



PLANNING PROPOSAL

Clarence Valley Local Environmental Plan 2011 Housekeeping Amendments 2016.

Prepared by: Clarence Valley Council

Declaration

Document name: Planning Proposal – CVLEP Housekeeping Amendments 2016

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* (October 2012).

Date: 22 September 2016

Document History and Version Control				
Version	Prepared by	Approved by	Date Approved	Brief Description
1.0	RJ	SL	22/9/16	Draft for submission to Planning Gateway

TABLE OF CONTENTS

1.	Preliminary	
1.1	Context	4
1.2	Subject Land	4
1.3	Current zoning and use	4
1.4	Background	4
2.	Objective or Intended Outcome	4
3.	Explanation of provisions	5
4.	Justification	
4.1	Is the Proposal a result of any strategic study or report?	5
4.2	Is the planning proposal the best means of achieving the Objectives, intended outcomes, or is there a better way?	5
5.	Relationship to Strategic Planning Framework	
5.1	Applicable Regional Strategy – Mid North Coast Regional Strategy ..	5
5.2	Consistency with Council’s community strategic plan, or other local strategic plan	5
5.3	Consistency with State Environmental Planning Policies	5
5.4	Consistency with applicable Ministerial Directions (s117 Directions)	5
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?	6
6.2	Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	6
6.3	How has the planning proposal adequately addressed any social and economic effects?	6
7.	State and Commonwealth Interests	
7.1	Is there adequate public infrastructure for the planning proposal? ..	6
7.2	What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	6
8.	Mapping	6
9.	Community Consultation	6
10.	Project Timeline	7
Appendix 1	State Environmental Planning Policies Checklist	8
Appendix 2	Section 117 Directions Checklist	12
Appendix 3	Detailed Explanation of Provisions	17

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 Infrastructure's "*A guide to preparing planning proposals*" (October 2012). A gateway determination under Section 56 of the Act is requested.

1.2 Subject Land

This planning proposal applies predominantly to specific parcels of land within the Clarence Valley LGA, however, some amendments affect multiple land parcels throughout the Clarence Valley.

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 its gazettal on 23 December 2011. 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 27 amendments relating to:

- mapping errors and anomalies in different CVLEP mapping layers (13, or 48%, of the proposed amendments);
- errors/inaccuracies in the listing of heritage items in Schedule 5 of the CVLEP (13, or 48%, of the proposed amendments);
- CVLEP clause 7.1 on Acid Sulfate Soils (1, or 4%, 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, Height of Buildings Map and Heritage Map to rectify minor errors and anomalies inherited from the Geographical Information System (GIS) layers of former Clarence Valley local Councils or otherwise caused by shifts in cadastral data, demolition/removal of mapped heritage items, changes in land ownership and other issues.
- To rectify minor mis-descriptions and other anomalies in the listings of heritage items in CVLEP Schedule 5 Environmental Heritage resulting from the demolition/removal of heritage items, changes in land titles, duplicate or missing listings and other issues.
- To make a minor amendment to CVLEP clause 7.1 Acid Sulfate Soils to clarify the consent requirements for minor works on land affected by acid sulfate soils and make the wording of the clause consistent with the Department of Planning and Environment's model local clause 7.1 Acid Sulfate Soils.

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, Height of Buildings Map and Heritage Map), a number of heritage item listings in Schedule 5 and CVLEP clause 7.1 Acid Sulfate Soils. Most of the amendments affect single properties however some affect multiple properties across a locality or throughout the Clarence Valley.

Full details of each of the 27 proposed amendments are provided in Appendix 3, including amendment ID number, amendment title, land description/address, land owner, description of issue, description of proposed amendment to the CVLEP, existing CVLEP map/provision (as applicable) and proposed CVLEP map/provision (as applicable).

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 Strategy – Mid North Coast Regional Strategy

The Clarence Valley LGA is subject to the Mid North Coast Regional Strategy (MNCRS) 2006-2031. The Planning Proposal provisions are administrative in nature and are not inconsistent with the objectives and actions of the MNCRS.

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

Our Community Plan 2015-2024, 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 2014-2017, specifically Action 5.1.6.3 *"Review of CVLEP and 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: A number of State government agencies (e.g. National Parks and Wildlife Service, Department of Primary Industries – Crown Lands) will be separately notified as owners 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 each mapping amendment. 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". Notwithstanding that, a twenty eight (28) 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) Notification on council's website
- c) Written notification to the owners of properties affected by the proposal, except for the amendment to CVLEP clause 7.1 Acid Sulfate Soils (ID no. Legal1). The large number of properties affected by this amendment makes it impractical to notify all owners.
- d) Written notification to Armidale Regional Council in relation to proposed amendment no. Map2, which affects a land parcel partly in the Armidale Regional LGA.
- e) Written notification to Native Title holders and Native Title Claimants for proposed amendments affecting land subject to a Native Title determination or a Native Title claim.

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 large number of proposed amendments and 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	September 2016	
Gateway determination issued	October 2016	
Amend Planning Proposal in accordance with any requirements of Gateway determination	October 2016	
Public exhibition and State government agency consultation	November/December 2016	
Consider submissions	January 2017	
Report to Council to adopt final Planning Proposal	February 2017	
Obtain opinion from Parliamentary Counsel's Office	March 2017	
LEP made by Council delegate	April 2017	
LEP notified	April 2017	

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	Consistent	2 of the proposed mapping amendments (<i>Map12 Woombah/Mororo Cadastral Shift</i> and <i>Map13 Brooms Head Cadastral Shift</i>) affect land mapped as containing SEPP 14 wetlands. Given that the amendments are realigning LEP maps with the cadastre they are not considered inconsistent with SEPP 14. Not applicable to any other proposed amendments.
SEPP 15 Rural Landsharing Communities	Not Applicable	
SEPP 21 Caravan Parks	Not Applicable	
SEPP 26 Littoral Rainforests	Not Applicable	
SEPP 30 Intensive Agriculture	Not Applicable	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land).	Not Applicable	
SEPP 33 Hazardous & Offensive Development	Not Applicable	
SEPP 36 Manufactured Home Estates	Not Applicable	
SEPP 44 Koala Habitat Protection	Consistent	Amendment <i>Map12 Woombah/Mororo Cadastral Shift</i> affects land subject to a comprehensive koala plan of management prepared in accordance with SEPP 44. Given that the amendment is realigning LEP maps with the cadastre it is not considered inconsistent with SEPP 44. 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 (<i>Map2, Map3, Map6, Map7, Map8</i>) and heritage amendments on sites considered to be potentially contaminated (<i>Her5, Her6, Her7, Her12</i>). Amendments <i>Map12</i> and <i>Map13</i> are

STATE ENVIRONMENTAL PLANNING POLICY	CONSISTENCY	COMMENTS
		realigning CVLEP maps with the current cadastre and as such, a detailed assessment against SEPP 55 is not considered necessary. 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 Flat Buildings	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	Consistent	Refer to Appendix 3 for more detailed comments addressing the SEPP for amendments to heritage listings on land owned/managed by a public authority (Map10, Her2, Her5, Her6, Her10, Her11, Her12, Her13). Not applicable to any other proposed amendments.
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 addressing the SEPP for amendments involving the addition or removal of heritage listings/mapping from land (Her1, Her3, Her5, Her6, Her7, Her8, Her9, Map4, Map5, Map9, Map14). Not applicable to any other proposed amendments.
SEPP (Affordable Rental Housing) 2009	Not Applicable	
SEPP (State and Regional Development) 2011	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 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*

<i>Production and Extractive Industries SEPP</i> • <i>SEPP 38 Olympic games & Related Projects (Repealed by Major Projects SEPP)</i> • <i>SEPP 42 Multiple Occupancy & Rural Land (Repealed by SEPP 15)</i> • <i>SEPP 43 New Southern Railway (Repealed by Infrastructure SEPP)</i> • <i>SEPP 45 Permissibility of Mining (Repealed by Mining, Petroleum Production and Extractive Industries SEPP)</i> • <i>SEPP 46 Protection & Management of Native Vegetation (Repealed by Native Vegetation Conservation Act 1997)</i> • <i>SEPP 48 Major Putrescible Landfill Sites (Repealed by Infrastructure SEPP)</i> • <i>SEPP 51 Eastern Distributor (Repealed by Infrastructure SEPP)</i> • <i>SEPP 53 Metropolitan Residential Development</i> • <i>SEPP 54 Northside Storage Tunnel (Repealed by Infrastructure SEPP)</i> • <i>SEPP 56 Sydney Harbour Foreshores & Tributaries (Repealed by Major Projects SEPP Amendment)</i> • <i>SEPP 58 Protecting Sydney's Water Supply (Repealed by Drinking Water Catchments REP No 1)</i> • <i>SEPP 61 Exempt & Complying Development for White Bay & Glebe Island Ports (Repealed by Infrastructure SEPP)</i> • <i>SEPP 63 Major Transport Projects (Repealed by Infrastructure SEPP)</i> • <i>SEPP 67 Macquarie Generation Industrial Development Strategy (Repealed by Infrastructure SEPP)</i> • <i>SEPP 69 Major Electricity Supply Projects (Repealed by Infrastructure SEPP)</i> • <i>SEPP 72 Linear Telecommunications Development – Broadband (Repealed by Infrastructure SEPP)</i> • <i>SEPP 73 Kosciuszko Ski Resorts (Repealed by SEPP Kosciuszko National Park – Alpine Resorts)</i> • <i>SEPP 74 Newcastle Port & Employment Lands (Repealed by Major Projects SEPP)</i> • <i>SEPP (ARTC Rail Infrastructure) 2004 (Repealed by Infrastructure SEPP)SEPP (Sydney Metropolitan Water Supply) 2004 (Repealed by Infrastructure SEPP)</i> • <i>SEPP – North Coast Regional Environmental Plan 1988 (NCREP)</i>
--

Appendix 2: Section 117 Directions Checklist

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Consistent.	Map6 rezones a 'sliver' of land along the boundary of an existing industrial zoned lot from RU2 to IN1 to align the zones with lot boundaries. Her3, Her5, Her6, Her7 and Her8 add or remove heritage listings/mapping from land in industrial or business zones. Legal1 makes a minor alteration to CVLEP clause 7.1 <i>Acid sulfate soils</i> to clarify consent requirements for minor works, in line with the wording of the model local clause. Not applicable to any other amendment.
1.2 Rural Zones	No (Justifiably inconsistent) in regards to amendment Map6. Other amendments consistent.	Map6 rezones a 'sliver' of land along the boundary of an existing industrial zoned lot from RU2 to IN1 to align the zones with lot boundaries. The inconsistency with Direction 1.2 is considered to be of minor significance. Map2 applies zone RU1 and a 200ha 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. Map1 similarly applies a 40ha lot size to a 'sliver' of land with no lot size along the boundaries of 5 rural zoned lots. 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 Map2, Map6 and Map8 alter the extent of rural zones and are consistent with the Rural Planning Principles in the SEPP (Rural Lands) 2008. Amendment Map1 alters the lot size for a 'sliver' of rural zoned land

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
		and is consistent with the Rural Planning Principles and Rural Subdivision Principles of the SEPP (Rural Lands) 2008. Other amendments subject to Direction 1.5 involve alterations to heritage listings and the CVLEP Acid sulfate soils clause and are consistent with the Direction.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	Consistent.	Amendments Map12 and Map13 are the only amendments that alter the extent of Environment Protection Zones. The purpose of the 2 amendments is to realign zoning and other CVLEP maps with the cadastre in the Brooms Head and Woombah-Mororo areas, as originally intended at the time the CVLEP was gazetted. Correcting these maps will ensure that environmentally sensitive areas in the localities are protected and conserved, consistent with the Direction. All other amendments subject to Direction 1.2, being Her4, Her10, Map10 (heritage listing/mapping) and Legal1 (acid sulfate soils clause) are consistent.
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

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
		areas.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Consistent.	Amendments Map3, Map12 and Map13 are the only amendments that alter the extent of Residential zones. Map12 and Map13 realign zoning and other CVLEP maps with the cadastre in the Brooms Head and Woombah-Mororo areas and are consistent with the Direction. Map3 rezones a strip of SP3 Tourist zoned land to R2 and R3 on the site of an existing unit complex development, the majority of which is zoned R2 and R3, 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.
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.	Amendment Legal1 makes a minor alteration to existing CVLEP clause 7.1 <i>Acid sulfate soils</i> to make the wording consistent with the model local clause on acid sulfate soils, which is consistent with the Direction. No other amendment affecting land on the acid sulfate soils map proposes 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	No (justifiably inconsistent) in regards to amendment Map7. Not applicable to any other amendment.	Refer to amendment Map7 in Appendix 3 for detailed comments.

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
4.3 Flood Prone Land	No (justifiably inconsistent) in regards to amendment Map6 and Map12.	Map6 and Map12 are the only amendments involving rezonings of flood prone land between the categories of zones in clause 5 of the Direction. While they are inconsistent with the Direction, the inconsistency is considered to be of minor significance due to the administrative nature of the amendments. All other 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 Her4, Her5, Her10, Map1, Map2, Map10, Map12, Map13, and Legal1 affect bushfire prone land or land in proximity to bushfire prone land 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.
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.

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
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 Map7 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. Amendment Map13 will alter some existing RE1 Public Recreation zoned land in Brooms Head. The purpose of the amendment is administrative in nature, being to realign zoning and other CVLEP maps with the cadastre in the Brooms Head area. As such, it is not considered necessary to obtain the approval of the Director-General in this instance due to the minor significance of the amendment. 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

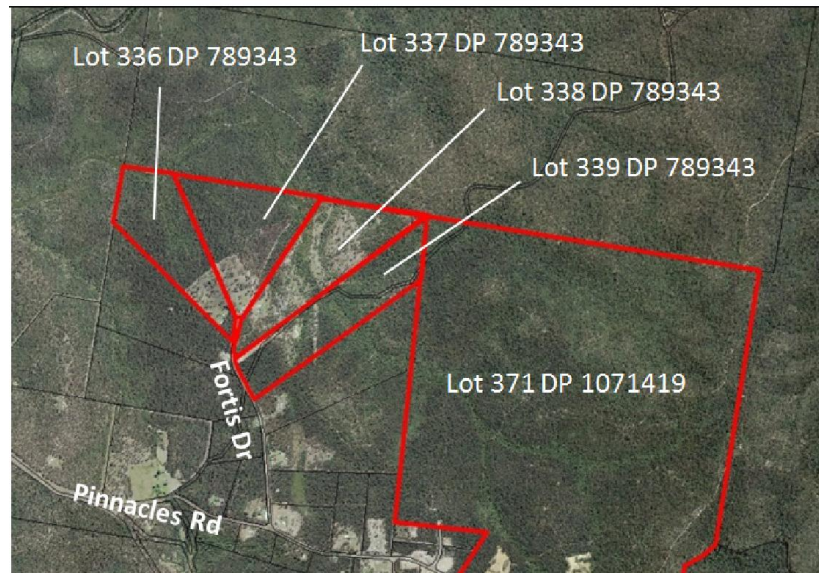
The Pinnacles MLS error

Land affected:

Lots 336,337,338 and 339 DP 789343, Fortis Dr, The Pinnacles;
Lot 371 DP 1071419, 118 Clifden Rd, Clifden.

Landowner/s:

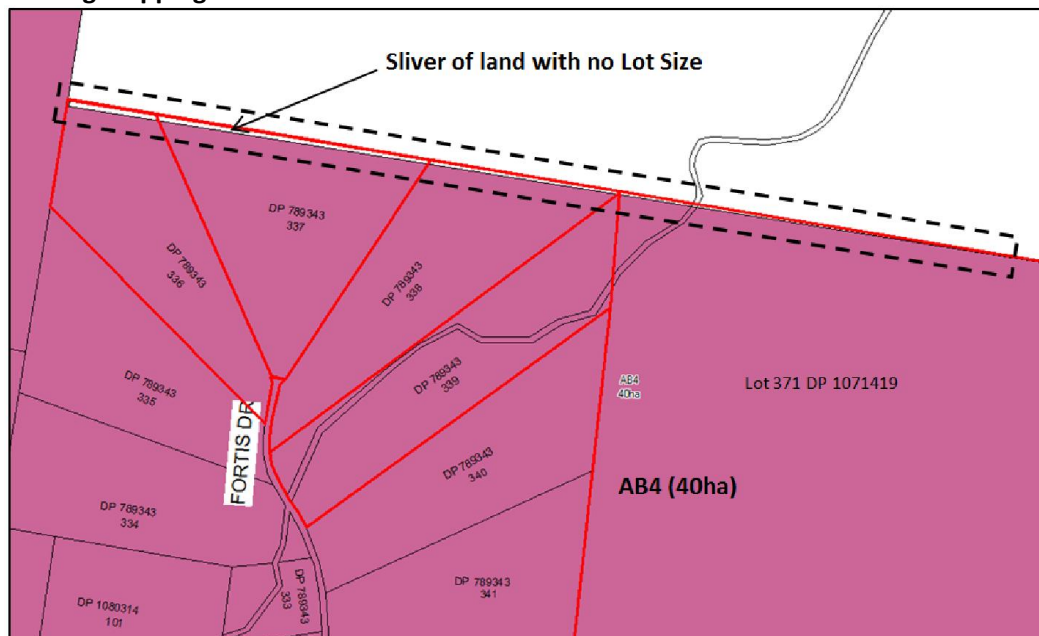
David Monaghan & Joanne Andrews;
Kathleen Steele & James Steele;
Brett Bartlett & Lisa Bartlett;
Kerry Watson;
Drew McIntyre



Description of issue:

The subject lots are zoned RU2 Rural Landscape with a corresponding minimum lot size of 40ha under the Clarence Valley LEP 2011. The 40ha lot size designation does not extend all the way to the northern boundaries of the subject lots on the Lot Size Map, leaving a narrow 'sliver' of land along the northern boundary of each lot with no lot size designation.

Existing mapping:



Clarence Valley LEP 2011 Lot Size Map (LSZ_007)

Proposed amendment:

- Apply the 40ha Lot Size to the 'sliver' of land along the northern boundary of each of the subject lots on the Lot Size Map (i.e. apply the maroon infill to the sliver of land identified on the existing Lot Size Map above).

Applicable SEPPs and consistency:

The proposal is not inconsistent with any SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions.

Amendment ID: Map2

Hernani Unzoned lot

Land affected:

Part of Lot 1 DP 591128, 353 Majors Point Rd, Hernani
(lot area = 109.8ha)

Land owner/s:

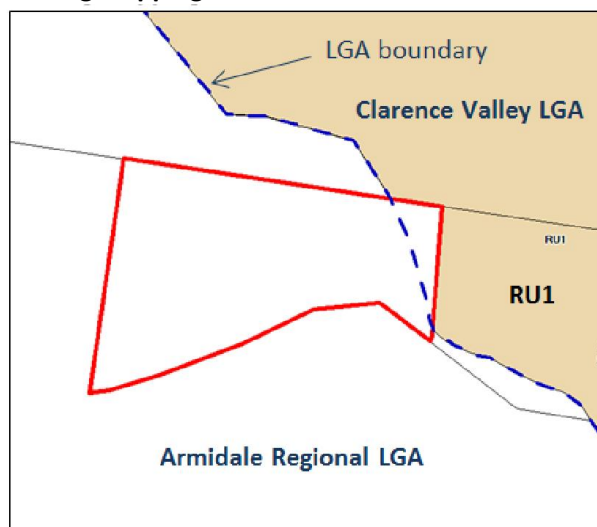
M and I Barnett



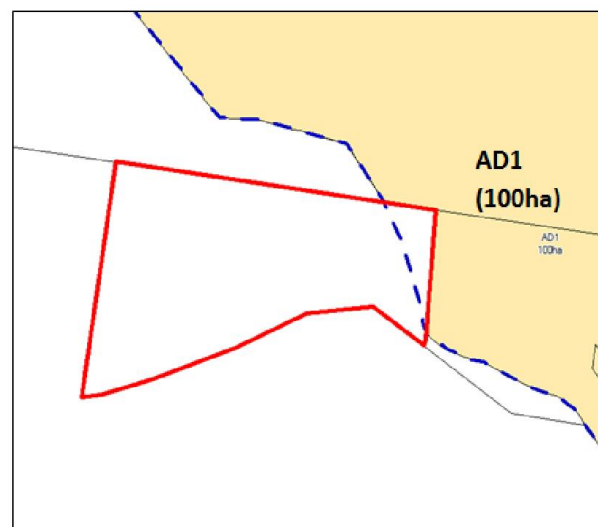
Description of issue:

The subject lot is located partly within the Armidale Regional Local Government Area (LGA) and partly within the Clarence Valley LGA. The portion of the lot within the Clarence Valley LGA is unzoned and has no lot size designated. The portion of the lot within the Armidale Regional LGA is zoned RU1 Primary Production with a minimum lot size of 200ha, while other surrounding lots within the Clarence Valley LGA are zoned RU1 with a minimum lot size of 100ha. It is proposed to apply zone RU1 Primary Production and a lot size of 200ha to the portion of the subject lot that is within the Clarence Valley LGA. Council intends to consult with Armidale Regional Council on the proposed amendment following the receipt of a Gateway determination.

Existing mapping:



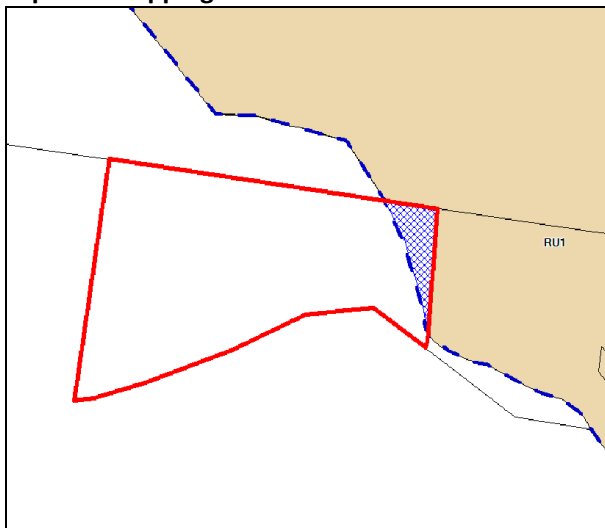
Clarence Valley LEP 2011 Land Zoning Map (LZN_004)



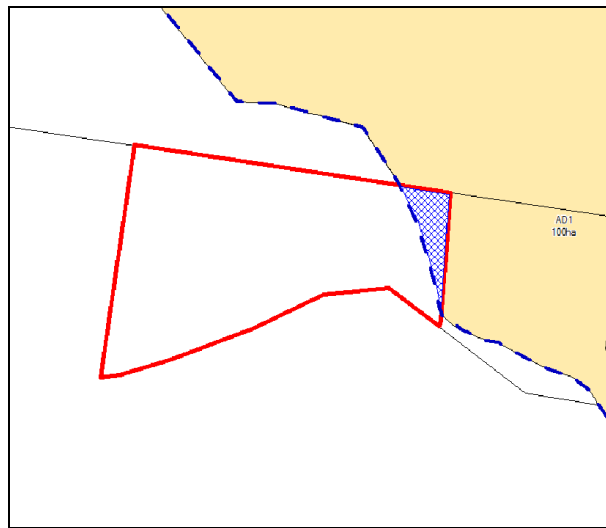
Clarence Valley LEP 2011 Lot Size Map (LSZ_004)

Proposed amendment:

- Amend the CVLEP Land Zoning Map and Lot Size Map by applying zone RU1 Primary Production and a 200ha Lot Size to the portion of the subject lot within the Clarence Valley LGA (area hatched blue on the proposed Land Zoning and Lot Size Maps below).

Proposed mapping:

Clarence Valley LEP 2011 Land Zoning Map
(LZN_004)



Clarence Valley LEP 2011 Lot Size Map (LSZ_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 (e.g. a dwelling house).

The proposal is not inconsistent with any other SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions.

Amendment ID: Map3

Pacific Parade Zoning

Land affected:

Lots 62-64 SP 73693 and
Lots 67,68,71,72,75,76 SP 73696 "The Sands"
unit complex, Pacific Parade, Yamba;
Part of River St road reserve.

Landowner/s:

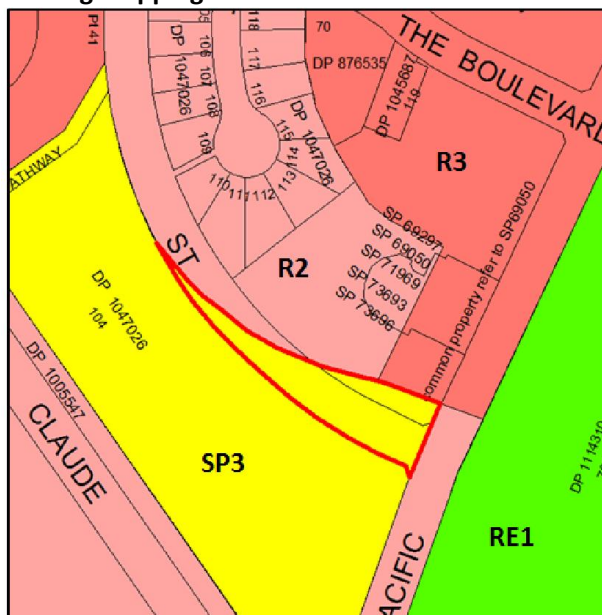
Mary Moore;
Anthony Rose & Gaye Kelsey;
Shelia Monie;
Joy Walters & Matthew Dougherty;
Geoffrey Shumack & Amanda Shumack;
William Low & Inneka Low;
Jeffrey Price & Louise Price;
Daniel McCosker & Kelley-Ann McCosker;
Jeffrey Price & Louise Price



Description of issue:

The SP3 Tourist zoning of vacant Lot 104 DP 1047026 (southern side of River St) extends north across River St and into land occupied by Strata Plans 73693 and 73696, part of "The Sands" unit complex. The majority of this land is zoned R3 Medium Density Residential and R2 Low Density Residential, reflecting the existing unit development on the land. It is proposed to remove the strip of zone SP3 from the subject land and the River St road reserve and extend the R2 and R3 zones south to the northern boundary of Lot 104 DP 1047026 so that zone boundaries better align with property boundaries. No change to any other CVLEP map is required.

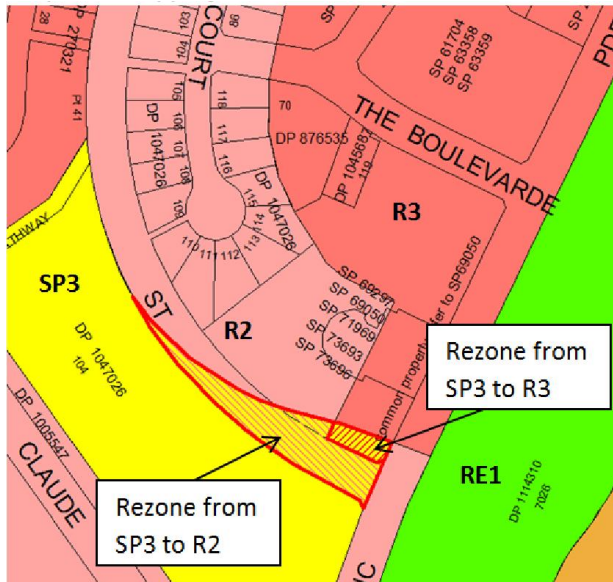
Existing mapping:



Clarence Valley LEP 2011 Land Zoning Map (LZN_011M)

Proposed amendment:

- Rezone the strip of SP3 Tourist zoned land on River St, SP 73693 and SP 73696 to R2 Low Density Residential and R3 Medium Density Residential as shown below on the proposed Land Zoning Map.

Proposed mapping:

Clarence Valley LEP 2011 Land Zoning Map (LZN_011M)

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP 55 Remediation of Land	Yes	Consistent with SEPP 55 given that the subject land is already zoned for residential and tourist uses and is not considered to be potentially or actually contaminated due to its existing use for residential and tourist accommodation.

Not inconsistent with any other SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions.

Amendment ID: Map4

34 Bent St heritage

Land affected:

Lot 3 DP 733423, 34 Bent Street, South Grafton

Land owner/s:

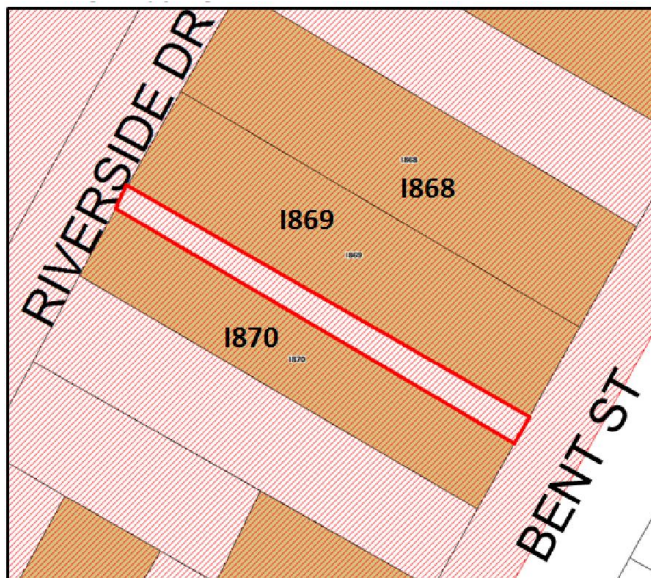
Roy Johnstone & Tania Johnstone



Description of issue:

A heritage listed dwelling (I869 in Schedule 5 of the CVLEP 2011) is located partly over the subject land and adjoining Lot 4 DP 733423, however Schedule 5 and the Heritage Map only identify the heritage item as being located on Lot 4 DP 733423. The property address for the heritage item in Schedule 5 also needs to be changed from *34-36 Bent Street* to *34 Bent Street*, which is the official street address for both lots.

Existing mapping:



Clarence Valley LEP 2011 Heritage Map (HER_007G)

Proposed amendment:

- Amend the address for Heritage Item I869 from *34-36 Bent Street* to *34 Bent Street* and add Lot 3 DP 733423 to the property description in Schedule 5 of the CVLEP;
- Map Lot 3 DP 733423 as part of heritage item I869 on the Heritage Map (i.e. extend brown infill to area outlined red on the existing Heritage Map above).

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP (Exempt and Complying Development Codes) 2008	Yes	Identifying Lot 3 DP 733423 as containing heritage item I869 will secure added protection for the heritage item by restricting the range of exempt and complying development that can be undertaken on the subject lot.

Not inconsistent with any other SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions. Provisions exist within the Clarence Valley LEP 2011 to address relevant requirements of Directions 2.3, 3.1, 3.3, 4.1 and 4.3.

Amendment ID: Map5

36 Bacon St heritage

Land affected:

Lot 11 DP 1171861, 36 Bacon Street,
Grafton;
Lot 12 DP 1171861, 38 Bacon Street,
Grafton.

Landowner/s:

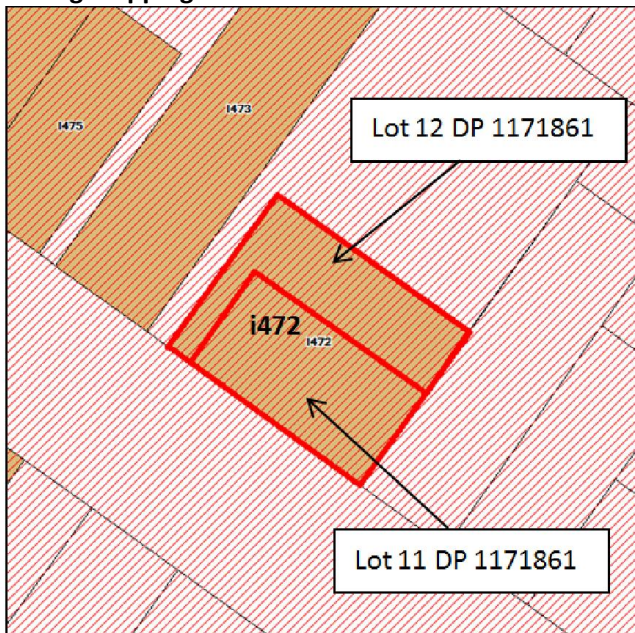
Prestige Property Investment Group Pty
Limited;
Peter Marr & Linda Coombs



Description of issue:

The subject lots are identified as heritage item i472 on the CVLEP 2011 Heritage Map. Item i472 actually refers to the dwelling on Lot 11 DP 1171861, which was consolidated with Lot 12 DP 1171861 at the time the dwelling was listed. Lot 12 was created in the subdivision of the consolidated lot in 2012 and subsequently had a dwelling constructed on it which has no heritage significance. Consequently, the mapping of Lot 12 DP 1171861 as a heritage item needs to be removed from the Heritage Map and the 'Address' and 'Property description' fields for item i472 need to be updated in Schedule 5 of the CVLEP.

Existing mapping:



Clarence Valley LEP 2011 Heritage Map (HER_007HB)

Proposed amendment:

- Remove the mapping of Lot 12 DP 1171861 as a heritage item from the CVLEP Heritage Map (i.e. remove the brown infill from the lot on the existing Heritage Map above). The lot will continue to be mapped as being within a heritage conservation area;
- Amend the 'Address' field for item i472 in Schedule 5 of the CVLEP from '38 Bacon Street' to '36 Bacon Street' and the 'Property description' field from 'Lot 74, DP 1066020' to 'Lot 11, DP 1171861'.

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 the potential range of permissible uses of the land under CVLEP clause 5.10(10). The subject land is unlikely to be contaminated due to former residential uses.
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.

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: Map6

Tyson St mapping

Land affected:

Lot 11 DP 1187818, Tyson St, South Grafton

Land owner/s:

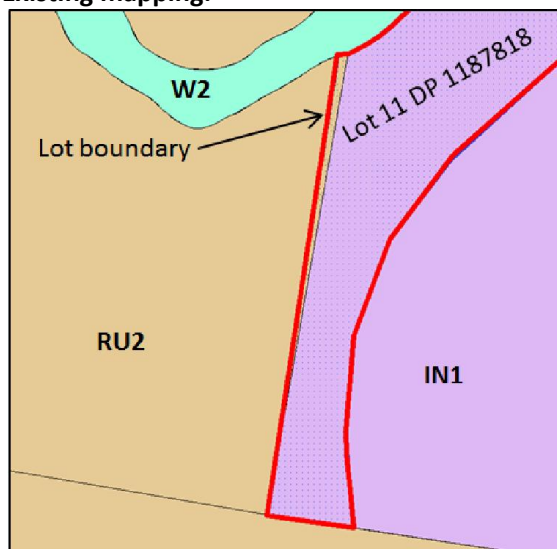
Philip McLennan & Cathy McLennan



Description of issue:

The Land Zoning, Lot Size and Height of Buildings maps do not align with the subject lot's south-western boundary, leaving a 'sliver' of land along this boundary with a different Land Zoning, Lot Size and Height of Buildings standard to that applicable to the rest of the lot.

Existing mapping:



Clarence Valley LEP 2011 Land Zoning map (LZN_007H)



Clarence Valley LEP 2011 Lot Size map (LSZ_007H)



Clarence Valley LEP 2011 Height of Buildings map
(HOB_007H)

Proposed amendment:

- Rezone the sliver of land along the lot's south-western boundary from *RU2 Rural Landscape* to *IN1 General Industrial* on the Land Zoning map;
- Change the Lot Size for the sliver of land from 40ha to 1000m² on the Lot Size map;
- Apply the 9m Height of Buildings standard to the sliver of land on the Height of Buildings map

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP 55 Remediation of Land	Yes	The proposal is not considered to be inconsistent with SEPP 55 given that it is correcting an obvious cadastral misalignment to reflect the intended industrial zoning of the land. The subject land is designated as 'Existing Employment Land' (i.e. industrial land) in the Mid North Coast Regional Strategy and has historically been used for industrial purposes, not rural purposes, in association with industrial uses on adjoining industrial zoned lots to the east.
SEPP (Rural Lands) 2008	Yes	The proposal is not considered to be inconsistent with the Rural Lands SEPP given that it is correcting an obvious cadastral misalignment to reflect the intended industrial zoning of the land. The area of land affected is very small (approximately 0.01ha), is designated as 'Existing Employment Land' (i.e. industrial land) in the Mid North Coast Regional Strategy and has historically been used for industrial purposes, not rural purposes, in association with industrial uses on adjoining industrial zoned lots to the east.

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)	The inconsistency is of minor significance and therefore justifiable.
4.3 Flood Prone Land	No (justifiably inconsistent)	The inconsistency is of minor significance and therefore justifiable.

Consistent with other Section 117 Directions. Provisions exist within the Clarence Valley LEP 2011 to address relevant requirements of Directions 1.1, 1.5, 2.3, 4.1 and 4.3.

Amendment ID: Map7

Ocean St zoning

Land affected:

Strata Plan 4356 (Craigmore units),
Ocean St, Yamba

Land owner/s:

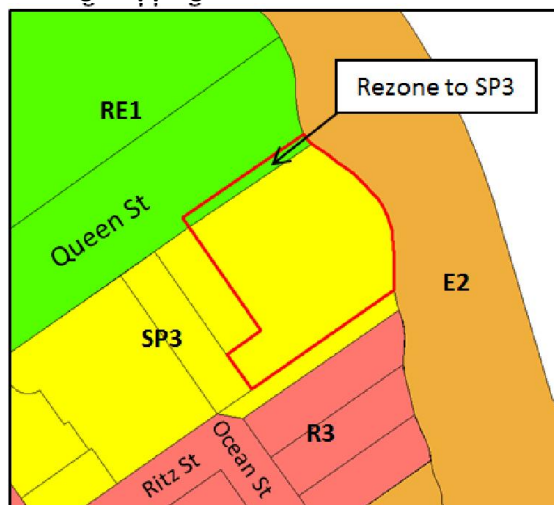
David Mead
Norma Purnell & Thomas Purnell
Terrence Sayer & Colleen Sayer
William Cayzer & Jennifer Cayzer
Susan Carlton
Merrilyn Maunder
Vicki Devlin
Annette Menear
Hugh Macadam & Jennifer Macadam
Rex Sheedy & Julie Sheedy
Peter Black
John Thompson & Maureen Thompson
Paul Riley
Frank Sanna & Edwina Sanna



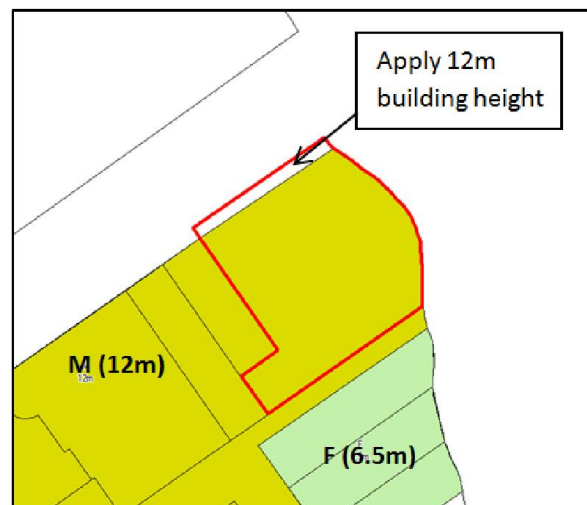
Description of issue:

A narrow strip of land along the northern boundary (Queen St frontage) of SP 4356 is zoned RE1 Public Recreation in the Clarence Valley Local Environmental Plan 2011, carrying forward a similar zoning anomaly from the Maclean Local Environmental Plan 2001 where the Queen St frontage of SP 4356 was zoned 7(c) Environmental Protection (Coastal Foreshore), along with the Queen St road reserve, adjacent park and coastal foreshore. The subject land is privately owned and is not reserved for acquisition for public purposes. Council seeks to correct this zoning anomaly and apply zone SP3 Tourist to the land, which is consistent with the zoning and land use across the rest of SP 4356. A corresponding amendment to the CVLEP Height of Buildings Map is required in association with this proposed zoning amendment.

Existing mapping:



Clarence Valley LEP 2011 Land Zoning map
(LZN_011M)



Clarence Valley LEP 2011 Height of Buildings map
(HOB_011M)

Proposed amendment:

- Rezone the strip of land along the northern boundary of SP 4356 from *RE1 Public Recreation* to *SP3 Tourist*;
- Apply a 12m Height of Buildings standard to the rezoned land.

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP 55 Remediation of Land	Yes	The subject land has been used for residential and tourist accommodation since before 1952, when Council development and approvals records for the property begin. Being an old part of the Yamba township, it is likely to have been used for residential/tourist purposes since well before this time. There is no evidence that the land has been used for any other purpose. As such, the land is not considered to be potentially or actually contaminated and is suitable for the proposed SP3 Tourist zone.

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 residential/tourist accommodation and is not reserved for acquisition for public purposes. The proposal seeks to rezone the land from RE1 Public Recreation to SP3 Tourist accordingly. The approval of the Director-General, Department of Planning (or an officer of the Department nominated by the Director-General) is requested.
4.2 Mine Subsidence and Unstable Land	No (justifiably inconsistent)	The subject land, along with much of the Yamba foreshore, is identified as a landslide risk zone in the Yamba Coastline Management Study, Stages 1 and 2 (Department of Public Works and Services, May 2002). Given that the proposal is rectifying a zoning anomaly on a lot that has been developed and used as residential/tourist accommodation for a long period of time (and is also wholly within the identified landslide risk zone), the inconsistency can be considered to be of minor significance.

Consistent with all other applicable Section 117 Directions. Provisions exist within the Clarence Valley LEP 2011 to address relevant requirements of Directions 2.2, 3.1 and 4.1.

Amendment ID: Map8

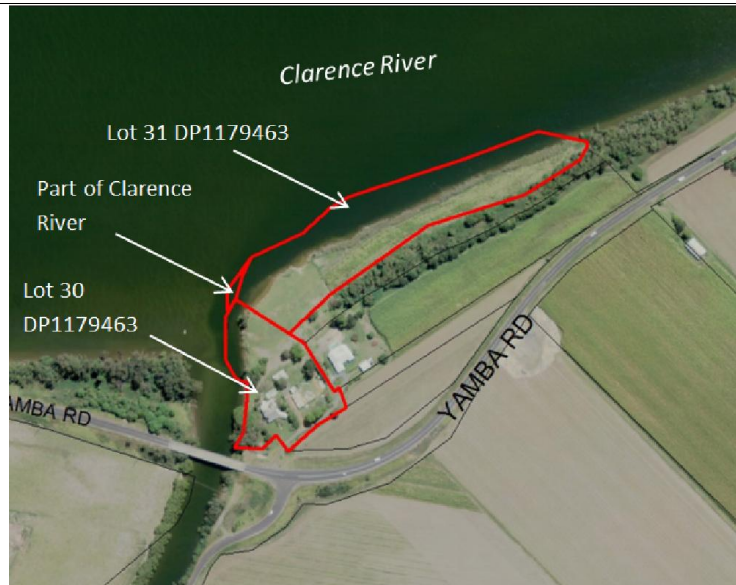
Wynyabbie House zoning

Land affected:

Lot 30 DP 1179463, 797 Yamba Road
Palmers Island;
Lot 31 DP 1179463, Yamba Road Palmers
Island;
Part of Clarence River adjacent to Lot 30
DP 1179463 and Lot 31 DP 1179463.

Land owner/s:

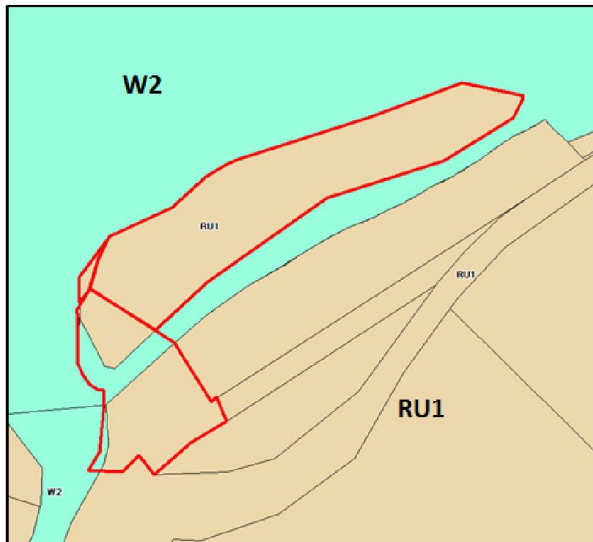
Gregory Perry & Kae Perry;
John Garven;
DPI-Crown Lands



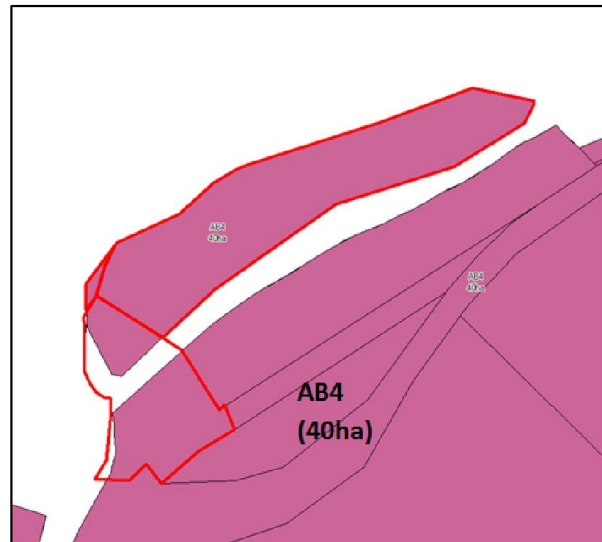
Description of issue:

The boundary between zones RU1 Primary Production and W2 Recreational Waterways does not align with the current position of the Clarence River bank, resulting in sections of the river on the subject land being zoned RU1 Primary Production instead of W2 Recreational Waterways. Lot 30 also contains a corridor zoned W2 Recreational Waterways for a waterway that no longer exists due to accretion of land.

Existing mapping:



Clarence Valley LEP 2011 Land Zoning map
(LZN_011I)



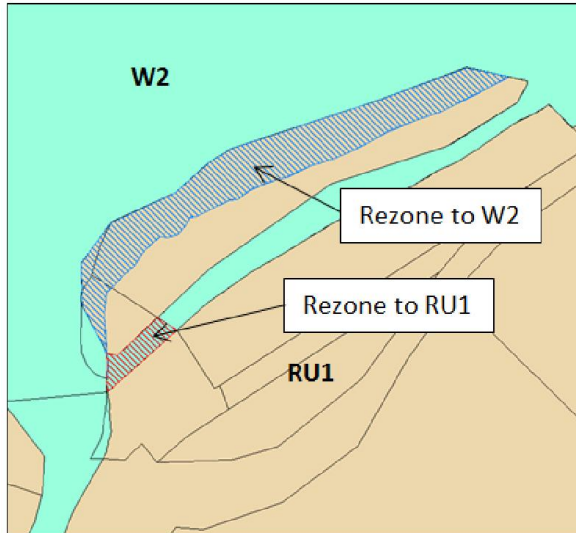
Clarence Valley LEP 2011 Lot Size map (LSZ_011I)

Proposed amendment:

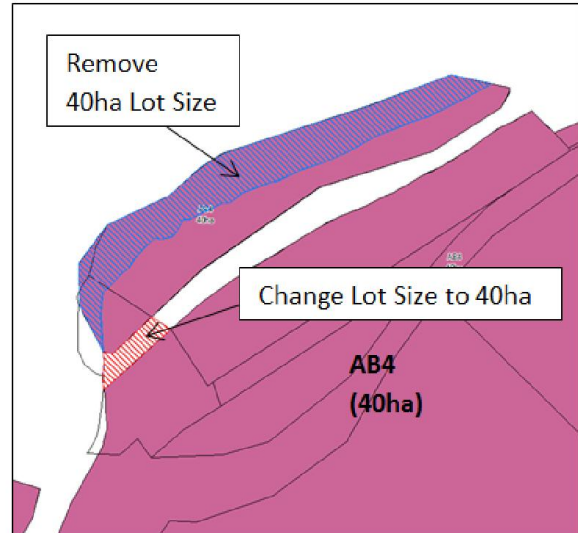
- Rezone land below the current river bank on the subject land from *RU1 Primary Production* to *W2 Recreational Waterways* and change the Lot Size for the rezoned land from 40ha to 0ha (area hatched blue on the proposed Land Zoning and Lot Size maps below);

- Rezone the former waterway on Lot 30 from *W2 Recreational Waterways* to *RU1 Primary Production* and change the Lot Size for the rezoned land from 0ha to 40ha (area hatched red on the proposed Land Zoning and Lot Size maps below).

Proposed mapping:



Clarence Valley LEP 2011 Land Zoning map (LZN_011I)



Clarence Valley LEP 2011 Lot Size map (LSZ_011I)

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP 55 Remediation of Land	Yes	The land to be rezoned from W2 to RU1 may have been used for agriculture in the past (it was formerly attached to what is now Lot 31 DP 1179463) and is therefore considered potentially contaminated. The proposed rezoning is considered consistent with SEPP 55 given that zone RU1 reflects the existing use of the land (rural dwelling house) and that contamination issues are 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 (e.g. an additional dwelling house). The land to be rezoned from RU1 to W2 is part of the Clarence River and as such is not likely to be contaminated.

The proposal is not inconsistent with any other SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Section 117 Direction	Consistent?	Comment
2.3 Heritage Conservation	No (justifiably inconsistent)	The item of heritage significance on Lot 30 DP 1179463 is identified as a heritage item in the Clarence Valley LEP 2011 and is protected by the CVLEP's existing heritage provisions.

Consistent with all other applicable Section 117 Directions. Provisions exist within the Clarence Valley LEP 2011 to address relevant requirements of Directions 1.2, 1.5, 2.2, 2.3, 4.1, 4.3.

Amendment ID: Map9

Alice St heritage

Land affected:

Lot 1 DP 909841
Lot 1 DP 124245
Lot 1 DP 1035349

Land owner/s:

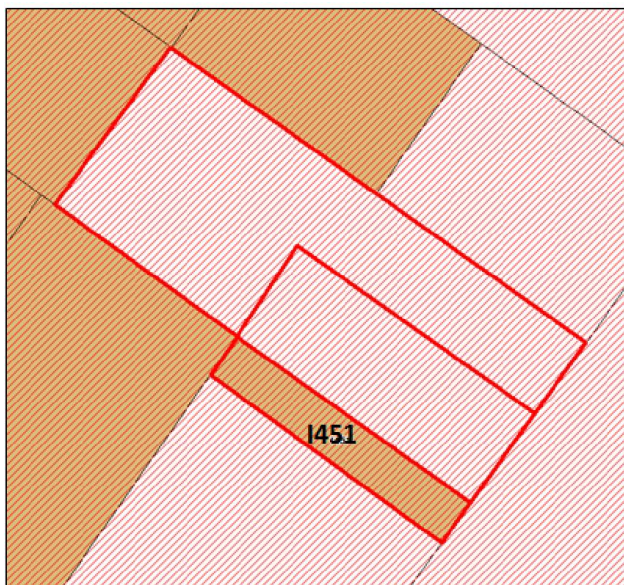
Walter Green & Wilma Green



Description of issue:

The dwelling on Lot 1 DP 909841, including its curtilage on adjoining Lot 1 DP 1035349 and Lot 1 DP 124245, is an item of local heritage significance but is not correctly identified on the Heritage map or Schedule 5 of the CVLEP 2011. Only Lot 1 DP 1035349 is identified as a heritage item on the Heritage map and in Schedule 5 however all 3 lots should be identified as such.

Existing mapping:



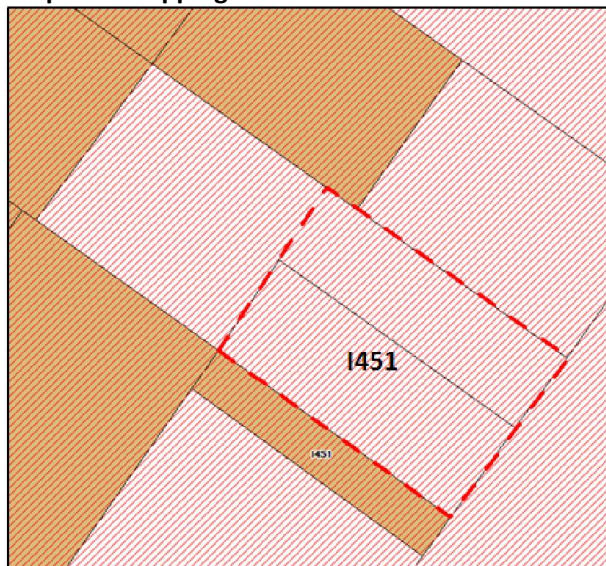
Clarence Valley LEP 2011 Heritage Map (HER_007HB)

Proposed amendment:

- Amend Schedule 5 of the CVLEP by adding Lot 1 DP 909841 and Part Lot 1 DP 124245 to the

- 'property description' field for heritage item I451;
- Amend the Heritage map to include Lot 1 DP 909841 and part of Lot 1 DP 124245 in the mapping of heritage item I451 (i.e. apply brown infill to area outlined in red dashed box on the proposed heritage map below)

Proposed mapping:



Clarence Valley LEP 2011 Heritage Map (HER_007HB)

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP (Exempt and Complying Development Codes) 2008	Yes	Identifying Lot 1 DP 909841 and part of Lot 1 DP 124245 as containing heritage item I451 will secure added protection for the heritage item by restricting the range of exempt and complying development that can be undertaken on the subject lots.

The proposal is not inconsistent with any other SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions. Provisions exist within the Clarence Valley LEP 2011 to address relevant requirements of Directions 2.3, 3.1, 3.3, 4.1 and 4.3.

Amendment ID: Map10

Hammonds Cottage Woody Head

Land affected:

Lot 3 DP 524144, Bundjalung National Park, Woody Head

Land owner:

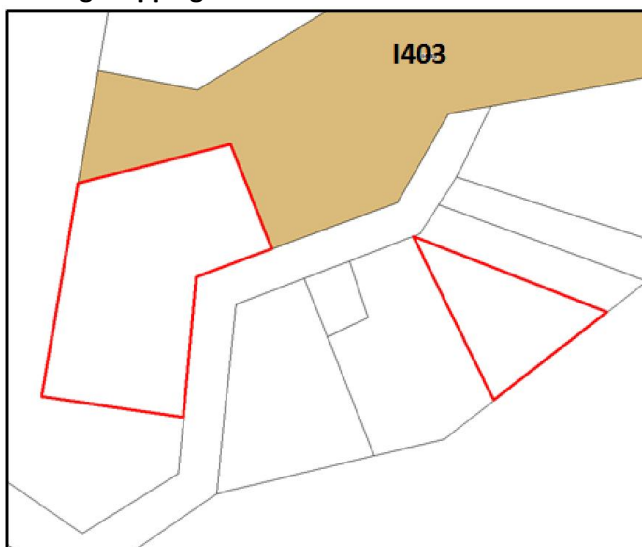
NSW National Parks & Wildlife Service



Description of issue:

Hammonds Cottage is an item of local heritage significance but is not listed in Schedule 5 of the CVLEP 2011 or mapped as a heritage item on the Heritage map. The cottage was previously identified as a heritage item in CVLEP 2011 on the wrong property (Lot 4 DP 361040) and was removed from Schedule 5 and the Heritage map in a previous amendment (CVLEP 2011 Amendment no. 7), with the intention of re-including it under the correct property description in a subsequent LEP amendment. The Office of Environment and Heritage (National Parks and Wildlife Service) advised in writing in April 2013 that they had no objection to the re-listing of Hammonds Cottage as a heritage item in the CVLEP (further consultation with OEH-NPWS is anticipated as part of the Gateway determination for this Planning Proposal).

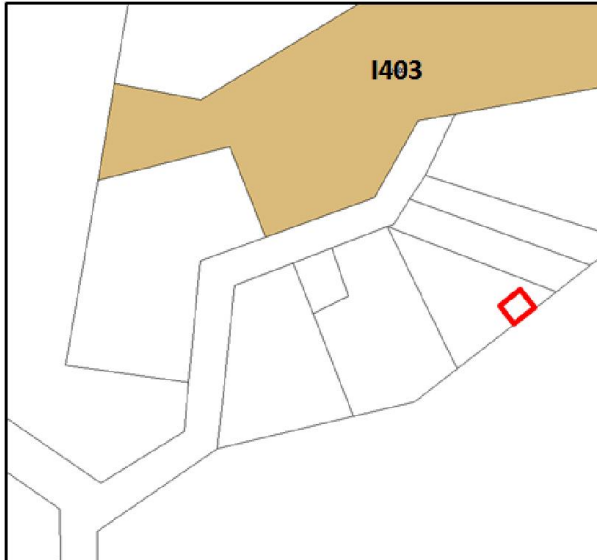
Existing mapping:



Clarence Valley LEP 2011 Heritage Map (HER_011M)

Proposed amendment:

- Add Hammonds Cottage to Schedule 5 of the CVLEP 2011 as an item of local heritage significance on Part Lot 3 DP 524144;
- Map the part of Lot 3 DP 524144 containing Hammonds Cottage as an item of local heritage significance on the CVLEP 2011 Heritage map (i.e. apply brown infill to the area outlined red on the Proposed Heritage map below)

Proposed mapping:

Clarence Valley LEP 2011 Heritage Map (HER_011M)

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP (Infrastructure) 2007	Yes	Re-including Hammonds Cottage as a local heritage item in the CVLEP 2011 means that impacts on the cottage's heritage values must be considered prior to the carrying out of any development under the Infrastructure SEPP.

The proposal is not inconsistent with any other SEPPs.

Applicable Ministerial (s117) Directions and consistency:

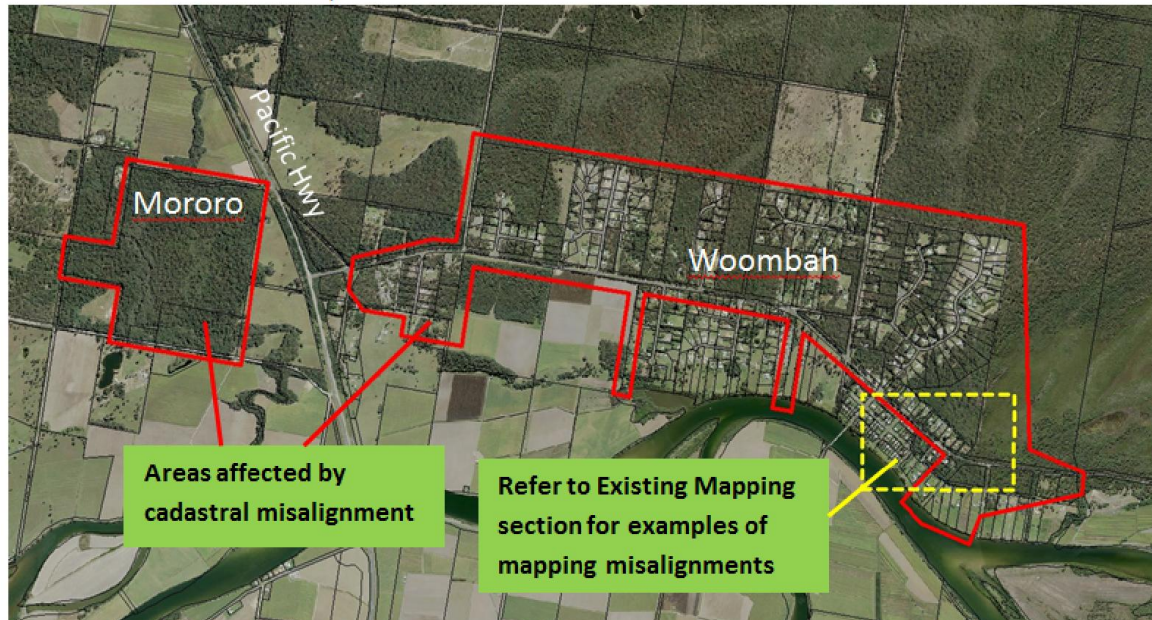
Consistent with all applicable Section 117 Directions. Provisions exist within the Clarence Valley LEP 2011 to address relevant requirements of Directions 2.2, 2.3, 4.1 and 4.3.

Amendment ID: Map12

Woombah/Mororo Cadastral Shift

Land affected:

Various land parcels in and around the Woombah and Mororo localities as broadly depicted by the areas outlined red in the map below:



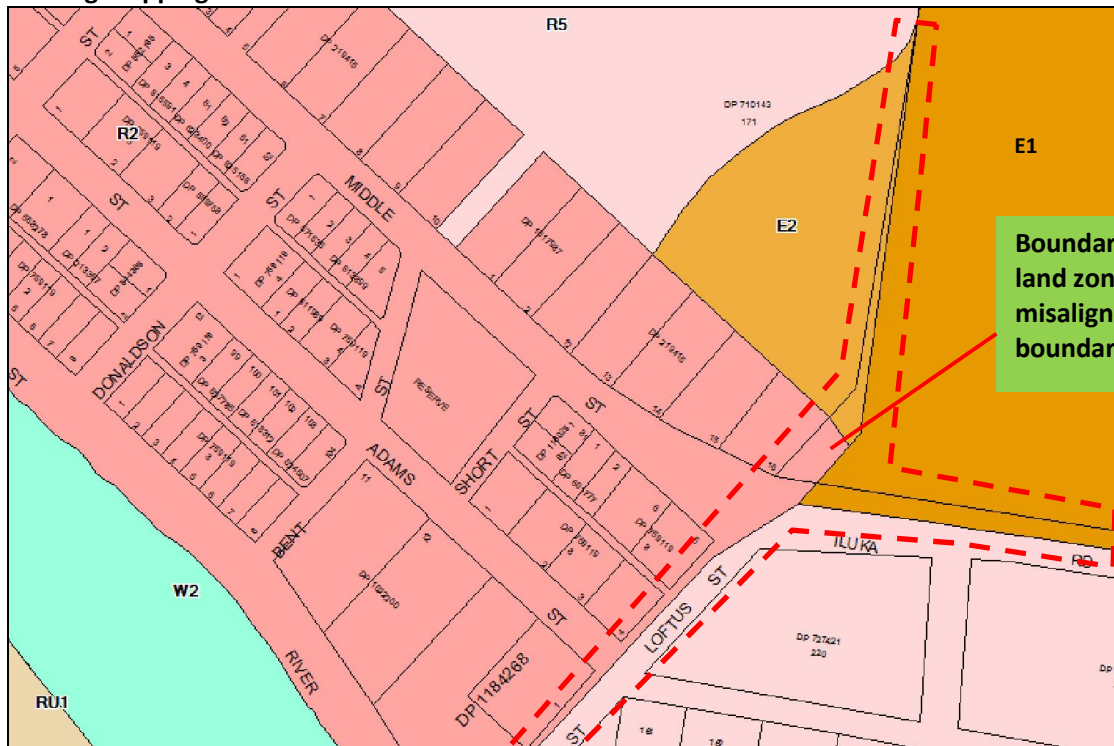
Land owner/s:

Various owners in the Woombah and Mororo areas.

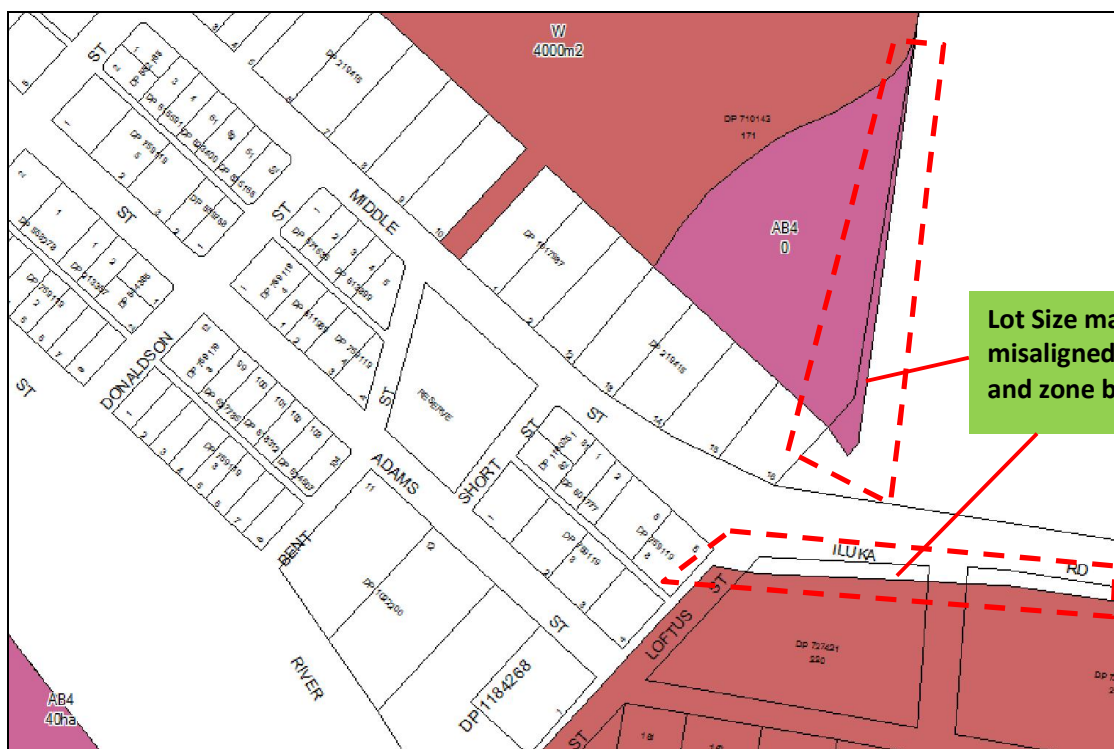
Description of issue:

A number of CVLEP 2011 maps, specifically the Land Zoning Map, Lot Size Map, Height of Buildings Map and Heritage Map, do not align with cadastral (property) boundaries across a large part of the Woombah and Mororo localities. The issue has existed since the CVLEP 2011 came into effect and is believed to have been caused by a change in the cadastral data used to prepare the LEP Maps just prior to the gazettal of the CVLEP 2011 in December 2011. The equivalent maps of the previous Maclean LEP 2001 in effect immediately prior to the gazettal of the CVLEP 2011 were correctly aligned with the cadastre. As a result, the gazetted map layers don't align with property boundaries and many properties are incorrectly subject to more than one zone, lot size or building height standard, or are incorrectly mapped as containing a heritage item on the Heritage Map. The issue does not affect all properties within the areas outlined in the map above, only those properties near the boundary between different zones, lot sizes and other standards in the aforementioned LEP maps. The 3 maps in the Existing Mapping section below depict the misalignment of the Land Zoning, Lot Size and Height of Buildings layers in the area outlined by the yellow box above. It is therefore necessary to amend the CVLEP maps so that they align with property boundaries based on current cadastral data.

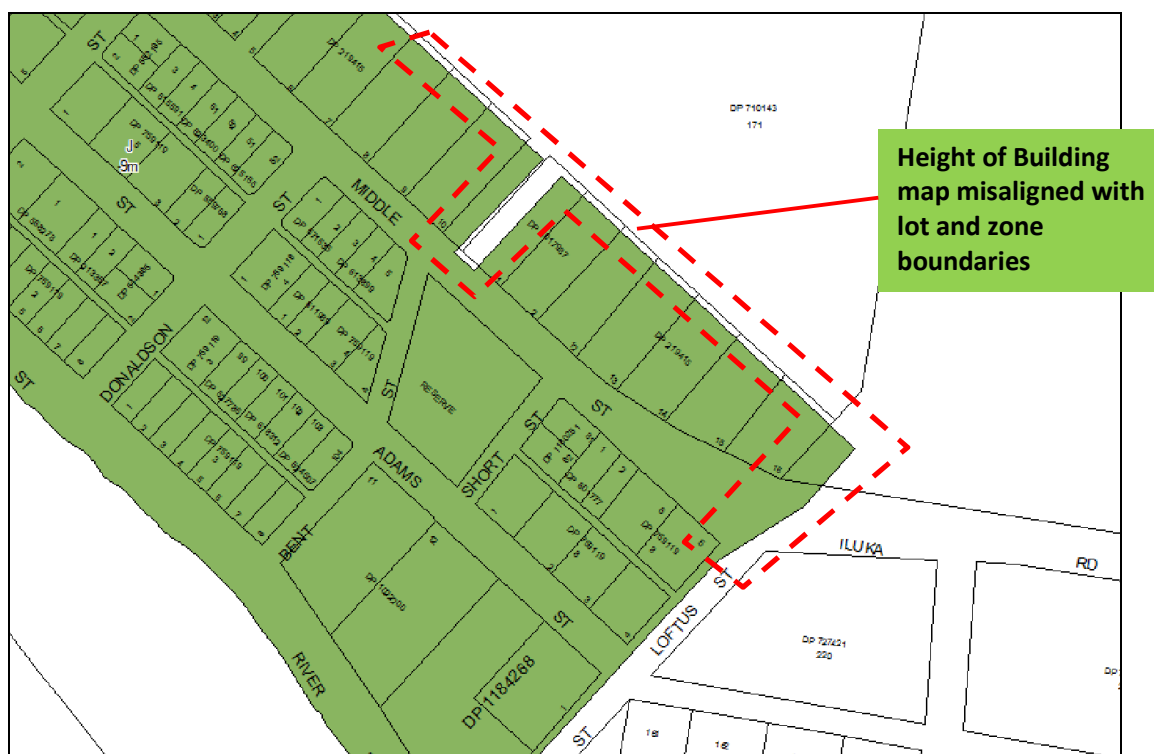
Existing mapping:



Clarence Valley LEP 2011 Land Zoning Map (LZN_011I)



Clarence Valley LEP 2011 Lot Size Map (LSZ_011I)



Clarence Valley LEP 2011 Height of Buildings Map (HOB_011I)

Proposed amendment:

Amend the following CVLEP 2011 Maps to realign them with the cadastre for the land affected by cadastral misalignment in the Woombah and Mororo localities:

- (i) Land Zoning Map - Sheet LZN_010C and Sheet LZN_011I;
- (ii) Lot Size map - Sheet LSZ_010 and Sheet LSZ_011I;
- (iii) Heritage map - Sheet HER_011I;
- (iv) Height of Buildings map - Sheet HOB_010C, and Sheet HOB_011I; and

Applicable SEPPs and consistency:

The intention of this amendment is to realign the CVLEP Land Zoning Map, Lot Size Map, Height of Buildings Map and Heritage Map with cadastral boundaries as was originally intended when the CVLEP was gazetted. In view of this, the planning proposal is not considered to be inconsistent with any State Environmental Planning Policies (SEPPs) and a detailed assessment against each SEPP is not considered necessary.

Applicable Ministerial (s117) Directions and consistency:

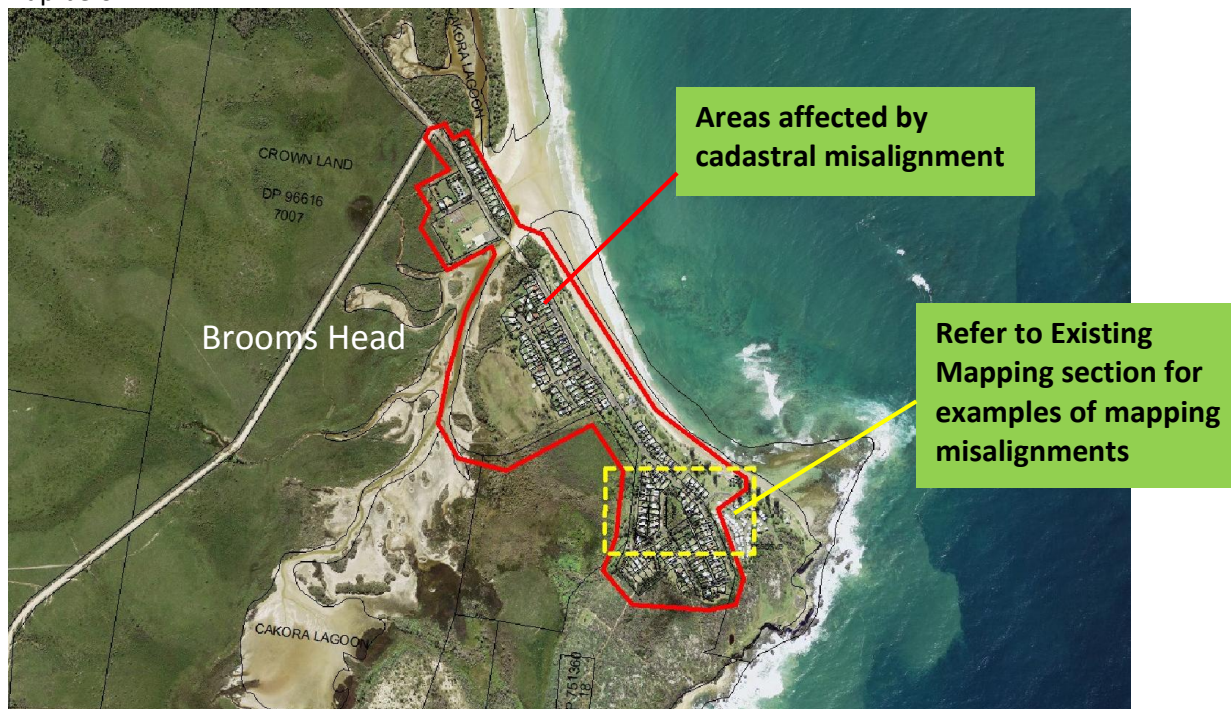
The intention of this amendment is to realign the CVLEP Land Zoning Map, Lot Size Map, Height of Buildings Map and Heritage Map with cadastral boundaries as was originally intended when the CVLEP was gazetted. In view of this, the planning proposal is not considered to be inconsistent with any Section 117 Directions and a detailed assessment against each 117 Direction is not considered necessary.

Amendment ID: Map13

Brooms Head Cadastral Shift

Land affected:

Various land parcels in and around Brooms Head as broadly depicted by the area outlined red in the map below:



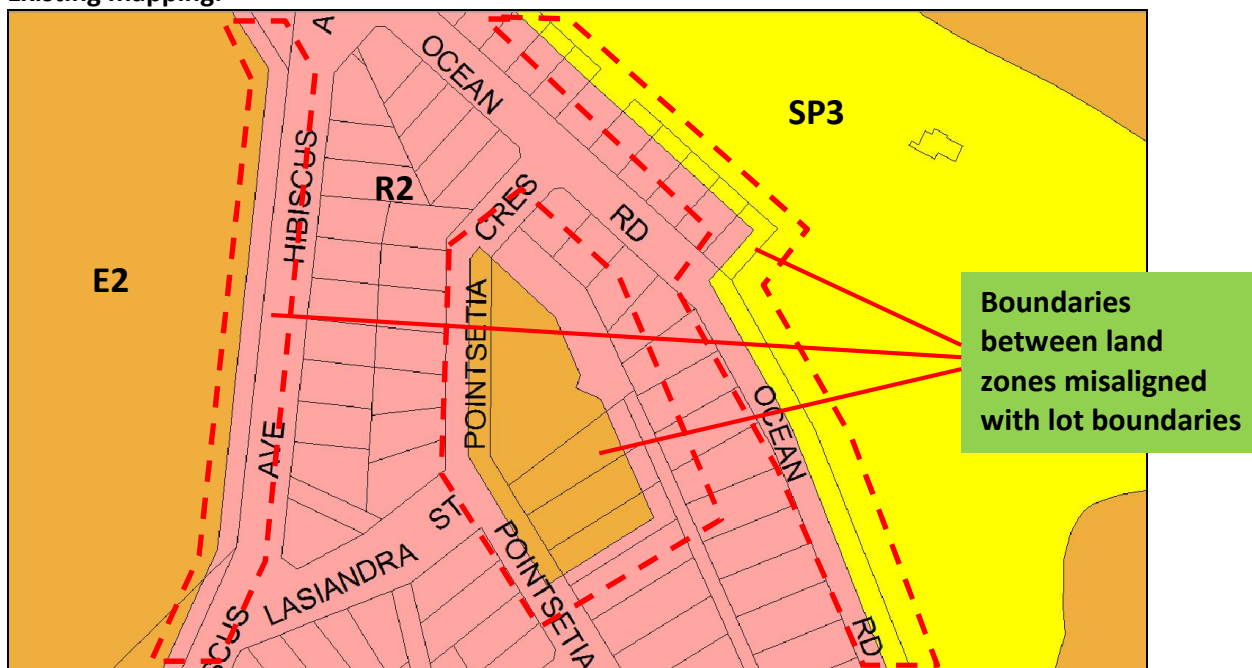
Land owner/s:

Various owners in the Brooms Head area.

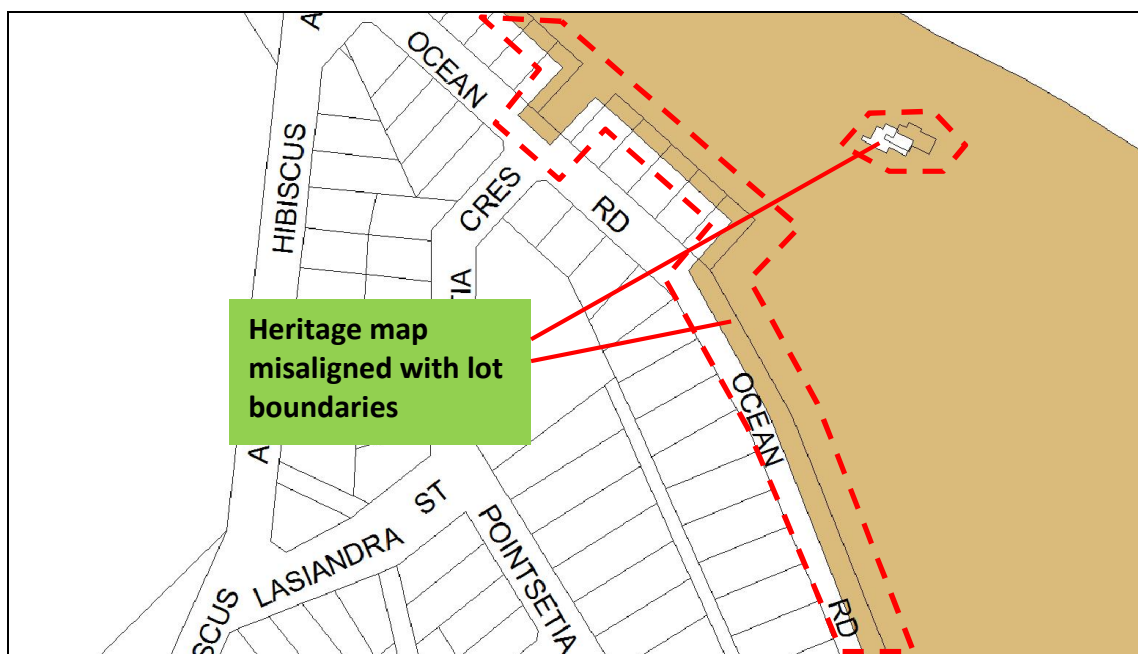
Description of issue:

A number of CVLEP 2011 maps, specifically the Land Zoning Map, Lot Size Map, Height of Buildings Map and Heritage Map, do not align with cadastral (property) boundaries across a large part of the Brooms Head area. The issue has existed since the CVLEP 2011 came into effect and is believed to have been caused by a change in the cadastral data used to prepare the LEP Maps just prior to the gazettal of the CVLEP 2011 in December 2011. The equivalent maps of the previous Maclean LEP 2001 in effect immediately prior to the gazettal of the CVLEP 2011 were correctly aligned with the cadastre. As a result, the gazetted map layers don't align with property boundaries and many properties are incorrectly subject to more than one zone, lot size or building height standard, or are incorrectly mapped as containing a heritage item on the Heritage Map. The issue does not affect all properties within the area outlined in the map above, only those properties near the boundary between different zones, lot sizes and other standards in the aforementioned LEP maps. The 3 maps in the Existing Mapping section below depict the misalignment of the Land Zoning, Heritage and Height of Buildings layers in the area outlined by the yellow box above. It is therefore necessary to amend the CVLEP maps so that they align with property boundaries based on current cadastral data.

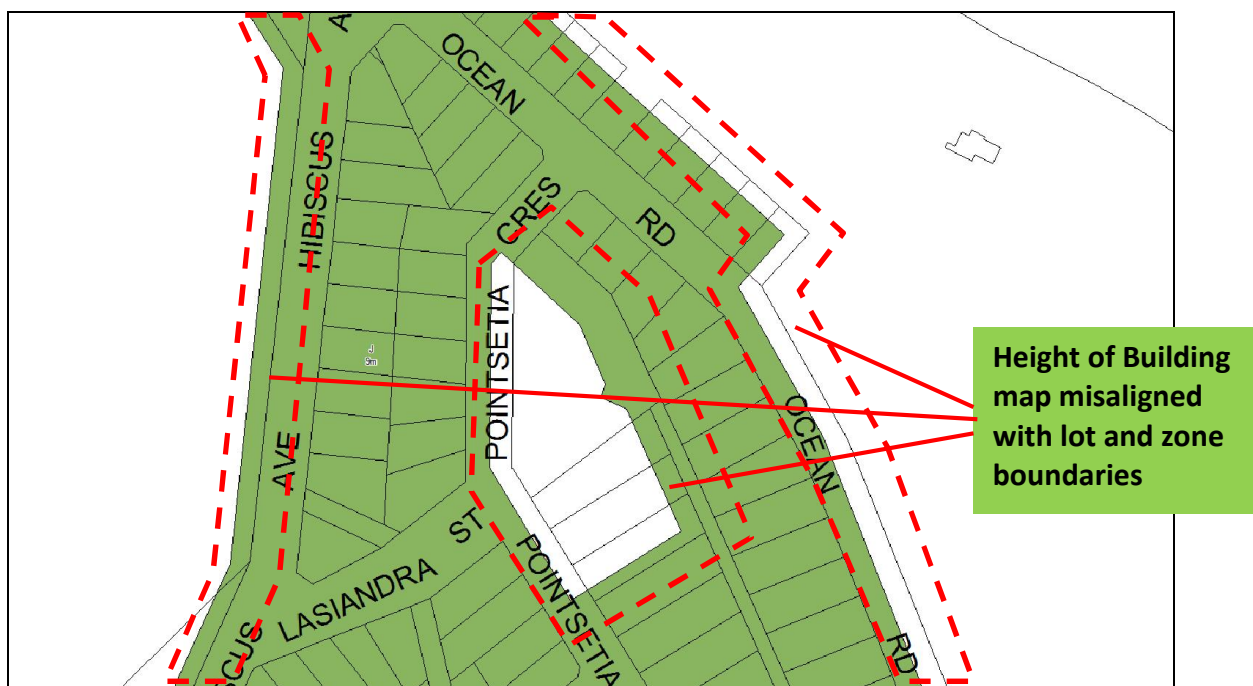
Existing mapping:



Clarence Valley LEP 2011 Land Zoning Map (LZN_011K)



Clarence Valley LEP 2011 Heritage Map (HER_011K)



Clarence Valley LEP 2011 Height of Buildings Map (HOB_011K)

Proposed amendment:

Amend the following CVLEP 2011 Maps to realign them with the cadastre for the land affected by cadastral misalignment in the Brooms Head area:

- (i) Land Zone map - Sheet LZN_011K
- (ii) Lot Size map - Sheet LSZ_011
- (iii) Heritage map - Sheet HER_011K, and
- (iv) Height of Buildings - Sheet HOB_011K

Applicable SEPPs and consistency:

The intention of this amendment is to realign the CVLEP Land Zoning Map, Lot Size Map, Height of Buildings Map, Land Reservation Acquisition Map and Heritage Map with cadastral boundaries as was originally intended when the CVLEP was gazetted. In view of this, the planning proposal is not considered to be inconsistent with any State Environmental Planning Policies (SEPPs) and a detailed assessment against each SEPP is not considered necessary.

Applicable Ministerial (s117) Directions and consistency:

The intention of this amendment is to realign the CVLEP Land Zoning Map, Lot Size Map, Height of Buildings Map, Land Reservation Acquisition Map and Heritage Map with cadastral boundaries as was originally intended when the CVLEP was gazetted. In view of this, the planning proposal is not considered to be inconsistent with any Section 117 Directions and a detailed assessment against each 117 Direction is not considered necessary.

Amendment ID: Map14

Wooli St pine trees heritage

Land affected:

Lot 1 DP 962592,
Lot 15 DP 939251,
SP 35003,
Lot 1 DP 961312,
Lot 1 DP 551559,
Lot 1 DP 376345,
Lot 2 DP 376345,
Lot 3 DP 376345,
Lot A DP 354732,
Lot B DP 354732,
Lot C DP 354732,
Lot 1 DP 17862,
Lot 4 DP 17862,
Lot 5 DP 17862,
Lot 2 DP 1116331,
Lot B DP 375678
(Wooli St, Yamba)



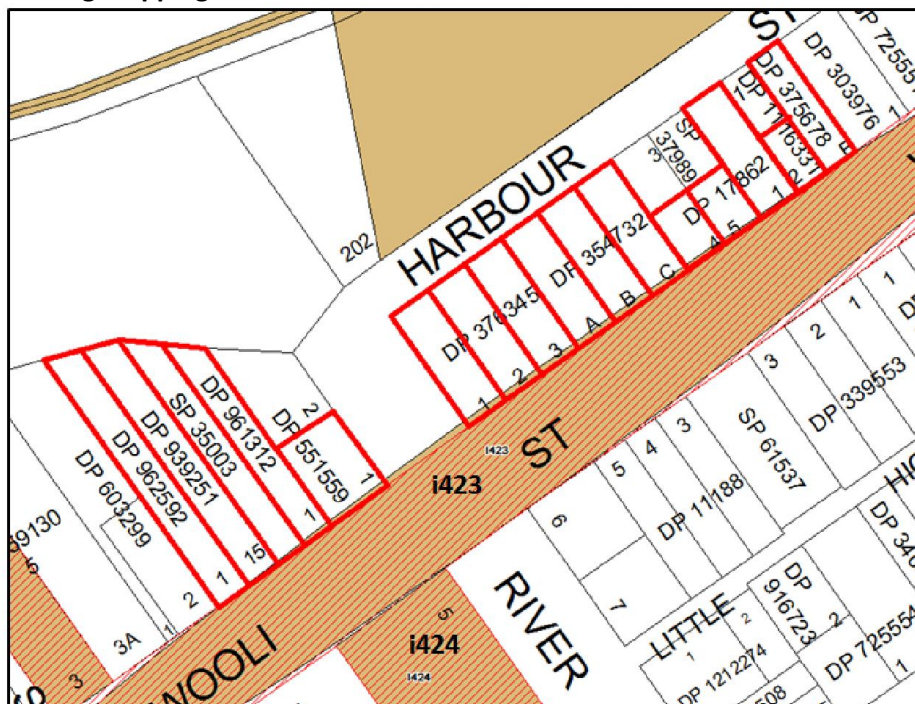
Land owner/s:

Terrence and Helen Anderson; Bruce Zietsch; Deborah and Bernard Fitzsimon; Rodney Zietsch; Julie-Anne Redwood; Sarah and Ross Bryant; Nickilas Clark; Richard Lamb; Alma Bailey; Anne Bailey; Steven and Susan Pilley; Norma Hart; Gregory and Maree Hayward; Steven and Natalie Smith; Barry and Dorothy Riley; BJD Holdings (QLD) Pty Ltd.

Description of issue:

The Norfolk Pine trees in the Wooli St road reserve, Yamba, are a listed heritage item (i423) in Schedule 5 of the CVLEP 2011. The CVLEP Heritage Map does not accurately identify the land occupied by the heritage listed trees as described in Schedule 5. The map of item i423 extends from the road reserve into 16 adjoining properties that the heritage listing does not apply to. It is proposed to amend the Heritage Map by removing the heritage item mapping from these properties.

Note: Further investigation into the extent of Norfolk pine trees in Wooli St and adjoining streets is proposed in future to determine whether further amendments to the Heritage Map are required for this item in a future planning proposal.

Existing mapping:

Clarence Valley LEP 2011 Heritage Map (HER_011MB)

Proposed amendment:

- Remove the mapping of heritage item i423 from the subject land on the CVLEP Heritage Map (i.e. remove the 'sliver' of brown heritage mapping from the Woolli St frontage of the properties outlined in red on the existing Heritage Map above).

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP (Exempt and Complying Development Codes) 2008	Yes	Removing the heritage mapping from the subject properties will remove the heritage constraint which currently prevents a range of 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: Her1

93 Victoria St heritage

Land affected:

Lot 1 DP 1208046, 93 Victoria Street,
Grafton.

Land owner/s:

GJ & LF Cole Pty Ltd T/A Craftsman
Homes

**Description of issue:**

A heritage listed dwelling was located on the subject land and was demolished following a Council resolution in 2012. The dwelling is still identified as a heritage item in Schedule 5 of the Clarence Valley Local Environmental Plan 2011 and on the Heritage Map (item I820). The subject land is deemed to no longer contain heritage significance and it is appropriate that the heritage listing in the CVLEP be removed by deleting item I820 from Schedule 5 and amending the Heritage Map by removing the indication that the site is heritage listed.

Existing mapping:

Clarence Valley LEP 2011 Heritage Map (HER_007G)

Proposed amendment:

- Delete the row containing heritage item I820 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 outlined red 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 former residential uses.
SEPP (Exempt and Complying Development Codes) 2008	Yes	Removing the subject land's heritage listing will remove the heritage constraint which currently 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: Her2

Copmanhurst School heritage

Land affected:

Lot 2 DP 870095, 11-13 Prescott Street
Copmanhurst (Copmanhurst Public School).

Land owner/s:

Department of School Education



Description of issue:

The subject land is a listed heritage item (i66) in Schedule 5 of the CVLEP 2011, being the Copmanhurst Public school, original teacher's residence and saddlery. The teacher's residence is no longer located on the subject land, having being relocated to a nearby residential property. The details for i66 therefore need to be amended in Schedule 5 by deleting the word 'residence' from the *Item name* field. The subject land still contains the heritage listed school complex and saddlery building, so no amendment to the Heritage Map is required.

Proposed amendment:

- Amend the listing of heritage item i66 in Schedule 5 of the CVLEP 2011 by deleting the word 'residence' from the *Item name* field.

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP (Infrastructure) 2007	Yes	The school complex and saddlery building will continue to be identified as heritage items under the CVLEP. Impacts on their heritage values must be considered prior to the carrying out of any development under the Infrastructure SEPP.

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: Her3

107 Bacon St heritage

Land affected:

Lot 11 DP 996957, 107 Bacon Street, Grafton.

Land owner/s:

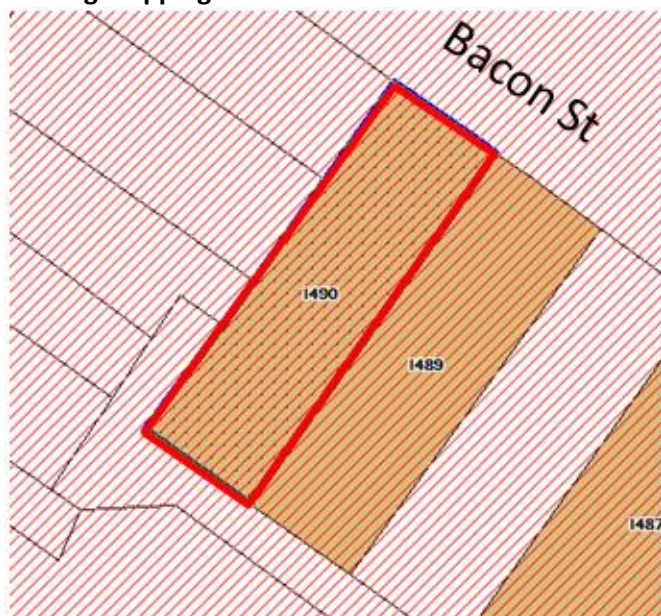
Joseph Fahey & Renee Fahey



Description of issue:

A heritage listed dwelling was located on the subject land and has been demolished. The land is still identified as a heritage item in Schedule 5 of the Clarence Valley Local Environmental Plan 2011 and on the Heritage Map (item I490). The subject land is deemed to no longer contain heritage significance and it is appropriate that the heritage listing in the CVLEP be removed by deleting item I490 from Schedule 5 and amending the Heritage Map by removing the indication that the land is heritage listed.

Existing mapping:



Clarence Valley LEP 2011 Heritage Map (HER_007HB)

Proposed amendment:

- Delete the row containing heritage item I490 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 former residential uses.
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: Her4

Brooms Head pine trees heritage

Land affected:

Lot 2 DP 1095139, Brooms Head
Coastal reserve, Brooms Head

Land owner:

Crown Lands NSW (Clarence Valley
Council as Trust Manager)



Description of issue:

The Brooms Head reserve (encompassing the Brooms Head camping ground and caravan park) contains two local heritage items listed in Schedule 5 of the CVLEP 2011 – ‘Brooms Head Hall’ (item I19) and ‘Pine trees’ (item I20). The property description listed against each item in Schedule 5 is Council’s internally assigned property identification number (114797), not the legal title of the land (Lot 2 DP 1095139). The address for item I19 ‘Brooms Head Hall’ is also inaccurately recorded in Schedule 5 as “Brooms Head Road Reserve” and should be “Brooms Head Reserve”.

Note: Amendment no. Map13 of this Planning Proposal will amend the Heritage map containing the two items above (HER_011K), as well as a number of other CVLEP maps, to rectify a cadastral misalignment affecting the wider Brooms Head area.

Proposed amendment:

- Amend the Property description of items I19 and I20 in Schedule 5 of the CVLEP by replacing the words “Property 114797” with “Lot 2 DP 1095139”
- Amend the Address of item I19 in Schedule 5 of the CVLEP by replacing the words “Brooms Head Road Reserve” with “Brooms Head Reserve”

Applicable SEPPs and consistency:

The proposal is not inconsistent with any SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions. Provisions exist within the Clarence Valley LEP 2011 to address relevant requirements of Directions 2.2, 2.3 and 4.1.

Amendment ID: Her5

Ashby Dry Dock heritage

Land affected:

Lot 10 DP 1172454

Lot 1 DP 123064

Lots 1-3 DP 923588

Undescribed foreshore land

Part of Clarence River, Old Ferry Road, Ashby.

Land owner/s:

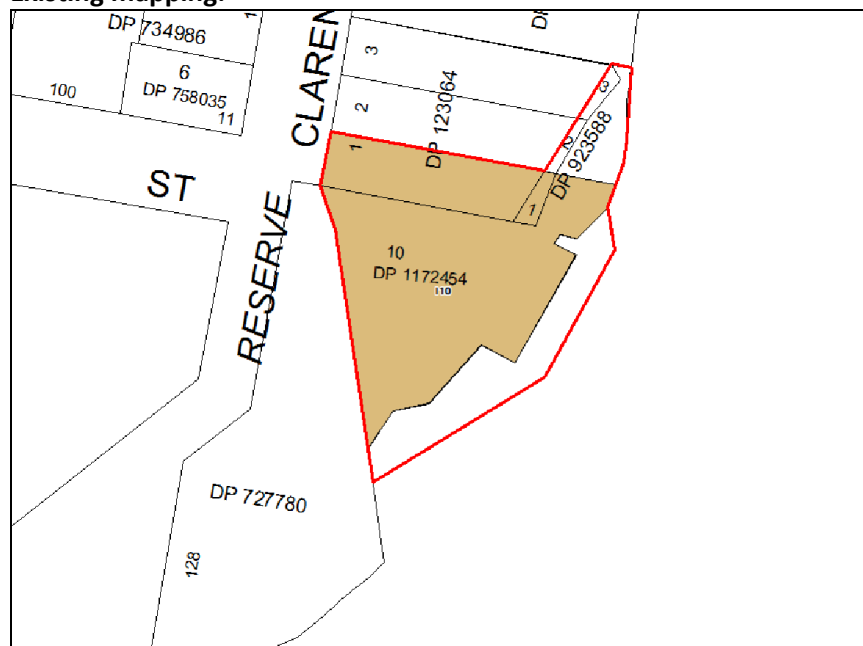
Roads and Maritime Services
(Lot 10 DP 1172454, Lot 1 DP 123064, Lots 1-3 DP 923588);
DPI-Crown Lands (Undescribed foreshore land and Clarence River adjacent to Lot 10 DP 1172454)



Description of issue:

A Dry Dock is listed as a heritage item (i10) on Reserve 1472-3050, Lot 1 DP 123064 and Lot 3 DP923588 in Schedule 5 of the Clarence Valley Local Environmental Plan 2011. The National Trust advised Council in April 2016 that the Dry Dock occupies additional land to that described in Schedule 5 and mapped on the Heritage Map (see attached). The dry dock was also found to occupy foreshore land and part of the Clarence River. Part of the existing land description in Schedule 5 also needs to be updated to reflect the legal title of the land occupied by the dry dock.

Existing mapping:



Clarence Valley LEP 2011 Heritage Map (HER_011E)

Proposed amendment:

- Delete the land description in the row containing item i10 in Schedule 5 of the Clarence Valley LEP 2011 and replace with 'Lot 10 DP 1172454, Lot 1 DP 123064, Lots 1-3 DP 923588, and undescribed foreshore land and Clarence River adjacent to Lot 10 DP 1172454';
- Map the subject land (as described above) as heritage item i10 on the Heritage Map (i.e. extend the brown infill to all of the area outlined red on the existing Heritage Map above).

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP (Infrastructure) 2007	Yes	Identifying all of the land occupied by the dry dock as a heritage item in the CVLEP 2011 will ensure that the heritage values of the land are considered prior to the carrying out of development under the Infrastructure SEPP.
SEPP 55 Remediation of Land	Yes	No change to land zoning is proposed however the addition of heritage listing increases potential range of permissible uses of the land (per Clause 5.10(10) of the CVLEP). The land is considered to be potentially contaminated due to its use as a dry dock, however contamination issues are a routine consideration in Council's assessment of development applications for sensitive uses that may arise as a result of the heritage listing.
SEPP (Exempt and Complying Development Codes) 2008	Yes	Identifying all of the land occupied by the dry dock as a heritage item in the CVLEP 2011 will secure added protection for the heritage item by restricting the range of exempt and complying development that can be undertaken on the subject land.

Consistent with all other applicable SEPPs.

Applicable Ministerial (s117) Directions and consistency:

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

NATIONAL TRUST REGISTER LISTING REPORT

CITY/SUBURB/TOWN	NAME OR IDENTIFICATION	ADDRESS OR LOCATION
ASHBY	Ashby Dry Dock	Old Ferry Road

LGA:	CLARENCE VALLEY	ABORIGINAL NATION:	The Bundjalung
POSTCODE:	2463	LOT/DP:	Lot 10 DP 1172454, Lot 1 DP 123064 & Lots 1, 2 & 3 DP 923588
COMMITTEE:	Industrial Heritage Committee	GRID:	Lat: -29.441359 Long: 153.196924
AUTHOR:	Leica Wigzell	LISTING DATE:	30 March 2016 – BM 268

STATEMENT OF SIGNIFICANCE:

Ashby Dry Dock on the Clarence River near Maclean in Northern New South Wales is an endangered example of a continuous working, early dry dock, excavated from the stone river bank in association with the Harbour and River Works Scheme.

The Works Scheme contributed to the establishment and maintenance of vital trade and passenger routes and ports of Northern NSW. The dock, although its original form is altered, is a representative example of the three docks built at the end of the Nineteenth Century. The dock is a remnant of the works conducted on the Clarence River specifically, in response to the Entrance to the Clarence River Improvement Act of 1890. Although not as large as other government and private docks in Sydney and Newcastle, Ashby Dry Dock was a sophisticated docking facility for the northern regions and an important technical achievement.

Ashby Dry Dock is of significance for its role in providing facilities for the maintenance and repair of vehicular ferries of the region for nearly 100 years. Vehicular ferries were essential in maintaining links on main roads and in particular, the Pacific Highway. Vehicular ferries remain an important element in the travel of the local and regional community. Ashby Dry Dock demonstrates the developmental history of transport during the last century from reliance on water routes through to the current road and rail system.

The altered form of Ashby Dry Dock demonstrates its historic development and changes to its operation. It reflects the change and development of government authorities branching out from the general public works to more specific responsibilities. The alterations to the Dock in the 1950s reflects a dual occupation by both NSW Public Works Department and the Department of Main Roads (DMR, later RTA)..

The Dock is of significance to the local community for its association with commerce and transport. The Dock provided maintenance facilities for local vessels as well as for vehicular ferries. Vehicular ferries provide an essential cross-river link between communities for vehicles, livestock and people. Ashby Dry Dock remains an important element in the Clarence River landscape and in the collective memory of the local community.

Amendment ID: Her6

Koolkhan Power Station heritage

Land affected:

Lot 17 DP 835765, 1205 Summerland Way,
Koolkhan

Land owner/s:

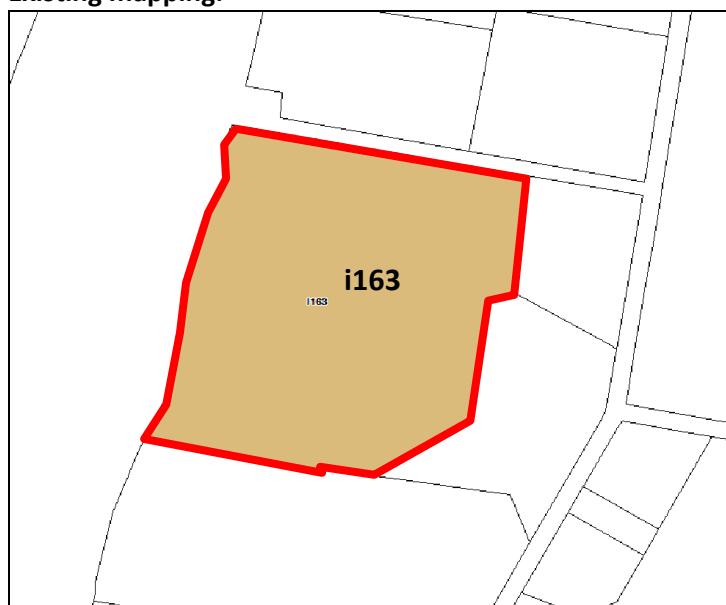
Essential Energy



Description of issue:

The heritage listed former Koolkhan Power Station was located on the subject land and was demolished by Essential Energy in mid-2015. The power station is still identified as a heritage item in Schedule 5 of the Clarence Valley Local Environmental Plan 2011 and on the Heritage Map (item i163). The subject land is deemed to no longer contain heritage significance and it is appropriate that the heritage listing in the CVLEP be removed by deleting item i163 from Schedule 5 and amending the Heritage Map by removing the indication that the site is heritage listed

Existing mapping:



Clarence Valley LEP 2011 Heritage Map (HER_007G)

Proposed amendment:

- Delete the row containing item i163 from Schedule 5 of the Clarence Valley LEP 2011; and
- 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 outlined red on the Heritage Map)

Map above).

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP 55 Remediation of Land	Yes	The subject land is potentially contaminated due to its former use as a power station, however, the proposal does not change the land zoning or permit a change of use of the land. Removal of heritage listing reduces potential range of permissible uses of the land under CVLEP clause 5.10(10).
SEPP (Exempt and Complying Development Codes) 2008	Yes	Removing the subject land's heritage listing will remove the heritage constraint which currently 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 Section 117 Directions. No change to land use zoning proposed.

Amendment ID: Her7

12 New Street heritage

Land affected:

Lot 204 DP 1156976, 12 New Street,
South Grafton

Lot 205 DP 1189403, 93 Skinner
Street, South Grafton

Land owner/s:

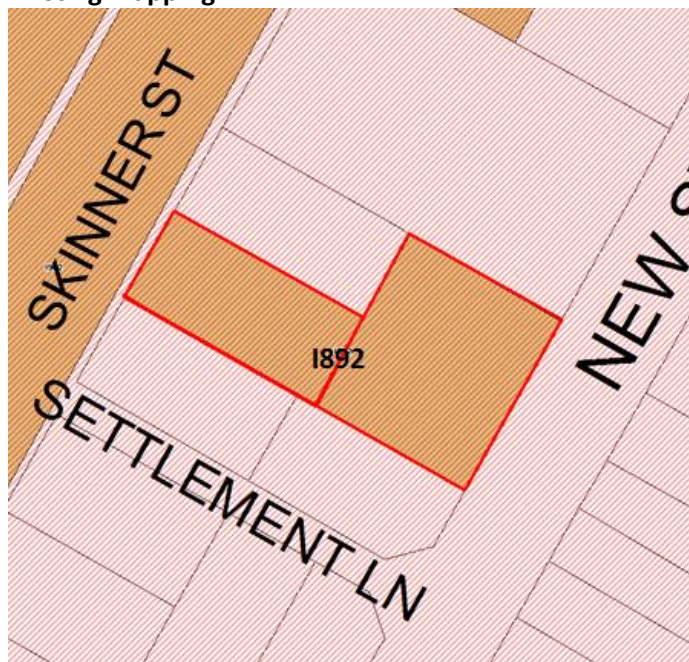
Mr Anthony Blackadder and Mr
Jason O'Grady (Lot 204)
Mr Mark Creasey (Lot 205)



Description of issue:

A heritage listed factory door was located on the subject land, specifically Lot 204 DP 1156976, and has been removed since 2011. The factory door is still identified as a heritage item in Schedule 5 of the Clarence Valley Local Environmental Plan 2011 and on the Heritage Map. The subject land is deemed to no longer contain heritage significance and it is appropriate that the heritage listing in the CVLEP be removed by deleting this item (i892) from Schedule 5 and amending the Heritage Map by removing the indication that both of the lots are heritage listed.

Existing mapping:



Clarence Valley LEP 2011 Heritage Map (HER_007HC)

Proposed amendment:

- Delete the row containing heritage item i892 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	The subject land is likely to be contaminated from its former use for blacksmith/metal fabrication and current use for metal fabrication, however 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).
SEPP (Exempt and Complying Development Codes) 2008	Yes	Removing the subject land's heritage listing will remove the heritage constraint which currently 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.

Amendment ID: Her8

55 Spring St heritage

Land affected:

Lot 51 DP 790819, 55 Spring Street,
South Grafton

Lot 1 DP 794815, 55 Spring Street,
South Grafton

Land owner/s:

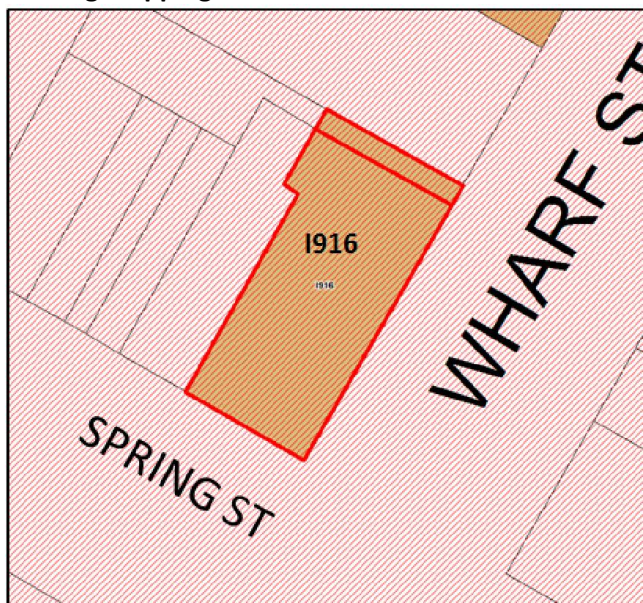
Mr Brendan Lydon



Description of issue:

A heritage listed premises containing shops and residential flats was located on the subject land and was demolished following extensive fire damage in late 2015. The premises is still identified as a heritage item in Schedule 5 of the Clarence Valley Local Environmental Plan 2011 and on the Heritage Map (item I916). The subject land is deemed to no longer contain heritage significance and it is appropriate that the heritage listing in the CVLEP be removed by deleting item I916 from Schedule 5 and amending the Heritage Map by removing the indication that both of the lots are heritage listed.

Existing mapping:



Clarence Valley LEP 2011 Heritage Map (HER_007HC)

Proposed amendment:

- Delete the row containing heritage item I916 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 (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 former shop and residential flat uses.
SEPP (Exempt and Complying Development Codes) 2008	Yes	Removing the subject land's heritage listing will remove the heritage constraint which currently 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: Her9

232 Mary Street heritage

Land affected:

Lot 8 DP 8022, 232 Mary Street, Grafton

Land owner/s:

Cheyne Whyte and Rachael Whyte

**Description of issue:**

A heritage listed dwelling was located on the subject land and was demolished in 2011. The land is still identified as a heritage item in Schedule 5 of the Clarence Valley Local Environmental Plan 2011 and on the Heritage Map (item I659). The subject land is deemed to no longer contain heritage significance and it is appropriate that the heritage listing in the CVLEP be removed by deleting item I659 from Schedule 5 and amending the Heritage Map by removing the indication that the land is heritage listed.

Existing mapping:

Clarence Valley LEP 2011 Heritage Map (HER_007H)

Proposed amendment:

- Delete the row containing heritage item I659 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).

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 the potential range of permissible uses of the land under CVLEP clause 5.10(10). The subject land is unlikely to be contaminated due to former residential uses.
SEPP (Exempt and Complying Development Codes) 2008	Yes	Removing the subject land's heritage listing will remove the heritage constraint which currently 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: Her10

Angourie heritage

Land affected:

Part Lot 7085 DP 1116059
Lot 7086 DP 1116059
Lot 7033 DP 1114471
Lot 7316 DP 1147960
Lot 7043 DP 1037392
Lots 3-5 Section 10 DP 758021
Lots 7090-7091 DP 1116133
Part PLAN 11104, being Angourie headland

Land owner/s:

Department of Industry, Skills & Regional Development;
Crown Lands NSW;
Land and Property Management Authority;
NSW National Parks and Wildlife Service



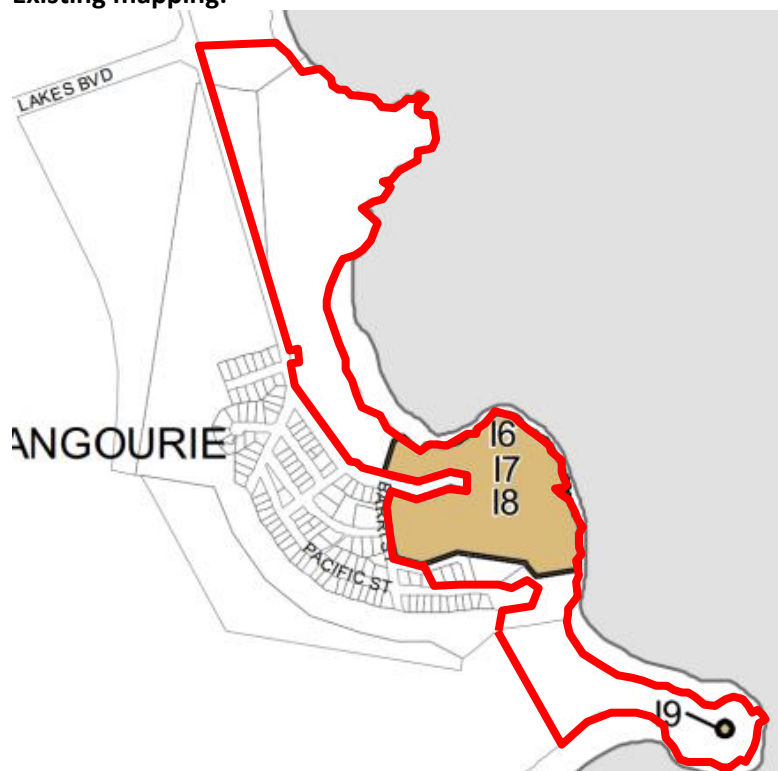
Description of issue:

Schedule 5 of the CVLEP 2011 contains four (4) separate heritage item listings applying to land along the coastal margin at Angourie comprising public and Crown land:

- Angourie Point Pools (i6)
- Angourie Reserve (i7)
- Angourie National Park (i8)
- Angourie Point (i9)

The land described in the listings is complimentary to the National Surfing Reserve located adjacent to the subject land from the shoreline to 500 metres offshore.

The listings overlap in terms of land covered and contain inaccurate property descriptions that need to be updated. Further, the Heritage Map does not identify all of the land described in the Schedule 5 listings as heritage items.

Existing mapping:

Clarence Valley LEP 2011 Heritage Map (HER_011N)

Proposed amendment:

- Delete the listings for heritage items i6, i7, i8 and i9 from Schedule 5 of the Clarence Valley Local Environmental Plan 2011;
- Create a new listing (i6) in Schedule 5 that consolidates and updates the details of the four heritage items:

Suburb	Item name	Address	Property description	Significance
Angourie	Angourie Point, Angourie Point Pools, Green Point and coastal reserves between Green Point and Angourie Point	Crown reserves adjoining Angourie Road, The Crescent and Pacific Street; Part Yuraygir National Park	[As set out under the 'land affected' section of this amendment]	Local

- Map the subject land as heritage item i6 on the Heritage Map (i.e. extend the brown infill to the area outlined red on the existing Heritage Map above and delete the references to i7, i8 and i9).

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP (Infrastructure) 2007	Yes	Mapping all of the land along the coastal margin at Angourie as a local heritage item, consistent with the heritage listings in Schedule 5, will ensure that the heritage values of the land are considered prior to the carrying out of development under the Infrastructure SEPP.

Not inconsistent with any other applicable SEPP.

Applicable Ministerial (s117) Directions and consistency:

Section 117 Direction	Consistent?	Comment
2.1 Environment Protection Zones	Yes	The protection and conservation of land within the area affected by this amendment will continue under the existing environment protection zones over the land.
2.2 Coastal Protection	Yes	This part of the planning proposal is consistent with sustainable management of the coastal zone.
5.1 Implementation of Regional Strategies	Yes	Updating listings and mapping of heritage items in the CVLEP is consistent with actions in the Mid North Coast Regional Strategy.
2.3 Heritage Conservation	Yes	Updating listings and mapping of heritage items in the CVLEP facilitates better conservation of those items.
4.4 Planning for Bushfire Protection	Yes	The Commissioner of the NSW Rural Fire Service will be consulted following the receipt of a Gateway determination.

Not inconsistent with any other applicable Section 117 Direction.

Amendment ID: Her11

Ryan/Federation Street heritage

Land affected:

Bridge over railway adjacent to Federation St, South Grafton

Land owner/s:

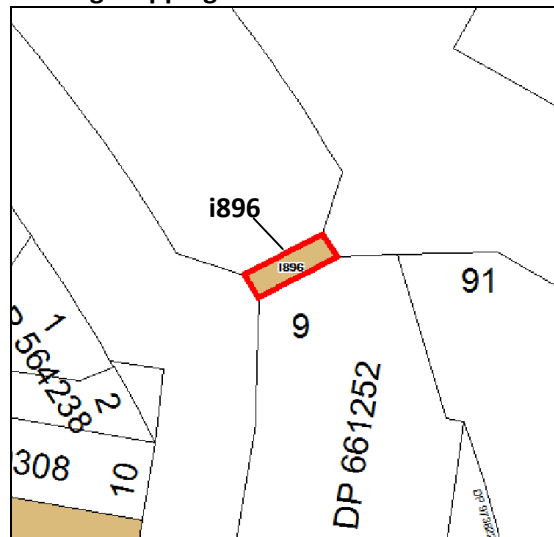
State Rail Authority



Description of issue:

Schedule 5 of the CVLEP 2011 contains Heritage Item i887 being “The Tin Bridge” located adjacent to the Federation St road reserve, South Grafton. The bridge spans the North Coast Railway between Federation St and the Pacific Highway. The Heritage Map incorrectly identifies the The Tin Bridge as Heritage Item i896, which actually refers to a different heritage item (“Railway timber viaduct”) in Schedule 5. Note: amendment no. Her12 proposes to amend the Heritage Map and Schedule 5 of the CVLEP to reflect the correct location of item i896.

Existing mapping:



Clarence Valley LEP 2011 Heritage Map (HER_007HC)

Proposed amendment:

- Delete the label “i896” over the area occupied by The Tin Bridge on the CVLEP Heritage Map and replace with the label “i887”.

Applicable SEPPs and consistency:

The proposal is consistent with all applicable SEPPs.

Applicable Ministerial (s117) Directions and consistency:

The proposal is consistent with all applicable Section 117 Directions.

Amendment ID: Her12

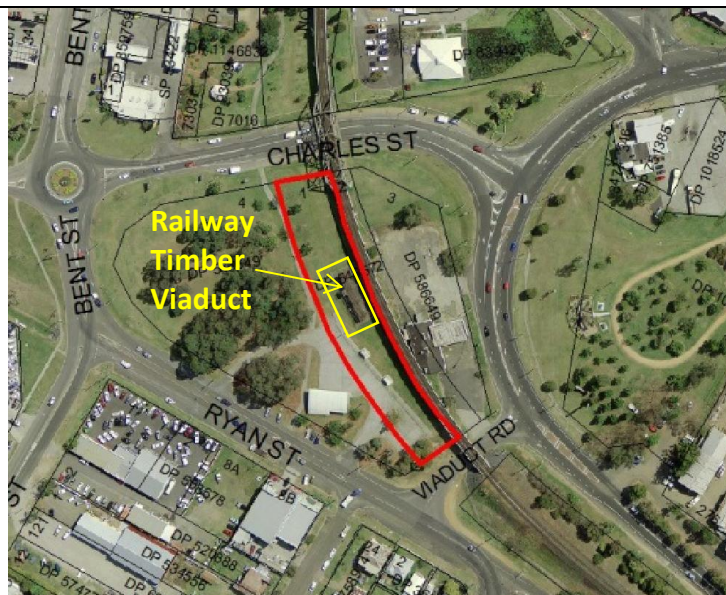
Ryan Street heritage

Land affected:

Lot 1 DP 549572, Ryan St, South Grafton

Land owner/s:

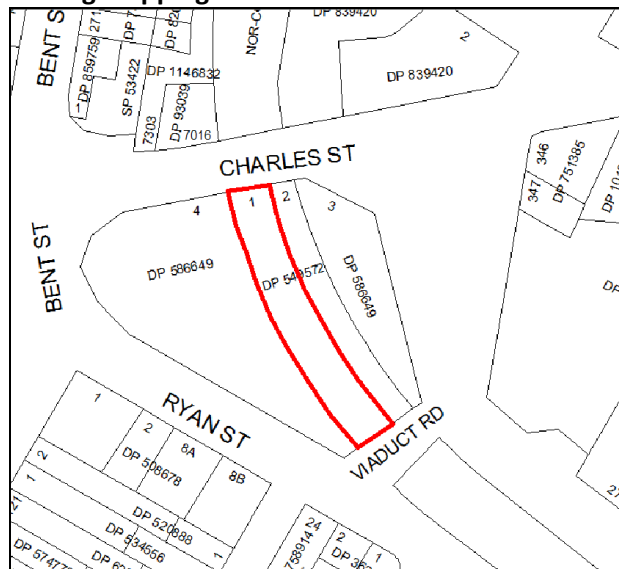
State Rail Authority



Description of issue:

A segment of former railway viaduct located off Ryan St, South Grafton, is identified as a Heritage item (i896) in Schedule 5 of the CVLEP 2011. The Heritage Map does not identify the subject land as a heritage item and the label i896 is incorrectly mapped over a different heritage item (The Tin Bridge – refer amendment no. Her11). The property description for i896 in Schedule 5 is also incorrectly identified as “Road reserve” and needs to be amended to reflect the legal title of the subject land.

Existing mapping:



Clarence Valley LEP 2011 Heritage Map (HER_007HC)

Proposed amendment:

- Amend the Property description for heritage item i896 in Schedule 5 of the CVLEP by deleting “Road reserve” and replacing with “Lot 1 DP 549572”;
- Map the subject land outlined red on the existing Heritage Map above as heritage item i896 on the CVLEP Heritage Map.

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP (Infrastructure) 2007	Yes	Correctly identifying the location of the railway timber viaduct on the Heritage Map and Schedule 5 of the CVLEP 2011 will ensure that impacts on its heritage values are considered prior to the carrying out of development on the subject land under the Infrastructure SEPP.
SEPP 55 Remediation of Land	Yes	No change to land zoning is proposed, however the addition of the heritage listing increases the range of permissible uses under CVLEP clause 5.10(10). The status of the subject land in regards to contamination is unknown, however contamination issues are a routine consideration in Council's assessment of development applications that may arise as a result of the heritage listing. The likelihood of a sensitive use being proposed on the site is very low.

The proposal is consistent with all other applicable SEPPs.

Applicable Ministerial (s117) Directions and consistency:

The proposal is consistent with all applicable Section 117 Directions.

Amendment ID: Her13

Grafton Railway heritage

Land affected:

Lot 3 DP 1173717, 25-31 Bent St,
South Grafton (Grafton City Railway
Station)

Land owner/s:

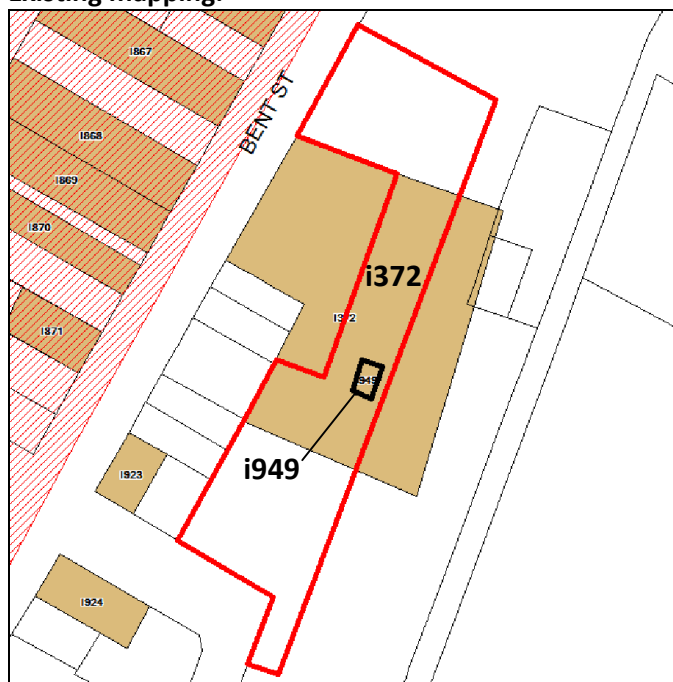
NSW Trains



Description of issue:

The heritage listed Grafton City Railway Station refreshment room furniture was located on the subject land and has since been removed. The item, which had State significance, was removed from the State Heritage Register on 30 August 2013 (NSW Government Gazette No. 107). The item is still identified as a heritage item in Schedule 5 of the Clarence Valley Local Environmental Plan 2011 and on the Heritage Map. It is appropriate that the heritage listing in the CVLEP be removed by deleting this item (i949) from Schedule 5 and from the Heritage Map. Note: The refreshment room building will continue to be identified as an item of heritage significance in Schedule 5 and on the Heritage Map, being part of i372 'Grafton City Railway Station Group'.

Existing mapping:



Clarence Valley LEP 2011 Heritage Map (HER_007HC)

Proposed amendment:

- Delete the row containing heritage item i949 from Schedule 5 of the Clarence Valley LEP 2011;
- Remove the mapping of heritage item i949 from the Heritage Map under the Clarence Valley LEP 2011 (i.e. remove the label and black outline for item i949 from the Heritage Map above). The area occupied by the refreshment room will continue to be mapped as a heritage item, being part of the Grafton City Railway Station Group item (i372).

Applicable SEPPs and consistency:

SEPP name	Consistent?	Comment
SEPP (Infrastructure) 2007	Yes	The proposed amendment removes the requirement for development under the Infrastructure SEPP to consider heritage impacts in relation to the refreshment room furniture. The refreshment room building itself will continue to be part of state listed heritage item i372.

The proposal is not inconsistent with any other SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions.

Amendment ID: Legal1

Acid Sulfate Soils provisions

Land affected:

Various land parcels shown on the Clarence Valley Local Environmental Plan 2011 Acid Sulfate Soils Map as being affected by acid sulfate soils.

Landowner/s:

Various.

Description of issue:

There is a minor discrepancy between the wording of CVLEP clause 7.1 *Acid sulfate soils* and the Department of Planning and Environment's (DPE) Model Local clause 7.1, specifically subclause 7.1(6) which outlines consent requirements for minor works on land affected by acid sulfate soils. An amendment to subclause 7.1(6) is proposed to clarify that development consent is not required where the works will result in the displacement of less than 1 tonne of soil **and** are not likely to lower the watertable, bringing the wording into line with the wording of DPE's Model Local clause as advised in correspondence from the Department of Planning and Infrastructure in June 2012. No change to the Acid Sulfate Soils Map is required as a consequence of this amendment.

Note: In reviewing the wording of model local clause 7.1 and the current CVLEP clause 7.1, another minor difference in wording was noted in subclause 7.1(4)(a). The difference in wording is considered to be inconsequential and no amendment to subclause 7.1(4)(a) is proposed.

Proposed amendment:

Delete current CVLEP subclause 7.1(6):

"(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:

- (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins), foundations or flood mitigation works, or*
- (b) the works are not likely to lower the watertable."*

And replace with:

"(6) Despite subclause (2), development consent is not required under this clause to carry out any works where both of the following criteria are met:

- (a) the works involve the disturbance of less than 1 tonne of soil, and*
- (b) the works are not likely to lower the watertable."*

Applicable SEPPs and consistency:

Not inconsistent with any SEPPs.

Applicable Ministerial (s117) Directions and consistency:

Consistent with all applicable Section 117 Directions. Relevant provisions exist within the Clarence Valley LEP 2011 to address relevant requirements of Directions 2.3, 3.1, 3.3, 4.1, 4.3 and 5.1.
