP1170746 as a heritage item from the CVLEP Heritage Map (i.e. remove the brown infill from the lot on the existing Heritage Map above);
- Amend the 'Property description' field for item i786 in Schedule 5 of the CVLEP from 'Lot 8, DP 871610' to 'Lot 8, DP 1170746'.

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP 55 Remediation of Land	Yes	No change to land zoning is proposed. Removal of heritage listing of Lot 9 DP1170746 reduces the potential range of permissible uses of the land under CVLEP clause 5.10(10). The subject lands are unlikely to be contaminated due to their use for residential purposes.
SEPP (Exempt and Complying Development Codes) 2008	Yes	Removing the mapping of Lot 9 DP1170746 as a heritage item will remove the heritage constraints which prevents most exempt and complying development from being undertaken on it.

The proposal is not inconsistent with any other SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions. No change to land use zoning proposed.

Amendment ID: Map7

Old Glen Innes Road zoning

Land affected:

Lot 50 DP1234018, Old Glen Innes Road
Waterview Heights
(lot area = 15.5ha)

Landowner/s:

Waterview Heights Developments Pty Ltd



Description of issue:

The subject lot is zoned R5 Large Lot Residential with a 4000m² lot size, apart from a narrow 'wedge' of land approximately 3600m² in size near the centre which is zoned RU2 Rural Landscape with a 40ha lot size. The 'wedge' was inadvertently omitted from a recent rezoning of the southern portion of the subject lot from RU2 Rural Landscape to R5 Large Lot Residential in 2016. The purpose of the rezoning was to permit the land along the Hampton Road front to be subdivided into a rural-residential estate along with the rest of the land in the subject lot. At the time of the rezoning the southern portion of the lot was part of Lot 5 DP1179232 with the northern portion being Lot 4 DP1179232 (see Figure 1 below) and it was not picked up that Lot 4 contained a 'wedge' of RU2 zoned land (it was believed to be wholly zoned R5). Had this been known the 'wedge' would have been included in the land to be rezoned to R5 consistent with its intended future use for a rural-residential subdivision. The zoning of the 'wedge' is not consistent with the zoning and intended future use of current Lot 50 DP1234018 and it is proposed to correct this via a housekeeping amendment to the CVLEP Land Zoning and Lot Size maps.

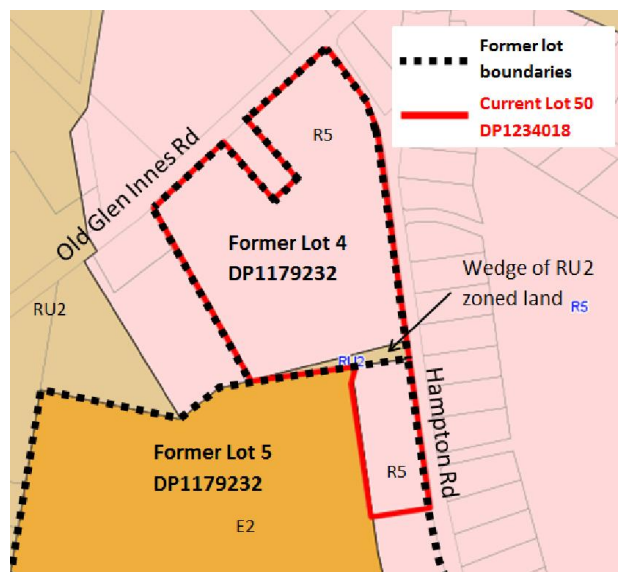
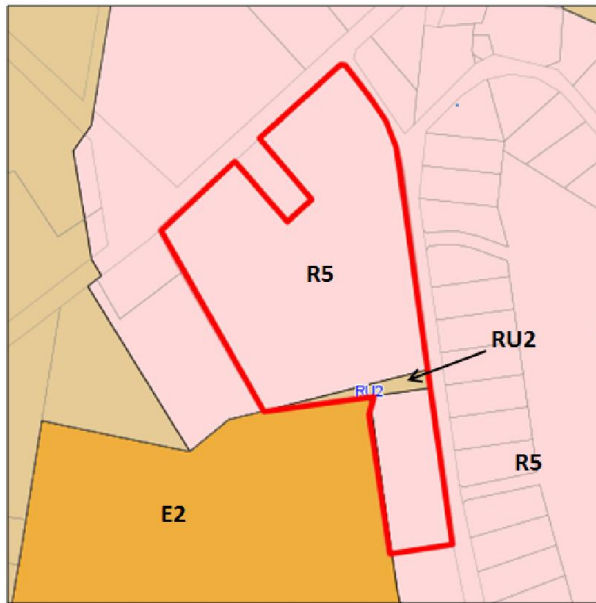
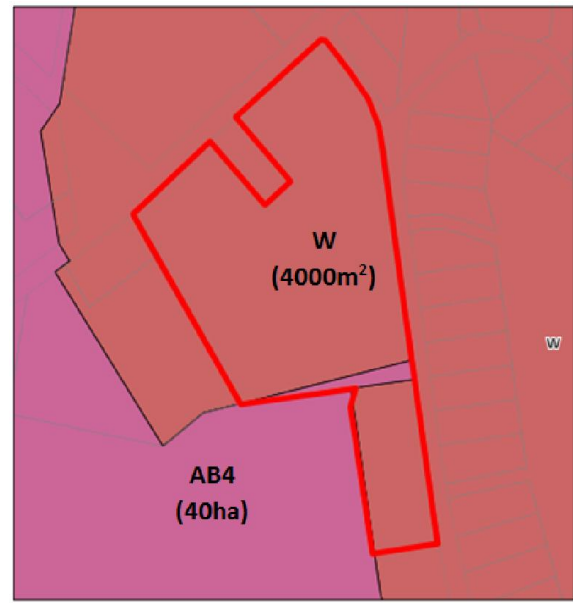


Figure 1: Former Lots 4 & 5 DP1179232

Existing mapping:



Clarence Valley LEP 2011 Land Zoning Map
(LZN_007H)

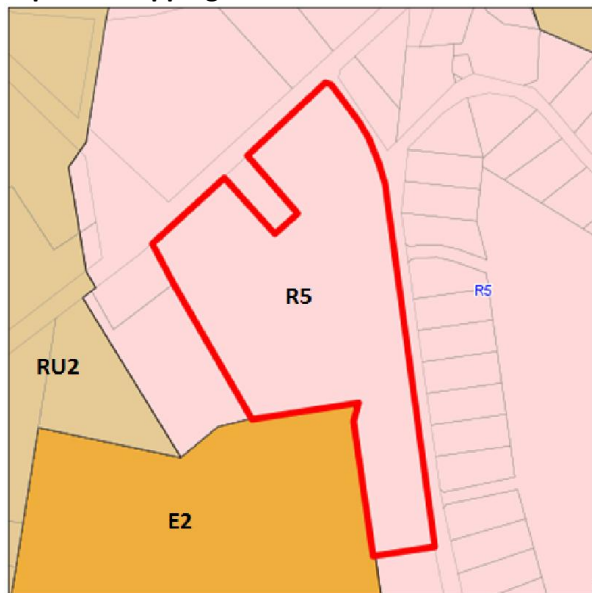


Clarence Valley LEP 2011 Lot Size Map
(LSZ_007H)

Proposed amendment:

- Rezone the wedge of RU2 zoned land within Lot 50 DP1234018 to R5 Large Lot Residential;
- Change the lot size of the wedge of land within Lot 50 DP1234018 from 40ha to 4000m².

Proposed mapping:



Clarence Valley LEP 2011 Land Zoning Map
(LZN_007H)



Clarence Valley LEP 2011 Lot Size Map (LSZ_007H)

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP 55 Remediation of Land	Yes	Although the wedge of land proposed for rezoning is potentially contaminated due its former use for agricultural purposes, contamination issues are a routine consideration in Council's assessment of development applications (DAs) for sensitive uses on lands formerly used

		for agriculture. Investigations into contamination and historical land uses for the whole allotment would be required with any future DA for subdivision.
SEPP 44 Koala Habitat Protection	Yes	The ecological assessment submitted with the recent rezoning application for former Lot 5 DP1179232 found that parts of the subject lot and adjoining lots contained core koala habitat. As a result the majority of former Lot 5 DP1179232 containing the most significant body of koala habitat was rezoned to E2 Environmental Conservation. Any future development and subdivision on the subject lot will be subject to SEPP 44 and an updated ecological assessment and koala plan of management will be required to address impacts on koala habitat.
SEPP (Rural Lands) 2008	Yes	The proposed rezoning involves a very small area of rural zoned land (approx. 3600m ²) located between 2 existing areas of residential zoned land. As such it will not impact on the productivity or viability of rural land or agricultural enterprises in the area.

The proposal is not inconsistent with any other SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Section 117 Direction	Consistent?	Comment
1.2 Rural Zones	No (justifiably inconsistent)	Inconsistency is of minor significance. See comments on SEPP (Rural Lands) 2008 above.
1.5 Rural Lands	Yes	See comments on SEPP (Rural Lands) 2008 above.

The proposal is not inconsistent with any other applicable Section 117 Directions.

Amendment ID: Map8

Glenreagh Lot Size 2

Land affected:

Part of Lot 47 DP752849, 239 Waihou Forest Road Glenreagh;
Part of Lot 3 DP258275, 14 Bianca Close Glenreagh;
Part of Orara River;
Part of North Coast Railway land

Land owner/s:

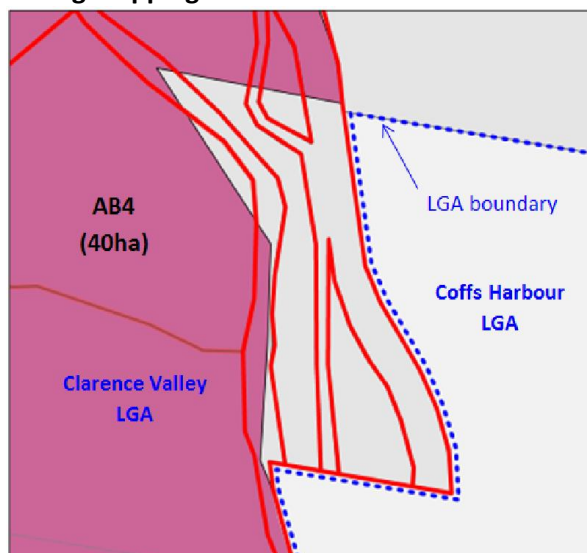
Paul Malone & Leanne Pryer;
Lachlan Ellis;
Department of Industry – Lands & Forestry;
Australian Rail Track Corporation



Description of issue:

The Clarence Valley Local Environmental Plan 2011 (CVLEP) Lot Size Map doesn't completely align with the Land Zoning Map, leaving parts of the subject lands identified above without a minimum lot size. The subject lands are zoned RU2 Rural Landscape and W1 Natural Waterways and have a 40ha lot size designated over the remainder of their area. It is proposed to adjust the Lot Size Map so that it aligns with the Land Zoning Map and a 40ha minimum lot size applies to all areas of the subject lands zoned RU2 Rural Landscape and W1 Natural Waterways as was originally intended.

Existing mapping:



Clarence Valley LEP 2011 Lot Size Map (LSZ_013)

Proposed amendment:

- Apply a 40ha Lot Size to the land zoned RU2 and W1 that currently has no lot size designated.

Proposed mapping:



Clarence Valley LEP 2011 Lot Size Map (LSZ_013)

Applicable SEPPs and consistency:

Consistent with all applicable SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions. No change to land use zoning proposed.

Amendment ID: Map9

Riverfront lot size

Land affected:

Lots 1-10 DP1133849, Mark Cl Grafton;
Lots 9-13 & 19-20 DP1067404, Islandview Cl Grafton;
Lots 15 & 16 DP1170624, Breimba St Grafton;
Lot 14 DP1072402, Breimba St Grafton;
Part of Clarence River

Land owner/s:

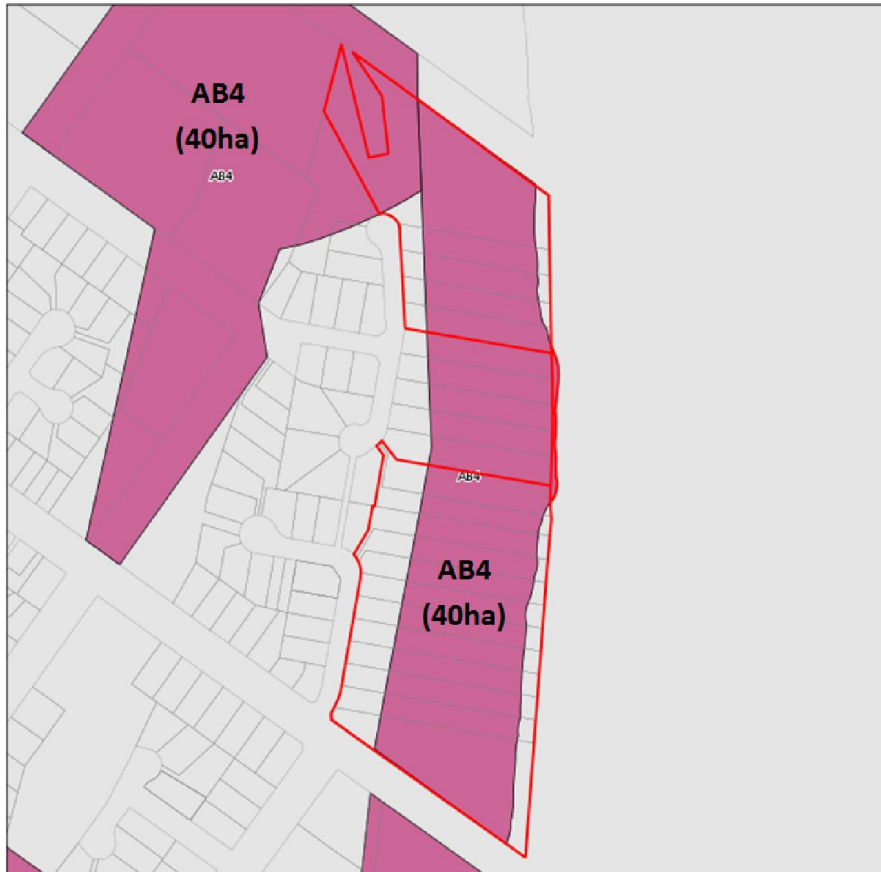
Diane Elliott & Gregory Elliott;
Mark Dougherty & Tracy Dougherty;
Mark Bloomer & Elizabeth Bloomer;
Graeme Knott;
Richard Green & Astrid Green;
Michael Austin & Samantha Austin;
William Cayzer & Jennifer Cayzer;
Deborah Butler;
Terrence Hooklyn & Amanda Hooklyn;
Ross McGarvie & Karen McGarvie;
Denis Green & Stephanie Green;
Richard Firth;
Peter Jenkins & Suellen Jenkins;
Rob Vereyken;
Department of Industry – Lands & Forestry



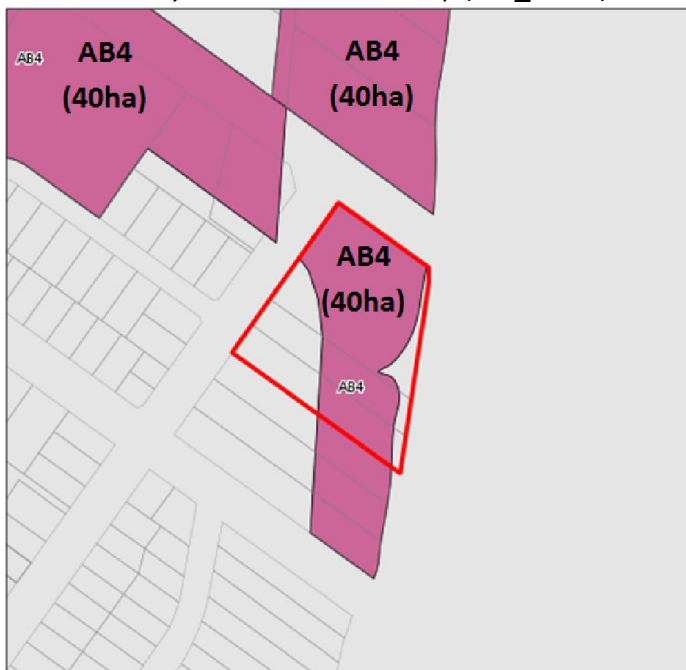
Description of issue:

The Clarence Valley Local Environmental Plan 2011 (CVLEP) Lot Size Map doesn't completely align with the Land Zoning Map, leaving small parts of the subject lands zoned RU2 Rural Landscape without a minimum lot size. A 40ha lot size applies to the remaining RU2 zoned areas of the lots. Part of the 40ha lot size map also extends past the RU2 zone boundary into the Clarence River. It is proposed to adjust the Lot Size Map so that a 40ha minimum lot size applies to all areas of the subject lots zoned RU2 Rural Landscape and does not apply to the Clarence River.

Existing mapping:



Clarence Valley LEP 2011 Lot Size Map (LSZ_007H)

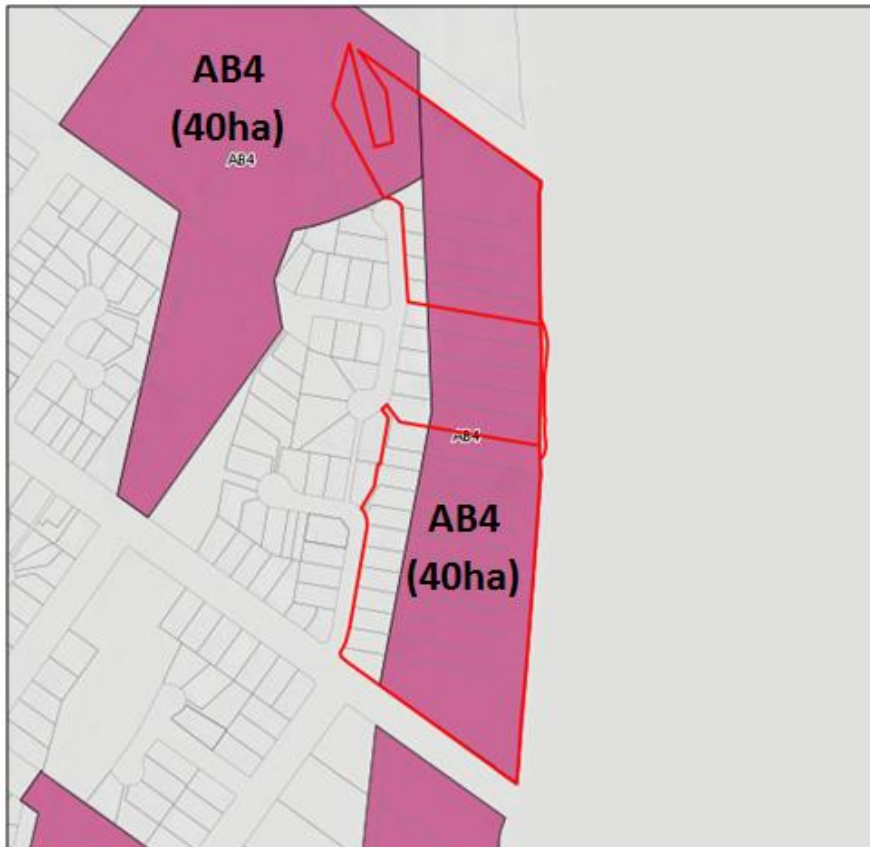


Clarence Valley LEP 2011 Lot Size Map (LSZ_007H)

Proposed amendment:

- Apply a 40ha Lot Size to the land zoned RU2 and W1 that currently has no lot size designated.

Proposed mapping:



Clarence Valley LEP 2011 Lot Size Map (LSZ_013)



Clarence Valley LEP 2011 Lot Size Map (LSZ_013)

Applicable SEPPs and consistency:

Consistent with all applicable SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions. No change to land use zoning proposed.

Amendment ID: Her1

86 Through St Heritage

Land affected:

Lots 14 and 21 Section 6 DP 758914, 86 Through St South Grafton;
Lot 1 DP 781228, 86 Through St South Grafton

Land owner/s:

Earle Page & David Page



Description of issue:

The address and property description for the heritage item on the subject land (i903 "Clarence Chambers") is incorrect in Schedule 5 of the CVLEP. The land is correctly identified on the Heritage Map.

Proposed amendment:

- Change the Address for heritage item i903 from "3-13 Skinner Street" to "86 Through Street" and change the Property description from "Lots 14 and 21, DP 547066; Lot 1, DP 781228" to "Lots 14 and 21, Section 6 DP 758914; Lot 1 DP 781228" in Schedule 5 of the CVLEP.

Applicable SEPPs and consistency:

Consistent with all applicable SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions.

Amendment ID: Her2

26 Bent St Heritage

Land affected:

Lot 7 DP 717381, 26 Bent Street
South Grafton

Land owner/s:

Stephen Dobbs



Description of issue:

The address for the heritage item on the subject land (i867 “Uloom”) is incorrect in Schedule 5 of the CVLEP. The land is correctly identified on the Heritage Map.

Proposed amendment:

- Change the Address for heritage item i867 from “28 Bent Street” to “26 Bent Street” in Schedule 5 of the CVLEP.

Applicable SEPPs and consistency:

Consistent with all applicable SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions.