

Appendix 4 - Mid North Coast Regional Strategy Compliance

APPENDIX 4 - MID NORTH COAST REGIONAL STRATEGY COMPLIANCE

Appendix 4 - Mid North Coast Regional Strategy Compliance

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
Strategy sector - Settlement and housing		
Outcomes		
Actions – Urban settlement 1. Local growth management strategies, local environmental plans and other statutory planning controls will align with the Regional Strategy's settlement network (as shown on the growth area maps) to contain the spread of urban development, efficiently utilise existing services and infrastructure, and protect areas of high conservation value.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Urban settlement 2. Councils will plan for a range of housing types of appropriate density, location and suitability that are capable of adapting and responding to the ageing of the population.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Urban settlement 3. Councils will consider a range of affordable housing strategies, including forms of low cost housing, suitable zonings and development controls to improve housing affordability and choice. These strategies must be consistent with relevant State policies.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Urban settlement 4. Where development or rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution to the provision of the infrastructure having regard to the State Infrastructure Strategy and equity considerations.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Urban settlement 5. Local environmental plans cannot use the 'Transition zone' to identify land for future urban investigation.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Urban settlement 6. Local environmental plans will maintain interurban breaks between existing and new settlements.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Urban settlement	Complies	Complies - though the specific action is not relevant. The

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
7. Greenfield sites outside the growth areas contained in local growth management strategies may be developed, subject to satisfying the Sustainability Criteria in Appendix 1. This provision does not apply in the Coastal Area as shown on the Strategy map.		planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Rural residential development 1. Future rural residential land will only be zoned for release if it is in accordance with a local growth management strategy agreed to between council and the Department of Planning and consistent with the principles of the Settlement Planning Guidelines.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Rural residential development 2. No new rural residential development will be permitted within the Coastal Area, other than development already zoned or in an approved current or future local growth management strategy (or rural residential land release strategy).	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Rural residential development 3. Planning for rural residential land must be integrated with the supply of infrastructure and transport.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Subdivision, houses and other uses in rural zones 1. Councils will maintain appropriate subdivision standards for rural zones consistent with the principles of the State Environmental Planning Policy (Rural Lands) 2008.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development. Further the planning proposal does not include any land that is zoned rural.
Actions – Subdivision, houses and other uses in rural zones 2. Local environmental plans will include minimum subdivision standards for rural and environment protection zones.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development. Further the planning proposal does not include any land that is zoned rural or environmental protection.
Actions – Subdivision, houses and other uses in rural zones 3. Local environmental plans will include provisions to limit dwellings in rural and environmental zones.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development. Further the planning proposal does not include any land that is zoned rural or environmental protection.
Actions – Subdivision, houses and other uses in rural	Complies	Complies - though the specific action is not relevant. The

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
zones 4. New caravan parks and manufactured home estates where there is any potential for permanent accommodation to occur, generally should be located in urban areas. Actions – Subdivision, houses and other uses in rural zones 5. Local environmental plans generally should locate major health and education facilities in urban areas. Strategy sector - Settlement character and design Outcomes Actions 1. Councils will prepare desired character statements for their localities, having regard for the Department's North Coast urban design guidelines (2009). Provisions should be included in development control plans to ensure that new development enhances the desired character and is based on the 'neighbourhood planning principles' listed below as well as the following: • New buildings will be designed to maximise adaptability for changing demographic trends and alternative future uses. • New development will be designed to respond to the subtropical and temperate climate of the Region through best practice energy efficient design, landscaping and materials. • Land use and transport planning will be integrated to minimise the need to travel, and to encourage energy and resource efficiency. • New development will be designed to reflect and enhance the natural, cultural, visual and built character and values of the local and regional landscape. 2. New and changing urban areas will provide access to natural features such as coastal foreshore and	Complies Complies	planning proposal is not proposing to rezone land or facilitate the carrying of a particular development. Further the planning proposal does not include any land that is zoned rural. Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development. Further the planning proposal does not include any land that is zoned rural. Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development. Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
riparian lands, consistent with the maintenance of ecological values.		the carrying of a particular development.
3. New and changing settlement areas will incorporate open space that is accessible to the public and which provides opportunities for recreation, nature conservation, social interaction, and visual enhancement and amenity.	Complies	Complies - this planning proposal is seeking to retain parks, open spaces and public reserves that are currently used, managed and required for such purpose as classified community land.
4. Commercial centres in villages will be multifunctional, mixed-use areas (including residential) catering for diverse community needs.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
5. Coffs Harbour, Port Macquarie-Hastings, Greater Taree and Clarence Valley councils will be encouraged to review the building height limits in the central business areas of Coffs Harbour, Port Macquarie, Taree and Grafton respectively with a view to increasing heights (and therefore development densities) where consistent with heritage and other local considerations.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
6. Local environmental plans will set building heights in urban areas. Height limits should reflect the landscape character, function and hierarchy of the future settlement and visual and cultural amenity of its location.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
7. Local environmental plans for areas subject to the NSW Government Coastal Policy will incorporate provisions to achieve the outcomes of the Coastal Policy with respect to overshadowing. Generally, development on urban land in Coffs Harbour, Port Macquarie or Forster-Tuncurry will not result in the beach or adjoining open space being overshadowed before 3.00 p.m. midwinter (standard time) or 6.30 p.m. midsummer (daylight savings time). For other beaches or waterfront open space in the Region, development will generally not result in overshadowing before 4.00 p.m. (midwinter) or 7.00 p.m. midsummer (daylight saving time).	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
8. Local environmental plans, development control plans	Complies	Complies - though the specific action is not relevant. The

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
(and subsequent land release development) will be consistent with the Settlement planning guidelines: Mid and Far North Coast regional strategies (NSW Department of Planning 2007) North Coast urban design guidelines (NSW Department of Planning 2009) and the NSW Government's Coastal design guidelines for NSW (Coastal Council of NSW 2003) as applicable.		planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
9. Local environmental plans, development control plans, bike plans and pedestrian access and mobility plans will provide for an accessible and integrated network of walking and cycling routes for safe and convenient travel to local destinations and between key land uses within urban places.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Strategy sector - Economic development and employment growth		
Outcomes		
Actions - Employment in centres 1. Local environmental plans (and other planning provisions) will facilitate employment growth in the major regional centres and major towns, as well as facilitate appropriate local jobs in towns and villages and recognise appropriate home-based employment opportunities.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions - Employment in centres 2. In preparing local environmental plans councils will liaise with water and energy providers and make provision for any regional gas, water or electricity infrastructure corridors that may be required.	Complies	Complies - some lands currently used and operated for infrastructure purposes are proposed to be reclassified from community to operational to allow the infrastructure function to continue unimpeded.
Actions - Employment in centres 3. The opportunities and development potentials of commercial centres will be explored by councils and identified in local growth management strategies, local environmental plans and development control plans. Councils will identify opportunities for bulky goods style retailing in accessible locations in or near commercial centres and restrict this form of retailing in	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
industrial zones as set out in the NSW Government policy <i>The right place for business and services</i>. Actions - Employment in centres 4. Planning for commercial uses is to be integrated with transport, public domain and infrastructure opportunities. Actions - Employment in centres 5. Highway service centres may be located beside the Pacific Highway at Maclean (at one of the Maclean interchanges), Woolgoolga (at one of the Woolgoolga interchanges), Kempsey (at the southern interchange), Port Macquarie (on the eastern side of the Pacific Highway at the interchange with the Oxley Highway) and Taree (at the Old Bar Road interchange). In the future, additional highway service centres could be located at Nambucca Heads (at the northern interchange) and Port Macquarie (on the western side of the Pacific Highway at the Oxley Highway interchange), subject to review of need by the Roads and Traffic Authority at a five year review of the Strategy. No other zonings to permit new out-of-town commercial development will occur along the Pacific Highway. This includes any industrial zones that could permit commercial uses such as bulky goods premises. Actions - Employment lands 1. Local environmental plans will ensure that sufficient lands which are zoned industrial and business and currently vacant are protected to accommodate the new jobs required for each local government area until 2031. Actions - Employment lands 2. The Department of Planning will work with councils to ensure that appropriate opportunities for employment lands, as identified in the Strategy's growth area maps, are brought on stream via local growth management strategies and local environmental	Complies Complies Complies Complies Complies Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development. Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development. Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development. Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
Actions - Employment lands 3. In the case of some marine-based industries that depend upon access to navigable waterways, additional opportunities for industry establishment may be provided outside the growth areas. The Department of Planning will work with the Department of Environment and Climate Change and other relevant State government agencies on suitable locational criteria to assist in guiding any future development opportunities.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions - Employment lands 4. In consultation with councils, industry, business and other stakeholders, the Mid North Coast Regional Development Board will implement its Regional Economic Profile (2008) to encourage/facilitate industry and employment growth and investment opportunities. It will particularly focus on those innovative, high-skill and high-wage industries that have the greatest potential to develop in the Region. The Northern Rivers Regional Industry and Economic Plan will also be used to provide economic guidance to the Clarence Valley.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions - Tourism development 1. Councils will plan strategically for tourism development in an agreed local growth management strategy. Planning for tourist facilities and tourism development will adopt the following principles: • Acknowledgement of and consistency with the North Coast Regional Tourism Plan 2004-2007 (or latest version) and Northern Rivers Regional Tourism Plan 2003-2006 (or latest version). • A range of tourism experiences and forms of tourist accommodation will be provided for in urban areas, including 'bed and breakfast'. • No tourism development should be located near the Pacific Highway, except within towns.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
- Local environmental plans will locate large scale tourism development in prime tourism development areas unless other proposed locations are consistent with an approved local growth management strategy. - Local environmental plans will prevent permanent residential accommodation in tourism development, except where it is ancillary to existing tourism development or part of an area otherwise identified for urban expansion in an approved local growth management strategy.		
Actions – Monitoring 1. The Department of Planning will incorporate an employment land component into the Mid North Coast Housing and Land Monitor to ensure an ongoing supply of industrial land.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Strategy sector - Environment and natural resources		
Outcomes		
Actions – Preparation of local environmental plans 1. Local environmental plans will protect and zone land with high environmental, vegetation, habitat, riparian, aquatic, coastal or corridor values for environmental protection.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Preparation of local environmental plans 2. Local environmental plans will zone regionally significant farmland to protect agricultural values.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Preparation of local environmental plans 3. Local environmental plans will identify and zone land of landscape value (including scenic and cultural landscapes) to protect those values.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Preparation of local environmental plans 4. Local environmental plans will protect land identified as having extractive resources of regional significance and their haulage routes (see Appendix 3 and Ministerial section 117 Direction No. 1.3).	Complies	Complies - though the specific action is not relevant as it does not affect any land identified as having extractive resources of regional significance and their haulage routes.
Actions – Preparation of local environmental plans 5. Subdivision and dwelling standards in local	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
<i>environmental plans will reflect the Rural Lands SEPP, the Regional Strategy and the objectives of the relevant zones.</i>		the carrying of a particular development. Further the planning proposal does not include any land that is zoned rural; nor is it intending to alter any existing subdivision and dwelling standards in Council's LEP.
Actions – Preparation of local environmental plans 6. New development adjoining or adjacent to farmland, extractive resources, waterways, wetlands and areas with high value biodiversity will incorporate buffers to avoid land use conflict.	Complies	Complies – see also comment against Action 4, above as it relates to extractive resources. The planning proposal will not produce any outcomes that will impede any current or future extraction operations or that will result in any land use conflict.
Actions – Biodiversity 1. The Department of Environment and Climate Change will prepare a Regional Conservation Plan to guide local councils and State and Commonwealth governments in achieving conservation outcomes.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Biodiversity 2. Local environmental plans will include provisions to encourage habitat and corridor establishment in future zoning of land with environmental and rural values.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Farmland mapping 1. Regionally significant farmland will not be available for future urban or rural residential rezoning other than in the limited circumstances as permitted by the Mid North Coast Farmland Mapping Project Final Recommendations Report (2008).	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development. The planning proposal does not affect any regionally significant farmland.
Actions – Farmland mapping 2. Mapped farmland will be protected from the impacts of new neighbouring development through conflict risk assessment and buffers, consistent with the Mid North Coast Farmland Mapping Project and the Rural Lands State Environmental Planning Policy.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development. The planning proposal does not affect any regionally significant farmland.
Actions – Farmland mapping 3. The Department of Primary Industries and the Department of Planning will work with councils to complete a review of land suitable for predominantly frost-free coastal horticulture, to protect the identified land.	Complies	Complies - though the specific action is not relevant.
Actions – Natural resource management	Complies	Complies - though the specific action is not relevant. The

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS		COMPLIANCE	COMMENTS
1. Local environmental plans will include provisions on land fronting watercourses to limit the creation of additional water rights.			planning proposal is not proposing to rezone land or facilitate the carrying of a particular development. It is not proposed to create any additional water rights.
Actions – Natural resource management 2. Local environmental plans will include provisions to protect the water quality in town water supply catchments, other waterways and significant groundwater reserves.		Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Actions – Natural resource management 3. Councils will work with the Northern Rivers and Hunter-Central Rivers catchment management authorities to ensure that the aims and objectives of catchment action plans are considered in the future management and planning of local council areas.		Complies	Complies - though the specific action is not relevant.
Strategy sector - Natural hazards			
Outcomes			
Actions			
1. In order to manage risk associated with climate change, councils will undertake flood investigations over lands with the potential to be affected by sea level rise and inundation to ensure that risks to public and private assets are minimised.		Complies	Complies - though the specific action is not relevant.
2. Local environmental plans will make provision for adequate setbacks in areas of coastal erosion risk and ocean based inundation in accordance with coastal zone management plans.		Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
3. Until the above plans and investigations are complete, councils will not zone land or approve new development or redevelopment in potential hazard areas, unless assessed within a risk assessment framework adopted by the council.		Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
4. Zoning of land for future development within the catchments of coastal lakes (as defined in Schedule 1 of State Environmental Planning Policy No. 71 – Coastal Protection) must consider a coastal lake sustainability assessment if one has been prepared.		Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
5. Local environmental plans will zone areas subject to		Complies	Complies - though the specific action is not relevant. The

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
high hazard to reflect the limitations of the land.		planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
Strategy sector - Cultural heritage		
Outcomes		
Actions		
1. Councils are to ensure that cultural and community values that are important to Aboriginal communities are considered and resolved in the future planning and management of the local government area.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
2. The Department of Planning and councils will review the scope and quality of the existing statutory lists of heritage items and ensure that all places of significance are included in the heritage schedules of local environmental plans.	Complies	Complies - though the specific action is not relevant.
3. The cultural heritage values of major regional centres and major towns that will be the focus of urban renewal projects will be reviewed, with the aim of protecting cultural heritage.	Complies	Complies - though the specific action is not relevant.
Strategy sector - Water and energy resources		
Outcomes		
Actions		
1. Local environmental plans will recognise and protect regional water supply catchments and systems through appropriate planning provisions.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
2. In preparing local environmental plans councils will liaise with water and energy providers and make provision for any regional water, electricity and gas infrastructure corridors that may be required.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
3. Councils or water supply authorities will complete integrated water cycle management plans for their local areas.	Complies	Complies - though the specific action is not relevant.
4. The Department of Water and Energy and local water authorities will prepare a Regional Water Plan to ensure long term regional water efficiencies and improved drought security.	Complies	Complies - though the specific action is not relevant.
5. All future development is to apply water sensitive urban design principles and meet stormwater	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate

MID NORTH COAST REGIONAL STRATEGY OUTCOMES/ACTIONS	COMPLIANCE	COMMENTS
management targets that support environmental values of the catchments.		the carrying of a particular development.
6. Suitable locally generated and/or renewable energy projects such as wind, solar, bio-waste and wave power will be supported.	Complies	Complies - though the specific action is not relevant.
Strategy sector - Regional transport		
Outcomes		
Actions		
1. Local environmental plans will provide for a passenger interchange in the four major regional centres, the major towns and the towns that are well connected to pedestrian and cycle ways.	Complies	Complies - though the specific action is not relevant.
2. Local environmental plans will recognise and protect the regional transport network through appropriate planning provisions.	Complies	Complies - though the specific action is not relevant.
3. New development will be located to ensure that ribbon/strip development along major roads does not occur and that it does not impact on the safety and efficiency of arterial roads.	Complies	Complies - though the specific action is not relevant. The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
4. Planning and construction of the Pacific Highway upgrades through the Region will continue to completion.	Complies	Complies - though the specific action is not relevant.

Appendix 5 - Councils Local Strategy and Strategic Plan Checklist

APPENDIX 5 - COUNCILS LOCAL STRATEGY AND STRATEGIC PLAN CHECKLIST

Strategy/Strategic Plan	Comment/relevant component
Clarence Valley Community Plan 2015 - 2024	The themes and objectives of the Community Plan most relevant to the planning proposal are: Theme – Society Objective 1.2 - A safe, active and healthy region <u>Comment</u> The planning proposal will help facilitate the specific strategy actions under this objective to rationalise open space as defined in Open Spaces Strategic Plan. Theme – Infrastructure Objective 2.3 - Communities that are well serviced with essential infrastructure <u>Comment</u> The planning proposal will assist the Council to better manage into the future any assets/infrastructure/facilities that are currently classified community but should have been classified operational. Theme - Our leadership Objective 5.1 – To have a strong, accountable and representative Government Objective 5.2 - We will have an effective and efficient organisation <u>Comment</u> The planning proposal is considered to be broadly consistent with these objectives and the achievement of these objectives.
Council's 2014 - 2017 Delivery Program and 2015 - 2016 Operational Plan	The planning proposal will complement and is consistent with the following strategies and actions under the current Delivery Program and Operational Plan. Objective 2.3 - Communities that are well serviced with essential infrastructure Strategy 2.3.5 - Implement Council's Strategic Asset Management Plans and continue to develop asset systems, plans and practices for infrastructure assets Objective 5.1 – To have a strong, accountable and representative Government • Strategy 5.1.4 - Provide open, accountable and transparent decision making for the community • Strategy 5.1.6 - Make prioritised decisions in the long-term interest of the broad community and have regard to financial and infrastructure sustainability Objective 5.2 - We will have an effective and efficient organisation Strategy 5.2.3 - Ensure existing and future infrastructure is affordable, funded, managed and maintained to ensure inter generational equity and sustainability
Maclean Urban Catchment Local Growth Management Strategy 2011 (MUCLGMS)	Not relevant. The planning proposal has no particular relevance to this strategy and vice versa.
South Grafton Heights Precinct Strategy (SGHPS)	Not relevant. The planning proposal has no particular relevance to this strategy and vice versa.
Clarence Valley Settlement Strategy	Not relevant. The planning proposal has no particular



(CVSS)	relevance to this strategy and vice versa.
Clarence Valley Economic Development Strategic Plan	Not relevant. The planning proposal has no particular relevance to this strategy and vice versa.
Clarence Valley Affordable Housing Strategy	Not relevant. The planning proposal has no particular relevance to this strategy and vice versa.

Appendix 6 - State Environmental Planning Policy Checklist

APPENDIX 6 - STATE ENVIRONMENTAL PLANNING POLICY CHECKLIST

Name of SEPP	Relevant?	Comment/statement of consistency
<i>The following State Environmental Planning Policies (SEPPs) are current and whilst not all may be applicable to the Clarence Valley LGA they are all being acknowledged and some are considered in more detail where relevant.</i>		
State Environmental Planning Policy No 1 - Development Standards	No	Not applicable to the CVLEP 2011 or to the planning proposal.
State Environmental Planning Policy No 14 - Coastal Wetlands	No	N/A
State Environmental Planning Policy No 15 - Rural Landsharing Communities	No	N/A
State Environmental Planning Policy No 19 - Bushland in Urban Areas	No	N/A
State Environmental Planning Policy No 21 - Caravan Parks	No	N/A - as this proposal is not for a caravan park; nor is development application (DA).
State Environmental Planning Policy No 26 - Littoral Rainforests	No	N/A
State Environmental Planning Policy No 29 - Western Sydney Recreation Area	No	N/A
State Environmental Planning Policy No 30 - Intensive Agriculture	No	N/A
State Environmental Planning Policy No 32 - Urban Consolidation (Redevelopment of Urban Land)	No	N/A
State Environmental Planning Policy No 33 - Hazardous and Offensive Development	No	N/A
State Environmental Planning Policy No 36 - Manufactured Home Estates	No	N/A
State Environmental Planning Policy No 39 - Spit Island Bird Habitat	No	N/A
State Environmental Planning Policy No 44 - Koala Habitat Protection	No	This is not a development application (DA). The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
State Environmental Planning Policy No 47 - Moore Park Showground	No	N/A
State Environmental Planning Policy No 50 - Canal Estate Development	No	N/A
State Environmental Planning Policy No 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	No	N/A
State Environmental Planning Policy No 55 - Remediation of Land	No	N/A – the proposal is a reclassification of public lands and is not rezoning any specific parcel of land; nor is it intending to facilitate development for one of the purposes referred to in clause 6(4) of the SEPP.
State Environmental Planning Policy No 59 - Central Western Sydney Regional Open Space and Residential	No	N/A
State Environmental Planning Policy No 62 - Sustainable Aquaculture	No	N/A
State Environmental Planning Policy No 64 - Advertising and Signage	No	N/A

Name of SEPP	Relevant?	Comment/statement of consistency
State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development	No	N/A
State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)	No	N/A
State Environmental Planning Policy No 71 - Coastal Protection	No	N/A – the proposal is a reclassification of public lands and is not rezoning any specific parcel of land; the reclassification of the relevant public lands is not intending to facilitate any specific development that might impact any matter required to be considered in clause 8 of the SEPP.
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	N/A - this is not a development application (DA). The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	N/A
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	N/A
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	N/A - this is not a development application (DA). The planning proposal is not proposing to rezone land or facilitate the carrying of a particular development.
State Environmental Planning Policy (Infrastructure) 2007	No	N/A
State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007	No	N/A
State Environmental Planning Policy (Kurnell Peninsula) 1989	No	N/A
State Environmental Planning Policy (Major Development) 2005	No	N/A
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	N/A
State Environmental Planning Policy (Rural Lands) 2008	No	N/A
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	No	N/A
State Environmental Planning Policy (State and Regional Development) 2011	No	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	N/A
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	N/A
State Environmental Planning Policy (Three Ports) 2013	No	N/A
State Environmental Planning Policy (Urban	No	N/A



Name of SEPP	Relevant?	Comment/statement of consistency
Renewal) 2010		
State Environmental Planning Policy (Western Sydney Employment Area) 2009	No	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	N/A

Appendix 7 - Section 117 Direction Checklist

APPENDIX 7 - SECTION 117 DIRECTION CHECKLIST

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Consistent	Although the planning proposal covers some land parcels zoned business the requirements of this direction are not triggered.
1.2 Rural Zones	Not applicable	The planning proposal does not apply to any land that is zoned rural.
1.3 Mining, Petroleum Production and Extractive industries	Not applicable	The planning proposal does not affect any land identified as having extractive resources of regional significance and their haulage routes.
1.4 Oyster Aquaculture	Not applicable	This direction is not applicable in this instance as the planning proposal is not proposing a change in land use which could result in: (a) adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate"; or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate" and other land uses.
1.5 Rural Lands	Not applicable	The planning proposal does not apply to any land that is zoned rural or environment protection.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental protection Zones	Not applicable	The planning proposal does not apply to any land that is zoned environment protection.
2.2 Coastal protection	Consistent	This Direction applies but only in a broad sense. The following lands are within the coastal zone and therefore are technically covered by this Direction: - Part Lot 103 DP 1189229, 7 - 9 Centenary Drive, Maclean (Part Cameron Park); - Lot 408 DP 751388 and Lot 1 DP 612175, 1 Macnaughton Place, Maclean. The proposed reclassification of the relevant public lands does not contravene the following policies or documents referenced in the Direction: - NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997; - Coastal Design Guidelines 2003; and - NSW Coastline Management Manual 1990.
2.3 Heritage Conservation	Consistent	Part Lot 103 DP 1189229, 7 - 9 Centenary Drive, Maclean (Part Cameron Park) and Lot 408 DP 751388 and Lot 1 DP 612175, 1 Macnaughton Place, Maclean are within a heritage conservation area.

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
		However the proposed reclassification of these particular lands will not impact the existing level of protection afforded by the heritage conservation area status which will be maintained.
2.4 Recreation Vehicle Areas	Not applicable	This direction is not applicable in this instance as it is not intending to enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983).
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	This direction does not apply to the Clarence Valley LGA.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Consistent	Although the planning proposal covers some land parcels zoned residential the requirements of this direction are not triggered.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable	This direction is not applicable in this instance as it not intending to introduce provisions in relation to caravan parks or manufactured home estates (MHEs).
3.3 Home Occupations	Not applicable	This direction does not intend to alter the status quo in relation to home occupations in dwelling houses.
3.4 Integrated Land Use and Transport	Consistent	This direction is only applicable in so far as it applies to a planning proposal that <i>"will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes"</i>. The planning proposal applies to land zoned residential, business and industrial and it does not intend to create, alter or remove any of the specified zones. The proposed public land reclassification will not alter the status quo of existing zoning.
3.5 Development Near Licensed Aerodromes	Consistent	There are no public lands the subject of this planning proposal in the vicinity of the Clarence Valley Regional Airport or the South Grafton Aerodrome that trigger the operation of this direction.
3.6 Shooting Ranges	Not applicable	This direction is not relevant as it will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	Consistent	Although the planning proposal covers some land parcels that are identified on the Acid Sulfate Soils Planning Maps as having a

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
		probability of acid sulfate soils being present it is considered that the planning proposal is consistent with this Direction as it is not proposing to rezone any land or facilitate the carrying of a particular development.
4.2 Mine Subsidence and Unstable land	Not applicable	This direction is not applicable as there are no known Mine Subsidence Districts in the Council area. The requirements of the direction in relation to land that has been identified as unstable in a study, strategy or other assessment can be addressed and met at the DA stage for any future development that may be proposed on any individual land parcel to be reclassified
4.3 Flood Prone Land	Consistent	Although some land parcels proposed for land reclassification are flood prone it requirement are not triggered as it is not proposing to facilitate the carrying out of a particular development. The requirements of the direction in relation to land that is flood prone land can be addressed and met at the DA stage for any future individual development that is proposed for such land having to the floodplain management controls in Council's development control plans.
4.4 Planning for Bushfire Protection	Not applicable	Although some land parcels proposed for land reclassification are bush fire flood prone the requirements of the Direction are not triggered as it is not proposing to facilitate the carrying out of a particular development. The requirements of the direction in relation to land that is mapped as bushfire prone land can be addressed and met at the DA stage for any future individual development that is proposed for such land having to <i>Planning for Bushfire Protection 2006</i> .
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	Consistent	The planning proposal is considered to be consistent with the Mid North Coast Regional Strategy (MNCRS) in a broader sense. Refer also to section 4.3 above. Further a more detailed "compliance" assessment of the planning proposal against the MNCRS is at Appendix 4.
5.2 Sydney Drinking Water Catchments	Not applicable.	This Direction is not applicable in this instance; the planning proposal does not apply to land within the Sydney drinking water catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley LGA.

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
Coast		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	This direction is not applicable in this instance as the planning proposal is not proposing to facilitate the carrying out of a particular development.
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.	<i>Revoked 18 June 2010</i>
5.6 Sydney to Canberra Corridor	Not applicable.	<i>Revoked 10 July 2008 - See amended Direction 5.1</i>
5.7 Central Coast	Not applicable.	<i>Revoked 10 July 2008 - See amended Direction 5.1</i>
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	This Direction not applicable in this instance; the planning proposal does not apply to land in the vicinity of any future second Sydney Airport at Badgerys Creek.
5.9 North West Rail Link Corridor Strategy	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.
5.10 Implementation of Regional Plans	Not applicable.	There is currently no adopted regional plan in place applicable to the Clarence Valley Council area.
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	Consistent	The planning proposal is not intending to introduce concurrence, consultation or referral requirements nor identify development as designated development.
6.2 Reserving Land for Public Purposes	Consistent	The planning proposal is not intending to create, alter or reduce existing zonings or reservations of land for public purposes. In this sense the proposal does not trigger the requirements of this direction.
6.3 Site Specific Provisions	Consistent	The requirements of this Direction are not triggered as it is not intending to permit a particular development on a particular site.
7. METROPOLITAN PLANNING		
7.1 Implementation of a Plan for Growing Sydney	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.	This Direction is not applicable in this instance as it does not apply to the Clarence Valley Council area.

**Appendix 8 - Practice Note PN09 - 003 -
Classification and reclassification of public
land through a local environmental plan**



LEP practice note

STANDARD INSTRUMENT FOR LEPs

Note	PN 09–003
Date	12 June 2009
Related	Supersedes (re)classification advice in Best Practice Guideline (1997)

Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update (and supersede) previous guidance on the process to classify or reclassify public land through a local environmental plan including a principal plan in accordance with the Standard Instrument.

Introduction

'Public land' is any land (including a public reserve) vested in, or under the control of, council. Exceptions include roads, land to which the *Crown Lands Act 1989* applies, a common, or land to which the *Trustees of Schools of Arts Enabling Act 1902* applies.

'Community' land is generally open to the public, for example, parks, reserves or sports grounds.

'Operational' land may be used for other purposes, for example, as works depots or garages, or held by council as a temporary asset.

'Classification' of public land refers to the process when this land is first acquired and first classified as either 'operational' land or 'community' land.

'Reclassification' of public land refers to the process of changing the classification of 'operational' land to 'community' land or from 'community' land to 'operational' land.

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- resolution of council under section 31, 32 or 33 of the *Local Government Act 1993* (LG Act) [through section 27(2)], or
- a local environmental plan (LEP) under the *Environmental Planning and Assessment Act 1979* (EP&A Act) [through section 27(1) of the LG Act].

In both cases, it is not possible for councils to delegate their decision to classify or reclassify public land [section 377(1) of the LG Act].

Councils are encouraged to classify or reclassify land through the LG Act wherever circumstances conform to sections 31, 32 or 33 of the LG Act.

The remaining parts of this practice note identify the key areas councils must consider when proposing to classify or reclassify public land by means of a local environmental plan (LEP) under the second option.

This practice note supersedes the sections relating to classification and reclassification in *LEPs and council land*, Best Practice Guideline (Department of Urban Affairs and Planning 1997).

Procedure under the EP&A Act

Where classification or reclassification is proposed through an LEP, council is advised to include the proposal as early as possible in the draft LEP or planning proposal. If the public land to be classified or reclassified is not owned by council, landowner's consent is required prior to either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).¹

The proposal would then form part of the material presented through either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).

¹ In relation to the Part 3 amendment, council should also check the changes to the EP&A Act and Regulation once these commence.

To assist councils, the steps in preparing material either as a draft LEP or planning proposal are summarised in Attachment 1. Column 1 of Attachment 1 sets out the requirements in accordance with the EP&A Act **prior to** the Part 3 amendment commencing. Column 2 of the attachment sets out the requirements **after** the Part 3 amendment commences. In relation to the Part 3 amendment, council should also check the savings and transitional arrangements under the EP&A Act, once these commence.

Where land is proposed to be reserved for a public purpose such as provision of public services and facilities, section 117 Direction 6.2—Reserving Land for Public Purposes applies. The Direction also sets out requirements when a reservation of public land for such purposes is no longer required.

A summary of relevant matters that need to be available at the time the planning proposal is first forwarded are listed in Attachment 2 under 'Exhibition'. Other matters for exhibition and later stages are listed separately in that attachment.

Provisions in the Standard Instrument

The following Standard Instrument provisions are relevant to the classification and reclassification of public land.

Clause 5.2—Classification and reclassification of public land

The purpose of this clause is to enable councils to classify or reclassify public land identified in Schedule 4 of the Standard Instrument. Only public land to be classified or reclassified by publication on the NSW legislation website of that principal LEP is to be identified in the schedule. Schedule 4 must not contain a reference to any land already classified or reclassified.

Part 1 Schedule 4—change to 'operational' land, no interest changes

Land is identified in Part 1 of Schedule 4 where the trusts, estates, interests, dedications, conditions, restrictions or covenants over the land are to remain after reclassification to 'operational land', i.e. where **no** interests will change.

Part 2 Schedule 4—change to 'operational' land and an interest will change

Land is identified in Part 2 of Schedule 4 where the land is to be classified or reclassified as 'operational land' and some of the trusts, estates, interests, dedications, conditions, restrictions, or covenants over the land remain. The interests to remain are identified in column 3 of this part of the schedule.

Part 3 Schedule 4—change to 'community' land

Land proposed to be classified or reclassified as 'community land' through the LEP is identified in Part 3 of the schedule.

Where there is no land to be classified or reclassified through the LEP, the clause remains with the schedule empty.

General requirements for exhibition

Public exhibition of the LEP occurs after certification of the LEP (in accordance with section 66 of the EP&A Act). Public exhibition of a planning proposal may occur in accordance with section 57(2) (when the Part 3 amendment to the EP&A Act commences). To assist the public in understanding an exhibited draft LEP or planning proposal to classify or reclassify land, requirements are summarised in Attachment 2.

A copy of council's response to these requirements together with a copy of this practice note is to be part of material displayed during public exhibition of an LEP or planning proposal to reclassify or classify public land.

Public hearing

A public hearing must be held when 'community land' is proposed to be reclassified as 'operational land'.

To ensure council and the community have sufficient time to consider relevant matters associated with the proposed change, the public hearing is held **after** the close of the exhibition period under section 68 of the EP&A Act (section 29 of the LG Act) for an LEP and in accordance with section 57(6) (when the Part 3 amendment to the EP&A Act commences).

Public hearing provisions are set out in the EP&A Regulation (clause 14) and public notice of a hearing must be sent or published **at least 21 days** before the start of the public hearing.

The independence of the person chairing the public hearing and requirements relating to the preparation and inspection of reports from the hearing are specified in section 47G of the LG Act.

Further information

A copy of this practice note, Standard Instrument, and other specific practice notes and planning circulars on using the Standard Instrument, can be accessed on the Department's website <http://www.planning.nsw.gov.au/lep/index.asp>

Authorised by:

Sam Haddad, Director-General

List of attachments:

1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*
2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

Attachment 1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*

Requirements prior to commencement of the 2008 Part 3 amendment to the EP&A Act	Requirements after commencement of the 2008 Part 3 amendment to the EP&A Act when it applies to a proposal
Council notifies the Department of a decision to prepare a draft LEP including a proposal to classify or reclassify public land (section 54 of the EP&A Act). This notification is accompanied by an appropriate level of information including for the following: - a justification for the proposal - reasons why council acquired an interest - details that would also accompany a plan at exhibition stage (see Attachment 2) - any proposal to extinguish or retain other interests in the land through the reclassification - a justification /explanation as to why such interests are being extinguished - any rezoning associated with the classification/ reclassification - any preliminary comments by a relevant government agency, including agency's consent where land is vested or held by an agency other than council - consideration of any relevant directions e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.	A planning proposal is forwarded by council to the Minister (new section 56 of the EP&A Act), including a proposal to classify or reclassify public land. This proposal contains an appropriate level of information including for the following: - a justification for the planning proposal - reasons why council acquired an interest - details that would also accompany a plan at exhibition stage (see Attachment 2) - any proposal to extinguish or retain other interests in the land through the reclassification - a justification /explanation as to why such interests are being extinguished - any rezoning associated with the classification/ reclassification - any preliminary comments by a relevant government agency, including an agency in which the land is vested or held - consideration of any relevant directions, e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.
Consultation with relevant public agencies and other stakeholders (section 62 of the EP&A Act).	See below.
After consultation, council submits a draft LEP to the Department and, subject to the issue of a section 65 certificate, the draft LEP is exhibited for a minimum of 28 days and the public invited to provide written submissions to the exhibited LEP within the exhibition period.	Following review, at the gateway, if the planning proposal is to proceed, requirements for the various stages of the proposal, including consultation requirements, will be provided to council (new section 56(1), 56(2) of the EP&A Act).
Where a draft LEP includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with section 68 of the EP&A Act (section 29 of the Local Government Act). *	Where a planning proposal includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with new section 57(6) of the EP&A Act. *
Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.	Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.
Where it is considered appropriate, the draft LEP is submitted to the Director-General together with details of all submissions and the report of the public hearing, together with a statement of other matters set out in section 68 of the EP&A Act.	Consultation for a planning proposal under new section 57 of the EP&A Act is completed when council has considered any submissions made concerning the proposed instrument and the report of any public hearing. Where the planning proposal is to proceed, the Director-General makes arrangements for the drafting of the LEP to give effect to the final proposal (new section 59 of the EP&A Act).
The Director-General furnishes a report to the Minister if the Director-General is satisfied that the draft LEP has been prepared in accordance with any applicable standard instrument under section 33A (section 69 of the EP&A Act).	
The Minister determines whether to make the LEP under section 70 of the EP&A Act. **	The Minister (or Minister's delegate) determines whether to make the LEP under new section 59 of the EP&A Act. **

Notes:

* Where a proposal includes a classification of 'operational' land to 'community' land, a public hearing is not generally required.

** Where a reclassification proposes to extinguish other interests in the land, the approval of the Governor is required in accordance with section 30 of the LG Act.

Attachment 2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

Exhibition

When exhibiting a planning proposal or draft LEP to classify or reclassify public land, council must provide a written statement including the following:

- the reasons why the draft LEP or planning proposal is being prepared including the planning merits of the proposal, e.g. the findings of a centres' strategy, council's intention to dispose of the land, provision of open space in a town centre
- the current and proposed classification of the land
- the reasons for the reclassification including how this relates to council's strategic framework, council's proposed future use of the land, proposed zones, site specific requirements, e.g. heritage controls, anticipated physical or operational changes resulting from the reclassification
- council's ownership of the land, if this applies
- the nature of council's interest in the land, e.g. council has a 50 year lease over the site
- how and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94
- the reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency
- any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement
- an indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre
- the asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially
- whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either

immediately after rezoning/reclassification or at a later time

- Relevant matters required in plan making under the EP&A Act
- A copy of this practice note must be included in the exhibition material to assist the community in identifying information requirements. Council staff may wish to identify the column in Attachment 1 that applies.

Post-exhibition

Once a decision has been made regarding whether the draft LEP or planning proposal proceeds, everyone who made a written submission must be notified in writing of the decision.

Written notification must occur within 14 days of the decision and needs to clearly identify the reasons for council's decision. An explanation must be included of how issues raised in submissions were addressed including the reasons for council's decision.

The final report after exhibition to either the Director-General or the Minister should include:

- a brief summary of council's interest in the land
- issues raised in any relevant submissions
- the dates of the exhibition and the hearing
- an explanation of how issues raised were addressed or resolved.

Additional matters to be addressed when the Governor's approval is required

The Governor's approval is required for the extinguishment of public reserve status and other interests in land which a council proposes to reclassify from 'community' to 'operational' status under the LG Act.

Council must provide sufficient information in accordance with this practice note to inform the Minister of any public reserve and/or other third party property interests (e.g. trust, covenant, easement) that are proposed to be extinguished upon the making of such a draft LEP or planning proposal.

Important note

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

© 2009 New South Wales Government through the Department of Planning
www.planning.nsw.gov.au
 DOP 09_004

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.