

<b>ITEM</b>	<b>6b.21.055</b>	<b>CLARENCE VALLEY LOCAL ENVIRONMENTAL PLAN 2011 – PROPOSED HOUSEKEEPING AMENDMENT 2021</b>
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<b>Meeting</b>	Environment, Planning & Community Committee	20 July 2021
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Director - Environment & Planning (Adam Cameron)	
<b>Attachment</b>	Nil	

**SUMMARY**

This report seeks a Council resolution to prepare a Planning Proposal (PP) to amend Clarence Valley Local Environmental Plan 2011 (CVLEP) as broadly described in Schedule 1 of this report. Council officers have identified a range of minor errors, anomalies and updates in the provisions and maps under the CVLEP that require correction and/or will provide improved outcomes for the Clarence Valley community.

Improvements in the accuracy of the CVLEP will avoid uncertainty or inconsistency in certain provisions and/or mapping layers and enable a more streamlined development assessment process.

**OFFICER RECOMMENDATION**

That Council as the Planning Proposal authority:

1. Prepare a Planning Proposal for CVLEP Housekeeping Amendments 2021 for the matters described in Schedule 1;
2. Forward the Planning Proposal to the Department of Planning Industry and Environment requesting a Gateway Determination, pursuant to Section 3.34 (1) of the Environmental Planning and Assessment Act 1979; and
3. Advise the Department that should the Gateway Determination allow the Planning Proposal to proceed, that it will accept any local plan-making delegations offered under Section 3.36 of the Environmental Planning and Assessment Act, 1979.

**COMMITTEE RECOMMENDATION**

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Williamson, Novak, Simmons, Baker, Clancy

Against: Nil

**COUNCIL RESOLUTION – 6b.21.055**

**Kingsley/Lysaught**

That Council as the Planning Proposal authority:

1. Prepare a Planning Proposal for CVLEP Housekeeping Amendments 2021 for the matters described in Schedule 1;
2. Forward the Planning Proposal to the Department of Planning Industry and Environment requesting a Gateway Determination, pursuant to Section 3.34 (1) of the Environmental Planning and Assessment Act 1979; and
3. Advise the Department that should the Gateway Determination allow the Planning Proposal to proceed, that it will accept any local plan-making delegations offered under Section 3.36 of the Environmental Planning and Assessment Act, 1979.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, Novak, Williamson, Lysaught, Toms

Against: Nil

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme	5 Leadership
Objective	5.1 We will have a strong, accountable and representative Government
Strategy	5.1.6 Ensure decisions reflect the long-term interest of the community and support financial and infrastructure sustainability

**BACKGROUND**

Through administration and implementation of the CVLEP, including development assessment and checking of planning certificates, errors and updates are identified by Council officers and customers. Periodic action to rectify these identified amendments in Council's Delivery Program 2017 - 2021 via an Action under Strategy 5.1.6 of the Program which states - *Review of Clarence Valley Local Environmental Plan and Development Control Plans to address anomalies and prepare draft and refer to Council for pre-Gateway decision.*

**KEY ISSUES**

The proposed CVLEP Housekeeping Amendments 2021 contains 20 items or matters that, once adjusted, will ensure more efficient and effective implementation of the CVLEP. Council officers intend to prepare a Planning Proposal for proposed CVLEP amendments broadly described in Schedule 1 to this report and forward the Planning Proposal to the Department of Planning Industry and Environment (DPIE) requesting a "Gateway" Determination to proceed with the update of the CVLEP.

A description and justification of each proposed CVLEP amendment is provided in Schedule 1 to this report.

There is a range of proposed amendments which can be broadly summarised as follows:

1. Heritage amendments which involves removing or amending 21 existing heritage items and adding 3 new heritage items;
2. Rezoning of Council owned land (that do not propose to change to current 'community land' classification) and Crown land to RE1 Public Recreation consistent with the existing and intended use & management of the relevant public land;
3. Health consulting rooms - make permissible with consent in the R1 General Residential, R3 Medium Density Residential and R5 Large Lot Residential zone (consistent with the Infrastructure SEPP); and
4. Home businesses that involve the manufacture of food products or skin penetration procedures - make exempt development subject to appropriate development standards and considerations.

The range of matters listed at Schedule 1 and proposed to be included in this PP are considered to be minor and not of a controversial or problematic nature. Further, a number of the proposed changes are supported by adopted Council plans, such as the Grafton Waterfront Masterplan and specific public land Plans of Management.

A number of other potential amendments to the CVLEP are being considered for inclusion in future 'housekeeping' PP/s, however they are either more complex and require a greater level of staff time and resource to scope and prepare and/or are more likely to raise interest from the public. These other matters will be subject to future report/s to Council to seek the necessary resolution to refer PP/s to the DPIE Gateway as staff resources allow.

**Options**

The recommended option is for Council to endorse the preparation of the PP to enable the minor errors and updates in the CVLEP described in Schedule 1 of this report. These matters are not considered to be problematic or controversial. This option is consistent with the adopted Council Delivery Program 2017 - 2021.

Other options for Council include:

- Not endorsing the proposed PP in any way. This option will maintain the status quo and retain outdated and erroneous issues will continue to cause uncertainty and complexity for users and may lead to sub-optimal planning outcomes;
- Endorsing some of the amendments and not others. Council would need to specify what amendments it did or didn't support if this option is supported.

**COUNCIL IMPLICATIONS****Budget/Financial**

Preparation of the PP and administration of the CVLEP amendment process are accommodated within the existing recurrent budget for Council's Strategic Planning team.

**Asset Management**

The proposed amendments at Items 5, 7, 9, 16, 17 and 18 in Schedule 1 relate to land, and assets thereon, owned or managed by Council. The proposed amendments are not expected to have an adverse affect on these Council assets.

**Policy or Regulation**

*Clarence Valley Local Environmental Plan 2011*  
*Environmental Planning and Assessment Act 1979*  
Community Participation Plan 2019

**Consultation**

The list of proposed amendments at Schedule 1 has been compiled as a result of Council staff identifying the need to amend components of the CVLEP. Staff in the Development Services, Strategic Planning and Property teams at Council have been the main contributors to the list.

Initially it is intended to refer the Planning Proposal to the DPIE to seek a Gateway Determination. That Determination may require consultation with a range of NSW public authorities such as, but not limited to, Heritage NSW and Crown Lands.

The Planning Proposal will need to be publicly exhibited for a minimum period of 14 days or more if specified in the Gateway Determination. It is intended to write to the owners of land affected by the amendments to advise and invite comment on the proposed changes.

**Legal and Risk Management**

The proposed amendments are individually minor matters that present a low legal risk to Council in terms of the amendment process. The existence of these anomalies in the CVLEP is deemed to present a higher, although still minor, legal risk for Council. It is considered prudent to periodically correct these errors and anomalies, as envisaged by Council's Delivery Program, and reduce the overall level of risk for Council and improve the function of the CVLEP for all users.

**Climate Change**

Nil impacts or implications envisaged.

Prepared by	Terry Dwyer, Strategic Planning Coordinator
Attachment	Nil

## Schedule 1: Summary of proposed amendments to the Clarence Valley Local Environmental Plan 2011

No	Land and/or item	Issue	Amendment required
1	<p>Lot 16, DP 1260163, 33 Victoria Street, Grafton</p> <p>Also: Part Lot 13, DP 1262542, 33 Victoria Street, Grafton: and Part Lot 18, DP 1260163, Duke Street, Grafton</p> <p>Owner: Camfar Properties P/L</p>	<p><b>Amendment ID 27 (Heritage)</b> Local heritage item <b>I813</b> is shown in CVLEP 2011 Schedule 5 as being located on Lot 3, DP 866434, 33 Victoria Street, Grafton. The specific item is described as <i>Dwelling</i> (<i>“McWilliam Lodge”</i>).</p> <p>More recent subdivision has seen the subdivision of Lot 3 and other Lots in DP 866434 into a number of lots registered in DP 1260163 including Lot 16, DP 1260163 which now accommodates heritage item <b>I813</b>.</p> <p>A recently created Lot 18, DP 1260163, a riverfront lot dedicated to Council, was also created from part of Lot 3 and other adjacent lots. Heritage item <b>I813</b> now stands only on Lot 16, DP 1260163.</p> <p>The mapped heritage item <b>I813</b> now affects Lot 16, DP 1260163, part Lot 13 DP 1262542 and part Lot 18, DP 1260163.</p> <p>Schedule 5 of the LEP should be amended to indicate the land affected by heritage item <b>I813</b> as being Lot 16, DP 1260163. Similarly, the CVLEP 2011 heritage map should be amended to map heritage item <b>I813</b> as only affecting Lot 16, DP 1260163.</p>	<ol style="list-style-type: none"> <li>1. In Schedule 5 of CVLEP 2011 change the Property Description for heritage item <b>I813</b> from “Lot 3, DP866434” to “Lot 16, DP 1260163”.</li> <li>2. Amend the CVLEP 2011 Heritage Map so that heritage item <b>I813</b> applies only to Lot 16, DP 1260163.</li> </ol>
2	<p>Lot 13 DP 1262542, 35 Victoria Street, Grafton</p> <p>Lot 14 DP 1262542, 37-39 Victoria Street, Grafton</p> <p>Lot 18 DP 1260163</p> <p>Owner: Corporate Trustees Diocese of Grafton</p>	<p><b>Amendment ID 26 (Heritage)</b> Local heritage item <b>I815</b> is shown in CVLEP 2011 Schedule 5 as being located on Lot 4, DP 866434, 35 Victoria Street Grafton. The specific item is described as <i>Dwelling and gas lamp</i> (<i>“Bishopsholme”</i>).</p> <p>More recent subdivision has seen the subdivision of Lot 4 and other Lots in DP 866434 into a number of lots registered in DP 1262542 including Lot 13 DP 1262542 which now accommodates heritage item <b>I815</b>.</p> <p>A recently created Lot 18 DP 1260163, a riverfront lot dedicated to Council, was also created from part of Lot 4 and other adjacent lots. Heritage item <b>I815</b> now stands only on Lot 13 DP 1262542.</p> <p>The mapped heritage item <b>I815</b> now affects Lots 13 and 14 DP 1262542 and Part Lot 18 DP 1260163 whilst heritage item <b>I815</b> now stands only on Lot 13 DP 1262542. Schedule 5 of the LEP should be amended to indicate the land affected by heritage item <b>I815</b> as being Lot 13 DP 1262542.</p> <p>Similarly, the CVLEP 2011 heritage map should be amended to map heritage item <b>I815</b> as only affecting Lot 13 DP 1262542 and not Lot 14 DP 1262542 and Part Lot 18 DP 1260163</p>	<ol style="list-style-type: none"> <li>1. In Schedule 5 of CVLEP 2011 change the Property Description for heritage item <b>I815</b> from “Lot 4, DP866434” to “Lot 13, DP 1262542”.</li> <li>2. Amend the CVLEP 2011 Heritage Map so that heritage item <b>I815</b> applies only to Lot 13 DP 1262542.</li> </ol>

No	Land and/or item	Issue	Amendment required
3	<p>Lots 15, 16 and 17 DP 1262542 and Lot 18 DP 1260163, Victoria and Duke Streets, Grafton</p> <p>Owner: Corporate Trustees Diocese of Grafton (Lot 15)</p>	<p><b>Amendment ID 16 (Heritage)</b></p> <p>Local heritage item <b>I97</b> is shown in CVLEP 2011 Schedule 5 as being located on Lot 9 DP 866434, Duke Street Grafton. The specific item is described as "The Deanery".</p> <p>More recent subdivision has seen the subdivision of Lot 9 into 3 whole lots (Lots 15, 16 and 17 DP 1262542). A recently created Lot 18 DP 1260163, a riverfront lot dedicated to Council, was also created from part of Lot 9 and other adjacent lots. "The Deanery" now stands only on Lot 15 DP 1262542.</p> <p>The mapped heritage item <b>I97</b> now affects Lot 16 DP 1262542, part Lots 15 and 17 DP 1262542 and Part Lot 18 DP 1260163 whilst "The Deanery" now stands only on Lot 15 DP 1262542. Schedule 5 of the LEP should be amended to indicate the land affected by heritage item <b>I97</b> as being Lot 15 DP 1262542.</p> <p>The CVLEP 2011 heritage map should be amended to map heritage item <b>I97</b> as only affecting Lot 15 DP 1262542. Lot 18 DP 1260163 being a vacant public reserve lot does not warrant being identified as a heritage item on the heritage map and in Schedule 5. Similarly, Lot 16 DP 1262542 which is also currently vacant does not warranted being identified as a heritage item.</p> <p>It should also be noted that mapped heritage item <b>I815</b> being Dwelling and gas lamp ("Bishopsholme") affects part of Lot 18 DP 1260163. Refer to Amendment ID: 26 for proposed separate action in relation to heritage item <b>I815</b>.</p> <p>Lots 15, 16 and 17 DP 1262542 and Lot 18 DP 1260163 are currently zone R1 General Residential.</p> <p>It is NOT proposed to change the current land zoning of any of the lots.</p>	<ol style="list-style-type: none"> <li>1. In Schedule 5 of CVLEP 2011 change the Property Description for heritage item <b>I97</b> from "Lot 9 DP866434" to "Lot 15 DP 1262542"; the address for the item should also be amended from "Duke Street" to "2 Duke Street".</li> <li>2. Amend the CVLEP 2011 Heritage Map so that heritage item <b>I97</b> applies only to Lot 15 DP 1262542.</li> </ol>
4	<p>Grafton Cathedral, Hall and Cottages</p> <ul style="list-style-type: none"> <li>• Lots A to G, DP 51 (7 lots)</li> <li>• Lot 1 DP 245341</li> <li>• Lot 7 Sec 9 DP 758470</li> <li>• Lot 8 Sec 9 DP 758470</li> <li>• Lot 10 Sec 9 DP 758470</li> </ul>	<p><b>Amendment ID 8 (Heritage)</b></p> <p>The Christ Church Cathedral and associated buildings currently spans four (4) individual heritage listings in the CVLEP 2011 as follows:</p> <ul style="list-style-type: none"> <li>• <b>I96</b> - Christ Church Cathedral, Lots 8 &amp; 10, Sec 9, DP 758470</li> <li>• <b>I98</b> - Christ Church Hall, Lot 8, Sec 9, DP 758470</li> <li>• <b>I100</b> - Victorian cottage, Lots D &amp; E, DP 51 (Note - should be Lots F &amp; G DP 51)</li> <li>• <b>I99</b> - Georgian cottage, Lots F &amp; G, DP 51 (Note - should be Lots D &amp; E, DP 51)</li> </ul> <p>The items are State items. The State Heritage Register (SHR) listing formally refers to the</p>	<p>Amend Schedule 5 of CVLEP as follows:</p> <ol style="list-style-type: none"> <li>1. Delete exiting heritage items <b>I96</b>, <b>I98</b>, <b>I99</b> and <b>I100</b>.</li> <li>2. Insert a new heritage item to replace the above 4 heritage items as follows:             <ol style="list-style-type: none"> <li>(a) Description - <i>"Cathedral Church of Christ the King (inc. hall and cottages)"</i></li> <li>(b) Affected lots - Lots A to G, DP 51; Lot 1 DP 245341; Lot 7 Sec 9 DP 758470, Lot 8 Sec</li> </ol> </li> </ol>

No	Land and/or item	Issue	Amendment required
	<p>Fitzroy, Duke and Victoria Streets, Grafton</p> <p>Owner: Corporate Trustees Diocese of Grafton</p>	<p><i>“Cathedral Church of Christ the King (inc. hall and cottages)”</i> and is also known as Christ Church Cathedral or Grafton Anglican Cathedral. The SHI listing covers the following lots (11 in total):</p> <ul style="list-style-type: none"> <li>• Lots A to G, DP 51 (7 lots)</li> <li>• Lot 1 DP 245341</li> <li>• Lot 7 Sec 9 DP 758470</li> <li>• Lot 8 Sec 9 DP 758470</li> <li>• Lot 10 Sec 9 DP 758470</li> </ul> <p>The CVLEP heritage listing (Schedule 5) and LEP heritage map does not reflect the State Heritage listing and has errors in the land descriptions of Items <b>199</b> and <b>1100</b>.</p> <p>Whereas the SHI listing covers 11 lots (as above) the LEP only covers 6 lots thereby excluding 5 lots as follows:</p> <ul style="list-style-type: none"> <li>• Lots A to C, DP 51</li> <li>• Lot 1 DP 245341, and</li> <li>• Lot 7 Sec 9 DP 758470.</li> </ul> <p>The current errors in land descriptions are noted above.</p> <p>To align with the State Heritage listing of this “heritage item complex” it is considered good practice to include all 11 lots under the SHI listing as a single heritage item rather than the existing 4 items. This will simplify matters as well correct existing errors, inconsistencies and omissions. The new single heritage item name should reflect the SHI listing, as follows - <i>“Cathedral Church of Christ the King (inc. hall and cottages)”</i></p> <p>The “Cathedral heritage item complex” is zoned SP2 Infrastructure. No change in zoning is being recommended.</p>	<p>9 DP 758470 and Lot 10 Sec 9 DP 758470</p> <p>(c) Address – 71 Fitzroy Street, Grafton</p> <p>(d) Significance – State</p> <p>3. Amend the CVLEP 2011 Heritage Map as follows –</p> <p>(a) delete exiting heritage items <b>196, 198, 199</b> and <b>1100</b>;</p> <p>(b) identify new heritage item to replace the above 4 heritage items over the lots referred to in 2 (b) above.</p>
5	<p>Lot 1 DP 1155133 and Lot 244 DP 751371, Prince Street, Grafton (Fisher Park)</p> <p>Owner: Clarence Valley Council</p>	<p><b>Amendment ID 20 (Heritage)</b></p> <p>The Grafton Community Based Heritage Study (Gardiner 2010) states Fisher Park has relevance in demonstrating the evolution of Grafton City through the State Heritage Theme ‘Aboriginal cultures and interactions with other cultures’ and recommends (p.15) that it is listed as a heritage item in CVLEP Schedule 5 - Environmental Heritage. This is principally to protect the culturally significant lagoon and Aboriginal culturally modified tree located south east of the tennis courts.</p> <p>The study also recommends (p.19) that the T. Fisher Memorial Gates located near the Prince and Oliver Streets corner of Fisher Park be included as a heritage listed item within CVLEP Schedule 5 - Environmental Heritage due to its relevance in demonstrating the evolution of Grafton City through the State Heritage Theme of - ‘persons (examples)’.</p>	<p>1. Add the following as heritage items to Schedule 5 of CVLEP 2011:</p> <p>(a) T. Fisher Memorial Gates, Fisher Park - Lot 1 DP 1155133, Prince Street Grafton</p> <p>(b) Lagoon and Aboriginal culturally modified tree, Fisher Park - Lot 1 DP 1155133 and Lot 244 DP 751371, Prince Street, Grafton.</p> <p>2. Add the following as heritage items to CVLEP 2011 Heritage Map:</p> <p>(a) T. Fisher Memorial Gates, Fisher Park -</p>

No	Land and/or item	Issue	Amendment required
		<p>The local historic significance of the memorial gates and cultural significance of the lagoon and Aboriginal culturally modified tree have also be acknowledged in the draft Plan of Management Fisher Park.</p> <p>Fisher Park is located in the Grafton Heritage Conservation Area listed in Schedule 5 of the CVLEP. However, the T. Fisher Memorial Gates, lagoon, Aboriginal culturally modified tree and Fisher Park itself are not currently heritage items under the CVLEP 2011.</p>	<p>Lot 1 DP 1155133, Prince Street Grafton</p> <p>(b) Lagoon and Aboriginal culturally modified tree, Fisher Park - Lot 1 DP 1155133 and Lot 244 DP 751371, Prince Street, Grafton.</p>
6	<p>Part Lot 21 DP 1243333 - 1078 Yamba Road, Palmers Island (Formerly part Lot 20, DP 714069)</p> <p>Owner: L Dixon</p>	<p><b>Amendment ID 21 (Heritage)</b></p> <p>A recent boundary adjustment between Lot 20 DP 714069 and Lot 2 DP 652358 created Lots 21 and 22 DP 1243333. This has created anomalies with both the CVLEP 2011 Heritage Map and Schedule 5 Environmental Heritage of the LEP, as described further below.</p> <p>Currently Schedule 5 of the LEP identifies former Lot 20, DP 714069 (1096 - 1130 Yamba Road) as having two (2) heritage items - Silo (Item <b>I341</b>) and residence (Item <b>I342</b>); as a consequence of the above referred boundary adjustment former lot 20 is now legally described as Lot 22 DP 1243333.</p> <p>As a consequence of the above referred boundary adjustment the CVLEP 2011 Heritage Map incorrectly shows part of Lot 21 DP 1243333, which contains the Palmers Island store, as a heritage item - see darker brown infill colouring on the map above. This part of Lot 21 was formerly Lot 20 DP 714069, which contained the heritage items referred to above.</p>	<ol style="list-style-type: none"> <li>1. Amend the 'Property description' field for items <b>I341</b> and <b>I342</b> in Schedule 5 of the CVLEP 2011 from 'Lot 20, DP 714069' to 'Lot 22, DP 1243333'.</li> <li>2. Remove the mapping of part of Lot 21 DP 1243333 as a heritage item (items <b>I341</b> and <b>I342</b>) from the Heritage Map under the CVLEP 2011 (i.e. remove the brown infill from the land on the Heritage Map above).</li> </ol>
7	<p>Lot 85 DP 13075, 4 Short St, Maclean</p> <p>Owner: Clarence Valley Council</p>	<p><b>Amendment ID 28 (Heritage)</b></p> <p>Heritage item <b>I273</b> (Residence) in Schedule 5 of the LEP and on the LEP heritage map currently refers to Lot 86 DP 13075 (4 Short Street Maclean). The former dwelling is also situated upon Lot 85 DP 13075.</p> <p>The heritage listing should be extended to cover Lot 85 both in Schedule 5 and on the LEP heritage map.</p> <p>The building on Lots 85 and 86 DP 13075 is owned by Council and in recent years has been used as a community services facility. Prior to that the building had been a residential dwelling.</p>	<ul style="list-style-type: none"> <li>• Amend the 'Property description' field for heritage item <b>I273</b> in Schedule 5 of the CVLEP 2011 from 'Lot 86, DP 13075' to 'Lots 85 and 86 DP 13075'.</li> <li>• Amend the CVLEP 2011 Heritage Map to include Lot 85 DP 13075 as part of heritage item <b>I273</b>.</li> </ul>
8	<p>Lots 101 and 102 DP 1215379, 29 - 31 Rutland Street, Lawrence (formerly Lots 1 and 2, DP 111009)</p>	<p><b>Amendment ID 12 (Heritage)</b></p> <p>Heritage item <b>I174</b> (Post Office/Residence) in Schedule 5 of the LEP and on the LEP heritage map currently refers to Lots 1 and 2, DP 111009.</p>	<ul style="list-style-type: none"> <li>• Amend the 'Property description' field for heritage item <b>I174</b> in Schedule 5 of the CVLEP 2011 from 'Lots 1 and 2, DP 111009' to 'Lot 102 DP 1215379'.</li> </ul>

No	Land and/or item	Issue	Amendment required
	Owner: K Brennan	<p>The description of the land in the heritage listing has altered as a result of a boundary adjustment subdivision and is now known as Lots 101 and 102 DP 1215379. The subdivision has left the post office building and outbuilding on new Lot 102, whilst new Lot 101 is vacant.</p> <p>Schedule 5 of the LEP and LEP heritage map should be amended to indicate that heritage item <b>I174</b> is now only located on Lot 102 DP 1215379.</p>	<ul style="list-style-type: none"> <li>Amend the CVLEP 2011 Heritage Map to apply heritage item <b>I174</b> to Lot 102 DP 1215379 only.</li> </ul>
9	<p>Sportsmans Creek Bridge, Lawrence</p> <p>Owner: Road reserve, Clarence Valley Council</p>	<p><b>Amendment ID 11 (Heritage)</b></p> <p>The old Sportsmans Creek Bridge at Lawrence was recently replaced by the construction of a new bridge slightly upstream. The old Sportsmans Creek Bridge is still listed as a heritage item (<b>I169</b>) in the LEP, both in Schedule 5 and on the LEP map.</p> <p>The old bridge has now been removed. The heritage listing of the old bridge should be removed from both Schedule 5 and the heritage map of the LEP.</p>	<ul style="list-style-type: none"> <li>Amend Schedule 5 of the CVLEP 2011 to delete heritage item <b>I169</b> entirely.</li> <li>Amend the CVLEP 2011 Heritage Map to delete heritage item <b>I169</b> entirely.</li> </ul>
10	<p>Lot 2 DP 784421, 133 Alice Street Grafton</p> <p>Owner: G &amp; D Vlastaras</p>	<p><b>Amendment ID 30 (Heritage)</b></p> <p>Heritage item <b>I453</b> (Residence) in Schedule 5 of the LEP currently refers to Lot 1, DP 124245 which is incorrect. The correct property description is Lot 2 DP 784421.</p> <p>Schedule 5 of the LEP should be amended to indicate that the property description is Lot 2 DP 784421. The LEP Heritage map does not need to be amended.</p>	Amend the 'Property description' field for heritage item <b>I453</b> in Schedule 5 of the CVLEP 2011 from 'Lot 1, DP 124245' to 'Lot 2 DP 784421'.
12	<p>Lot 1 DP 1099098, 33 Fitzroy Street Grafton</p> <p>Owner: M &amp; H Hayer</p>	<p><b>Amendment ID 31 (Heritage)</b></p> <p>Lot 1 DP 1099098, 33 Fitzroy Street Grafton is listed as a local heritage item (<b>I573</b>) being a dwelling ("Dunnville").</p> <p>At its meeting on 28 February 2016 Council resolved to grant consent to a development application (DA2016/0551) to demolish the dwelling, erect a 12 motel and remove 2 jacaranda trees.</p> <p>The dwelling has since been removed.</p>	<ol style="list-style-type: none"> <li>Amend Schedule 5 of the CVLEP 2011 to delete heritage item <b>I573</b> entirely.</li> <li>Amend the CVLEP 2011 Heritage Map to delete heritage item <b>I573</b> entirely.</li> </ol>
13	<p>Lot 13 DP 1048362, 4 Greaves St Grafton</p> <p>Lot 9 DP 12717, 12 Kent St, Grafton</p> <p>Lot 1 DP 782843, 14 Kent St, Grafton</p> <p>Lot 2 DP 782843, 16 Kent St, Grafton</p> <p>Lot 4 DP 783118, 31 Pound St, Grafton</p>	<p><b>Amendment ID 32 (Heritage)</b></p> <p>The Grafton second bridge project has caused the demolition/removal of 5 heritage items as follows:</p> <p><b>I616</b> (Dwelling, former Glyndon Private Hospital) - Lot 13 DP 1048362, 4 Greaves St</p> <p><b>I621</b> (Dwelling, group value) - Lot 9 DP 12717, 12 Kent St</p> <p><b>I622</b> (Dwelling, group value) - Lot 1 DP 782843, 14 Kent St</p> <p><b>I623</b> (Dwelling, group value) - Lot 2 DP 782843, 16 Kent St</p> <p><b>I694</b> (Dwelling) - Lot 4 DP 783118, 31 Pound St</p>	<ul style="list-style-type: none"> <li>Amend Schedule 5 of the CVLEP 2011 to delete heritage items <b>I616, I621, I622, I623 and I694</b> entirely.</li> <li>Amend the CVLEP 2011 Heritage Map to delete heritage items <b>I616, I621, I622, I623 and I694</b> entirely.</li> </ul>



No	Land and/or item	Issue	Amendment required
	Owner: Transport for NSW	Given that these items no longer exist they should be removed from Schedule 5 of the LEP and the LEP Heritage Map.	
14	Tin Bridge North Coast Railway/Road Reserve, Federation Street, South Grafton	<p><b>Amendment ID 33 (Heritage)</b> Local heritage item <b>I887</b> is the Tin Bridge over the railway line between Federation Street and Big River Way, South Grafton.</p> <p>The Tin Bridge was demolished and replaced with a new pedestrian bridge in 2016. Given these circumstances Local heritage item <b>I887</b> should be removed from Schedule 5 of the LEP and the LEP Heritage Map.</p>	<ul style="list-style-type: none"> <li>Amend Schedule 5 of the CVLEP 2011 to delete heritage item <b>I887</b> entirely.</li> <li>Amend the CVLEP 2011 Heritage Map to delete heritage item <b>I887</b> entirely.</li> </ul>
15	Lot 182 DP 44782 and Lot 165 DP 751395, Rocky Laurie Drive, Yamba  Owner: Birrigan Gargle Local Aboriginal Land Council	<p><b>Amendment ID 34 (Heritage)</b> Heritage item <b>I422</b> (Yamorra Cottages) in Schedule 5 of the LEP currently refers to Lot 182 DP 44782. The four houses that comprise the Yamorra Cottages heritage item <b>I422</b> are in fact located on adjoining Lot 165 DP 751395.</p> <p>Schedule 5 of the LEP and LEP heritage map should be amended to indicate that heritage item <b>I422</b> is located on Lot 165 DP 751395 and not on Lot 182 DP 44782.</p>	<ol style="list-style-type: none"> <li>Amend Schedule 5 of the CVLEP 2011 to indicate that heritage item <b>I422</b> is located on Lot 165 DP 751395 and not on Lot 182 DP 44782.</li> <li>Amend the CVLEP 2011 Heritage Map to indicate that heritage item <b>I422</b> is located on Lot 165 DP 751395 and not on Lot 182 DP 44782.</li> </ol>
16	Lot 21 DP 1122377 Lot 27 DP 1224325 Lots 44 & 46 DP 1265067, Lot 2 DP 1198081, Summerland Way, Koolkhan)  Owner: Clarence Valley Council	<p><b>Amendment ID 24</b> Recent subdivisions have dedicated a number of public reserves lots fronting the Summerland Way at Junction Hill &amp; Koolkhan to Council.</p> <p>The lots are currently zoned as follows:</p> <ul style="list-style-type: none"> <li>Lot 21 DP 1122377 – zoned part R2 and part RU1 (2402m<sup>2</sup>)</li> <li>Lot 27 DP 1224325 – zoned part RU1 and part R1 (2532m<sup>2</sup>)</li> <li>Lots 44 &amp; 46 DP 1265067 – zoned part RU1 and part R1 (4877m<sup>2</sup> and 3556m<sup>2</sup>, respectively)</li> <li>Lot 2 DP 1198081 – zoned part R2 and part RU1 (5051m<sup>2</sup>)</li> </ul> <p>The lots have been progressively dedicated as public reserves to Council and are classified as Community land. They serve as a green buffer between The Summerland Way and the adjoining residential development west of The Summerland Way.</p> <p>Past practice has been to zone these buffer lots to RE1 Public Recreation to reflect their function as a publicly owned buffer between the main road and the residential lots. These lots should also be zoned to RE1.</p>	That Lot 21 DP 1122377, Lot 27 DP 1224325, Lots 44 & 46 DP 1265067 and Lot 2 DP 1198081 be rezoned to RE1 Public Recreation.
17	Lot 2 DP 1171986 <sup>1</sup> Lot 20 DP 879077 <sup>2</sup> Lot 18 DP 1260163 <sup>2</sup> Lot 1 DP 1233312 <sup>2</sup> Lot 4 DP 1253626 <sup>2</sup> Lot 122 DP 1266076 <sup>2</sup>	<p><b>Amendment ID 9 and 15</b> The Grafton Waterfront Precinct Plan of Management adopted by Council has identified a number of lots under a mixture of Crown and Council ownership that should be rezoned to RE1 Public Recreation. These are as follows:</p> <ul style="list-style-type: none"> <li>Lot 2 DP 1171986 - rezone from B3 Commercial Core to RE1</li> </ul>	That Lot 2 DP 1171986, Lot 20 DP 879077 and the Prince Street road-end identified in the Grafton Waterfront Precinct Plan of Management be rezoned from B3 Commercial Core to RE1 Public Recreation.

No	Land and/or item	Issue	Amendment required
	<p>Lot 15 DP 1267116<sup>2</sup> Lot 1 DP 1268816<sup>2</sup></p> <p>Grafton Waterfront Precinct (incorporating Memorial Park)</p> <p><sup>1</sup>Crown Lands NSW (Council as Land Manager) <sup>2</sup>Clarence Valley Council</p>	<ul style="list-style-type: none"> <li>Lot 20 DP 879077 - rezone from B3 to RE1</li> <li>Lot 18 DP 1260163 - rezone from R1 General Residential to RE1</li> <li>Lot 1 DP 1233312 - rezone from R1 to RE1</li> <li>Lot 4 DP 1253626 - rezone from R1 to RE1</li> <li>Lot 122 DP 1266076 - rezone from R1 to RE1</li> <li>Lot 15 DP 1267116 - rezone from R1 to RE1</li> <li>Lot 1 DP 1268816 - rezone from R1 to RE1</li> </ul> <p>The plan has also suggested that the Prince Street road-end (approx. 0.2ha) adjacent to the Clarence River (between Memorial Park &amp; the Crown Hotel) also be rezoned from B3 to RE1.</p> <p>The rezoning of these lots and land is considered necessary to help give effect to the implementation of the plan for what is community land.</p>	<p>That Lot 18 DP 1260163, Lot 1 DP 1233312, Lot 4 DP 1253626, Lot 122 DP 1266076, Lot 15 DP 1267116 and Lot 1 DP 1268816 be rezoned from R1 General Residential to RE1 Public Recreation.</p>
18	<p>Lot 1 DP 1249735, Skinner St, South Grafton</p> <p>Owner: Clarence Valley Council</p>	<p><b>Amendment ID 25</b></p> <p>Part of Cambridge Street South Grafton has been recently closed and has now become Lot 1 DP 1249735 under the ownership of Council. The land adjoins the Rushforth Park soccer fields and contains the entrance and road access into the Rushforth Park soccer field complex. The Rushforth Park soccer fields are located on Lot 358 DP 751385 which is zoned RE1 Public Recreation.</p> <p>Lot 1 is zoned part RU1 Primary Production and part SP2 Infrastructure (Sewage Treatment Plant) and is proposed to be integrated with the main Rushforth Park soccer field complex.</p> <p>Given that is proposed to integrate Lot 1 with the main Rushforth Park soccer field complex it is logical that it be rezoned to RE1.</p>	<p>That Lot 1 DP 1249735 be rezoned from part RU1 Primary Production and part SP2 Infrastructure to RE1 Public Recreation.</p>
19	<p>All land within the following zones: R1 General Residential R3 Medium Density Residential R5 Large Lot Residential</p>	<p><b>Amendment ID 14</b></p> <p>State Environmental Planning Policy (Infrastructure) 2007 (the ISEPP) permits <b>health consulting rooms</b> with consent in the R1, R2, R3 and R5 zones.</p> <p>However, the under CVLEP <b>health consulting rooms</b> are only <u>permitted with consent</u> in the R2 zone. The R1, R3 and R5 zone land use tables prohibit <b>health consulting rooms</b>.</p> <p><b>Health consulting rooms</b> are defined as premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.</p>	<p>Amend the R1, R3 and R5 zone land use tables of the CVLEP to make <b>health consulting rooms</b> <u>permissible with consent</u>.</p>

No	Land and/or item	Issue	Amendment required
		<p>The ISEPP is the superior environmental planning instrument to Council's LEP. It is logical that the Council's LEP align with and be consistent with the ISEPP in relation to <b>health consulting rooms</b>. In this regard the LEP should be amended to make <b>health consulting rooms</b> permissible with consent in the R1, R3 and R5 zone land use tables.</p>	
20	Home businesses (or enterprises) that involve the manufacture of food products or skin penetration procedures	<p><b>Amendment ID 13</b></p> <p>Currently home business (and home industry or home occupation) that does not involve the manufacture of food products or skin penetration procedures is <u>exempt development</u> under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> ("Codes SEPP").</p> <p>There is considerable merit in permitting home business involving the manufacture of food products or skin penetration procedures as <u>exempt development</u> providing, they are small scale, low impact and can be capable of complying with appropriate development standards that would include meeting the:</p> <ul style="list-style-type: none"> <li>• relevant legislation and regulations for food manufacture/preparation and skin penetration</li> <li>• other relevant standards that are typical of home business exemptions</li> </ul> <p>Note - This proposal may involve creating an exempt development category for the Council's LEP that distinguishes itself from the home business development type under the General Exempt Development Code in the Codes SEPP; for instance <i>home business (manufacture of food products or skin penetration procedures)</i> or <i>home enterprise (manufacture of food products or skin penetration procedures)</i> or similar.</p>	<p>Amend Schedule 2 Exempt development of the CVLEP to make <i>home enterprise/home business (manufacture of food products or skin penetration procedures)</i> <u>exempt development</u> subject to development standards or considerations which include the following:</p> <ul style="list-style-type: none"> <li>(i) must not involve building alterations, other than alterations that are <u>exempt development</u> under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Policy</i></li> <li>(ii) must not result in an increase in the gross floor area of any building within which it is carried out</li> <li>(iii) must be carried out only in association with an existing lawful dwelling</li> <li>(iv) must not result in a change of building classification under the <i>Building Code of Australia</i></li> <li>(v) a home enterprise/home business involving manufacture of food products must comply with the requirements of the <a href="#">Food Act 2003</a>.</li> <li>(vi) a home enterprise/home business involving skin penetration procedures must comply with the <i>Public Health Act 2010</i> and Part 4 of the <i>Public Health Regulation 2012</i>.</li> <li>(vii) the carrying on of the enterprise must not involve the use of more than 50 square metres of floor area.</li> <li>(viii) Must be carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling</li> </ul>

No	Land and/or item	Issue	Amendment required
			<p>and not involve the following -</p> <ul style="list-style-type: none"><li>(a) the employment of more than 2 persons other than the residents,</li><li>(b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,</li><li>(c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,</li><li>(d) the exhibition of signage, other than a business identification sign,</li><li>(e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing.</li></ul>