

**Clarence Valley Council
Planning Proposal -
Clarence Valley Local
Environmental Plan
2011 Housekeeping
Amendments 2023
(REZ2023/0001)
September 2023**

Declaration

Document name: Planning Proposal - Clarence Valley Local Environmental Plan 2011 Housekeeping Amendments 2023 (REZ2023/0001)

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Qualifications of document author: B.A Hons MPIA, M.ICONOS

Declaration: I, Deborah Wray , declare that this Planning Proposal constitutes a planning proposal for the purposes of section 3.33 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* (December 2018).

Date: 4 September 2023 (Version 1.1)

Document History and Version Control				
Version	Prepared by	Approved by	Date Approved	Brief Description
1.0	DW			Initial Draft for submission to Planning Gateway
1.1	DW		26 September 2023.	Draft for submission to Planning Gateway with maps in text. Adopted by Council 26-09-2023.
1.2	JO	DW	1 February 2024	Post Gateway – Minor Updates as required by Department of Planning for Exhibition
1.3	JO	DW	7 February 2024	Minor corrections to LZN and LSZ maps

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1. PRELIMINARY

1.1 Legal Context

This planning proposal constitutes a document referred to in Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP & A Act). It has been prepared in accordance with the Department of Planning and Environment's "*Local Environmental Plan Making Guideline*" (August 2023).

1.2 Subject land

This planning proposal applies to land parcels throughout the Clarence Valley LGA. Some of the amendments apply to specific land parcels whilst others apply to a group of allotments or a precinct. The table at 3.2 provides a summary of the land to which this planning proposal applies.

1.3 Current Land Zoning & Use

The planning proposal applies to a variety of land zones and uses under the *Clarence Valley Local Environmental Plan 2011* (CVLEP). Refer to the statements addressing the amendments in Appendix 1 for further information on proposed land zoning. Maps of existing land zoning are provided where relevant.

1.4 Background

This planning proposal has been prepared to resolve anomalies, errors, omissions, additions and updates in the provisions and maps of the CVLEP that have been identified since the last CVLEP Housekeeping Amendment (Amendment No. 49) was finalised on 1 July 2022.

2. PART 1 - OBJECTIVE OR INTENDED OUTCOME

The objectives of the Planning Proposal are to make 15 amendments to the CVLEP as follows:

1. Heritage related amendments including:
 - (a) Updates to mapping and property descriptions and anomalies in the listings of several heritage items in CVLEP Schedule 5 Environmental Heritage and Heritage Maps
 - (b) Inclusion of additional individual heritage items identified by owners, members of the public or Council; including Iluka Obelisk, 2 Sandstone Culverts, Stone Kerb and Gutter Maclean, and a dwelling located at 90 Victoria Street.
 - (c) Consequential amendments to the Heritage Map and Schedule 5 of the LEP
2. Rezoning of publicly owned land (Council and Crown Land and National Parks) consistent with their function and purpose; Glenreagh Water Pump Station, the Everlasting Swamp National Park and New Grafton Bridge.
3. Minor amendments of zone boundaries, lot size and height of building maps to address anomalies with approved residential subdivision boundaries at Glenreagh, and South Grafton Golf Club.

4. Deletion of the “optional” subclauses 4.2D(2)(c) and 5.5(b) 100m separation distance requirement between a secondary dwelling/dual occupancy and the principle dwelling on land parcels located within rural zones. This proposed amendment is to provide more flexibility in locating a secondary dwelling or dual occupancy on rural land in the most optimal position on the land, particularly where environmental hazards and constraints may impact ability to meet this clause. Note that Clause 4.2D(c) and 5.5(b) subclauses are optional clauses from the NSW LEP Template and is not opposed by DPE.
5. Deletion of “crematoria” as prohibited development in the E4 General Industrial Land Use Table, to allow development for the purpose of “crematoria” to be permitted with consent within this land use zone.

3. PART 2 - EXPLANATION OF PROVISIONS

3.1 Objectives

The objectives of the Proposal will be achieved by amending:

1. CVLEP Heritage Map.
2. Schedule 5 to the CVLEP in relation to existing heritage items and additional heritage items.
3. Land Zoning Maps in relation to the zone boundary changes
4. Height of Building Maps in association with zone boundary changes
5. Lot Size Maps in association with zone boundary changes
6. Part 4 Principle development standards (4.2D(2)(c)) and Part 5 Miscellaneous provisions (5.5(b))
7. E4 General Industrial Land Use Table to allow crematoria as development permitted with consent

A table summarising the proposed amendments is set out in Section 3.2.

Full details of each of the amendments are provided in Appendix 1, including Amendment number, amendment title, land description/address, landowners(s), description of issue, description of proposed amendment to the CVLEP provisions and maps (where relevant).

3.2 Summary of Proposed Amendments

Summary of proposed amendments	
Amendment No.	Summary
Amendment 1 (Zoning)	Everlasting Swamp National Park Rezone from RU2 Rural Landscape and C2 Environmental Conservation to C1 National Parks and Nature reserves (at the request of NPWS). This will result in an amendment to the CVLEP Zoning Map.
Amendment 2 (Zoning)	Balun Bindarray Bridge (New Grafton Bridge) and roads Rezone from W2 Recreational Waterways to SP2 Infrastructure (classified road). This will result in an amendment to the CVLEP Zoning Map.

Summary of proposed amendments	
Amendment No.	Summary
Amendment 3 (Heritage)	<p>Heritage Street Trees</p> <p>Mapping of existing heritage listed trees <i>Brachychiton</i> (Flame Trees), <i>Ficus</i> (Fig Trees) and <i>Jacarandas</i> in all road reserves in Grafton existing heritage item I135 and South Grafton heritage item I943. These are listed items but not currently mapped and have recently been mapped by Councils GIS section. This will result in an amendment to relevant CVLEP Heritage Maps.</p>
Amendment 4 (Heritage)	<p>Minnie Water Community Hall</p> <p>Correction of the property description for heritage item Minnie Water Community Hall heritage item I1029 to Lot 7307 DP 1153056 as the hall has been relocated on the site. This will result in an amendment to both the CVLEP Heritage Map and Schedule 5.</p>
Amendment 5 (Heritage)	<p>Iluka Obelisk</p> <p>Addition of a heritage item I1091 of the Iluka Obelisk. This will result in an amendment to both the CVLEP Heritage Map and Schedule 5.</p>
Amendment 6 (Heritage)	<p>Sandstone Culverts and Timber Deck, Old Glen Innes Road</p> <p>Addition of a heritage item I1092 of two historic sandstone culverts and timber deck discovered in road works. This will result in an amendment to both the CVLEP Heritage Map and Schedule 5.</p>
Amendment 7 (Heritage)	<p>Stone Kerb and guttering, McIntyres Lane Maclean</p> <p>Addition of a heritage item I1093 of the historic stone kerb and guttering. This will result in an amendment to both the CVLEP Heritage Map and Schedule 5.</p>
Amendment 8 (Heritage)	<p>90 Victoria Street, Grafton</p> <p>Addition of a heritage item I1095 dwelling by owner request. This will result in an amendment to both the CVLEP Heritage Map and Schedule 5.</p>
Amendment 9 (Zoning)	<p>Gibraltar Crescent Junction Hill-Koolkhan</p> <p>Zone boundary alteration to correct anomaly to align residential zone boundary with subdivision boundary. This will result in an amendment to the CVLEP Zoning Map and Height of Building Map.</p>

Amendment 10 (Zoning)	<p>Cameron Close, Glenreagh</p> <p>Boundary alteration to align residential zone boundary with subdivision boundary. This will result in an amendment to the CVLEP Zoning Map, Height of Building Map and Lot Size Maps.</p>
Amendment 11 (Zoning)	<p>Glenreagh Water Pump Station</p> <p>Rezoning RE1 and R2 land consisting Council water supply infrastructure to SP2 Infrastructure (water supply system). This will result in an amendment to the CVLEP Zoning Map.</p>
Amendment 12 (Zoning)	<p>425 Bent Street South Grafton</p> <p>Adjustment of boundary between Golf Course and residential subdivision from R5 to RE2. This will result in an amendment to the LEP Zoning Lot Size Maps.</p>
Amendment 13 (LEP development control amendment)	<p>Amending the 100m separation distance requirement for secondary dwellings and Dual Occupancies in Rural Zones</p> <p>Deletion of Clause 4.2D(2)(c) for dual occupancies (detached) – and Clause 5.5(b) which will delete the requirement for dual occupancies and secondary dwellings to be within 100metres of each other, in exceptional circumstances where this would result in a more resilient, sustainable or environmental outcome.</p>
Amendment 14 (LEP land use table amendment)	<p>Deletion of “crematoria” as prohibited development in the E4 General Industrial Land Use Table, to allow development for the purpose of “crematoria” to be permitted with consent within this land use zone.</p>
Amendment 15 (Heritage)	<p>Cunglebung Homestead Complex, Nymboida National Park</p> <p>Addition of a heritage item I1096 Cunglebung Homestead Complex which is under ownership and management of NPWS and on the Section 170 Register. This will result in an amendment to both the CVLEP Heritage Map and Schedule 5.</p>

4 PART 3 - JUSTIFICATION

Section A – Need for the planning proposal

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

The planning proposal amendments result from an annual review of the CVLEP which has identified a number of minor zoning, height of building or lot size errors, anomalies, additions and required updates in its provisions and maps.

Heritage matters have arisen as a result of Council site works, owner requests and identification.

The 100m separation distance requirement (CVLEP Clause 4.2D(2)(c) and Clause 5.5(b)) between secondary dwellings / dual occupancies and the principle dwelling has been identified as a limiting factor for development for the purpose of a secondary dwelling or dual occupancy on certain rural land parcels that are impacted by flood, bushfire, slope or other environmental hazards.

Clause 4.6 does not allow development consent to be granted for development that would contravene Clause 5.5, which includes (b) *the distance between the secondary dwelling and the principal dwelling must not exceed 100 metres*. Clause 4.2D(2)(c) also imposes a 100m distance requirement “*for dual occupancies (detached)—dwellings will be situated within 100 metres of each other*”

Clause 4.2D and Clause 5.5 are optional LEP clauses under the *Standard Instrument-Principal Local Environmental Plan (2006 EPI 155a)*. which may be varied or removed at the discretion of Council.

Consequently, this planning proposal proposes to delete CVLEP Clause 4.2D(2)(c) and Clause 5.5(b) to remove any inconsistency and provide flexibility with locating secondary dwellings and dual occupancies on rural land parcels to minimise potential hazards, while ensuring compatibility the environment and rural character.

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

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

Section B - Relationship to strategic planning framework

4.3 Consistency with applicable Regional Strategy – North Coast Regional Plan 2041

The *North Coast Regional Plan 2041* (NCRP December 2022) is the applicable regional plan. It is the NSW Government’s strategy for guiding land use planning decisions for the North Coast region. It sets a 20-year strategic land use planning framework for the region, aiming to protect and enhance the region’s assets and plan for a sustainable future.

The Planning Proposal provisions are not inconsistent with the objectives and actions of the NCRP 2041. An assessment of the planning proposal’s consistency against the NCRP goals, strategies and actions is at Appendix 2 (consistency checklist).

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

The following is a list of Council local strategies that are usually considered when preparing and assessing planning proposals:

- The Clarence 2032 (Community Strategic Plan) *
- Delivery Program & Operational Plan 2023-2024
- Clarence Valley Council Local Strategic Planning Statement 2020 *
- Clarence Valley Rural Lands Strategy June 2022
- Floodplain Management Plans
- Community Energy and Emissions Reduction Strategy July 2021
- Clarence Valley Settlement Strategy
- Clarence Valley Employment Land Strategy June 2022
- Clarence Valley Biodiversity Strategy 2020 -2025:
- Clarence River Way Masterplan II
- Clarence Valley Open Spaces Strategic Plan 2012

An assessment of the planning proposal against the relevant local strategies is provided in Appendix 3.

4.5 Consistency with applicable state environmental planning policies

The proposal is consistent with applicable and relevant state environmental planning policies (SEPPs). A more detailed assessment of the proposals relevance and consistency with SEPPs is provided in Appendix 4. The statements in Appendix 1 describing individual amendments provide more detail of SEPPs that apply more specifically in some instances.

4.6 Consistency with applicable Ministerial Directions (s.9.1 Directions)

The proposal is consistent with applicable and relevant Local Planning Directions 20 February 2023 (Section 9.1(2) Directions). A more detailed assessment of the proposal's relevance and consistency with these Directions is in Appendix 5. The statements in Appendix 1 describing individual amendments provide more detail of Section 9.1 Directions that apply more specifically in some instances.

Section C - Environmental, social and economic impact

4.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. There will be no adverse impact on any of these matters as a result of this planning proposal.

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

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

4.9 Relevant social and economic effects?

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

Section D - State and Commonwealth interests

4.10 Is there adequate public infrastructure for the planning proposal?

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

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

Relevant public authorities will be consulted as per the requirement of the Gateway Determination including;

- NSW Heritage
- Crown Lands
- NSW Mining, Exploration and Geoscience
- NSW Rural Fire Service
- Transport for NSW
- NSW National Parks and Wildlife Service

Refer also to Section 6. PART 5 - COMMUNITY CONSULTATION, below.

5. PART 4 - MAPPING

Mapping is contained in Appendix 1 in relation to each proposed Amendment (as relevant).

The mapping includes:

- Site identification plan – where relevant
- Existing land zoning / height of building / lot size maps – for amendments where a change in land zoning/ height of building / minimum lot size is proposed
- Proposed land zoning / height of building / lot size maps – for amendments where a change in land zoning / height of building / minimum lot size is proposed
- Existing heritage map – for amendments where a change to the heritage map and/or Schedule 5 is proposed
- Proposed heritage map – for amendments where a change to the heritage map and/or Schedule 5 is proposed.

6. PART 5 - COMMUNITY CONSULTATION

Community consultation will be carried out following the issue of a Gateway Determination.

The proposal is classified as 'Basic' for the purpose of community consultation under DPE's *"Local Environmental Plan Making Guideline, August 2023, Page 54"*. This requires a 10-working day minimum exhibition period.

The *Clarence Valley Council Community Participation Plan, June 2022* however, requires a planning proposal to be publicly exhibited for a period of 28 days, unless otherwise specified in the Gateway Determination. This is the preferred exhibition period.

Notification of the exhibited planning proposal will include;

- (a) Posting on Council's "Noticeboard" ENews to inform the public of the exhibition details of the proposal
- (b) Publication of the proposal on Council's "On Exhibition" webpage along with details of the proposal and proposed public exhibition.
- (c) Written notification to the owners of privately owned land affected by some proposed amendments (excluding rural land for changes to the 100m separation distance).
- (d) Consultation with the public authorities as required by the gateway determination.

A public hearing is not required or considered necessary.

Planning Proposal Categories

Note: Categories of planning proposals are for administrative purposes only and not set out in the EP&A Act.

Basic	A basic planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:
	<ul style="list-style-type: none"> • To correct an administrative error • For a few minor 'housekeeping' amendments • To list a local heritage item • To reclassify land where the Governor's approval is not required • That is consistent with a Department endorsed/approved local strategy, such as a Local Housing Strategy • That is consistent with section 3.22 Expedited amendments of environmental planning instruments of the EP&A Act to: <ul style="list-style-type: none"> a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature, and/or c. deal with matters that the Minister considers do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land

7. PART 6 - PROJECT TIMELINE

A timeline for the estimated milestones and ultimate completion of the project is provided in the table below.

Milestone	Estimated timeframe/completion date
Council resolution to support & prepare a planning proposal and to forward to the Planning Gateway	September 2023
Lodgment of proposal to NSW Planning Portal with a request for a Gateway determination	September 2023
Gateway Determination	13 November 2023
Public Exhibition of Planning Proposal and consultation with public authorities (note no exhibition was held during school holiday period.)	February -March2024
Assessment/consideration of submissions	March-April 2024

Officer report to Council (post exhibition)	May 2024
Submission to the Department with a notification to make the LEP	May-June 2024
Making of final plan and notification of the LEP amendment	July 2024

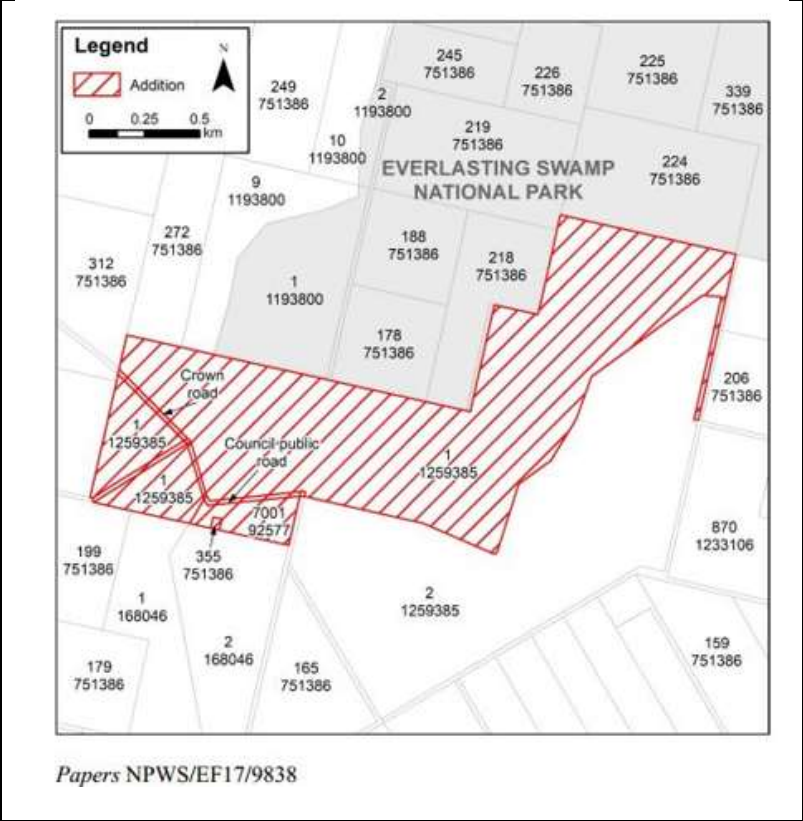
APPENDIX 1:

PROPOSED AMENDMENTS AND EXPLANATION OF PROVISIONS

Amendment 1 (Rezoning).**Everlasting Swamp National Park**

Amendment 1 (Rezoning)	
<p>Land description/address: Lots 1 DP 1259385, Lot 7001 DP92577, Lot 355 751386, Council public road and Crown Road</p> <p>Everlasting Swamp National Park</p> <p>Rezoning from RU2 Rural Landscape and C2 Environmental Conservation to C1 National Parks and Nature Reserves</p> <p>A transfer of land to NPSW requires the land to be rezoned to C1.</p>	
Owner - NPWS	
Land Zoning - RU2 Rural Landscape	
Issue	Amendment required
<p>Advice has been received from NPWS stating:</p> <p><u>Notice of Reservation under the National Parks & Wildlife Act 1974</u></p> <p>Addition of land to Everlasting Swamp National Park Addition of land to Gurrangang State Conservation Area</p> <p>Please find attached Government Gazette notices published 17 December 2021 in regard to the above for your information and records.</p> <p>Land reserved under the National Parks and Wildlife Act 1974 is zoned E1 National Parks and Nature Reserves and this should be amended in your Local Environmental Plan.</p> <p style="text-align: center;">NATIONAL PARKS AND WILDLIFE ACT 1974 NOTICE OF RESERVATION OF A NATIONAL PARK</p> <p>I, the Honourable Margaret Beazley AC QC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below as part of Everlasting Swamp National Park, under the provisions of Section 30A(1)(a) of the <i>National Parks and Wildlife Act 1974</i>.</p> <p>Dated this 15th day of December 2021.</p> <p>MARGARET BEAZLEY Governor, By Her Excellency's Command,</p> <p>MATTHEW KEAN Minister for Energy and Environment.</p> <p style="text-align: center;">Schedule</p> <p style="text-align: center;">Land District – Grafton LGA – Clarence Valley</p> <p>County of Clarence, Parish of Southgate, about 186.69 hectares, being Lot 1 DP1259385, Lot 7001 DP92577, Lot 355 DP751386, and the council public road and Crown road; as shown by red hatching in the diagram below.</p>	<p>Rezoning of Lot 1 DP 1259385, Lot 7001 DP92577, Lot 355 751386 Council public road and Crown Road from RU2 Rural Landscape and C2 Environmental Conservation to C1 National Parks and Nature Reserves.</p> <p>This will result in an amendment to the LEP Zoning Map.</p>

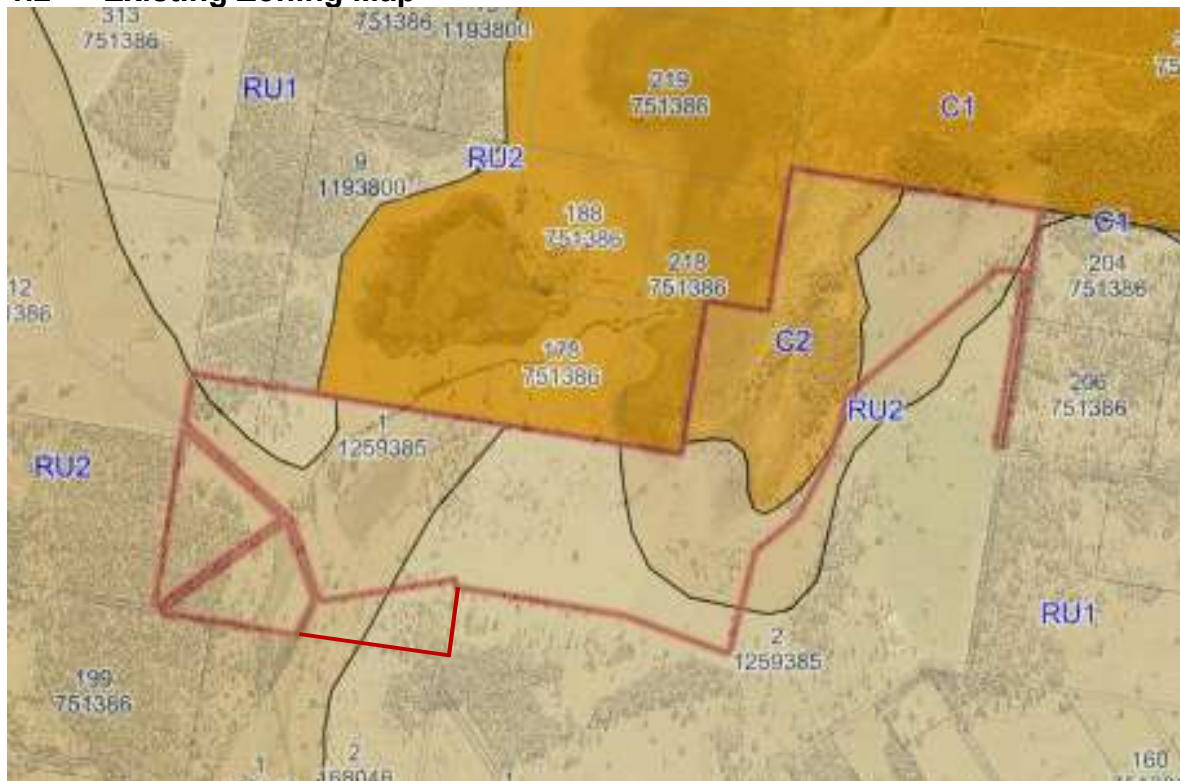
Amendment 1 (Rezoning)



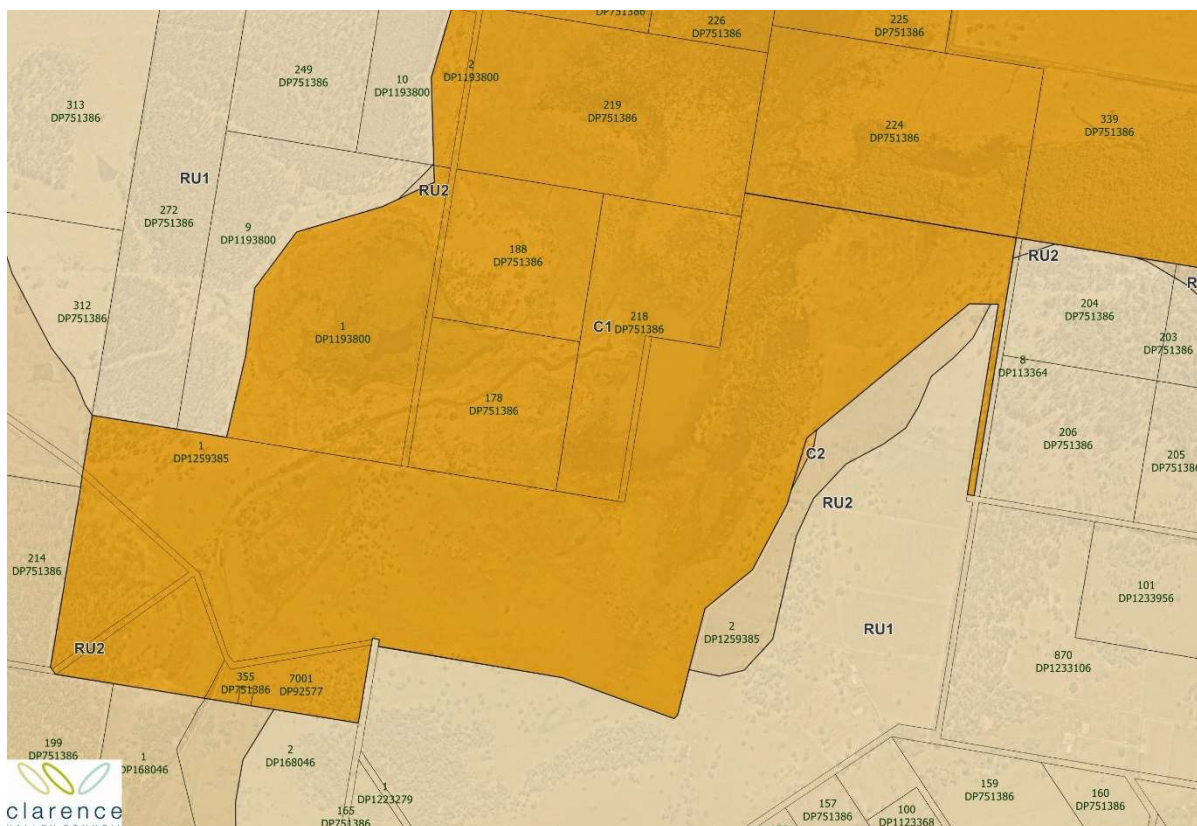
1.1 Site Identification Map



1.2 Existing Zoning Map



1.3 Proposed Zoning Map



Amendment 2 (Rezoning). Balun Bindarray Bridge (New Grafton Bridge) and approach roads

Amendment 2 (Rezoning)	
<p>Land description/address: Balun Bindarray Bridge (New Grafton Bridge) and approach roads</p> <p>Rezone from W2 Recreational Waterways to SP2 Infrastructure (classified road) and register as Road Reserve. Formal notification of road reserves from Transport for NSW is still awaited.</p> <p>This will result in an amendment to the LEP Zoning Map</p>	
Owner Transport NSW/Council	
Land Zoning –	
Issue	Amendment required
The second Grafton Bridge crossing named Balun Bindarray Bridge within the W2 zone and approach roads are still within surrounding urban zonings.	<p>Rezone from W2 Recreational Waterways to SP2 Infrastructure (classified road) and Road Reserves.</p> <p>Formal notification of road reserves is still awaited.</p>

2.1 Site identification Map –




2.2 Current Zoning Map



2.3 Proposed Zoning Map



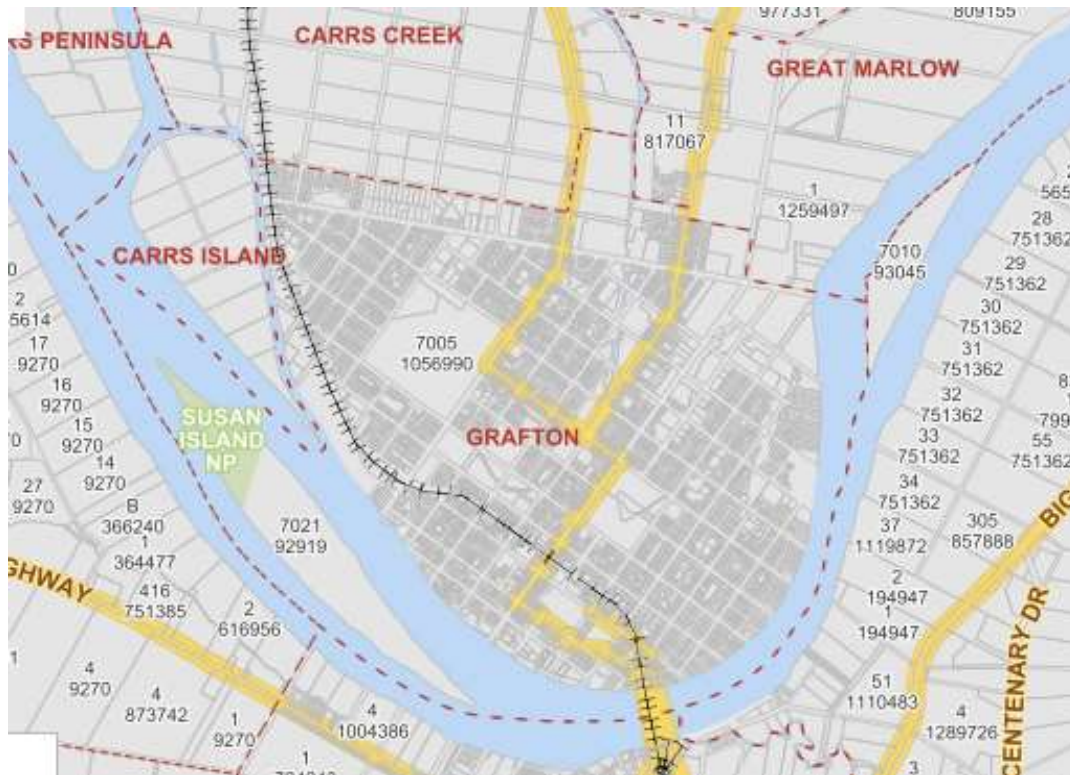
Amendment 3 (Heritage) Mapping of Existing Heritage Listed Street Trees – in all road reserves in Grafton (Item I135) and South Grafton (Item I943).

Amendment 3 (Heritage)	
<p>Land description /address All road reserves in Grafton (Item I135), and South Grafton (Item I943).</p>	
	
<p>Owner – Clarence Valley Council</p>	
<p>Land Zoning - Various</p>	
Issue	Amendment required
<p>Existing heritage listed trees <i>Brachychiton</i>, <i>Ficus</i> and <i>Jacaranda</i>; are listed in Schedule 5 of CVLEP 2011, local heritage item I135 located in all road reserves throughout Grafton, (<i>including areas which lie outside of the Grafton Heritage Conservation Area</i>), but they are not currently shown on the relevant LEP Heritage Map.</p> <p>Existing Heritage listed trees <i>Brachychiton</i>, <i>Ficus</i> and <i>Jacaranda</i>; are listed in Schedule 5 of CVLEP 2011 local heritage item I943 located in all road reserves throughout South Grafton ,(<i>including areas which lie outside of the South Grafton Heritage Conservation Area</i>) but they are not shown on the relevant LEP Heritage Map.</p> <p>State Heritage Inventory (SHI) 6000626-Grafton and SHI 6000623-South Grafton provide details of the listings.</p> <p>Mapping of heritage items is required on the LEP Map and should be accessible on searches. The listings within Schedule 5 are located at the end of alphabetical listings for Grafton and South Grafton respectively, and not listed against a particular road or street which can result in these listings being overlooked.</p> <p>The mapping will facilitate identification on the heritage maps and eplanning system. Proposals such as new driveways, or any development which can impact on spatial and landscaped setting need</p>	<p>1. Amend the CVLEP 2011 Heritage Maps to show specific trees mapped as heritage items I135 and I943 in all road reserves throughout Grafton and South Grafton.</p> <p>The following Heritage Map Sheets are to be updated:</p> <p><u>1730 COM HER 007H 040 20201001</u> <u>1730 COM HER 007HB 010 20220411</u> <u>1730 COM HER 007HC 010 20220411</u></p>

Amendment 3 (Heritage)

to be carefully assessed with regard to impacts on these significant street trees.
It is not proposed to change the current land zoning of the land.

3.1 Site identification plan - Amendment 3 (Heritage)

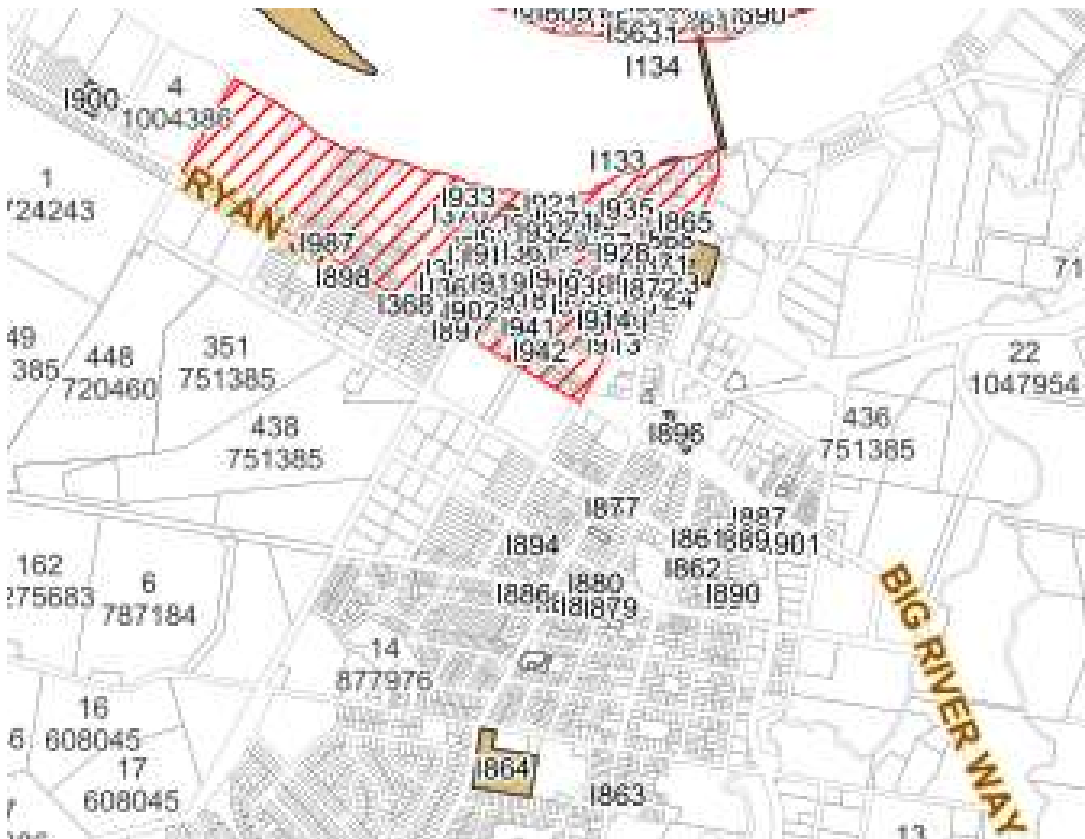


Grafton Urban Area denoted by red dotted line.

3.2 Existing heritage map - Amendment 3 (Heritage)



Grafton Urban Area Heritage Map






3.3 Proposed heritage map Grafton Urban Area Heritage Listed Street Trees - Amendment ID 3 (Heritage)



3.4 Proposed Heritage Map South Grafton Urban Area Heritage Listed Street Trees - Amendment ID 3 (Heritage)



Amendment 4 (Heritage). Minnie Water Community Hall, Minnie Water correction to mapping and description.

Amendment 4 (Heritage)	
Land description/address: Minnie Water Community Hall, Minnie Water Foreshore Reserve, Sandon Rd, Minnie Water 2462.	
	
Refer to Site Identification plan at the end of this table for location.	
Owner –Crown Land managed by Clarence Valley Council	
Land Zoning - RE1 Public Recreation	
Issue	Amendment required
<p>Minnie Water Community Hall heritage item I1029 was originally located on Lot 7308 DP 1153056 and has been relocated to Lot 7307 DP 1153056. Correction of the property description for heritage item is required in Schedule 5 and on the Heritage Map.</p> <p>This will result in an amendment to both the LEP Heritage Map and Schedule 5.</p>  <p>Photo showing the original location of the Community Hall on Lot 7308.</p>  <p>Current aerial photo of hall (marked with yellow boundary) on Lot 7308 DP 1153056.</p>	<ol style="list-style-type: none"> 1. In Schedule 5 of CVLEP 2011 change the Property Description for heritage item I1029 to Lot 7307 DP 1153056 and remove Lot 7308 DP 1153056 2. Amend the CVLEP 2011 Heritage Map so that heritage item I1029 is located on Lot 7307 DP 1153056 and remove heritage listing from Lot 7308 DP 1153056.

Amendment 4 (Heritage)



Photo of existing location of Minnie Water Community Hall on Lot 7308 DP 1153056 adjacent to Surf Club.

Note - Nip Welsh Memorial Park is within the Heritage Conservation Area boundary on Lot 7307 DP 1153056. The Surf Club is a modern building which straddles both lots 7307 and 7308.

It is not proposed to change the current land zoning of the land.

4.1 Site identification plan - Amendment 4 (Heritage)

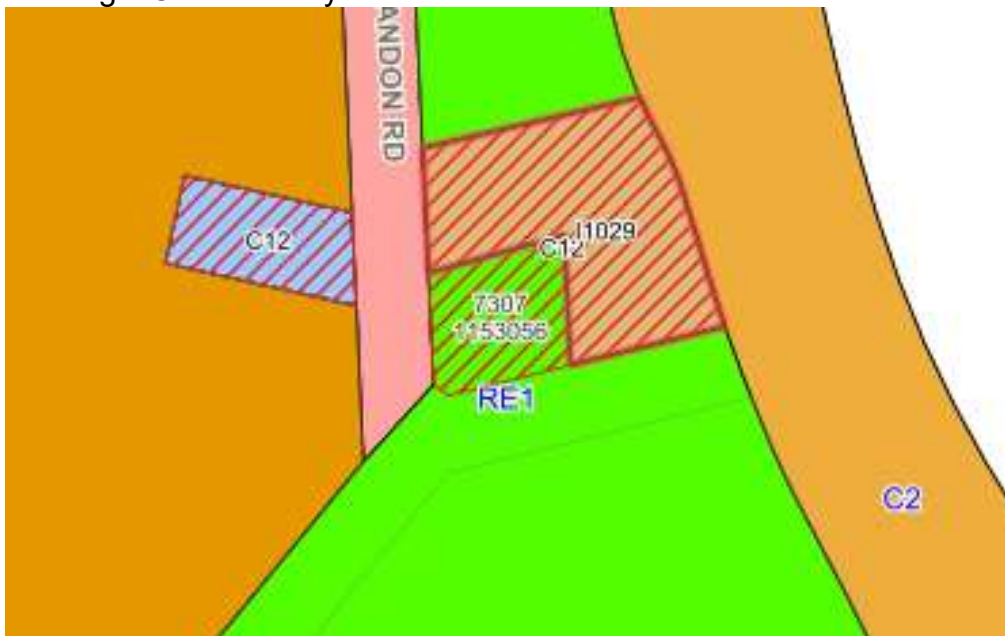


Site Location Lots 7307 (site of heritage item) and 7308 DP 1153056 (former location and listed location).

4.2 Existing heritage map - Amendment 4 (Heritage)



Existing HCA Boundary



4.3 Proposed heritage map - Amendment ID 4 (Heritage)



Note no change to Heritage Conservation Area boundary.

Amendment 5 (Heritage) Iluka Obelisk, Ken Leeson Oval,

Amendment 5 (Heritage)

Land description/address:

Iluka Obelisk, Ken Leeson Oval, marking the edge of Iluka Nature Reserve. Lot 92 DP 822843



Refer to Site Identification plan at the end of this table for location.

Owner – Crown Lands, Council as Land Manager

Land Zoning - RE1 Public Recreation

Issue	Amendment required
<p>A request was received from Iluka Historical Society in 2021 to include the Iluka Obelisk which marks the edge and the creation of, the Iluka Nature Reserve for Koala Protection.</p> <p>The Obelisk is historically and socially significant marking community agitation for the creation of the Iluka Koala Reserve which later became the Iluka Nature Reserve and National Park. It was placed to mark the Southwest corner of the Reserve either at the time of, or soon after the gazettal of the Reserve in 1992. The Lands Department also used it as a reference point to explain to new Trustees the border and layout of the Reserve. The concrete pylon is also historically significant for its connection to the Iluka Crane Wharf from where it was relocated after the closure of the wharf. The Crane block (heritage item I 150) was significant for the role in the construction of the break wall and offloading of rocks from vessels.</p> <p>It is not proposed to change the current land zoning of the land which is RE1 Public Recreation.</p>	<ol style="list-style-type: none"> 1. In Schedule 5 of CVLEP 2011 insert heritage item I1091 'Iluka Obelisk' Lot 92 /DP822834 Corner of Ken Leeson Oval and Iluka Nature Reserve 2. Amend the CVLEP 2011 Heritage Map so that heritage item I1091 applies to an area of 10m around the Obelisk on Lot 92 DP822834. A reduced curtilage should apply to the item, not to the whole Lot DP of the playing fields.

5.1 Site identification plan - Amendment 5 (Heritage)



Subject Site, Lot 92 DP 822834, Ken Leeson Oval, Iluka.



Location of Obelisk GPS 29 degrees 24'25.500' S and 153 degrees 21'16.260'E
153.3545 / -29.407083




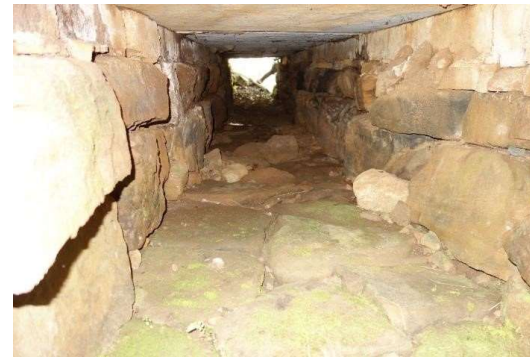
5.2 Existing heritage map - Amendment 5 (Heritage)



5.3 Proposed heritage map - Amendment 3 (Heritage)



Amendment 6 (Heritage). Two Sandstone Box Culverts - Road Reserve, Old Glen Innes Road, Chambigne

Amendment 6 (Heritage)	
<p>Land description/address: Two Sandstone Box Culverts, Road Reserve, Old Glen Innes Road, Chambigne. Refer to Site Identification plan at the end of this table for location.</p>	
<div style="display: flex; justify-content: space-around; align-items: flex-end;">   </div> <div style="display: flex; justify-content: space-around; align-items: flex-end;">   </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> Culvert 1 Culvert 2 </div>	
Owner - Clarence Valley Council	
Land Zoning – Road Reserve -29.7274, 152.7958	
Issue	Amendment required
<p>Two historic sandstone box culverts have been discovered by Council when addressing repairs to a large pothole on Old Glen Innes Road at Chambigne. The walls of the culverts are constructed of sandstone blocks with lengths of timber spanning the walls with gravel pavement constructed above the timber spans. They are estimated to have been constructed between 1860s during the Gold Rush years as part of the historical Old Glen Innes road link between the Tablelands and Grafton.</p> <p>Statement of Significance</p> <p>'The two sandstone box culverts meet local heritage significance for their history, research and representative values. The sandstone box culverts as part of the historical, c.1860s Old Grafton Glen Innes Road are historically important to the area as part of the initial road from the country to the coast. The culverts have research potential as more information is needed to confirm their construction date, and also</p>	<ol style="list-style-type: none"> 1. Add heritage item I1092 Two Sandstone culverts and box drains, Road Reserve, Chambigne to Schedule 5 of CVLEP 2011 and on the LEP Heritage Map.

Amendment 6 (Heritage)

to establish, via a study, if all of the culverts along the Old Glen Innes Grafton Road are of the same box culvert type. The sandstone box culverts are representative of such structures associated with roads and drainage across New South Wales, dating from the early 19th and early 20th centuries. As historical elements, they will need to be retained and conserved and repaired sympathetically (not replaced) where required. 'Virtus Heritage

It is appropriate that the two culverts are included on Schedule 5 of the CVLEP 2011 and the Heritage map as a heritage item for its future long-term protection. This will assist in raising awareness in future searches and management.

375 CVC Old Grafton-Glen Innes Road Sandstone Culverts
 Grafton, NSW
 Figure 3. Location of Culverts

Legend

- Culverts
- Roads
- Watercourses
- Contour Lines
- Water and Cities

Scale: 0 10 20 30 40 50 60 70 80 90 100m

North Arrow

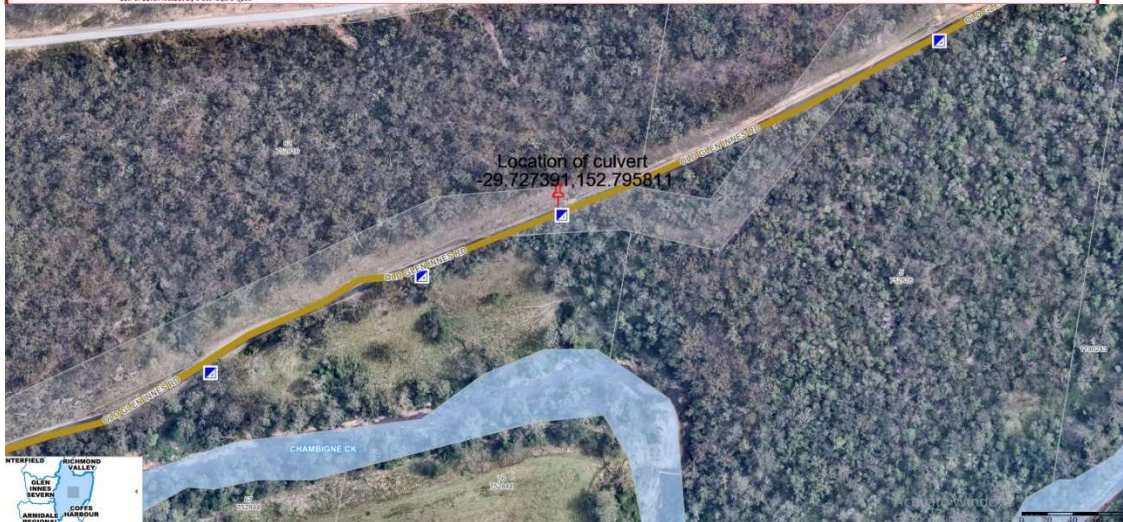
Inset Map: Shows the location of the study area relative to Grafton and Bawden Bridge.

Map Labels: GRAFTON, BAWDEN BRIDGE, OLD GLEN INNES ROAD, CHAMBERLAINE CREEK, Culvert #1, Culvert #2, Culvert #3, 50m, 40m, 30m, 20m, 10m.

Source: Shaded Relief
 Data: M210003
 Source: M210003
 Derived: GRAFTON / NSW (M210003)
 Derived: Virtus Heritage Services

Notes: Map is not intended to be used as a legal document. It is based on the best available data and is not intended to be used as a legal document. It is not intended to be used as a legal document.

VIRTUS HERITAGE



6.2 Existing Heritage Map




No heritage listing or heritage conservation area applies.

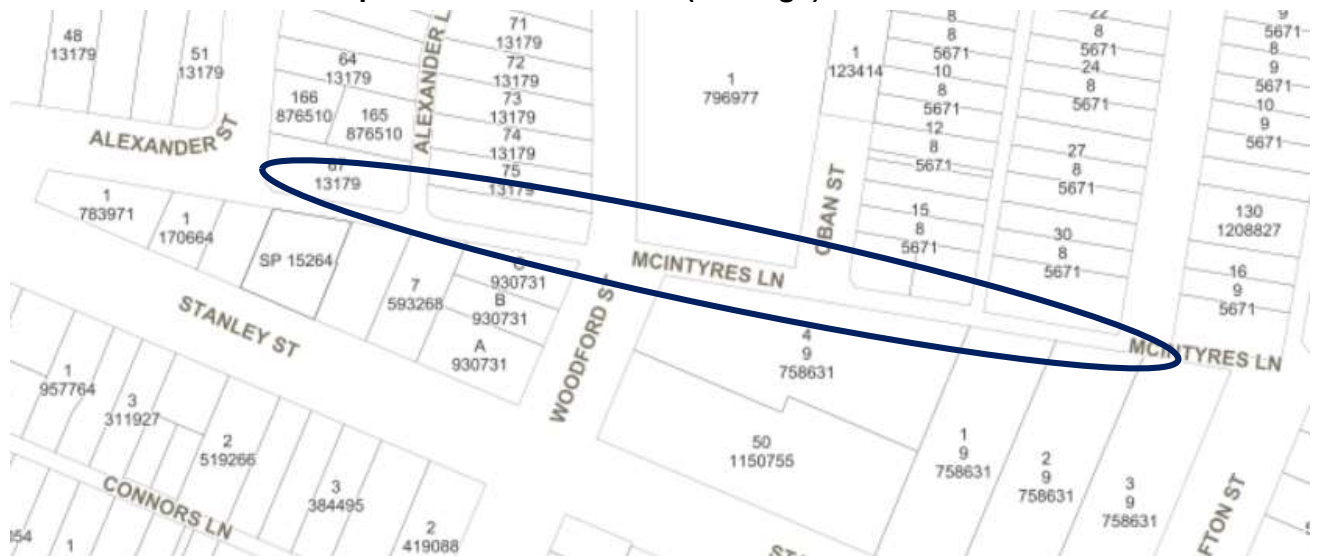
6.3 Proposed heritage map - Amendment ID 6 (Heritage)



Amendment 7 (Heritage). Stone Kerb and Gutter, McIntyres Lane, Maclean.

Amendment 7 (Heritage)	
<p>Land description/address: Stone Kerb and Gutter- McIntyres Lane Road Reserve Maclean Refer to Site Identification plan at the end of this table for location.</p>	
	
Owner - Clarence Valley Council	
Land Zoning – Road Reserve adjoining R2 Low Density Residential	
Issue	Amendment required
<p>A historic stone kerb and gutter is located along McIntyres Lane in Maclean. The structure is an early civil work for drainage and of historical and aesthetic significance.</p> <p>Protection of the site is appropriate as an item of local heritage significance and inclusion of the item in the Clarence Valley LEP 2011 Schedule 5 and Heritage map is proposed.</p>	<p>2. Add heritage item I1093 Stone verb and guttering Road Reserve, McIntyres Lane Maclean to Schedule 5 of CVLEP 2011 and on the LEP Heritage Map.</p>

7.1 Site identification plan - Amendment ID 7 (Heritage)



7.2 Existing Heritage Map



7.3 Proposed heritage map - Amendment ID 5 (Heritage)



Amendment 8 Heritage 90 Victoria Street, Grafton

Amendment 8 (Heritage)

Land description/address: 90 Victoria Street, Grafton

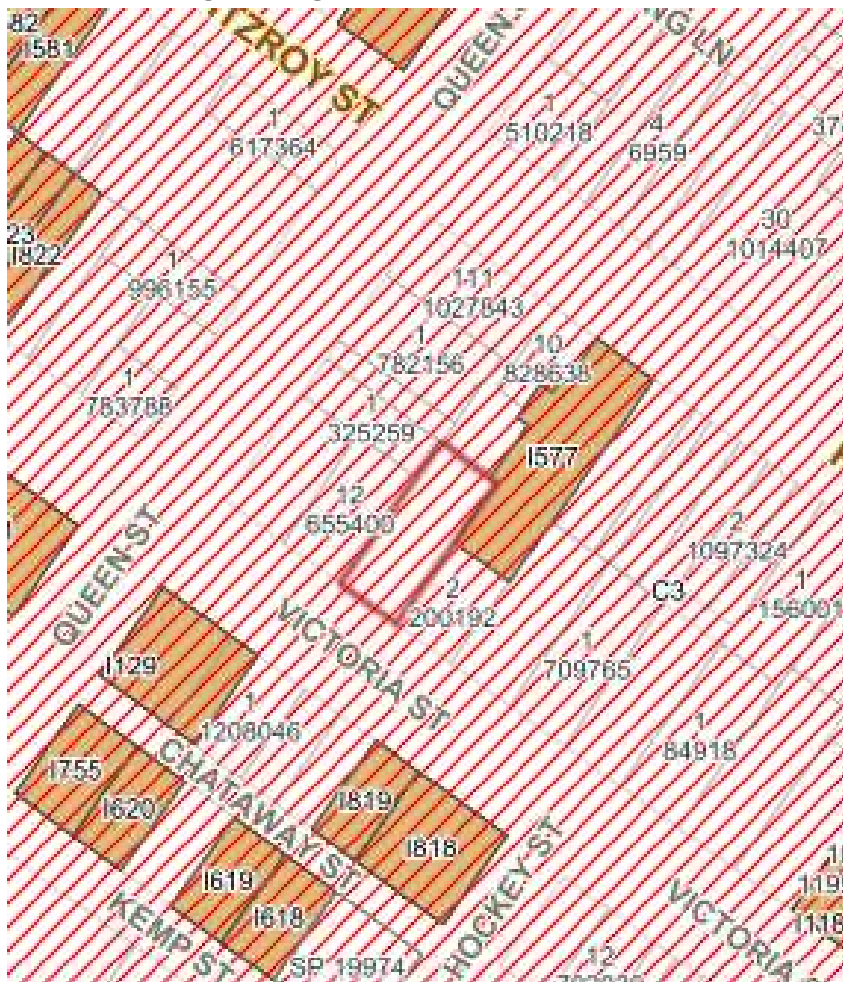


Issue	Amendment required
<p>A request has been received from the owners of 90 Victoria Street for its inclusion as a heritage item on the Heritage Schedule of CVLEP 2011 which was overlooked in the Grafton Heritage Study in 2004.</p> <ul style="list-style-type: none"> • This is a quality Federation style historic residence. • The original land owner -John McFadden was a pioneer of Grafton and potentially had a part in the construction of the house. • It contributes strongly to the heritage streetscape of Victoria St. • It is located in a precinct containing a high proportion of heritage items and meets the criteria for individual listing. • It is representative of architecture of a grand scale. • The dwelling demonstrates historical, and aesthetic significance <p>It is recommended that the house is included as an individual heritage item on Schedule 5 of CVLEP 2011 and on the heritage map.</p> <p>It is not proposed to change the current land zoning of the land.</p>	<ol style="list-style-type: none"> 1. Include dwelling at 90 Victoria Street, Grafton Lot 1 DP 981946 as an item of environmental heritage of local significance I1095 on Schedule 5 of CVLEP 2011 and on the LEP Heritage Map.

8.1 Site identification plan



8.2 Existing Heritage Map



8.3 Proposed Heritage Map



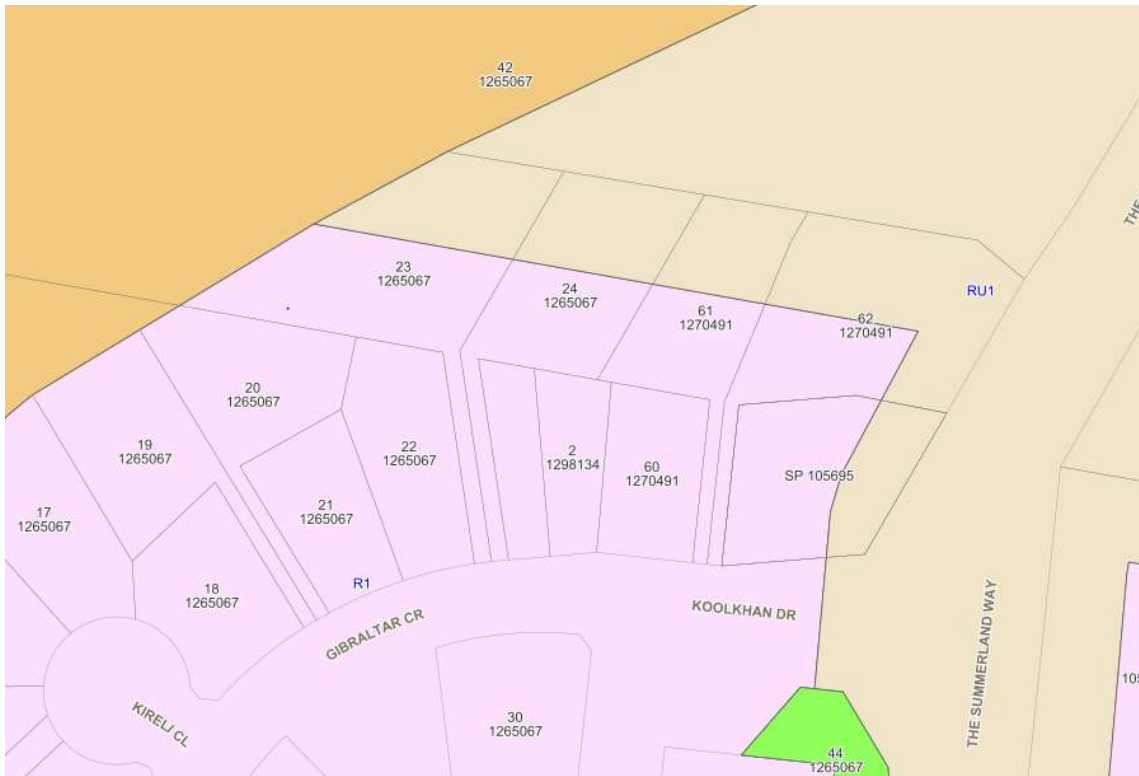
Amendment 9 Minor rezoning of boundary Gibraltar Crescent and Koolkhan Drive Junction Hill-Koolkhan

Amendment 9 Minor rezoning of boundary	
Land description/address: Rezoning – Lots 23 & 24 DP 1265067 & Lots 61 & 62 DP 1270491 & SP 105695 Height of Building – Lots 15, 16, 17, 18, 19, 20, 23 & 24 DP 1265067 and Lots 61 and 62 DP 1270491 and SP105695 Refer to Site Identification plan at the end of this table for location.	
Owner -Clarence Valley Council	
Land Zoning – R1 General Residential	
Issue	Amendment required
Gibraltar Crescent Junction Hill - Koolkhan The zone boundaries need amending in relation to the residential lots at Junction Hill. The R1 General Residential Zone is to be extended to the lot boundaries to align the residential zone boundary with the subdivision boundary. This is a minor adjustment of the boundary of the RU1 Primary production zone to R1 General Residential. The 9m Height of Building Map also need to be extended to align with the R1 General Residential zone boundary This will result in an amendment to the LEP Zoning Map and the HoB Map	Rezone the part of the land on Lots 23, 24 DP 1265067; Lots 61 and 62 DP 1270491 and SP105695 from RU1 Primary Production to R1 General Residential as shown on the proposed LEP zoning map. Extend the Height of Building Map to align with the R1 General Residential zone boundary on Lots 15, 16, 17, 18, 19, 20, 23 & 24 DP 1265067 and Lots 61 and 62 DP 1270491 and SP105695 as shown in the proposed LEP HoB Maps

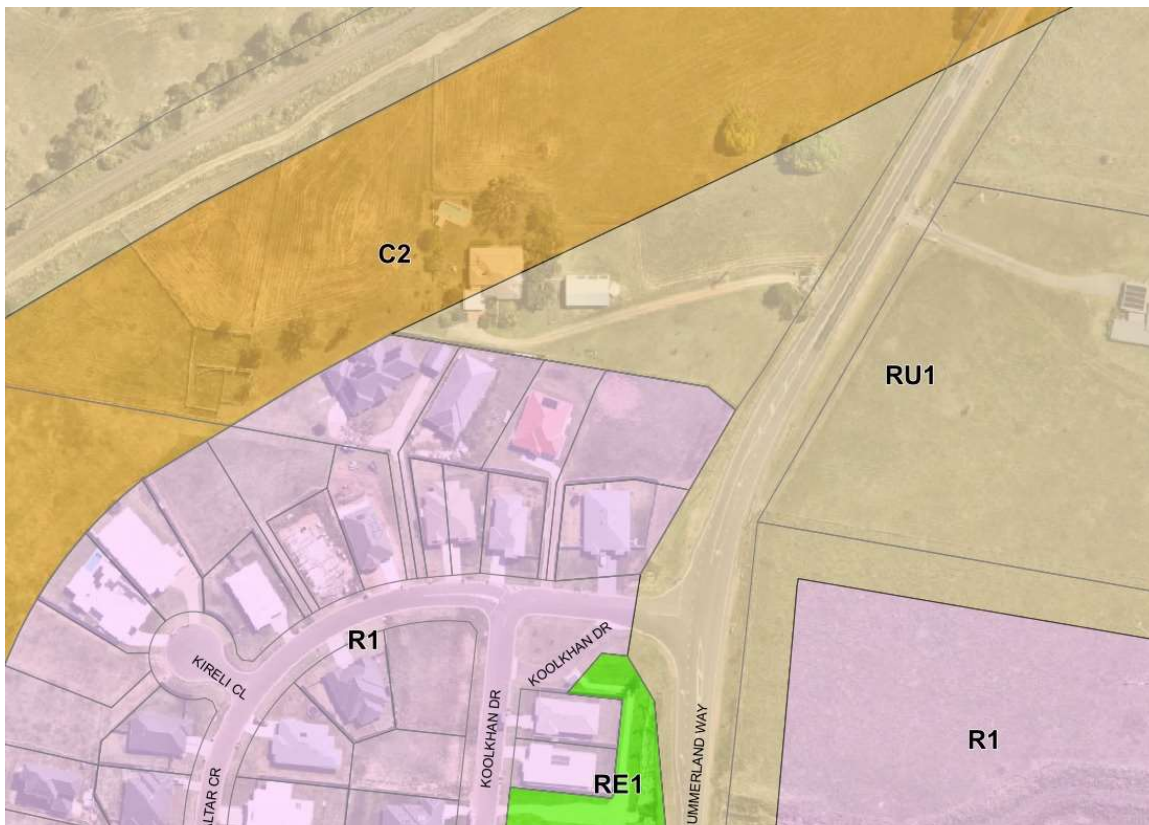
9.1 Site identification plan



9.2 Existing land zoning map



9.3 Proposed land zoning map



9.4 Existing Height of Building Map



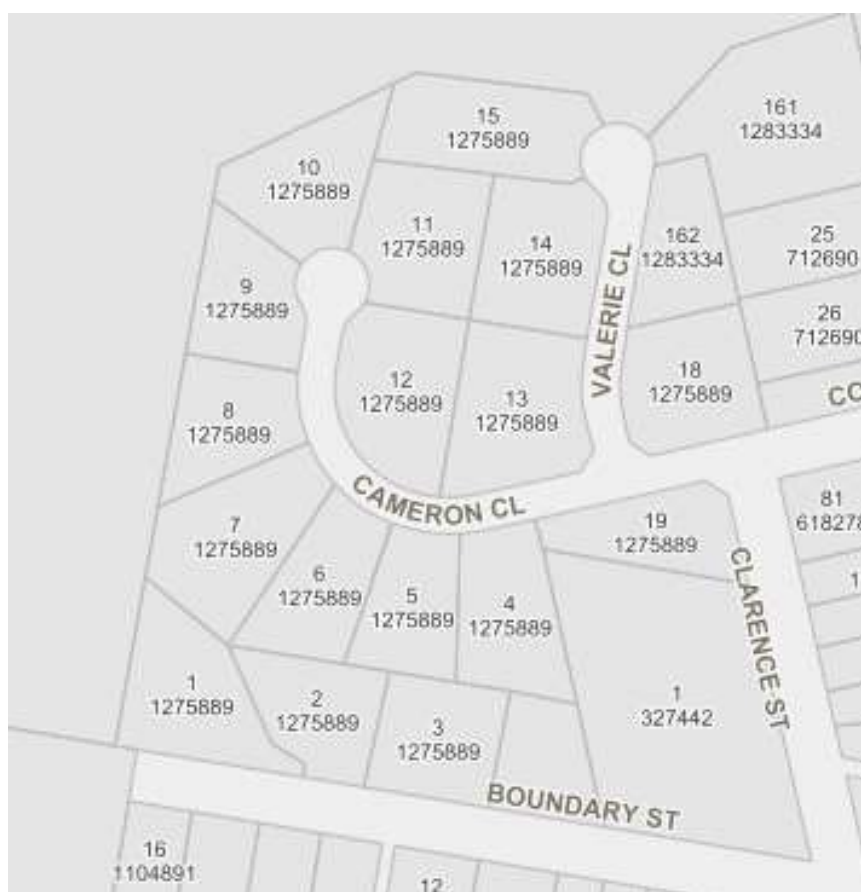
9.5 Proposed Height of Building Map



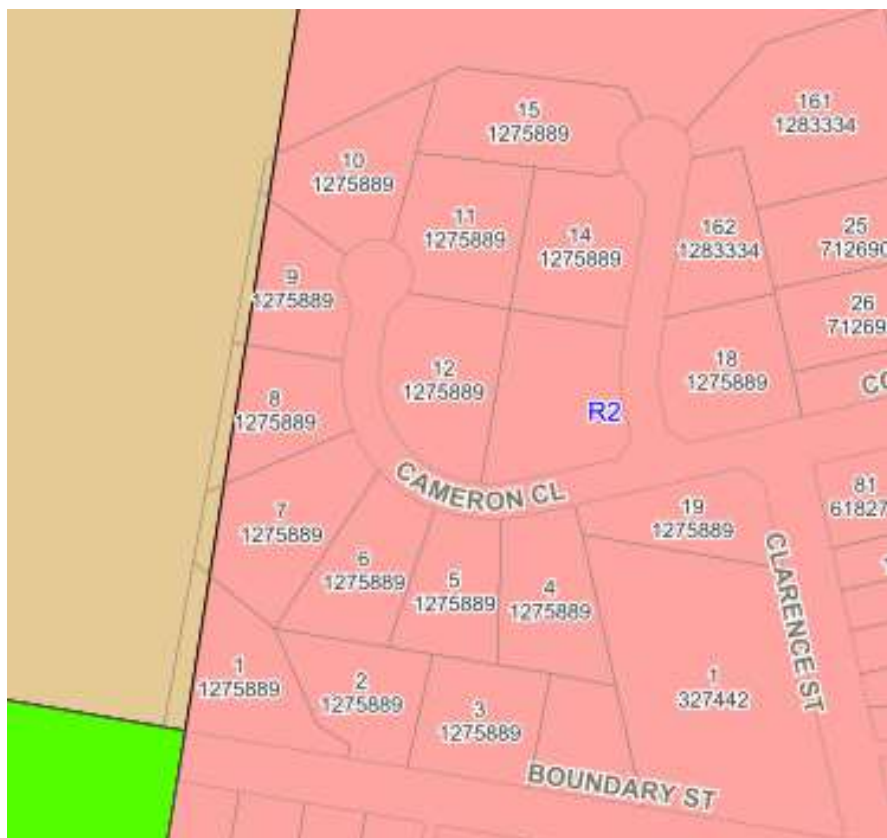
Amendment 10 (Rezoning). Cameron Close, Glenreagh

Amendment 10 (Rezoning)	
Land description/address: Lots 1, 7,8,9 &10 DP 1275889. Cameron Close, Glenreagh	
Refer to Site Identification plan at the end of this table for location.	
Owner - Private	
Land Zoning – R2 low Density Residential	
Issue	Amendment required
<p>There is an anomaly with the zone boundary and the subdivision boundary between the R2 Low Density Residential zone and the adjoining RU2 zone. This affects Lots 1, 7,8,9 &10 DP 1275889 which has also caused inconsistencies with the Lots Size and Height of Building Maps.</p> <p>The land comprises a fairly recent residential subdivision in the village of Glenreagh.</p>	<ol style="list-style-type: none"> 1. Rezone the parts of Lots 1,7,8,9 &10 DP 1275889 from RU2 Rural Landscape to R2 Low Density Residential on the LEP zoning map. 2. Amend the Height of Building Map for parts of Lots 1,7,8,9 &10 DP 1275889 from 'nil' to 9m 3. Amend the Lot Size Map for parts of Lots 1,7,8,9 &10 DP 1275889 from '40ha' to 'nil'.

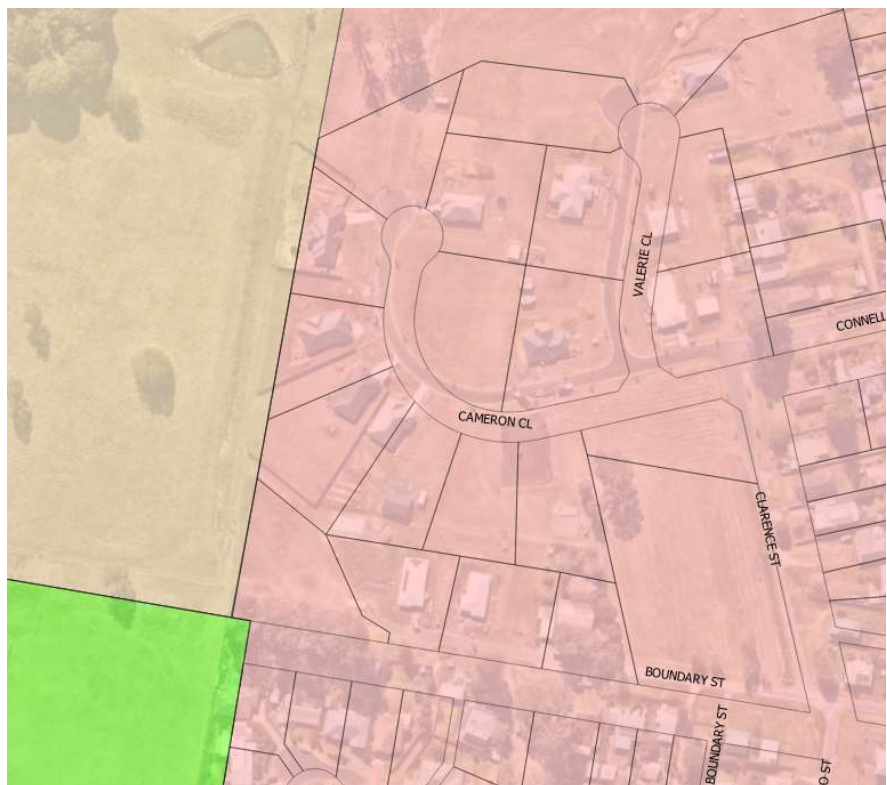
10.1 Site identification plan - Amendment 9 (Rezoning)



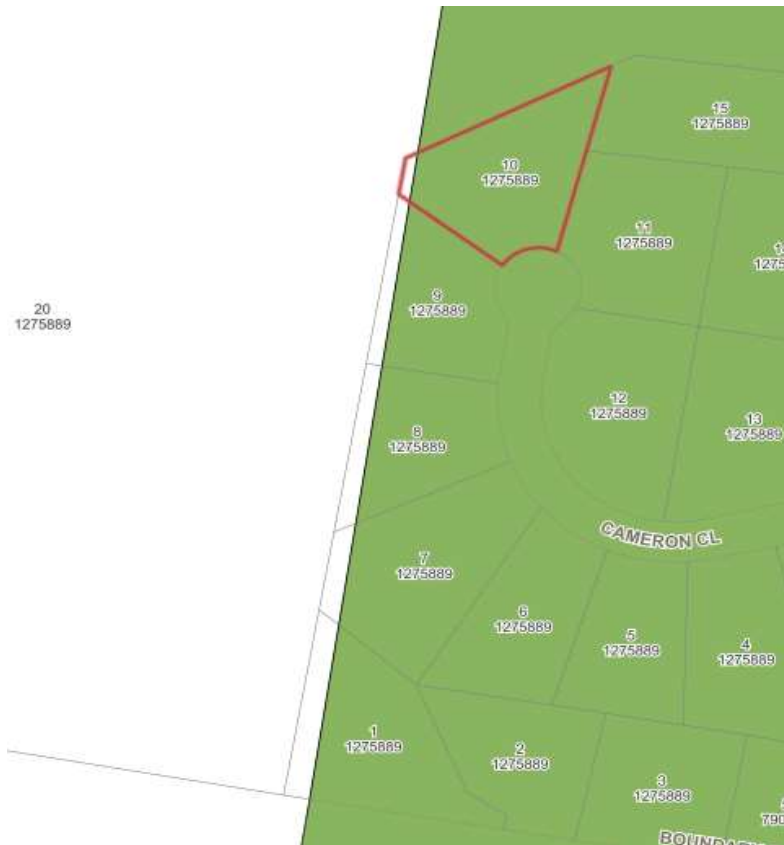
10.2 Existing Zoning map Amendment 9 (rezoning)



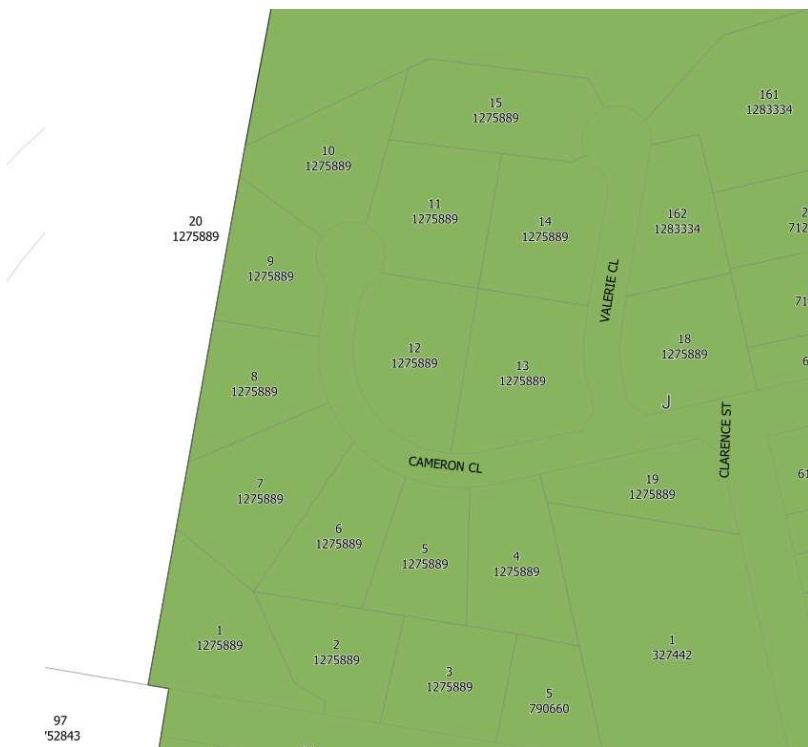
10.3 Proposed Zoning Map



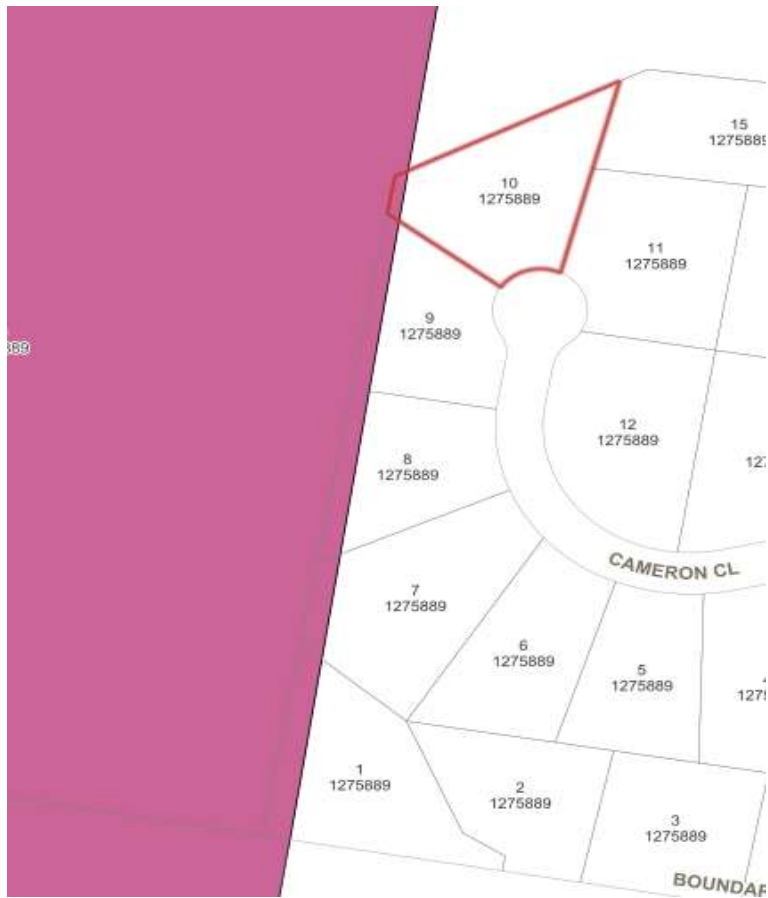
10.4 Current Height of Building Map



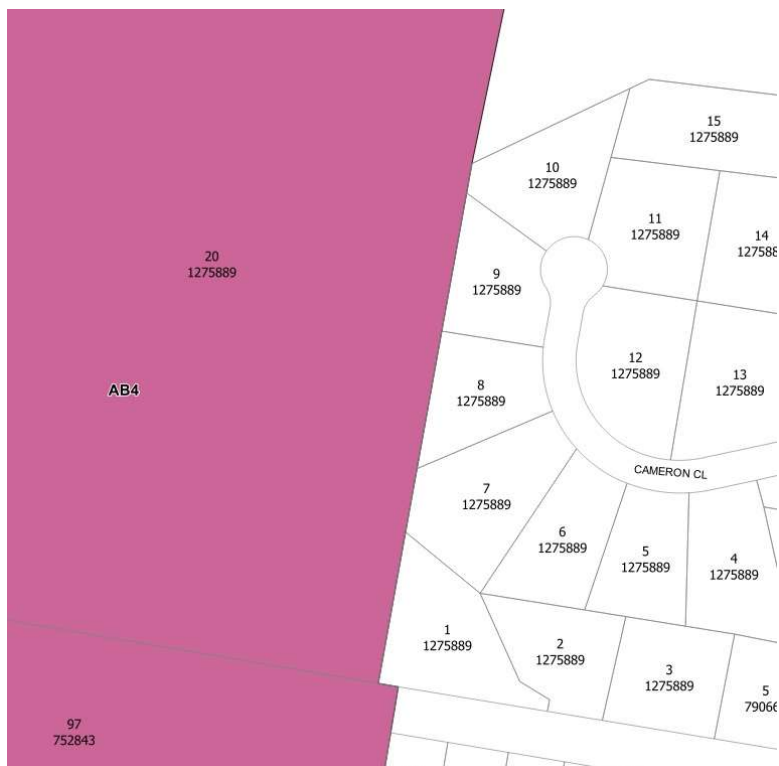
10.5 Proposed Height of Building Map



10.6 Current Lot Size Map



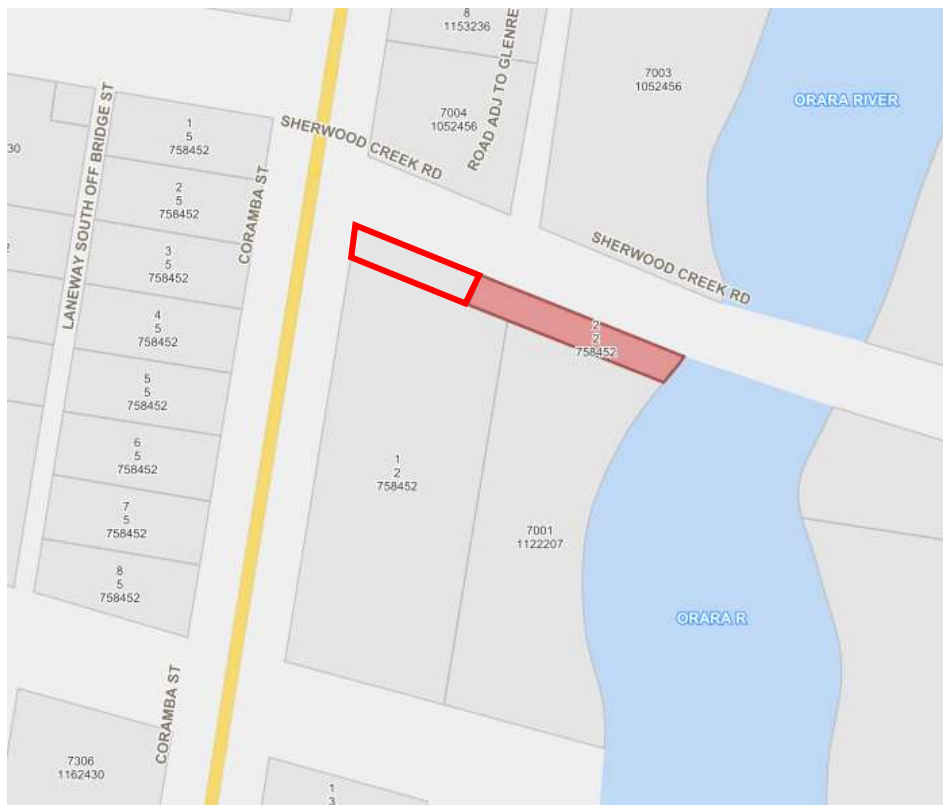
10.7 Proposed Lot Size Map



Amendment 11 (Rezoning) - Glenreagh Water Pump Station, Sherwood Creek Road Glenreagh.

Amendment 11 (Rezoning)	
<p>Land description/address: Glenreagh Water Pump Station, Sherwood Creek Road Glenreagh. Lot 2/Sec 2/DP 758452 and part Lot 1/Sec/2/DP 758452</p> <p>Rezoning RE1 Public Recreation and R2 Low Density Residential to SP2 Infrastructure (water supply system)</p> <p>This will result in an amendment to the LEP Zoning Map.</p>	
Owner - Private	
Land Zoning – RE1 Public Recreation	
Issue	Amendment required
<p>Lot 2/Sec 2/DP 758452 and part of the adjoining Lot 1/Sec/2/DP 758452 is primarily used for CVC's water supply infrastructure. Lot 2/Sec 2/DP 758452 is zoned RE1 Public Recreation and is classified as Operational. Lot 1/Sec/2/DP 758452 is zoned as R2 Low Density Residential.</p> <p>SEPP (Transport and Infrastructure) 2021 refers to a prescribed zone for water treatment which does not include Zone RE1 or R2.</p> <p>Under Section 2.159(4) of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>: <i>development for the purpose of water treatment facilities may be carried out by or on behalf of a public authority without consent on land in a prescribed zone.</i></p> <p>Due to a zoning anomaly at Glenreagh, the lot on which the current chlorination plant is located (2/2/758452 is zoned) RE1, is not a prescribed zone. This should be rezoned to SP2 (water supply system). The lot is described as "Pump Station (Water) – Glenreagh" on the mapping system. Part Lot 1/Sec/2/DP 758452 also consists of Council water supply infrastructure, hence, should also be rezoned SP2 Infrastructure (water supply system) to enable Council to undertake works to infrastructure without consent under the Infrastructure SEPP</p>	<p>1. Rezone Lot 2/Sec 2/DP 758452 from RE1 Public Recreation and part Lot 1/Sec/2/DP 758452 from R2 Low Density Residential to SP2 Infrastructure (water supply system) on the LEP zoning map.</p>

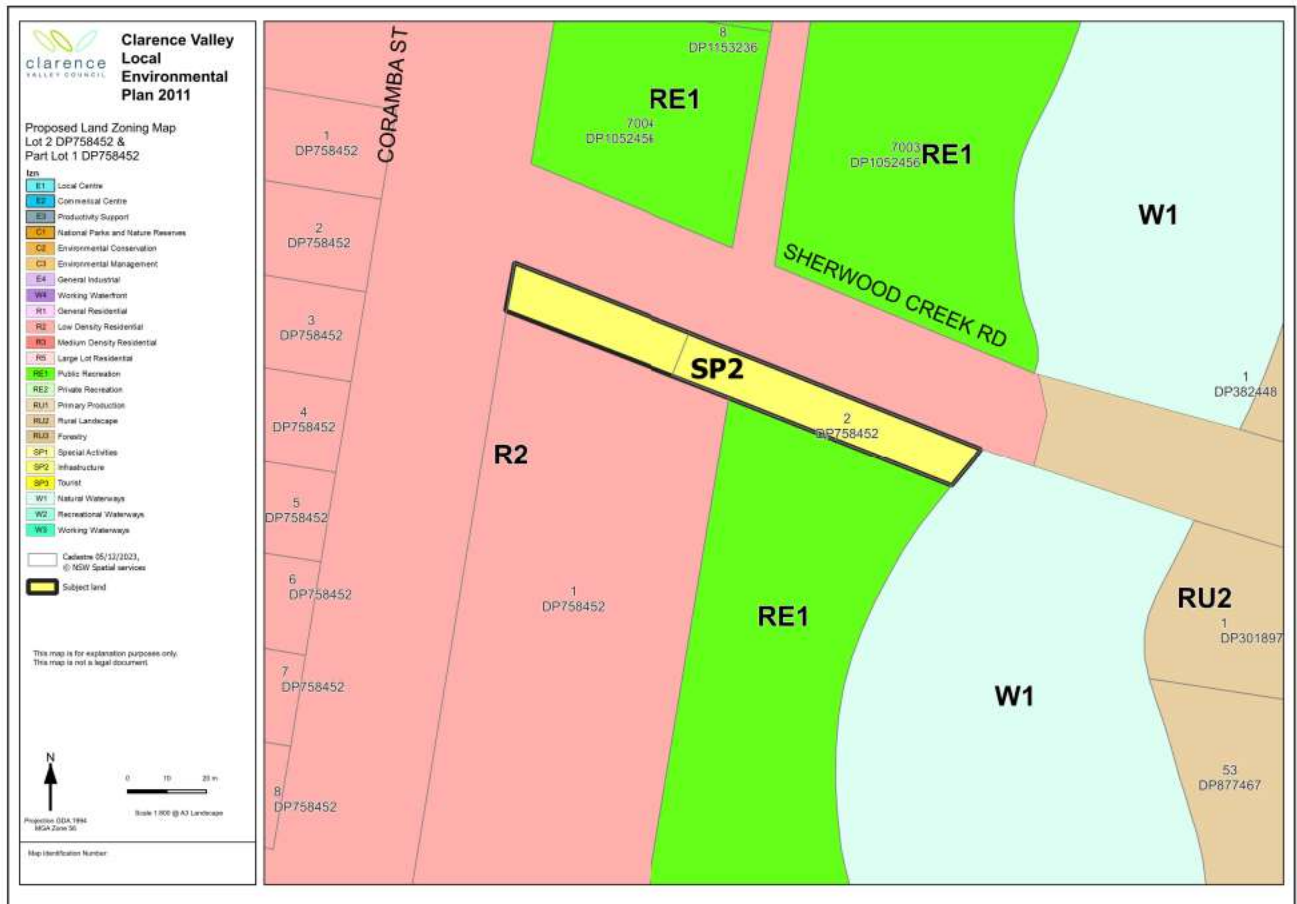
11.1 Site Identification Map



11.2 Existing Zoning map



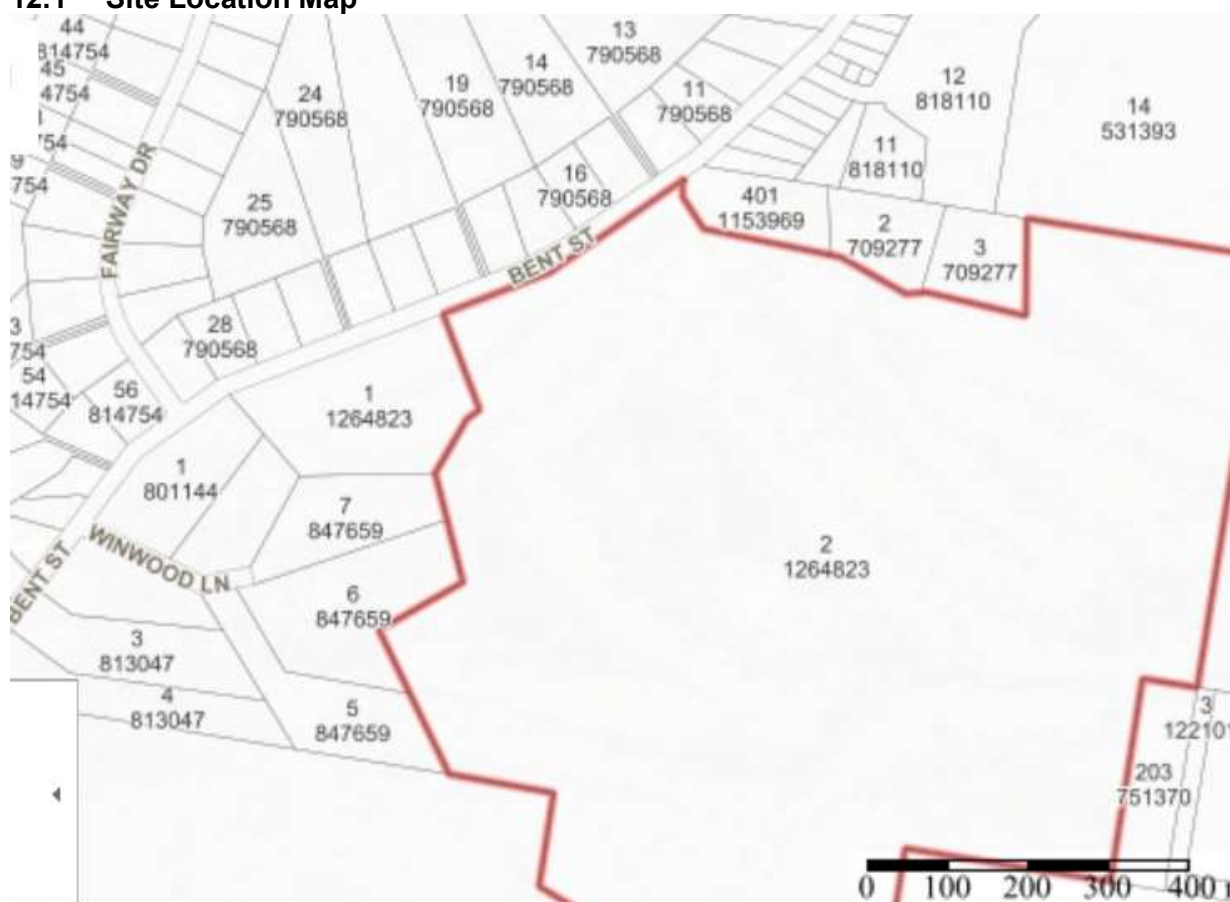
11.3. Proposed Zoning Map



Amendment 12 (Rezoning) - 425 Bent Street South Grafton

Amendment 12 (Rezoning)	
Land description/address: 425 Bent Street South Grafton Adjustment of boundary between Golf Course and residential subdivision from R5 Large Lot residential to RE2 Private Recreation. This will result in an amendment to the LEP Zoning and Lot Size Maps.	
Owner – Grafton District Golf Club Ltd	
Land Zoning – R5 Large Lot Residential	
Issue	Amendment required
A part of the Grafton Golf Course lies within the R5 zone to which a minimum lot size of 2000m ² and 4000m ² applies. The Golf Club are looking to subdivide the R5 zoned land along Bent Street with a 2000m ² lot size, leaving the subject section of the land (4000m ² lot size) as part of the golf course. It is requested that this subject area is rezoned and the minimum lot size removed so it would be the same as the rest of the course.	<ol style="list-style-type: none"> An adjustment of the zone boundary between the Golf Course and residential subdivision from R5 Large Lot Residential to RE2 Private Recreation. Remove the Minimum Lot Size of 4000m This will result in an amendment to the LEP Zoning and Lot Size Maps.

12.1 Site Location Map



20 DP790568

24 DP790568

25 DP790568

16 DP790568

15 DP790568

401 DP115396

18 DP790568

17 DP790568

19 DP790568

21 DP790568

22 DP790568

23 DP790568

26 DP790568

27 DP790568

BENT ST

R5

1 DP1264823

2 DP1264823 RE2

7 DP847659

clarence

[illegible]

Amendment 13 (LEP amendment). Secondary dwellings and dual occupancies in rural zones

Amendment 13 (LEP Amendment)	
Land description/address: All land zoned Rural (RU1, RU2)	
Owner (N/A)	
Land Zoning – RU1 Primary Production and RU2 Rural Landscape	
Issue	Amendment required
<p>Subclause 4.2D(2)(c) and 5.5(b) of Councils LEP</p> <p>Proposed deletion of the “optional” subclauses 4.2D(c) and 5.5(b) 100m separation distance requirement between a secondary dwelling/dual occupancy and principle dwelling on land parcels located within rural zones.</p> <p>This proposed amendment is to provide more flexibility in locating a secondary dwelling or dual occupancy on rural land where environmental hazards and constraints may impact ability to meet this clause or there are very good planning reasons for locating a secondary dwelling or dual occupancy further than 100m from the existing dwelling.</p> <p>Note that Clauses 4.2D(2)(c) and 5.5(b) are optional and may be varied or omitted from the LEP compared to the Standard Instrument Template.</p> <p>Clause 4.6 of the CVLEP allows variations to development standards for good reason. However, Clause 4.6(8)(caa) does not allow Council to vary Clause 5.5. This can result in sub-optimal outcomes in some specific circumstances.</p>	<p>Deletion of Clause 4.2D(2)(c) for dual occupancies (detached) – and Clause 5.5(b) which will delete the requirement for dual occupancies and secondary dwellings to be within 100metres of each other, in exceptional circumstances where this would result in a more resilient, sustainable or environmental outcome.</p>

Amendment 14 (LEP amendment). Crematoria in E4 General Industrial zone

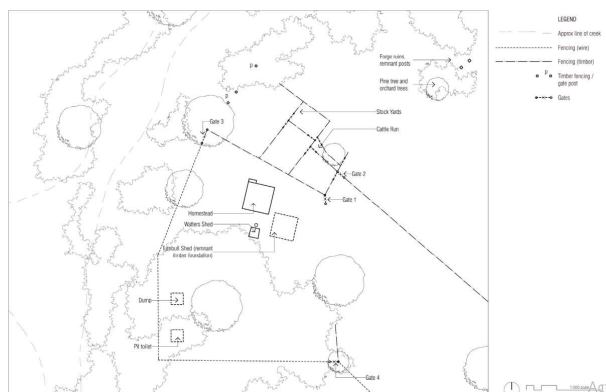
Amendment 14 (LEP Amendment)	
Land description/address: All land zoned as E4 General Industrial	
Owner (N/A)	
Land Zoning – E4 General Industrial	
Issue	Amendment required
<p>Zone E4 General Industrial Land Use Table of Councils LEP</p> <p>Deletion of “crematoria” as prohibited development from the E4 General Industrial Land Use Table will allow development for the purpose of “Cremetoria” to be permitted with consent in this land use zone within the Clarence Valley LGA. In certain circumstances crematoria may be compatible with other land uses within the E4 zone and surrounding environment. This approach would be consistent with adjoining LGAs (For example Coffs Harbour, Richmond Valley and Byron Shire LEPs do not prohibit crematoria in the E4 zone). Further controls within Councils DCPs will be added in due course to ensure development that is sympathetic to the surrounding environment.</p>	<p>Deletion of “crematoria” as prohibited development in the E4 General Industrial Land Use Table, to allow development for the purpose of “crematoria” to be permitted with consent within this land use zone.</p>

Amendment 15 (Heritage). Cunglebung Homestead Complex, Nymboida National Park

Amendment 15 (Heritage)

Land description/address:

Cunglebung Homestead Complex, Nymboida National Park



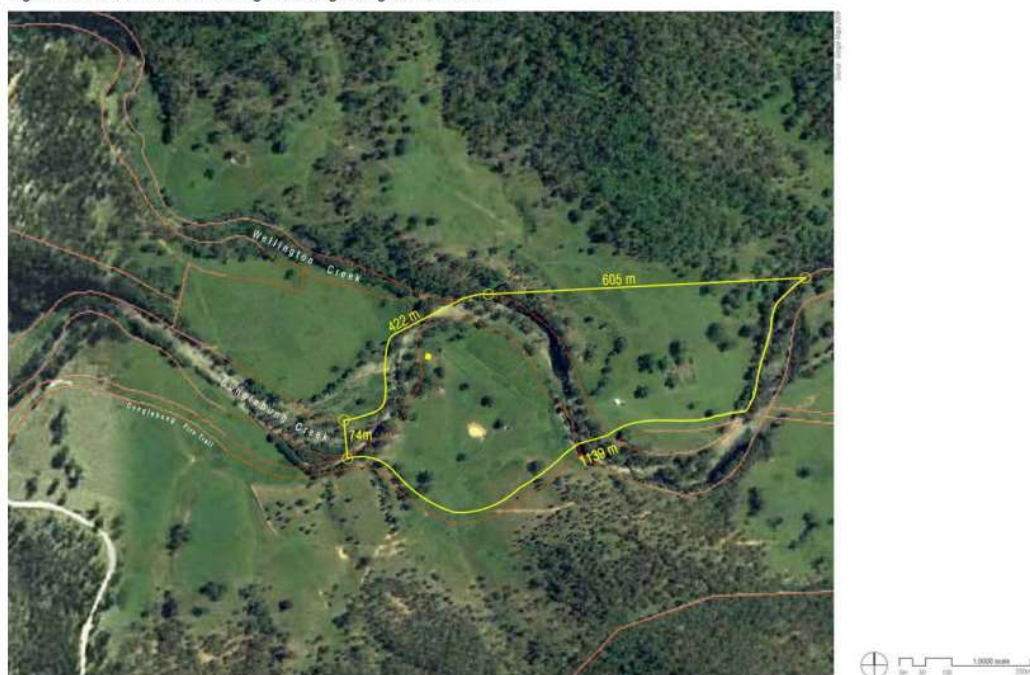
Refer to Site Identification plan at the end of this table for location.

Owner – NSW National Parks and Wildlife Service

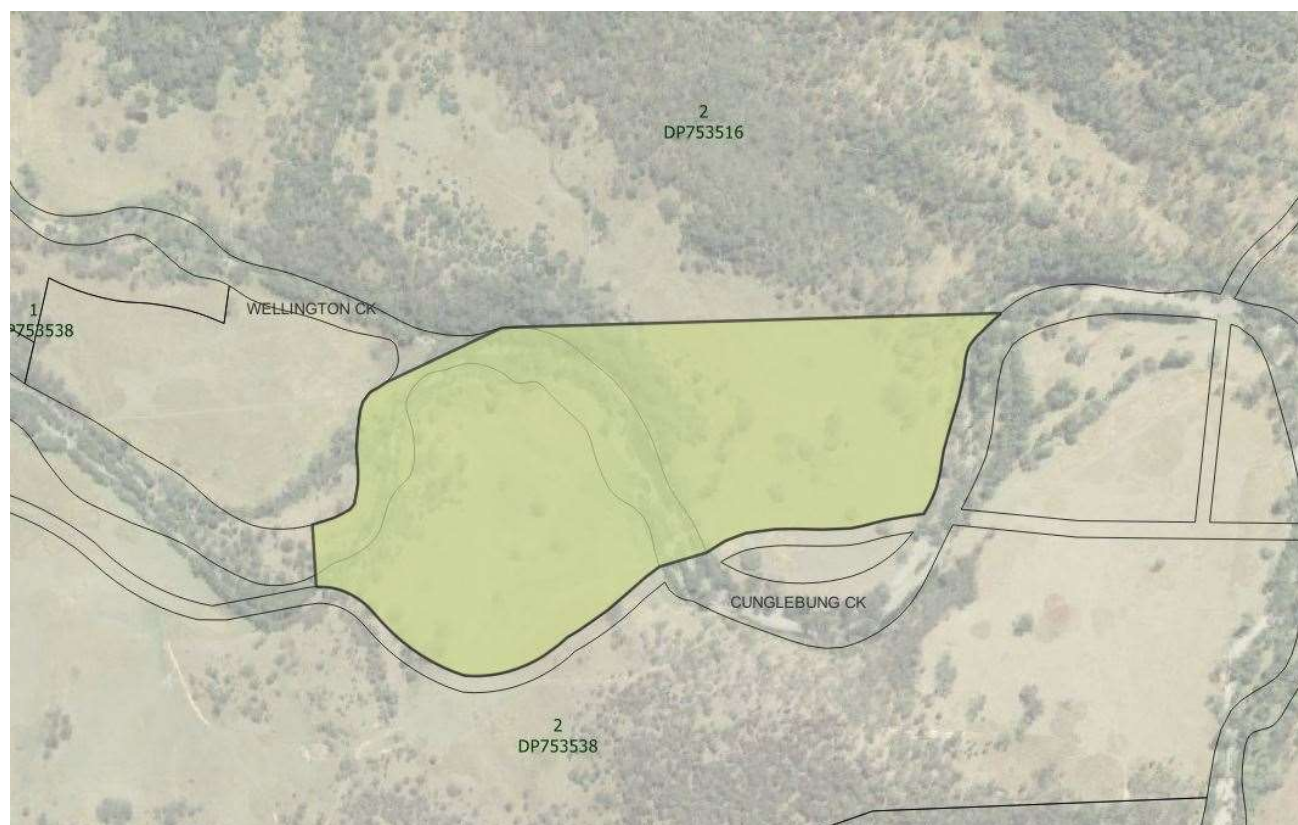
Land Zoning – C1 National Parks and Nature Reserves

Issue	Amendment required
<p>This item is included in the Section 170 register for NPWS and it is appropriate that it should be added to the Local Environmental Plan. A Conservation Analysis was prepared in May 2010 for NPWS. NPSW is supportive of the item being included in CVLEP 2011.(Email dated 2/11/23)</p> <p>The Cunglebung Homestead building has State level historical significance for its associations with the functions of the Cunglebung Station which was in operation as a grazing run from 1862 to 2003 and high aesthetic significance due to the intactness of the setting and building. It also holds significance at a local level for associations with a number of prominent pastoral families.</p> <p>The Cunglebung Homestead Complex consists of the homestead building, surface remains of first kitchen/stores building and second store building, Watters shed, fences and gates, stockyard immediately adjacent to the homestead building, rubbish dump, remains of pit toilet, and forge ruins and cultural plantings.</p> <p>It is recommended that the Cunglebung Homestead Complex is included as an individual heritage item on Schedule 5 of CVLEP 2011 and on the heritage map. It is not proposed to change the current land zoning of the land.</p>	<p>Add heritage item I1096 Cunglebung Homestead Complex to Schedule 5 of CVLEP 2011 and on the LEP Heritage Map.</p>

Figure 20 – Recommended curtilage for Cunglebung Homestead site



PROPOSED HERITAGE MAP



APPENDIX 2 - North Coast Regional Plan 2041 compliance checklist

(Note - refer to section 4.3 of the planning proposal)

NORTH COAST REGIONAL PLAN 2041 Goals, Objectives & Strategies	CONSISTENT Yes or No	COMMENTS
GOAL 1: LIVABLE, SUSTAINABLE AND RESILIENCE		
Objective 1: Provide well located homes to meet demand	N/A	
Strategy 1.1: A 10 year supply of zoned and developable residential land is to be provided and maintained in Local Council Plans endorsed by the Department of Planning and Environment	N/A	
Strategy 1.2: Local Council plans are to encourage and facilitate a range of housing options in well located areas.	N/A	
Strategy 1.3: Undertake infrastructure service planning to establish land can be feasibly serviced prior to rezoning.	N/A	
Strategy 1.4: Councils in developing their future housing strategies must prioritise new infill development to assist in meeting the region's overall 40% multi-dwelling / small lot housing target and are encouraged to work collaboratively at a subregional level to achieve the target.	N/A	
Strategy 1.5: New rural residential housing is to be located on land which has been approved in a strategy endorsed by the Department of Planning and Environment and is to be directed away from the coastal strip.	N/A	
Strategy 1.6: Councils and LALCs can partner to identify areas which may be appropriate for culturally responsive housing on Country	N/A	
Objective 2: Provide for more affordable and low cost housing	N/A	
Objective 3: Protect regional biodiversity and areas of high environmental value	Yes	
<u>Strategy 3.1:</u> Strategic planning and local plans must consider opportunities to protect biodiversity values by: <ul style="list-style-type: none"> • focusing land-use intensification away from HEV assets and implementing the 'avoid, minimise and offset' hierarchy in strategic plans, LEPs and planning proposals • ensuring any impacts from proposed land use intensification on adjoining reserved lands or land that is subject to a conservation agreement are assessed and avoided • encouraging and facilitating biodiversity certification by Councils at the precinct scale for high growth areas and by individual land holders at the site scale, where appropriate • updating existing biodiversity mapping with new mapping in LEPs where appropriate • identifying HEV assets within the planning area at planning proposal stage through site investigations • applying appropriate mechanisms such as conservation zones and Biodiversity Stewardship Agreements to protect HEV land within a planning area and considering climate change risks to HEV assets • developing or updating koala habitat maps to strategically conserve koala habitat to help protect, maintain and enhance koala habitat. • considering marine environments, water catchment areas and groundwater sources to avoid potential development impacts. 	Yes	Rezoning of Lot 1 DP 1259385, Lot 7001 DP92577, Lot 355 751386 Council public road and Crown Road from RU2 and C2 to C1 National Parks and Nature Reserves will ensure the ongoing protection of biodiversity and land consisting of HEV
<u>Strategy 3.2:</u> In preparing local and strategic plans Councils should: <ul style="list-style-type: none"> • embed climate change knowledge and adaptation actions • consider the needs of climate refugia for threatened species and other key species. 	Yes	Rezoning of Lot 1 DP 1259385, Lot 7001 DP92577, Lot 355 751386 Council public road and

		Crown Road from RU2 and C2 to C1 National Parks and Nature Reserves will ensure the ongoing protection of biodiversity and land consisting of HEV
Objective 4: Understand, celebrate and integrate Aboriginal culture	N/A	
<u>Strategy 4.1:</u> Councils prepare cultural heritage mapping with an accompanying Aboriginal cultural management plan in collaboration with Aboriginal communities to protect culturally important sites.	N/A	
<u>Strategy 4.2:</u> Prioritise applying dual names in local Aboriginal language to important places, features or infrastructure in collaboration with the local Aboriginal community.	N/A	
Objective 5: Manage and improve resilience to shocks and stresses, natural hazards and climate change	N/A	
<u>Strategy 5.1:</u> When preparing local strategic plans, councils should be consistent with and adopt the principles outlined in the Strategic Guide to Planning for Natural Hazards.	N/A	
<u>Strategy 5.2:</u> Where significant risk from natural hazard is known or presumed, updated hazard strategies are to inform new land use strategies and be prepared in consultation with emergency service providers and Local Emergency Management Committees (LEMCs). Hazard strategies should investigate options to minimise risk such as voluntary housing buy back schemes.	N/A	
<u>Strategy 5.3:</u> Use local strategic planning and local plans to adapt to climate change and reduce exposure to natural hazards by: <ul style="list-style-type: none"> • identifying and assessing the impacts of place-based shocks and stresses • taking a risk-based-approach that uses the best available science in consultation with the NSW Government, emergency service providers, local emergency management committees and bush fire risk management committees • locating development (including urban release areas and critical infrastructure) away from areas of known high bushfire risk, flood and coastal hazard areas to reduce the community's exposure to natural hazards • identifying vulnerable infrastructure assets and considering how they can be protected or adapted • building resilience of transport networks in regard to evacuation routes, access for emergencies and, maintaining freight connections • identifying industries and locations that would be negatively impacted by climate change and natural hazards and preparing strategies to mitigate negative impacts and identify new paths for growth • preparing, reviewing and implementing updated natural hazard management plans and Coastal Management Programs to improve community and environmental resilience which can be incorporated into planning processes early for future development • identifying any coastal vulnerability areas • updating flood studies and flood risk management plans after a major flood event incorporating new data and lessons learnt • communicating natural hazard risk through updated flood studies and strategic plans. 	N/A	
<u>Strategy 5.4:</u> Resilience and adaptation plans should consider opportunities to: <ul style="list-style-type: none"> • encourage sustainable and resilient building design and materials (such as forest products) including the use of renewable energy to displace carbon intensive or fossil fuel intensive options • promote sustainable land management including Ecologically Sustainable Forest Management (ESFM) 	N/A	

<ul style="list-style-type: none"> • address urban heat through building and street design at precinct scale that considers climate change and future climatic conditions to ensure that buildings and public spaces are designed to protect occupants in the event of heatwaves and extreme heat events • integrate emergency management and recovery needs into new and existing urban areas including evacuation planning, safe access and egress for emergency services personnel, buffer areas, building back better, whole-of-life cycle maintenance and operation costs for critical infrastructure for emergency management • adopt coastal vulnerability area mapping for areas subject to coastal hazards to inform the community of current and emerging risks • promote economic diversity, improved environmental, health and well-being outcomes and opportunities for cultural and social connections to build more resilient places and communities. 		
<u>Strategy 5.5:</u> Partner with local Aboriginal communities to develop land management agreements and policies to support cultural management practices.	N/A	
Objective 6: Create a circular economy	N/A	
<u>Strategy 6.1:</u> Support the development of circular economy, hubs, infrastructure and activities and consider employment opportunities that may arise from circular economies and industries that harness or develop renewable energy technologies and will aspire towards an employment profile that displays a level of economic self-reliance, and resilience to external forces.	N/A	
<u>Strategy 6.2:</u> Use strategic planning and waste management strategies to support a circular economy, including dealing with waste from natural disasters and opportunities for new industry specialisations.	N/A	
Objective 7: Promote renewable energy opportunities	N/A	
<u>Strategy 7.1:</u> When reviewing LEPs and local strategic planning statements: <ul style="list-style-type: none"> • ensure current land use zones encourage and promote new renewable energy infrastructure • identify and mitigate impacts on views, local character and heritage where appropriate • undertake detailed hazard studies. 	N/A	
Objective 8: Support the productivity of agricultural land	N/A	
<u>Strategy 8.1:</u> Local planning should protect and maintain agricultural productive capacity in the region by directing urban, rural residential and other incompatible development away from important farmland.	N/A	
Objective 9: Sustainably manage and conserve water resources	N/A	
<u>Strategy 9.1:</u> Strategic planning and local plans should consider: <ul style="list-style-type: none"> • opportunities to encourage riparian and coastal floodplain restoration works • impacts to water quality, freshwater flows and ecological function from land use change • water supply availability and issues, constraints and opportunities early in the planning process • partnering with local Aboriginal communities to care for Country and waterways • locating, designing, constructing and managing new developments to minimise impacts on water catchments, including downstream waterways and groundwater resources • possible future diversification of town water sources, including groundwater, stormwater harvesting and recycling • promoting an integrated water cycle management approach to development • encouraging the reuse of water in new developments for urban greening and for irrigation purposes • improving stormwater management and water sensitive urban design 	N/A	

<ul style="list-style-type: none"> • ensuring sustainable development of higher water use industries by considering water availability and constraints, supporting more efficient water use and reuse, and locating development where water can be accessed without significantly impacting on other water users or the environment • identifying and protecting drinking water catchments and storages in strategic planning and local plans • opportunities to align local plans with any certified Coastal Management Programs. 		
<u>Strategy 9.2:</u> Protect marine parks, coastal lakes and estuaries by implementing the NSW Government's Risk-Based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions, with sensitive marine parks, coastal lakes and estuaries prioritised.	N/A	
<u>Strategy 9.3:</u> Encourage a whole of catchment approach to land use and water management across the region that considers climate change, water security, sustainable demand and growth, the natural environment and investigate options for water management through innovation.	N/A	
Objective 10: Sustainably manage the productivity of our natural resources	N/A	
<u>Strategy 10.1:</u> Enable the development of the region's natural, mineral and forestry resources by avoiding interfaces with land uses that are sensitive to impacts from noise, dust and light interference.	N/A	
<u>Strategy 10.2:</u> Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility.	N/A	
GOAL 2: PRODUCTIVE AND CONNECTED		
Objective 11: Support cities and centres and coordinate the supply of well-located employment land	N/A	
<u>Strategy 11.1:</u> Local council plans will support and reinforce cities and centres as a focal point for economic growth and activity.	N/A	
<u>Strategy 11.2:</u> Utilise strategic planning and land use plans to maintain and enhance the function of established commercial centres by: <ul style="list-style-type: none"> • simplifying planning controls • developing active city streets that retain local character • facilitating a broad range of uses within centres in response to the changing retail environment • maximising the transport and community facilities commensurate with the scale of development proposals. 	N/A	
<u>Strategy 11.3:</u> Support existing and new economic activities by ensuring council strategic planning and local plans: <ul style="list-style-type: none"> • retain, manage and safeguard significant employment lands • respond to characteristics of the resident workforce and those working in the LGA and neighbouring LGAs • identify local and subregional specialisations • address freight, service and delivery considerations • identify future employment lands and align infrastructure to support these lands • provide flexibility in local planning controls • are responsive to future changes in industry to allow a transition to new opportunities • provide flexibility and facilitate a broad range of commercial, business and retail uses within centres • focus future commercial and retail activity in existing commercial centres, unless there is no other suitable site within existing centres, there is a demonstrated need, or there is positive social and economic benefit to locate activity elsewhere • are supported by infrastructure servicing plans for new employment lands to demonstrate feasibility prior to rezoning 	N/A	
<u>Strategy 11.4:</u> New employment areas are in accordance with an employment land strategy endorsed by the Department of Planning and Environment.	N/A	

Objective 12: Create a diverse visitor economy	N/A	
<u>Strategy 12.1:</u> Council strategic planning and local plans should consider opportunities to: <ul style="list-style-type: none"> • enhance the amenity, vibrancy and safety of centres and township precincts • create green and open spaces that are accessible and well connected and enhance existing green infrastructure in tourist and recreation facilities • support the development of places for artistic and cultural activities • identify appropriate areas for tourist accommodation and tourism development • protect heritage, biodiversity and agriculture to enhance cultural tourism, agri-tourism and eco-tourism • partner with local Aboriginal communities to support cultural tourism and connect ventures across the region • support appropriate growth of the night-time economy • provide flexibility in planning controls to allow sustainable agritourism and ecotourism • improve public access and connection to heritage through innovative interpretation • incorporate transport planning with a focus on active transport modes to connect visitors to key destinations. 	N/A	
Objective 13: Champion Aboriginal self-determination	N/A	
<u>Strategy 13.1:</u> Provide opportunities for the region's LALCs, Native Title holders and community recognised Aboriginal organisations to utilise the NSW planning system to achieve development aspirations, maximising the flow of benefits generated by land rights to Aboriginal communities through strategic led planning.	N/A	
<u>Strategy 13.2:</u> Prioritise the resolution of unresolved Aboriginal land claims on Crown land.	N/A	
<u>Strategy 13.3:</u> Partner with community recognised Aboriginal organisations to align strategic planning and community aspirations including enhanced Aboriginal economic participation, enterprise and land, sea and water management.	N/A	
<u>Strategy 13.4:</u> Councils consider engaging Aboriginal identified staff within their planning teams to facilitate strong relationship building between councils, Aboriginal communities and key stakeholders such as Local Aboriginal Land Councils and local Native Title holders.	N/A	
<u>Strategy 13.5:</u> Councils should establish a formal and transparent relationship with local recognised Aboriginal organisations and community, such as an advisory committee.	N/A	
Objective 14: Deliver new industries of the future	N/A	
<u>Strategy 14.1:</u> Facilitate agribusiness employment and income-generating opportunities through the regular review of council planning and development controls, including suitable locations for intensive agriculture and agribusiness.	N/A	
<u>Strategy 14.2:</u> Protect established agriculture clusters and identify expansion opportunities in local plans that avoid land use conflicts, particularly with residential and rural residential land uses.	N/A	
Objective 15: Improve state and regional connectivity	N/A	
<u>Strategy 15.1:</u> Protect proposed and existing transport infrastructure and corridors to ensure network opportunities are not sterilised by incompatible land uses or land fragmentation.	N/A	
Objective 16: Increase active and public transport usage	N/A	
<u>Strategy 16.1:</u> Encourage active and public transport use by: <ul style="list-style-type: none"> • prioritising pedestrian amenity within centres for short everyday trips • providing a legible, connected and accessible network of pedestrian and cycling facilities • delivering accessible transit stops and increasing convenience at interchanges to serve an ageing customer • incorporating emerging anchors and commuting catchments in bus contract renewals • ensuring new buildings and development include end of trip facilities • integrating the active transport network with public transport facilities 	N/A	

• prioritising increased infill housing in appropriate locations to support local walkability and the feasibility of public transport stops.		
<u>Strategy 16.2:</u> Local plans should encourage the integration of land use and transport and provide for environments that are highly accessible and conducive to walking, cycling and the use of public transport and encourage active travel infrastructure around key trip generators.	N/A	
Objective 17: Utilise new transport technology	N/A	
Strategy 17.1: Councils should consider how new transport technology can be supported in local strategic plans, where appropriate.	N/A	
GOAL 3: GROWTH, CHANGE AND OPPORTUNITY		
Objective 18: Plan for sustainable communities	N/A	
Objective 19: Public spaces and green infrastructure support connected and healthy communities	N/A	
<u>Strategy 19.1:</u> Councils should aim to undertake public space needs analysis and develop public space infrastructure strategies for improving access and quality of all public space to meet community need for public spaces. This could include: <ul style="list-style-type: none"> • drawing on community feedback to identify the quantity, quality and the type of public space required • prioritising the delivery of new and improved quality public space to areas of most need • considering the needs of future and changing populations • identifying walkable and cycleable connectivity improvements and quality and access requirements that would improve use and enjoyment of existing infrastructure • consolidating, linking and enhancing high quality open spaces and recreational areas • working in partnership with local Aboriginal communities to develop bespoke cultural infrastructure which responds to the needs of Aboriginal communities and facilitates continued cultural practices. 	N/A	
<u>Strategy 19.2:</u> Public space improvements and new development should consider the local conditions, including embracing opportunities for greening and applying water sensitive urban design principles.	N/A	
<u>Strategy 19.3:</u> Encourage the use of council owned land for temporary community events and creative practices where appropriate by reviewing development controls.	N/A	
<u>Strategy 19.4:</u> Local environmental plan amendments that propose to reclassify public open space must consider the following: <ul style="list-style-type: none"> • the role or potential role of the land within the open space network • how the reclassification is strategically supported by local strategies such as open space or asset rationalisation strategies • where land sales are proposed, details of how sale of land proceeds will be managed • the net benefit or net gain to open space. 	N/A	
Objective 20: Celebrate local character	N/A	
<u>Strategy 20.1:</u> Ensure strategic planning and local plans recognise and enhance local character through use of local character statements in local plans and in accordance with the NSW Government's Local Character and Place Guideline.	N/A	
<u>Strategy 20.2:</u> Celebrate buildings of local heritage significance by: <ul style="list-style-type: none"> • retaining the existing use where possible • establishing a common understanding of appropriate reuses • exploring history and significance 	Yes	Amendments 3, 4, 5, 6, 7, 8 & 15 propose additions or amendments to the CVLEP heritage maps and Schedule

<ul style="list-style-type: none"> • considering temporary uses • designing for future change of use options. 		5 to ensure the protection of items of local heritage significance.
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APPENDIX 3 – Council’s Local Strategy and Strategic Plan/s consistency checklist

(Note - refer to section 4.3 of the planning proposal)

Strategy/Strategic Plan	Relevant component/statement of consistency
The Clarence 2032	Yes
Clarence Valley Local Strategic Planning Statement	Yes
Council’s Delivery Program and Operational Plan (Note: this changes annually)	Yes
Maclean Urban Catchment Local Growth Management Strategy 2011	N/A
South Grafton Heights Precinct Strategy	N/A
Clarence Valley Settlement Strategy 1999	N/A
Lower Clarence Retail Strategy (May 2007)	N/A
Yamba Retail/Commercial Strategy (May 2002)	N/A
Clarence Valley Economic Development Strategic Plan	N/A
Clarence Valley Employment Lands Strategy 2022	N/A
Clarence Valley Rural Lands Strategy 2022	Yes
Clarence Valley Green Infrastructure Strategy 2023	N/A
Clarence Valley Affordable Housing Strategy	N/A
Clarence Valley Biodiversity Strategy 2020-2025	Yes
Clarence River Way Masterplan 2009	N/A
Clarence Valley Open Spaces Strategic Plan 2012	N/A

APPENDIX 4 – State Environmental Planning Policy compliance checklist

(Note - refer to section 4.3 of the planning proposal)

Name of SEPP	Relevant/applicable?	Comment/statement of consistency
<i>The following consolidated State Environmental Planning Policies (SEPPs) are current from March 2022 and whilst not all may be applicable to the Clarence Valley LGA they are all being acknowledged and some are considered in more detail where relevant.</i>		
1. State Environmental Planning Policy (Primary Production) 2021	N/A	
2. State Environmental Planning Policy (Resources and Energy) 2021	N/A	
3. State Environmental Planning Policy (Resilience and Hazards) 2021	N/A	
4. State Environmental Planning Policy (Industry and Employment) 2021	N/A	
5. State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes	<p>Rezone the New Grafton Bridge from W2 to SP2 Infrastructure (classified road) and register as Road Reserve, is a more appropriate land zoning, and will allow certain works to be undertaken under provisions of this SEPP.</p> <p>Rezoning the Glenreagh Water Pump Station Sherwood Creek Road Glenreagh. Lot 2/Sec 2/DP 758452 and part Lot 1/ Sec 2/DP 758452 to SP2 Infrastructure (water supply system) is also a more appropriate land zoning for water supply infrastructure which will allow certain works to be undertaken under provisions of this SEPP.</p>
6. State Environmental Planning Policy (Biodiversity and Conservation) 2021	N/A	
7. State Environmental Planning Policy (Planning Systems) 2021	N/A	
8. State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	N/A	
9. State Environmental Planning Policy (Precincts – Central River City) 2021	N/A	
10. State Environmental Planning Policy (Precincts – Wester Parkland City) 2021	N/A	
11. State Environmental Planning Policy (Precincts – Regional) 2021	N/A	

Name of SEPP	Relevant/applicable?	Comment/statement of consistency
12. State Environmental Planning Policy (Housing) 2021	N/A	
13. State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	N/A	
14. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	N/A	
15. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N/A	
16. State Environmental Planning Policy (Sustainable Buildings) 2022	N/A	

APPENDIX 5 – Local Planning Directions (Section 9.1(2) Directions) compliance checklist

(Note - refer to section 4.3 of the planning proposal)

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Yes	Generally consistent
1.2 Development of Aboriginal Land Council Land	N/A	
1.3 Approval and Referral Requirements	N/A	
1.4 Site Specific Provisions	Yes	This proposal does not propose to rezone land for the purpose to allow a particular development, however the rezoning of the New Grafton Bridge from W2 to SP2 Infrastructure (classified road); and rezoning Lot 2/Sec 2/DP 758452 (Glenreagh Pump Station) and part Lot 1/ Sec 2/DP 758452 to SP2 Infrastructure (water supply system) will allow development under the Transport & Infrastructure SEPP provisions. It does not propose to rezone any of the other land parcels.
Focus Area 1: Planning Systems – Place based		
1.5 -1.18 Sydney based – not applicable to the Clarence Valley	N/A	
Focus Area 2: Design and Place – N/A		
Focus Area 3: Biodiversity and Conservation		
3.1 Conservation Zones	Yes	Amendment 1 to rezone Lot 1 DP 1259385, Lot 7001 DP92577, Lot 355 751386 Council public road and Crown Road from RU2 and C2 to C1 National Parks and Nature Reserves will ensure the ongoing protection of biodiversity and land consisting of HEV, under the Everlasting Swamp National Park
3.2 Heritage Conservation	Yes	Amendments 3, 4, 5, 6, 7, 8 & 15 propose additions or amendments to the CVLEP heritage maps and Schedule 5 to ensure the protection of items of local heritage significance.
3.3 Sydney Drinking Water Catchments	N/A	

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North coast LEPs 26	N/A	
3.5 Recreation Vehicle Areas	N/A	
3.6 Strategic Conservation Areas	N/A	
3.7 Public bushland	N/A	
3.8 Willandra Lakes	N/A	
3.9 Sydney Harbour Foreshores and Waterways Area	N/A	
3.10 Water Catchment Protection	N/A	.
Focus Area 4: Resilience and Hazards		
4.1 Flooding	N/A	
4.2 Coastal Management	N/A	
4.3 Planning for Bushfire Protection	Yes	Some of the land parcels included within this planning proposal are located within mapped BFPL. This proposal does not propose to rezone these land parcels for the purposes of increasing development potential on the land. Any future development application on mapped BFPL will need to consider NSW RFS Planning for Bushfire Protection 2019 and be referred to NSW RFS.
4.4 Remediation of Contaminated Land	N/A	
4.5 Acid Sulfate Soils	N/A	
4.6 Mine Subsidence and Unstable land	N/A	
Focus area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	N/A	
5.2 Reserving land for Public Purposes	N/A	
5.3 Development Near Regulated Airports and Defense Airfields	N/A	

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
5.4 Shooting Ranges	N/A	
Focus Area 6: Housing		
6.1 Residential Zones	N/A	
6.2 Caravan Parks and Manufactured Home Estates	N/A	
Focus Area 7: Industry and Employment		
7.1 Business and Industrial Zones	N/A	
7.2 Reduction in non-hosted short-term rental accommodation period.	N/A	
7.3 Commercial and Retail Development along the Pacific Highway, North Coast.	N/A	
Focus Area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	N/A	
Focus Area 9: Primary Production		
9.1 Rural Zones	N/A	
9.2 Rural Lands	Yes	Amendment 1 proposes to rezone Lot 1 DP 1259385, Lot 7001 DP92577, Lot 355 751386 Council public road and Crown Road from RU2 and C2 to C1 National Parks and Nature Reserves.
9.3 Oyster Aquaculture	N/A	
9.4 Farmland of State and Regional Significance on the NSW Far North Coast.	N/A	