PLANNING PROPOSAL

AMEND CLARENCE VALLEY LOCAL ENVIRONMENTAL PLAN 2011 MINIMUM LOT SIZE MAP

NO.134 SCHOOL LANE, SOUTHGATE - LOT 12 DP 820691, LOT 2 DP 574006
NO.112 SCHOOL LANE, SOUTHGATE – LOTS 3/4 DP 574006

Prepared by: A.Fletcher & Associates Pty Ltd

Date: August 2018

Declaration:

Document Name:	PLANNING PROPOSAL AMEND CLARENCE VALLEY LOCAL ENVIRONMENTAL PLAN 2011 MINIMUM LOT SIZE MAP NO. 134 SCHOOL LANE, SOUTHGATE LOT 12 DP 820691, LOT 2 DP 574006 NO. 112 SCHOOL LANE, SOUTHGATE LOTS 3/4 DP 574006
Document Author:	Rob Donges, Planning Consultant
Declaration:	I, Rob Donges, 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 Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment's *A guide to preparing planning proposals* (August 2016).
Date:	20th August, 2018

Document History and Version Control				
Version	**Prepared by**	**Approved by**	**Date Approved**	**Brief Description**
1.0	Rob Donges	A. Fletcher	August, 2018	Initial Submission
2.0	Rob Donges	A. Fletcher	November, 2018	Amended Submission

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ANNEXURES

PLANNING PROPOSAL

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1. Preliminary

1.1 Context

This planning proposal constitutes a document referred to in Section 3.33 of the Environmental Planning and Assessment Act 1979. It has been prepared in accordance with the Department of Planning and Environment's "*A guide to preparing planning proposals"* (August 2016). A gateway determination under Section 3.34 of the Act is requested.

1.2 Introduction

[redacted], either jointly or in partnership with others, own a number of properties at Southgate in the Clarence Valley. Some contain existing dwellings, two have acknowledged dwelling entitlements and all are utilized for agricultural activities.

Annexure K contains a table and map indicating their Southgate holdings and existing status.

One allotment (ID 11) has an existing dwelling entitlement and consolidation of ID's 9 & 10 will create another entitlement. This information is based on correspondence from Clarence Valley Council dated 20th June, 2011. The correspondence also advises that these eligibilities will expire ten years after the commencement of Clarence Valley Draft Local Environmental Plan 2010 (which became CVLEP 2011) unless development consent for a dwelling house is granted prior to the date. The relevant date is 23rd December, 2021 – (see Annexure G).

This Planning Proposal seeks to amend Clarence Valley Local Environmental Plan 2011 to reduce the minimum lot size from 40ha to 6ha applicable to the land encompassed by the following:-

- Lot 12 DP 820691 (ID 1)
- Lot 2 DP 574006 (ID 2)
- Lot 3 DP 574006 (ID 3)
- Lot 4 DP 574006 (ID 4)

This would then permit boundary adjustments between Lots 12 & 2 and Lots 3 & 4 resulting in 4 lots with road frontage to School Lane, each with a dwelling entitlement (see Proposed Boundary Adjustment Plan – Annexure B). Under this arrangement 2 additional dwelling entitlements are created.

Separate from that, and not forming part of this Planning Proposal, the Dousts are proposing to extinguish the dwelling entitlements on ID's 9/10 (consolidation) and ID 11. Those allotments are located within the floodplain and are utilized for cane cultivation. Legally there is no nexus between the amendments to Clarence Valley LEP 2011 sought through this proposal and the extinguishing of the 2 entitlements, but it will ensure there is no increase in total permissible dwelling numbers in the locality and it is reflective of the statement from Clarence Valley Council Planning Staff that *"there is merit in relocating the dwelling opportunities outside of flood prone areas..."* (Clarence Valley Council correspondence 23 August 2016 – Annexure G).

1.3 Locality

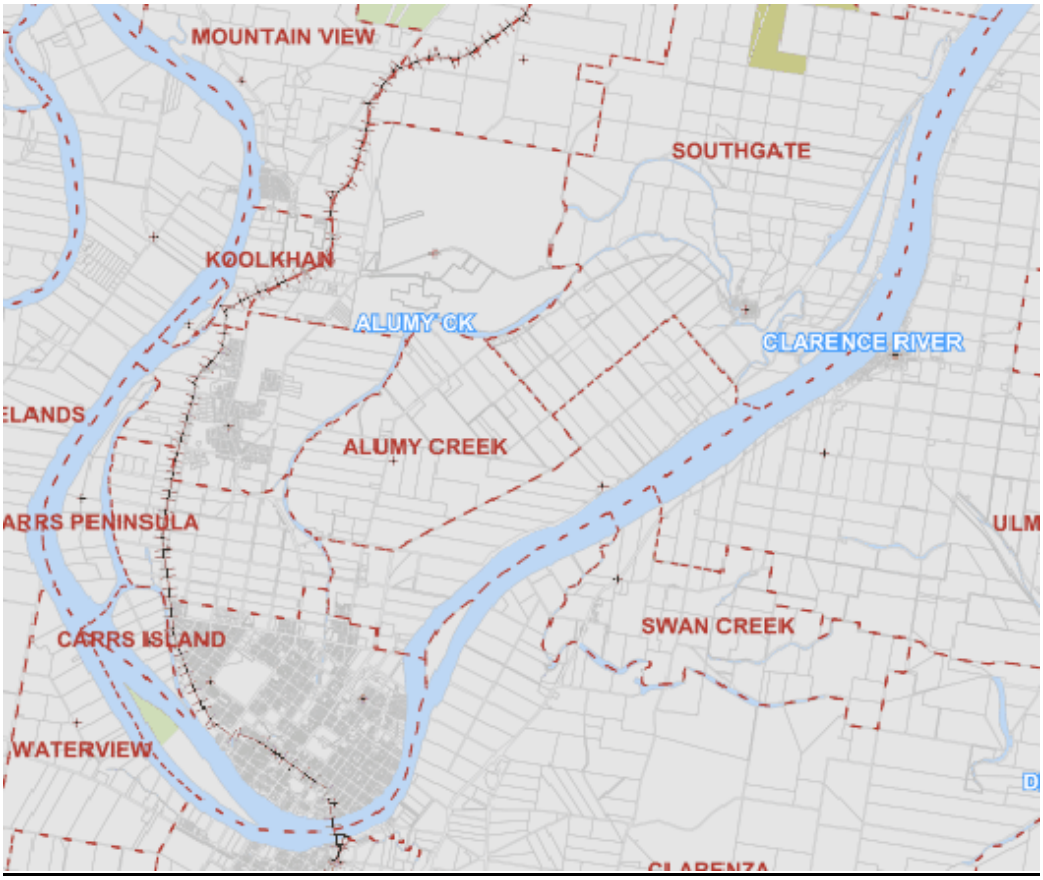


Figure 1 – Locality Map

The subject land is located at Southgate, approximately 14kms north of Grafton in the Clarence Valley.

Southgate is predominately agricultural with cane on the lower floodplain areas and grazing on higher land.

Southgate village is located at the intersection of Lawrence Road and School Lane approximately 1.2kms south of the subject land. School Lane heads north along the ridge and in its lower section runs through grazing land (including the subject land) which becomes a mix of cleared and treed land further north until a point approximately 3.6km from its start where it becomes heavily vegetated. Annexure J highlights the fragmented small-lot pattern of properties along School Lane and provides details of each property with a School Lane address along the subject section of road. Without access to ownership details it is not possible to determine if some are part of larger holdings, but there are 8 properties whose total area can be identified, all of which contain dwellings.

These are:

No. 39 – 25.94ha
No. 68 – 19.91ha
No. 77 – 8.39ha
No. 104 – 16.42ha
No. 109 – 10.31ha
No. 117 – 1.92ha
No. 133-135 – substantially greater than 40ha

This pattern of smaller lots along School Lane was encouraged by Clause 18 of the former Copmanhurst LEP 1990.

1.4 Subject Land

Figure 2 – Subject Land

The proposal applies to:-

- Lot 12 DP 820691 (No.134) School Lane, Southgate: 7.31ha
- Lot 2 DP 574006 (No. 134) School Lane, Southgate: 5.6ha
- Lot 3 DP 574006 (No. 112) School Lane, Southgate: 8.11ha
- Lot 4 DP 574006 (No. 112) School Lane, Southgate: 4.47ha

All lots are zoned RU1 Primary Production and have a minimum lot size of 40ha.

Figure 3 - Zoning map

Lots 12 & 3 have frontage to School Lane and each contain a dwelling and farm buildings associated with grazing activities. They are cleared pasture with the exception of a small number of dead trees. Both are high land at their frontages, sloping away to the rear. 34% of Lot 12 and 35% of Lot 3 are flood affected, leaving flood free areas of 4.8ha and 5.3ha respectively. Lots 2 & 4 are 100% affected.

Lot 4 has no street frontage and Lot 2 has a small frontage to an unformed road reserve. Both contain a wetland referred to as Southgate Lagoon, which varies in size subject to weather conditions, with the balance of both lots being grazing land.

The Southgate Lagoon is included in the High Environmental Value Map in the North Coast Regional Plan 2036 (see Annexure N).

1.5 Future Development of Subject Land

If the proposal is successful, it is intended to apply for boundary adjustments between Lots 12 & 2 and Lot 3 & 4 (see Annexure B). This will create:-

Lot 20: 6.3ha

Lot 21: 6.42ha

Lot 22: 6.4ha

Lot 23: 6.44ha

It is proposed to apply to construct new dwellings and associated wastewater management systems on proposed Lots 20 & 22.

The 1 in 100 year flood line is approximately 200m from the frontage of Lot 20 and the lagoon is a further 150m from that line. In the case of Lot 22, the flood lines is approximately 200m from the frontage and the lagoon a further 200m away. Both lots will therefore have sufficient flood free area and separation from the lagoon for wastewater disposal which meets all relevant standards.

1.6 Extinguishing Existing Dwelling Entitlements on Lot 61 DP 1133619 & Lots 1 & 2 DP 986290

As previously stated, Clarence Valley Council has advised that Lot 61 DP 1133619 and Lot 1/2 DP 986290 (when consolidated), have dwelling entitlements (copies of correspondence dated 20th June, 2011 at Annexure G).

There are potential dwelling sites located on both properties with sufficient space for associated wastewater disposal systems (see Annexure L).

On Lots 1/2 the potential site is located on a cane pad with an existing ground level of 4.63m AHD located immediately off Southgate Ferry Road and above Franks Creek. The 1 in 100 year flood level at Southgate Ferry Road is from 6.24m to 6.35m AHD. This would therefore require a mound of approximately 1.7m to be above that level and upon which a dwelling meeting minimum habitable floor level could be constructed.

On Lot 61, the potential site is located at the end of Southgate Ferry Road, on land with existing ground levels generally greater than 5.0m AHD. This area is currently under cane and again would require a mound of less than 2m in height to be above the 1 in 100 year flood level.

Both sites have sufficient space for the establishment of wastewater management systems and all other services are in close proximity. No clearing of native vegetation would be required.

Instead of applying to construct dwellings on those properties, the owners have advised they would legally extinguish the entitlements by way of a covenant on the titles of Lot 61 DP 1133619 and Lots 1 & 2 DP 986290. The covenant or Restriction would be worded as *"The construction of a dwelling on Lots 1 and 2 DP 986290 and Lot 61 DP 1133619 is prohibited."*

This mechanism has previously been approved by Clarence Valley Council to ensure a dwelling cannot be erected on lots below the minimum lot size created under the provisions of Clause 9 of State Environmental Planning Policy (Rural Lands) 2008.

It is proposed that this occurs after the relevant planning authority has resolved to make the amendments and before the amendment is notified.

The extinguishing of those entitlements does not form part of the formal Planning Proposal.

Blanket prohibition on constructing dwellings on flood prone land is not accepted practice due to its impact on property rights, so the voluntary offer to relinquish dwelling entitlements is a mechanism for removing risk without forcibly removing property rights.

The Planning Proposal

2. PART 1 - OBJECTIVE OR INTENDED OUTCOME

The objective of this Planning Proposal is to reduce the minimum lot size applicable to the subject land from 40ha to 6ha to allow boundary adjustments between:

- Lot 12 DP 820691 and Lot 2 DP 574006, School Lane, Southgate; and
- Lot 3 DP 574006 and Lot 4 DP 574006 School Lane, Southgate

All 4 lots created will have formed frontage to School Lane and a dwelling entitlement as each exceeds the proposed 6ha minimum lot size.
Associated with this is the offer to legally extinguish existing dwelling entitlements on Lot 61 DP 1133619 Southgate Ferry Road Southgate and Lots 1 & 2 DP 986290 Southgate Ferry Road, Southgate.

The intended outcome of this offer is to remove 2 dwelling entitlements from flood affected land.

3. PART 2 - EXPLANATION OF PROVISIONS

To achieve the above objective the following amendment will be required to the Clarence Valley Local Environmental Plan, namely:-

"Amendment to Lot Size Map – Sheet LZN_011C in accordance with the proposed lot size map shown in Annexure A. It is proposed to designate the subject land with the classification of AA1, denoting a minimum lot size of 6 ha"

As stated, this will have the effect of creating 2 additional dwelling entitlements on the subject land which through the 2 boundary adjustments will be located on lots with frontage to School Lane and with suitable flood-free dwelling sites.

4. PART 3 - JUSTIFICATION

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

No.

The proposal to reduce the minimum lot size applicable to the subject land from 40 hectares to 6 hectares is not the result of any strategic study or report.
The associated offer to legally extinguish existing dwelling entitlements on Lot 61 DP 1133619 and Lots1/2 DP 9866290 and located on flood affected land reflects the objective of managing/reducing the risk to life and property from flooding found in a number of strategic documents, including:-

- Grafton & Lower Clarence Floodplain Risk Management Plan (Bewsher Consulting June 2007)
- Clarence Valley Floodplain Management Study (SL & M 1980)
- Clarence Valley Local Environmental Plan 2011 – Clause 7.3 **Flood Planning**
- North Coast Regional Plan 2036 (Dept. of Planning & Environment 2017) - Direction 3 : **Manage natural hazards and climate change.**

The Grafton & Lower Clarence Floodplain Risk Management Plan at page 2 states:-

"Valley wide floodplain management measures, including flood warning, emergency management planning, community awareness, voluntary purchase and voluntary house raising schemes, and flood related planning considerations are included as recommended measures in the plan"

It does not include the voluntary relocation of dwelling entitlements outside flood affected areas and onto separate allotments as circumstances where this could occur may be rare but is possible in this instance.

The Grafton and Lower Clarence Floodplain Risk Management Plan (at p 34) also references the Clarence Valley Floodplain Management Study (SL & M 1980) which discussed in general terms:

- relocation of smaller urban areas within the floodplain, including incentives for people to relocate to flood free areas
- broad voluntary purchase schemes, which it considered were not cost effective
- the scope on large rural properties to relocate flood affected areas to areas of less risk within the same property

All of these point to the intent of the proposal and associated offer.

Clarence Valley Council LEP 2011 Clause 7.3 **Flood Planning** includes the following objective:

"(a) to minimise the flood risk to life and property associated with the use of the land"

The proposal and associated offer directly address this objective.

The North Coast Regional Plan 2036 Direction 3 – **Manage natural hazards and climate change**, includes the following actions:-

Action 3.1: Reduce the risk from natural hazards including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.

Action 3.2: Review and update floodplain risk, bushfire and coastal management mapping and manage risk, particularly where urban growth is being investigated

Action 3.3: Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development

The proposal and associated offer addresses Action 3.1

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

Yes.

All the affected land, both that proposed for additional dwelling entitlements and that offered for extinguishment of entitlements, is held in common ownership. This circumstance enables the objective of managing the risk from flooding to be addressed in a manner which is not directly envisaged in any strategic policies but nevertheless achieves the desired outcome.

There are no provisions in the Clarence Valley LEP 2011 which would permit the outcome achieved by the Planning Proposal and associated offer.

CVLEP 2011 Clause 4.1B **Boundary adjustments between lots in certain rural, residential and environmental zones** permits boundary adjustments between 2 or more lots where 1 or more of those lots is less than the minimum lot size, but only where there is no increase in dwelling entitlements. As the proposal creates 2 additional entitlements, this clause is not applicable.

CVLEP 2011 Clause 4.2A **Exceptions to minimum lot sizes for certain rural subdivisions** permits lots less than the minimum lot size to be created other than for the purpose of dwellings. As the proposal intends to permit boundary adjustments to create additional dwelling entitlements, this clause is not applicable.

There are no State Environmental Planning Policies which would achieve the objective/intended outcome of the proposal and associated offer.

In light of the above, only the proposal and associated offer would achieve the objective/intended outcome.

RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4.3 Applicable Regional Plan - Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The *North Coast Regional Plan 2036* (NCRP 2036) released in March 2017 is the applicable regional plan. It is the NSW Government's strategy for guiding land use planning decisions for the North Coast region.

The Regional Plan comprises four goals, 25 directions and 80 actions. The goals articulate the intended outcome; the directions identify the broad issues or policy areas that need to be focused on; and the actions represent the steps needed to be taken or initiatives that need to be implemented to achieve the goals. Actions are either implemented as strategies or as initiatives.

The North Coast Delivery, Coordination and Monitoring Committee has been established to oversee implementation of the vision, goals and actions in the Regional Plan. In this regard the North Coast Regional Plan 2036 - Implementation Plan 2017-2019 has also been release to accompany the Regional Plan.
The Directions and Actions are dealt with in North Coast Regional Plan 2036 Consistency Checklist (Annexure C). The offer to extinguish the 2 entitlements located on flood prone land addresses Direction 3 of the Plan, and as there are no environmental impacts or impact on agricultural viability, the proposal is not contrary to the objectives of **Direction 2 – Enhance biodiversity, coastal and aquatic habitats and water catchment** and **Direction 11 – Protect and enhance productive agricultural lands**. **Direction 18 – Respect and protect the North Coast's Aboriginal Heritage** is addressed in the AHIMS assessment at Annexure I.

Accordingly, the proposal is considered to be consistent with the NCRP 2036.

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

The Clarence 2027 is Council's adopted community strategic plan. It is supported by Council's Delivery Program and Annual Operational Plan applicable at the time.

Other local strategies include:

- South Grafton Heights Precinct Strategy
- Clarence Valley Settlement Strategy
- Lower Clarence Retail Strategy (May 2007)
- Yamba Retail/Commercial Strategy (May 2002)
- Clarence Valley Economic Development Strategic Plan
- Clarence Valley Industrial Lands Strategy
- Clarence Valley Affordable Housing Strategy
- Clarence Valley Council Biodiversity Management Strategy 2010
- Clarence River Way Masterplan 2009
- Clarence Valley Open Spaces Strategic Plan 2012

An assessment of the planning proposal against the Clarence 2027 and associated Delivery and Operational Plans is at Annexure D.

The Clarence 2027 is Councils adopted corporate strategic plan and is supported by the Delivery Plan and Operational Plan. It is structured around 5 themes (Society, Infrastructure, Economy, Environment, Leadership) each of which is supported by a range of objectives and strategies.
There are no objectives or strategies in The Clarence 2027 and its associated Delivery Plan and Operational Plan which are relevant to this proposal.

The Clarence Valley Settlement Strategy (1999) does not include a Specific Area Strategy for Southgate and is otherwise not relevant to this proposal.

4.5 Consistency with applicable state environmental planning policies

The proposal is consistent with applicable state environmental planning policies (SEPPs).

Refer to the consistency checklist against these policies at Annexure E.

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

The proposal is consistent with applicable Section 9.1 Directions.

Refer to the consistency checklist against these Directions at Annexure F.

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?

The North Coast Regional Plan 2036 High Environmental Value map (see Annexure N) includes the majority of the 2 rear lots (Lots 2 & 4) and reflects the location of the Southgate lagoon, though it is not mapped as a coastal wetland under SEPP Coastal Management 2018. Both additional dwellings and their associated wastewater management systems will be constructed on high flood-free land along the School Road frontage and at least 200m from the high conservation classified land.

Nevertheless, there is the potential that non-habitable structures or fence lines may be constructed within the identified lagoon area and it is proposed that a restriction be placed on title of the proposed 4 lots prohibiting any structures including fencing on land classified as high environmental value and associated with the lagoon.

There are 2 other sections of land identified as high environmental value affecting the north-west corner of Lot 12 and the south-east of Lot 3. Both of the mapped areas are circular, suggesting buffers around an object such as a hollow tree providing nesting habitat. Neither of the centre of those areas are located on the subject land and neither affect potential house sites at the road frontage. In these circumstances, restrictions on development in these areas are not considered necessary.

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. The proposal will permit the re-arrangement of the existing 4 lots, 2 of which currently contain a dwelling and have formed road frontage and 2 of which have neither, to create 4 lots with road frontage and adequate flood free area to accommodate the 2 additional dwellings and associated wastewater management facilities. As such, there is no impact from the flood hazard located on the rear of the land.

School Lane is sealed and has adequate capacity to handle the small increase in traffic generated by the 2 additional dwellings. Site disturbances resulting from the construction of 2 additional dwellings and associated facilities will be minimal and will be managed in accordance with conditions of consent attached to the approvals of those dwellings.

The land is classified part Class 3 Part Class 5 on the Clarence Valley Acid Sulphate Map. The Class 3 area is restricted to the lagoon and surrounds with the higher ground where the additional dwellings will be located Class 5.

Clarence Valley LEP 2011 requires development consent for any works more than 1 metre below natural ground level in Class 3 areas, or which may lower the water table by more than 1 metre. As outlined in 4.7 above, it is proposed

that a legal restriction be placed on title prohibiting any works in the lagoon (currently defined as Lots 2 & 4 DP 574006) so the consent requirements is not triggered.

Class 5 land required development consent for works within 500m of Class 1-4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD on that Class 1-4 land.

The first part of the criteria is met but minor construction works (dwellings, driveways, wastewater facilities) on land considerably higher than the adjacent Class 3 land and several hundred metres away will have no impact on water table levels and so the consent requirement is not triggered.

In these circumstances it is considered that further assessment of Acid Sulphate soils is not required as there will be no disturbance of the soils and so no impact.

4.9 Relevant social and economic effects?

The 2 existing entitlements on Lots 1/2 DP 986290 and Lot 61 DP 1133619 are located on land currently used for cane cultivation. In the case of Lots 1/2 DP 9866290 the most likely house site is on a current cane pad. In the case of Lot 61, the most likely site is currently under cane cultivation (see Annexure C). Construction of dwellings on both these sites would have some impact on existing cane operations.

The Doust's cultivate cane at Southgate on 19 properties totalling approximately 133ha. Multiple lots in a single cane farm is not uncommon, reflecting the size of the original crown portions and subsequent subdivisions, crown road closures etc. This area of cane is clearly viable and the number of lots is immaterial as it operates as a single farm.

Consequently, the greatest risk to the viability of the single cane operation is fragmentation of individual lots into different ownerships, whereby the economies of scale are lost and the separated individual lots are by themselves not viable. If enough land is lost to cane through fragmentation, the whole cane operation risks becoming unviable.

In reality, cane farms do not fragment into different ownerships unless lots forming the whole have dwelling entitlements (with or without existing dwellings). In these cases, the majority of the value of the lots resides in the dwelling entitlement, unless realisable.

The individual lots are of a large enough size to support a viable agricultural activity.

In the case of the Doust's cane farm, Lots 1/2 (27.34ha) and Lot 61 (18.93 ha) have reasonable dwelling entitlements but neither are large enough to support viable cane operations. Further, the loss of these lots would reduce the size of the remaining cane farm to approximately 87ha, which also may not be economically viable.

If the Doust's were to obtain dwelling approval on these lots, the only way in which they could realise their true value would be through sale, as they have advised that no other family members are interested in continuing cane cultivation. Unless potential purchasers had intensive agricultural uses that would be viable on those undersized lots and could withstand the impacts of floods, it is unlikely that would be sold to purchasers seeking the lifestyle advantages of the water frontage/views available.

Consolidation of the 3 lots to ensure they were not sold off individually in the future even after the 2 dwelling entitlements had been extinguished would in fact

create a lot of 46.27ha which would then have a dwelling entitlement unless the proposed covenant was placed over the lots.

In summary, the Doust's cane farm consists of multiple lots, none of which are viable on their own, and the best protection for the cane farm is the extinguishment of the 2 dwelling entitlements which add value to those lots over and above their value as part of 14 cane farms and so pose a real risk of being sold and fragmenting the farm.

In respect of the 4 lots in School Lane, current agricultural use is restricted to low-level grazing over the total area of 25.6ha minus the area covered by the lagoon and dwelling curtilages. The proposed subdivisions would create 2 additional curtilages resulting in some loss of potential grazing land. Furthermore, the suggested restriction on structures within the identified lagoon area may also reduce potential grazing land in extended dry times when the lagoon contracts and pasture may appear. The loss of agricultural productivity resulting from the reduction of available grazing land will be minimal when compared to the potential loss of agricultural productivity on land covered by the associated offer.

There is no outcome where there is no loss of agricultural productivity anywhere within the Doust's holdings as either the proposal proceeds or the 2 dwellings entitlements are obtained and their value realised.

If the proposal was to proceed, there is also the potential for the 2 additional dwellings in School Lane to impact on other residents in School Lane and on existing or future agricultural activities in the vicinity.

In respect of the first, there are 13 dwellings on the rural/agricultural section of School Lane plus 7 in the village section. The social impact of 2 additional dwellings must be considered minimal and the fact that School Lane is sealed and connected to the sealed road network ensures there will be no impacts in terms of dust and increased road deterioration which are real concerns on the gravel road network.

In respect of the second, there is potential for additional dwelling in rural-agricultural areas to attract residents who may not appreciate the impacts of surrounding agricultural activities and so agitate to restrict/close existing operations or stop future proposed operations. The current surrounding operations to the north (Lot 170-20.33ha), south (No. 104-10.8ha) and west (No. 133-135 0 approx. 115ha) are pasture land with some level of grazing and so unlikely to generate impacts which could become the basis for legitimate complaints. Land to the east is separated by the lagoon and unlikely to impact.

It is the rolling open paddocks which create the character of the locality that is likely to be an attraction to potential purchasers rather than a liability.

In respect of potential future uses, concerns would centre on high-intensity uses such as piggeries or feed lots which would generate a range of impacts which could lead to legitimate objections to their establishment. The lots to the north and south would appear to be too small for these types of operations while that to the west is large enough but its most useable land for those sorts of activities is not along the ridgeline where the 2 additional dwellings would be, but on flatter land to the west.

Also, because of the near rural/residential lot pattern and the village in the locality, there is no shortage of existing residents likely to object to an offending intensive agricultural activity even without the 2 additional dwellings.

STATE AND COMMONWEALTH INTERESTS

4.10 Is there adequate public infrastructure for the planning proposal?

Water, telecommunications and power are available and wastewater will be managed on individual lots. School Lane is sealed and connected to the road network via Lawrence Road.

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

There has been no consultation with State & Commonwealth public authorities to date.

A gateway determination has not yet been issued.

5. PART 4 - MAPPING

Copies of current and proposed versions of the Minimum Lot Size map are attached at Annexure A.

6. PART 5 - COMMUNITY CONSULTATION

It is considered that the proposal is a 'low impact' for the purpose of community consultation under Section 5.5.2 of *"A guide to preparing local environmental plans, August 2016".*

On this basis, it is intended that the planning proposal be advertised for 14 days in accordance with Section 5.5.2 of "*A guide to preparing local environmental plans*". It is also intended to provide written notification to land owners in the immediate vicinity of the subject land.

A public hearing is not considered necessary.

7. PART 6 - PROJECT TIMELINE

A preliminary timetable will be prepared once the Gateway Determination is issued.

ANNEXURES

A - Current & Proposed Minimum Lot Size Maps

B – Proposed Boundary Adjustment Plan

C – North Coast Regional Plan 2036 Consistency Checklist

D – Councils Local Strategy & Strategic Plans Consistency Checklist

E- State Environmental Planning Policy Consistency Checklist

F – Section 9.1 Direction Consistency Checklist

G – Correspondence from Council

H – SEPP (Rural Lands) 2008 – Clauses 7 & 8 Assessment

I – AHIMS Search

J – Rural Properties in School Lane

K – Doust Southgate Property Holdings

L – Potential House Sites – Lots 1/2 DP 986290, Lot 61 DP 1133619

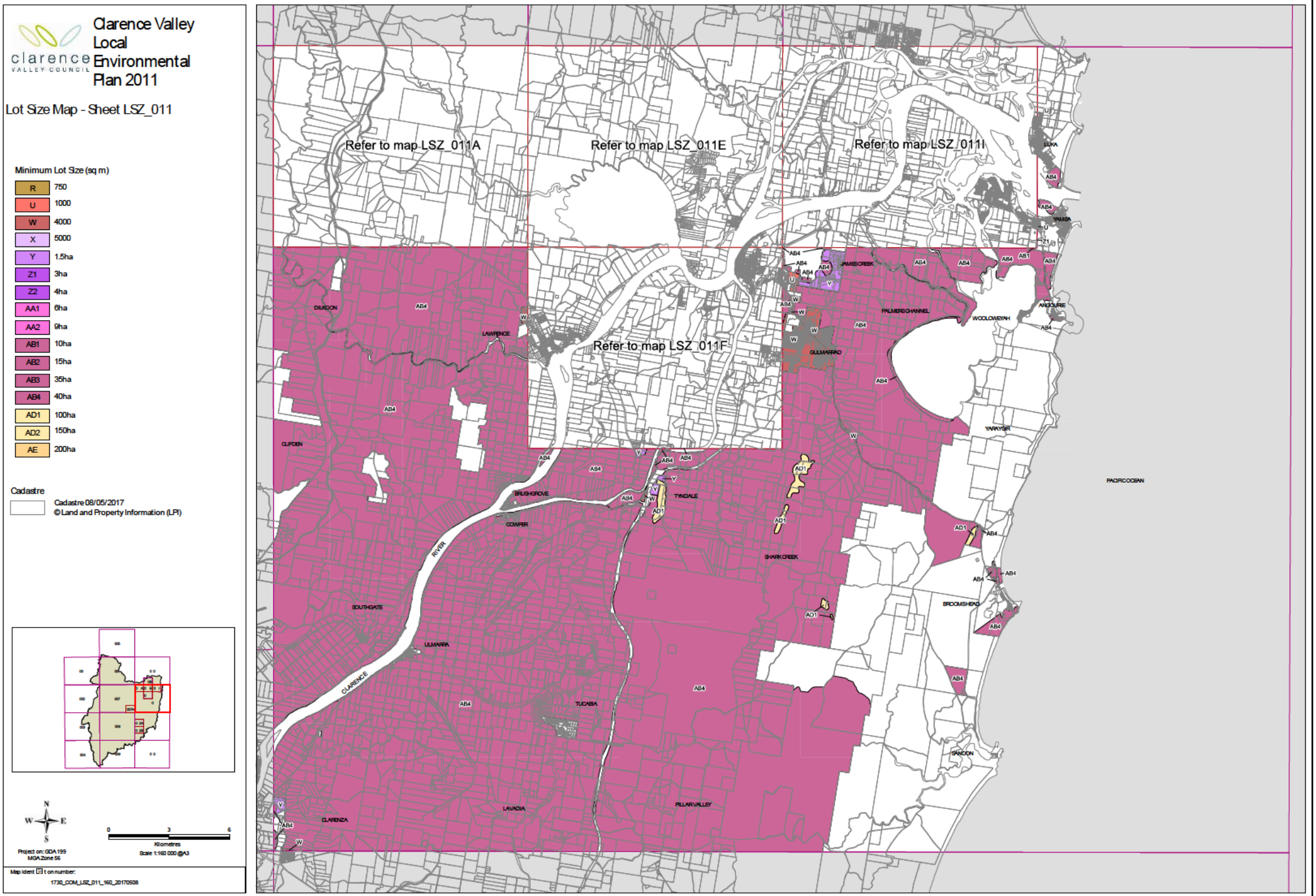
M – Land Use Information from Owners

ANNEXURE A

CURRENT & PROPOSED MINIMUM LOT SIZE MAPS

Clarence Valley Local Environmental Plan 2011

Lot Size Map - Sheet LSZ_011



Minimum Lot Size (sq m)

R	750
U	1000
W	4000
X	5000
Y	1.5ha
Z1	3ha
Z2	4ha
AA1	6ha
AA2	9ha
AB1	10ha
AB2	15ha
AB3	35ha
AB4	40ha
AD1	100ha
AD2	150ha
AE	200ha

Cadastre

Cadastre 08/05/2017

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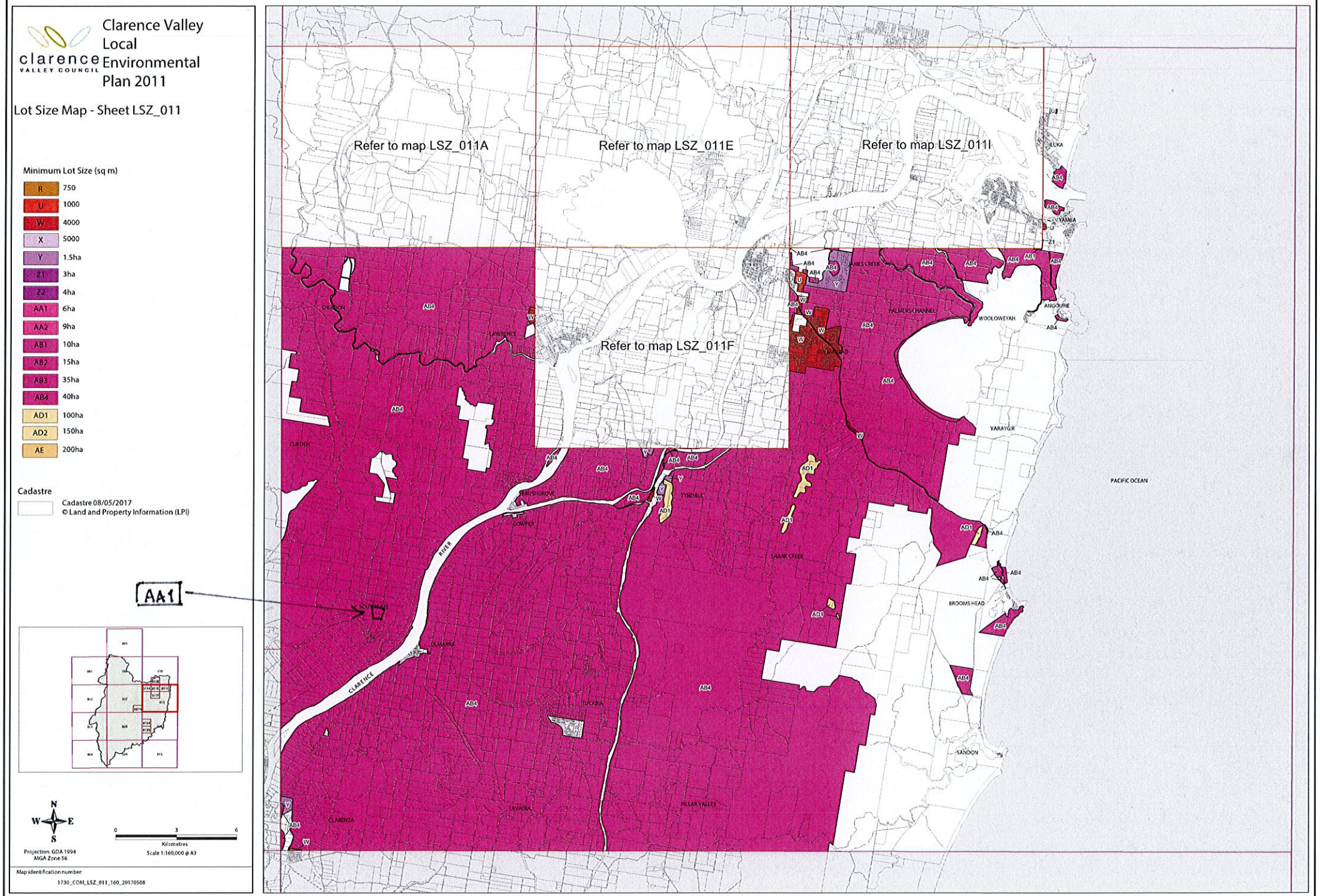
Project on: GDA 199
MGA Zone 56

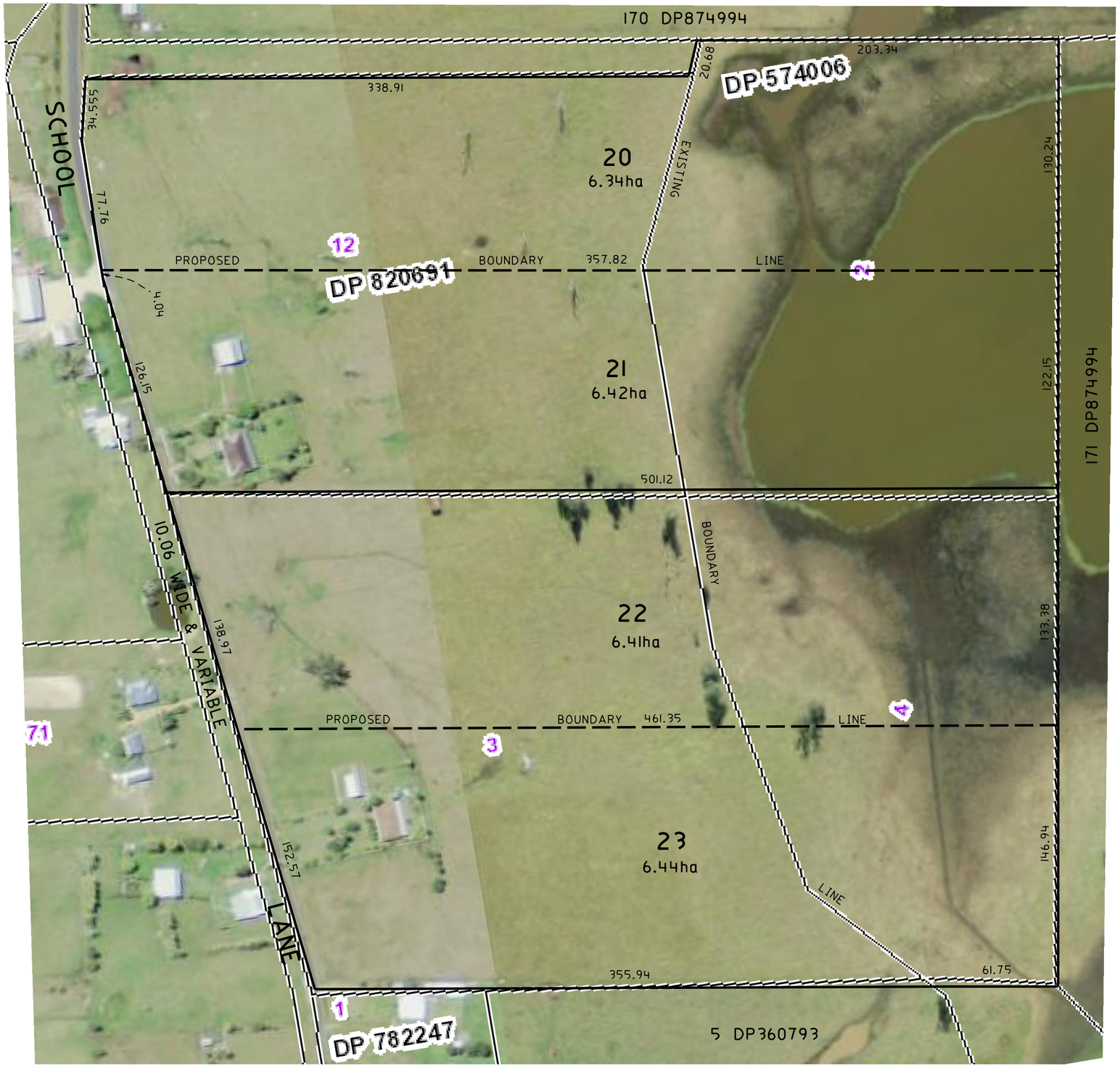
Map Ident / Sheet number:
1730_COM_LSZ_011_160_20170508

PROPOSED LOT SIZE MAP



ANNEXURE B

PROPOSED BOUNDARY ADJUSTMENT PLAN



NOTES:

1. THIS PLAN WAS PREPARED FOR W. & G. DOUST AS A PROPOSED BOUNDARY ADJUSTMENT TO ACCOMPANY A PLANNING PROPOSAL FOR A DWELLING ENTITLEMENT TO CLARENCE VALLEY COUNCIL & SHOULD NOT BE USED FOR ANY OTHER PURPOSES.

2. THE TITLE BOUNDARIES SHOWN HEREON WERE NOT MARKED BY A. FLETCHER & ASSOCIATES PTY. LTD. AT THE TIME OF THE SURVEY AND HAVE BEEN DETERMINED BY THE PLAN DIMENSIONS ONLY AND NOT BY FIELD MEASUREMENT. THE DIMENSIONS, AREAS AND TOTAL NUMBER OF LOTS SHOWN HEREON ARE SUBJECT TO FIELD SURVEY AND ALSO THE REQUIREMENTS OF COUNCIL AND ANY OTHER AUTHORITY WHICH MAY HAVE REQUIREMENTS UNDER ANY RELEVANT LEGISLATION. IN PARTICULAR, NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS ON THE LAND.

3. SERVICES WERE NOT LOCATED.

4. PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL SERVICES.

5. THESE NOTES ARE AN INTEGRAL PART OF THIS PLAN

× This plan is only to scale if plotted at A3 size

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PROPOSED BOUNDARY ADJUSTMENT OF LOT 12 DP820691 & LOTS 2, 3 & 4 DP574006
134 & 112 SCHOOL LANE, SOUTHGATE

CLIENT: W. & G. DOUST

SURVEY:	DRAWING No.8566 COMPILE
DESIGN:	ORIGIN:
DRAWN: BF	Sheet No. of Sheets
DATE: 02/07/2018	
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ANNEXURE C

NORTH COAST REGIONAL PLAN 2036 CONSISTENCY CHECKLIST

NORTH COAST REGIONAL PLAN 2036 CONSISTENCY CHECKLIST

(Note - refer to section 4.3 of this template document)

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
Goal 1 - The most stunning environment in NSW **Direction 1 - Deliver environmentally sustainable growth**		
Action 1.1 - Focus future urban development to mapped urban growth areas.	Yes	Consistent although this action is not directly relevant to the planning proposal.
Action 1.2 - Review areas identified as 'under investigation' within urban growth areas to identify and map sites of potentially high environmental value.	Yes	Consistent although this action is not directly relevant to the planning proposal
Action 1.3 - Identify residential, commercial or industrial uses in urban growth areas by developing local growth management strategies endorsed by the Department of Planning and Environment.	Yes	Consistent although this action is not directly relevant to the planning proposal
Action 1.4 - Prepare land release criteria to assess appropriate locations for future residential, commercial and industrial uses.	Yes	Consistent although this action is not directly relevant to the planning proposal
Goal 1 - The most stunning environment in NSW **Direction 2 - Enhance biodiversity, coastal and aquatic habitats, and water catchments**		
Action 2.1 - Focus development to areas of least biodiversity sensitivity in the region and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value.	Yes	Consistent although this action is not directly relevant to the planning proposal. Future dwellings will be located on grazing land with no biodiversity value and away from wetland areas.
Action 2.2 - Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.	Yes	Consistent although this action is not directly relevant to the planning proposal
Goal 1 - The most stunning environment in NSW **Direction 3 - Manage natural hazards and climate change**		
Action 3.1 - Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.	Yes	Consistent although this action is not directly relevant to the planning proposal
Action 3.2 - Review and update floodplain risk, bushfire and coastal management mapping to manage risk, particularly where urban growth is being investigated.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 3.3 - Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 1 - The most stunning environment in NSW		

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
Direction 4 - Promote renewable energy opportunities		
Action 4.1 - Diversify the energy sector by identifying renewable energy resource precincts and infrastructure corridors with access to the electricity network.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 4.2 - Enable appropriate smaller-scale renewable energy projects using bio-waste, solar, wind, small-scale hydro, geothermal or other innovative storage technologies.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 4.3 - Promote appropriate smaller and community-scale renewable energy projects.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 2 - A thriving, interconnected economy **Direction 5 - Strengthen communities of interest and cross-regional relationships**		
Action 5.1 - Collaborate on regional and intra-regional housing and employment land delivery, and industry development.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 5.2 - Integrate cross-border land use planning between NSW and South East Queensland, and remove barriers to economic, housing and jobs growth.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 5.3 - Encourage ongoing cooperation and land use planning between the City of Gold Coast and Tweed Shire Council.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 5.4 - Prepare a regional economic development strategy that drives economic growth opportunities by identifying key enabling infrastructure and other policy interventions to unlock growth.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 2 - A thriving, interconnected economy **Direction 6 - Develop successful centres of employment**		
Action 6.1 - Facilitate economic activity around industry anchors such as health, education and airport facilities by considering new infrastructure needs and introducing planning controls that encourage clusters of related activity.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 6.3 - Promote knowledge industries by applying flexible planning controls, providing business park development opportunities and identifying opportunities for start-up industries.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 6.3 - Reinforce centres through local growth management strategies and local environmental plans as primary mixed-use locations for commerce, housing, tourism, social activity and regional services.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 6.4 - Focus retail and commercial activities in existing centres and develop place–making focused planning strategies for centres.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 6.5 - Promote and enable an appropriate mix of land uses and prevent the encroachment of sensitive uses on employment land through	*Yes*	Consistent although this action is not directly relevant to the planning proposal

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
local planning controls.		
Action 6.6 - Deliver an adequate supply of employment land through local growth management strategies and local environmental plans to support jobs growth.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 6.7 - Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 2 - A thriving, interconnected economy **Direction 7 - Coordinate the growth of regional cities**		
Action 7.1 - Prepare action plans for regional cities that: ▪ ensure planning provisions promote employment growth and greater housing diversity; ▪ promote new job opportunities that complement existing employment nodes around existing education, health and airport precincts; ▪ identify infrastructure constraints and public domain improvements that can make areas more attractive for investment; and ▪ deliver infrastructure and coordinate the most appropriate staging and sequencing of development.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 2 - A thriving, interconnected economy **Direction 8 - Promote the growth of tourism**		
Action 8.1 - Facilitate appropriate large-scale tourism developments in prime tourism development areas such as Tweed Heads, Tweed Coast, Ballina, Byron Bay, Coffs Harbour and Port Macquarie.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 8.2 - Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through local growth management strategies and local environmental plans.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 8.3 - Prepare destination management plans or other tourism focused strategies that: ▪ identify culturally appropriate Aboriginal tourism opportunities; ▪ encourage tourism development in natural areas that support conservation outcomes; and ▪ strategically plan for a growing international tourism market.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 8.4 - Promote opportunities to expand visitation to regionally significant nature-based tourism places, such as Ellenborough Falls, Dorrigo National Park, Wollumbin–Mount Warning National Park, Iluka Nature Reserve and Yuraygir Coastal Walk.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 8.5 - Preserve the region's existing tourist and visitor accommodation by directing permanent residential accommodation away	*Yes*	Consistent although this action is not directly relevant to the planning proposal

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
from tourism developments, except where it is ancillary to existing tourism developments or part of an area otherwise identified for urban expansion in an endorsed local growth management strategy.		
Goal 2 - A thriving, interconnected economy **Direction 9: Strengthen regionally significant transport corridors**		
Action 9.1 - Enhance the competitive value of the region by encouraging business and employment activities that leverage major inter-regional transport connections, such as the Pacific Highway, to South East Queensland and the Hunter.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 9.2 - Identify buffer and mitigation measures to minimise the impact of development on regionally significant transport infrastructure including regional and state road network and rail corridors.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 9.3 - Ensure the effective management of the State and regional road network by: ▪ preventing development directly adjoining the Pacific Highway; ▪ preventing additional direct 'at grade' access to motorway-class sections of the Pacific Highway; ▪ locating highway service centres on the Pacific Highway at Chinderah, Ballina, Maclean, Woolgoolga, Nambucca Heads, Kempsey and Port Macquarie, approved by the Department of Planning and Environment and Roads and Maritime Services; and ▪ identifying strategic sites for major road freight transport facilities.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 2 - A thriving, interconnected economy **Direction 10 - Facilitate air, rail and public transport infrastructure**		
Action 10.1 - Deliver airport precinct plans for Ballina–Byron, Lismore, Coffs Harbour and Port Macquarie that capitalise on opportunities to diversify and maximise the potential of value-adding industries close to airports.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 10.2 - Consider airport-related employment opportunities and precincts that can capitalise on the expansion proposed around Gold Coast Airport.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 10.3 - Protect the North Coast Rail Line and high-speed rail corridor to ensure network opportunities are not sterilised by incompatible land uses or land fragmentation.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 10.4 - Provide public transport where the size of the urban area has the potential to generate sufficient demand.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 10.5 - Deliver a safe and efficient transport network to serve future	*Yes*	Consistent although this action is not

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
release areas.		directly relevant to the planning proposal
Goal 2 - A thriving, interconnected economy **Direction 11: Protect and enhance productive agricultural lands**		
Action 11.1 - Enable the growth of the agricultural sector by directing urban and rural residential development away from important farmland and identifying locations to support existing and small-lot primary production, such as horticulture in Coffs Harbour.	*Yes*	Consistent although this action is not directly relevant to the planning proposal. The associated offer will protect the viability of cane cultivation on the lots involved.
Action 11.2 - Deliver a consistent management approach to important farmland across the region by updating the Northern Rivers Farmland Protection Project (2005) and Mid North Coast Farmland Mapping Project (2008).	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 11.3 - Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 11.4 - Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 11.5 - Address sector-specific considerations for agricultural industries through local plans.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 2 - A thriving, interconnected economy **Direction 12 - Grow agribusiness across the region**		
Action 12.1 - Promote the expansion of food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight and logistics, and processing through flexible planning provisions in local growth management strategies and local environmental plans.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 12.2 - Encourage the co-location of intensive primary industries, such as feedlots and compatible processing activities.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 12.3 - Examine options for agribusiness to leverage proximity from the Gold Coast and Brisbane West Wellcamp airports.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 12.4 - Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflicts arising from the encroachment of incompatible land uses.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 2 - A thriving, interconnected economy **Direction 13 - Sustainably manage natural resources**		
Action 13.1 - Enable the development of the region's natural, mineral and forestry resources by directing to suitable locations land uses such as	*Yes*	Consistent although this action is not directly relevant to the planning proposal

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
residential development that are sensitive to impacts from noise, dust and light interference.		
Action 13.2 - Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 3 - Vibrant and engaged communities **Direction 14 - Provide great places to live and work**		
Action 14.1 - Prepare precinct plans in growth areas, such as Kingscliff, or centres bypassed by the Pacific Highway, such as Woodburn and Grafton, to guide development and establish appropriate land use zoning, development standards and developer contributions.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 14.2 - Deliver precinct plans that are consistent with the Precinct Plan Guidelines (Appendix C).	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 3 - Vibrant and engaged communities **Direction 15 - Develop healthy, safe, socially engaged and well-connected communities**		
Action 15.1 - Deliver best-practice guidelines for planning, designing and developing healthy built environments that respond to the ageing demographic and subtropical climate.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 15.2 - Facilitate more recreational walking and cycling paths and expand inter-regional and intra-regional walking and cycling links, including the NSW Coastline Cycleway.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 15.3 - Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 15.4 - Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment frameworks within local planning.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 15.5 - Deliver crime prevention through environmental design outcomes through urban design processes.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 3 - Vibrant and engaged communities **Direction 16 - Collaborate and partner with Aboriginal communities**		
Action 16.1 - Develop partnerships with Aboriginal communities to facilitate engagement during the planning process, including the development of engagement protocols.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 16.2 - Ensure Aboriginal communities are engaged throughout the preparation of local growth management strategies and local environmental plans.	*Yes*	Consistent although this action is not directly relevant to the planning proposal

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
Goal 3 - Vibrant and engaged communities **Direction 17: Increase the economic self-determination of Aboriginal communities**		
Action 17.1 - Deliver opportunities to increase the economic independence of Aboriginal communities through training, employment and tourism.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 17.2 - Foster closer cooperation with Local Aboriginal Land Councils to identify the unique potential and assets of the North Coast communities.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 17.3 - Identify priority sites with economic development potential that Local Aboriginal Land Councils may wish to consider for further investigation.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 3 - Vibrant and engaged communities **Direction 18 - Respect and protect the North Coast's Aboriginal heritage**		
Action 18.1 - Ensure Aboriginal objects and places are protected, managed and respected in accordance with legislative requirements and the wishes of local Aboriginal communities.	*Yes*	See AHIMS search at Annexure I.
Action 18.2 - Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms are identified.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 18.3 - Develop local heritage studies in consultation with the local Aboriginal community, and adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 18.4 - Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas, where culturally appropriate, to inform planning strategies and local plans to protect Aboriginal heritage.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 3 - Vibrant and engaged communities **Direction 19 - Protect historic heritage**		
Action 19.1 - Ensure best-practice guidelines are considered such as the Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance and the NSW Heritage Manual when assessing heritage significance.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 19.2 - Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items, and include appropriate local planning controls.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 19.3 - Deliver the adaptive or sympathetic use of heritage items and assets.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 3 - Vibrant and engaged communities		

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
Direction 20 - Maintain the region's distinctive built character		
Action 20.1 - Deliver new high-quality development that protects the distinct character of the North Coast, consistent with the North Coast Urban Design Guidelines (2009)	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 20.2 - Review the North Coast Urban Design Guidelines (2009).	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 3 - Vibrant and engaged communities **Direction 21 - Coordinate local infrastructure delivery**		
Action 21.1 - Undertake detailed infrastructure service planning to support proposals for new major release areas.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 21.2 - Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 4 - Great housing choice and lifestyle options **Direction 22 - Deliver greater housing supply**		
Action 22.1 - Deliver an appropriate supply of residential land within local growth management strategies and local plans to meet the region's projected housing needs.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 22.2 - Facilitate housing and accommodation options for temporary residents by: ▪ preparing planning guidelines for seasonal and itinerant workers accommodation to inform the location and design of future facilities; and ▪ working with councils to consider opportunities to permit such facilities through local environmental plans.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 22.3 - Monitor the supply of residential land and housing through the North Coast Housing and Land Monitor.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 4 - Great housing choice and lifestyle options **Direction 23 - Increase housing diversity and choice**		
Action 23.1 - Encourage housing diversity by delivering 40 per cent of new housing in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres, by 2036.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 23.1 - Develop local growth management strategies to respond to changing housing needs, including household and demographic changes, and support initiatives to increase ageing in place.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 4 - Great housing choice and lifestyle options **Direction 24: Deliver well-planned rural residential housing areas**		

NORTH COAST REGIONAL PLAN 2036 GOALS, DIRECTIONS & ACTIONS	CONSISTENCY	COMMENTS
Action 24.1 - Facilitate the delivery of well-planned rural residential housing areas by: ▪ identifying new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment; and ▪ ensure that such proposals are consistent with the Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies (2007) or land release criteria (once finalised).	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 24.2 - Enable sustainable use of the region's sensitive coastal strip by ensuring new rural residential areas are located outside the coastal strip, unless already identified in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Goal 4 - Great housing choice and lifestyle options **Direction 25 - Deliver more opportunities for affordable housing**		
Action 25.1 - Deliver more opportunities for affordable housing by incorporating policies and tools into local growth management strategies and local planning controls that will enable a greater variety of housing types and incentivize private investment in affordable housing.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
Action 25.2 - Prepare guidelines for local housing strategies that will provide guidance on planning for local affordable housing needs.	*Yes*	Consistent although this action is not directly relevant to the planning proposal
	Yes	Consistent although this action is not directly relevant to the planning proposal

ANNEXURE D

COUNCILS LOCAL STRATEGY & STRATEGIC PLANS
CONSISTENCY CHECKLIST

COUNCILS LOCAL STRATEGY AND STRATEGIC PLAN/S CONSISTENCY CHECKLIST

Strategy/Strategic Plan	Relevant component/statement of consistency
The Clarence 2027	
	There are no themes or objectives that which are relevant to this proposal.
Council's Delivery Program and Operational Plan	There are no objectives, strategies or activities which are relevant to this proposal.
Maclean Urban Catchment Local Growth Management Strategy 2011	N/A
South Grafton Heights Precinct Strategy	N/A
Clarence Valley Settlement Strategy	Does not include Specific Area Strategy for Southgate
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 Industrial Lands Strategy	N/A
Clarence Valley Affordable Housing Strategy	N/A
Clarence Valley Council Biodiversity Management Strategy 2010	N/A
Clarence River Way Masterplan 2009	N/A
Clarence Valley Open Spaces Strategic Plan 2012	N/A

ANNEXURE E

STATE ENVIRONMENTAL PLANNING POLICY
CONSISTENCY CHECKLIST

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STATE ENVIRONMENTAL PLANNING POLICY CONSISTENCY CHECKLIST

Name of SEPP	Relevant/applicable?	Comment/statement of consistency
The following State Environmental Planning Policies (SEPPs) are current and whilst not all may be applicable to the Clarence Valley LGA they are all being acknowledged and some are considered in more detail where relevant.		
State Environmental Planning Policy No 1 - Development Standards	No	Not applicable to the CVLEP 2011 or to the planning proposal.
State Environmental Planning Policy No 19 - Bushland in Urban Areas	No	N/A
State Environmental Planning Policy No 21 - Caravan Parks	No	N/A
State Environmental Planning Policy No 30 - Intensive Agriculture	No	N/A
State Environmental Planning Policy No 33 - Hazardous and Offensive Development	No	N/A
State Environmental Planning Policy No 36 - Manufactured Home Estates	No	N/A
State Environmental Planning Policy No 44 - Koala Habitat Protection	No	N/A
State Environmental Planning Policy No 47 - Moore Park Showground	No	N/A
State Environmental Planning Policy No 50 - Canal Estate Development		
State Environmental Planning Policy No 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	No	N/A
State Environmental Planning Policy No 55 - Remediation of Land	YES	Consistent. The owners have provided written advice that the School Lane properties have been used for cattle grazing and flood refuge since the 1960's with poor soils making it unsuitable for cropping (see Annexure M). Agriculture, which includes intensive livestock agriculture but not grazing, is listed as an activity which may cause contamination. Accordingly, the long term low intensity grazing is unlikely to have resulted in any contamination issues.
State Environmental Planning Policy No 62 - Sustainable Aquaculture	No	N/A
State Environmental Planning Policy No 64 - Advertising and Signage	No	N/A
State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development	No	N/A
State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)	No	N/A
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	N/A
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	N/A

Name of SEPP	Relevant/applicable?	Comment/statement of consistency
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	N/A
State Environmental Planning Policy (Infrastructure) 2007	No	N/A
State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007	No	N/A
State Environmental Planning Policy (Kurnell Peninsula) 1989	No	N/A
State Environmental Planning Policy (State Significant Precincts) 2005	No	N/A
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No	N/A
State Environmental Planning Policy (Rural Lands) 2008	Yes	Consistent. The proposal is consistent with the Rural Planning Principles and Rural Subdivision Principles when considered in conjunction with the associated offer. See Annexure H.
State Environmental Planning Policy (State and Regional Development) 2011	No	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	N/A
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	N/A
State Environmental Planning Policy (Three Ports) 2013	No	N/A
State Environmental Planning Policy (Urban Renewal) 2010	No	N/A
State Environmental Planning Policy (Western Sydney Employment Area) 2009	No	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	N/A
State Environmental Planning Policy (Integration and Repeals) 2016	No	N/A
State Environmental Planning Policy (Coastal Management) 2018	Yes	The subject land is located within the coastal zone but does not contain any features, such as coastal wetlands or littoral rainforests which are subject to the provisions of the SEPP.

ANNEXURE F

SECTION 9.1 DIRECTION CONSISTENCY CHECKLIST

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SECTION 9.1 DIRECTION CONSISTENCY CHECKLIST

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Not Applicable	The proposal does not involve business or industrial zones
1.2 Rural Zones	Inconsistent but Justified	The proposal increases the permissible density of land by reducing the minimum lot size from 40ha to 6ha, and so is inconsistent with this Direction. Clause 5 of the Direction sets out a number of grounds under which an inconsistency may be justified by a strategy, a study, or be in accordance with the relevant Regional Strategy. In this instance, as detailed in 4.1 of this report, the proposal itself has no strategic justification but the associated offer does in terms of managing/reducing risks to life and property from floods and protecting productive agricultural land. This planning proposal is premised on agreeing that the strategic benefits of the associated offer can only be achieved if the proposal proceeds and so accepting the nexus between the 2 actions. If this position is supported, then the inconsistency is justified by the strategies list in 4.1. It is also noted that Clause 5(d) of the Direction permits inconsistency on the grounds of *"minor significance"* which the creation of 2 additional dwelling entitlements on low value agricultural land (and the general vicinity of where 2 other dwelling entitlements on higher value agricultural land are to be extinguished) would meet this criteria as the objective of the Direction is to protect the agricultural production value of rural land.
1.3 Mining, Petroleum Production and Extractive industries	Not Applicable	The proposal does not affect any land identified as having extractive resources of regional significance or their haulage routes.
1.4 Oyster Aquaculture	Not Applicable	The proposal does not affect land within the vicinity of any oyster aquaculture leases.
1.5 Rural Lands	Inconsistent but justified	The proposal intends to change the minimum lot size of rural land and so must be consistent with the Rural Planning Principles at Clause 7 and the Rural Subdivision Principles at Clause 8 of the Rural Lands SEPP. See Annexure H which assesses the proposal as consistent with both Clauses when considered in conjunction with the associated offer. It is also noted that Clause 6 (b) of the Direction permits inconsistency on the grounds of *"minor significance"* which the creation of 2 additional dwelling entitlements on low value agricultural land (and the general vicinity of where 2 other dwelling entitlements on higher value agricultural land are to be extinguished) would meet this criteria as the objectives of the Direction are to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental protection Zones	Not Applicable	The proposal does not affect any land zoned environmental protection
2.2 Coastal protection	Consistent	The proposal affects land within the coastal zone but does not contain any mapped areas or features which are relevant to SEPP Coastal Protection 2018.
2.3 Heritage Conservation	Not Applicable	The proposal does not affect any objects or areas of heritage significance
2.4 Recreation Vehicle Areas	Not Applicable	The proposal does not involve the development of land for use as a recreation vehicle area
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	This direction does not apply to the Clarence Valley Council area.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Not Applicable	The proposal does not involve residential zones
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable	The proposal does not involve the development or a caravan park or manufactured home estate
3.3 Home Occupations	Not Applicable	The proposal does not intend to alter the current legislative controls of home occupations in dwellings
3.4 Integrated Land Use and Transport	Not Applicable	The proposal does not involve land zoned residential, business, industrial, village or tourist purposes
3.5 Development Near Licensed Aerodromes	Not Applicable	The proposal does not affect land area licensed for aerodromes
3.6 Shooting Ranges	Not Applicable	The proposal does not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	Inconsistent but Justified	The subject land in School Lane is classified as part Class 3/part Class 5 acid sulphate soils on the Clarence Valley Acid Sulphate Soil Map. A Planning Proposal to intensify land use on land identified as having or prohibiting of containing acid sulphate soils unless the relevant planning authority has considered an acid sulphate soil study. A study has not been prepared at this stage but could be prepared and form part of the documents placed on public exhibition if considered necessary, subject to the proposal proceeding through the Gateway. Clause 8 of the Direction permits an inconsistency where the relevant planning authority can satisfy the officers of the Department of Planning that the inconsistency is: a) *Justifiable by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or* b) *Of minor significance.* Acid Sulphate Soils are addressed at 4.8 of this report, which is considered to meet the criteria of a study referred to in a) above.

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
		Also, considering that it is proposed there be no structures permitted in the lagoon area (Class 3) and that all works (dwelling construction, driveway, wastewater facilities) are located within the Class 5 area where the trigger for consent is works which are likely to lower the water table on Class 1-4 ASS land within 500 metres (which will not occur in this instance), that the proposal is of *"minor significance"*.
4.2 Mine Subsidence and Unstable land	Not Applicable	The proposal does not affect any Mine Subsidence Districts
4.3 Flood Prone Land	Consistent	The proposed involves land affected by the 1 in 100 year flood level, but all 4 lots which would be created contain sufficient land above that level to accommodate a dwelling house and associated facilities.
4.4 Planning for Bushfire Protection	Not Applicable	The proposal does not involve any land affected by bushfire hazard
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	Not applicable.	No longer applicable as the Mid North Coast Regional Strategy has now been replaced by the North Coast Regional Plan 2036. Refer to Direction 5.10 below.
5.2 Sydney Drinking Water Catchments	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable	The proposal does not involve land covered by this Direction
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.	*Revoked 18 June 2010*
5.6 Sydney to Canberra Corridor	Not applicable.	*Revoked 10 July 2008 - See amended Direction 5.1*
5.7 Central Coast	Not applicable.	*Revoked 10 July 2008 - See amended Direction 5.1*
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
5.9 North West Rail Link Corridor Strategy	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
5.10 Implementation of Regional Plans	Consistent	The proposal involves land covered by North Coast Regional Plan 2036 and is not inconsistent with any provisions of that Plan (see 4.3 of this report)
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	Consistent	The proposal does not include provisions which require concurrence, consultation or referral of a Minister or public authority
6.2 Reserving Land for Public Purposes	Not Applicable	This proposal does not involve the reserving of land for public purposes
6.3 Site Specific Provisions	Consistent	The proposal does not apply additional development standards or requirements
7. METROLPOLITAN PLANNING		

SECTION 9.1 DIRECTION	CONSISTENCY	COMMENTS
7.1 Implementation of a Plan for Growing Sydney	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.	This Direction does not apply to the Clarence Valley Council area.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.	This Direction does not apply to the Clarence Valley Council area.

ANNEXURE G

CORRESPONDENCE FROM CLARENCE VALLEY COUNCIL

clarence
VALLEY COUNCIL

23 August 2016

Reference: DWS [redacted]
Your ref: 8566

A. Fletcher & Associates P/L
PO Box 1213
GRAFTON NSW 2460

Re: Planning enquiry – transfer of dwelling entitlements involving several land parcels at Southgate

Reference is made to your letter dated 11 July 2016 regarding a proposal to transfer dwelling entitlements between various parcels of land at Southgate, by way of boundary adjustments and consolidation of lots to achieve the outcome sought.

Although there is merit in relocating the dwelling opportunities outside of flood prone areas, a boundary adjustment between existing lots below the 40ha minimum lot size required, as proposed, cannot lawfully be considered under the current *Clarence Valley Local Environmental Plan 2011* (LEP) provisions, and would not be exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP). As such, Council could not consider a Development Application for such a proposal.

As you are aware, however, Council has prepared a Planning Proposal to insert additional subdivision provisions into the LEP to permit certain boundary adjustments involving lots already below the minimum lot size. The proposal may be permissible under those provisions in the future pending the outcome of the proposal. The Planning Proposal has now been supported by Council and is with the Department of Planning and Environment for a Gateway Determination. It is estimated that, if supported, the process will take approximately 9 months to complete.

Alternatively, you could lodge a Planning Proposal for the subject land to amend the LEP to permit the boundary adjustment proposed. That may involve an amendment to the minimum lot sizes applying to the land. It is recommended that you attend a pre-lodgement (DMU) meeting with Council staff if you wish to pursue that option.

You are also advised that the sunset provisions apply to dwelling entitlements on existing undersized lots under clause 4.2B of the LEP, by which the dwelling entitlement will be permanatley extinguished unless a Development Application for consent to construct a dwelling house is lodged with Council by 23 December 2021.

If you require further information please contact me on telephone [redacted]

Yours faithfully

[redacted]
Development Planner

Locked Bag 23 GRAFTON NSW 2460
ABN 85 864 095 684 t 02 6643 0200 f 02 6642 7647 e council@clarence.nsw.gov.au w www.clarence.nsw.gov.au

clarence
VALLEY COUNCIL

20 June 2011

Reference: CVC: 737635 [redacted]
Your Ref: 8566

W W Doust
134 School Lane
SOUTHGATE NSW 2460

Request for Dwelling Eligibility

Application No: SCH2011/0035
Property Address: [redacted]
Legal Description: Lot 1 DP 986290 and Lot 2 DP 986290

I refer to your Application, which was received by Council on 31 May 2011 regarding the ability to construct a dwelling on the above property.

The dwelling eligibility of this land has been assessed using the provisions of Copmanhurst Local Environmental Plan 1990 and, where necessary the preceding planning instruments.

You are advised that a consolidation of the subject allotments being Lot 1 and 2 in DP 986290 would result in one dwelling eligibility.

Further to the above advice be aware that Clause 4.1A of the Clarence Valley Draft Local Environmental Plan 2010 applies. Clause 4.1A proposes to introduce a limit on existing eligibilities for a ten (10) year period after commencement of the Draft LEP. If these provisions of the Draft LEP are adopted then dwelling eligibilities that exist at that time will expire after ten (10) years unless a development consent for a dwelling house is granted.

The Clarence Valley Draft LEP 2010 as exhibited for comment can be viewed on Council's website and in Council's Offices. The Draft Plan has been reconsidered by Council following exhibition and has been referred back to the Department of Planning, with some amendments. Increasing that limit on eligibilities from five to ten years is one of the amendments made by Council. The draft Plan ultimately requires the approval of the Minister for Planning. Council is unable to say when or if that final approval from the Minister will occur and consequently, when or if the ten year period mentioned above will come into effect. It is recommended that interested persons obtain their own legal advice in this regard. Council's Strategic Planning Section may be contacted if you have further enquiries on the Draft LEP 2010.

If you require further information please contact [redacted] of Council's Environment and Economic Services on [redacted] between 8.30 am and 11.00 am.

Yours faithfully,

[redacted]

A/ Co-ordinator Planning Services

Locked Bag 23 GRAFTON NSW 2460
ABN 85 864 095 684 t 02 6643 0200 f 02 6642 7647 e council@clarence.nsw.gov.au w www.clarence.nsw.gov.au

clarence
VALLEY COUNCIL

20 June 2011

Reference: CVC:737688
[redacted]
Your Ref:8566

W W Doust
112 School Lane
SOUTHGATE NSW 2460

Request for Dwelling Eligibility

Application No: SCH2011/0036
Property Address: [redacted]
Legal Description: Lot 61 DP 1133619

I refer to your Application, which was received by Council on 31 May 2011 regarding the ability to construct a dwelling on the above property.

The dwelling eligibility of this land has been assessed using the provisions of Copmanhurst Local Environmental Plan 1990 and, where necessary the preceding planning instruments.

You are advised that the subject land meets the provisions of clause (19)(3)(b) and as such has dwelling eligibility subject to a development application.

Further to the above advice be aware that Clause 4.1A of the Clarence Valley Draft Local Environmental Plan 2010 applies. Clause 4.1A proposes to introduce a limit on existing eligibilities for a ten (10) year period after commencement of the Draft LEP. If these provisions of the Draft LEP are adopted then dwelling eligibilities that exist at that time will expire after ten (10) years unless a development consent for a dwelling house is granted.

The Clarence Valley Draft LEP 2010 as exhibited for comment can be viewed on Council's website and in Council's Offices. The Draft Plan has been reconsidered by Council following exhibition and has been referred back to the Department of Planning, with some amendments. Increasing that limit on eligibilities from five to ten years is one of the amendments made by Council. The draft Plan ultimately requires the approval of the Minister for Planning. Council is unable to say when or if that final approval from the Minister will occur and consequently, when or if the ten year period mentioned above will come into effect. It is recommended that interested persons obtain their own legal advice in this regard. Council's Strategic Planning Section may be contacted if you have further enquiries on the Draft LEP 2010.

If you require further information please contact [redacted] of Council's Environment and Economic Services on [redacted] between 8.30 am and 11.00 am.

Yours faithfully,

[redacted]

A/ Co-ordinator Planning Services

Locked Bag 23 GRAFTON NSW 2460
ABN 85 864 095 684 t: 02 6643 0200 f 02 6642 7647 e council@clarence.nsw.gov.au w www.clarence.nsw.gov.au

ANNEXURE H

SEPP (RURAL LANDS) 2008
CLAUSES 7 & 8 ASSESSMENT

ANNEXURE H

SEPP (RURAL LANDS) 2008

Clause 4 of the Section 117 Direction 1.5 Rural Lands requires a planning proposal that changes the existing minimum lot size on land within a rural zone to be consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008 and Clause 5 of the Direction requires it to be consistent with the Rural Subdivision Principles in the SEPP.

SEPP (Rural Lands) 2008 – Clause 7 Rural Planning Principles)

a) The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.

The associated offer to extinguish 2 dwelling entitlements within the cane farm will remove the risk of losing 46ha to non-agricultural uses, and potentially rendering the entire cane operation less viable. The proposal itself would result in the fragmentation of 2 small grazing properties and place restrictions on the use of the rear of those properties located in the lagoon. The premise of this proposal is that the benefits to agricultural production of the former vastly exceed the disadvantages of the latter and the protection of agricultural productivity is maximised.

b) Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.

Agricultural activities are critical to the economy and character of the Clarence Valley. In the past these activities have largely centred on cane cultivation and cattle grazing though there is a trend towards horticultural activities such as macadamias and blueberries. In some instances (e.g. Palmers Island macadamia plantations) cane land is being converted and this has the potential to impact on the viability of the Harwood sugar mill and thus the entire local cane industry. The proposal and associated offer provide protection to an existing viable cane operation and in some small way to the local cane industry.

c) Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development

As in b) above, agriculture is a significant contributor to the social and economic health and character of the Clarence Valley particular cane cultivation in the lower valley. The proposal and associated offer recognises this and proposes a potential minor loss of low value agricultural land in return for the protection of significantly more higher-value agricultural land.

d) In planning for rural lands, to balance the social, economic and environmental interests of the community

The provision of 2 additional dwellings on rural land in a locality where the majority of lots and a number of holdings are below the existing minimum lot size is unlikely to have any social impacts, while the potential fragmentation and cessation of operations on cane land would have economic impacts on agricultural production.

e) The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land

The proposed and associated offer will have no impact on any of these issues.

f) The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities

When considered together, the proposal and associated offer relocate 2 dwelling entitlements within the same locality and so do not diminish any of these opportunities.

g) The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.

Water, telecommunications and power and sealed road access are available to the land subject of the proposal

h) Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

The North Coast Regional Plan 2036 is silent on a proposal of this nature, though there is no inconsistency with Directions relating to biodiversity, and protection of agricultural land.

SEPP (Rural Lands) 2008 – Clause 8 Rural Subdivision Principles

The Rural Subdivision Principles are:-

a) the minimisation of rural land fragmentation

The boundary adjustment which would result from the proposal will rearrange boundaries between 4 existing lots held in 2 separate parcels (No. 134 School Lane & No. 112 School Lane). The 2 additional dwelling entitlements may make it attractive to sell or pass onto other family members those containing, the new entitlements, but the potential rural fragmentation resulting from this would be minimal compared to that which would occur if the dwelling entitlements to be extinguished elsewhere were in fact activated and those properties sold and taken out of cane production.

b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses

The proposal does not involve any residential land and is not located near any residential land. There are no existing rural uses in the vicinity of the subject land which would create conflict and, as discussed at 4.9 in the Proposal, it is highly unlikely there will be any future uses which would cause conflict.

c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land where considering lot size for rural lands

The existing lot/holdings pattern in School Lane is addressed in Annexure J and indicates that there is a pattern of undersized properties containing dwellings in the vicinity.
There is no rural- residential land in the locality and none proposed.

d) the consideration of the nature and physical constraints and opportunities of the land

The land is constrained by flooding and particularly by the intermittent wet areas to the rear. The proposed boundary adjustments created 4 lots each containing sufficient space above the flood level for dwellings and wastewater management systems with greater than 100m separation from potential wet areas. The presence of these higher areas adjacent to the road frontage creates opportunity for quality dwelling sites.

e) ensuring that planning for dwelling opportunities takes account of those constraints

As in d) above, dwellings and associated wastewater management systems can be located above the flood level and greater than 100m from wet areas.

ANNEXURE I

AHIMS SEARCH

Office of Environment & Heritage
NSW GOVERNMENT

AHIMS Web Services (AWS)

Search Result

Purchase Order/Reference : [redacted]

Client Service ID : 358272

Date: 18 July 2018

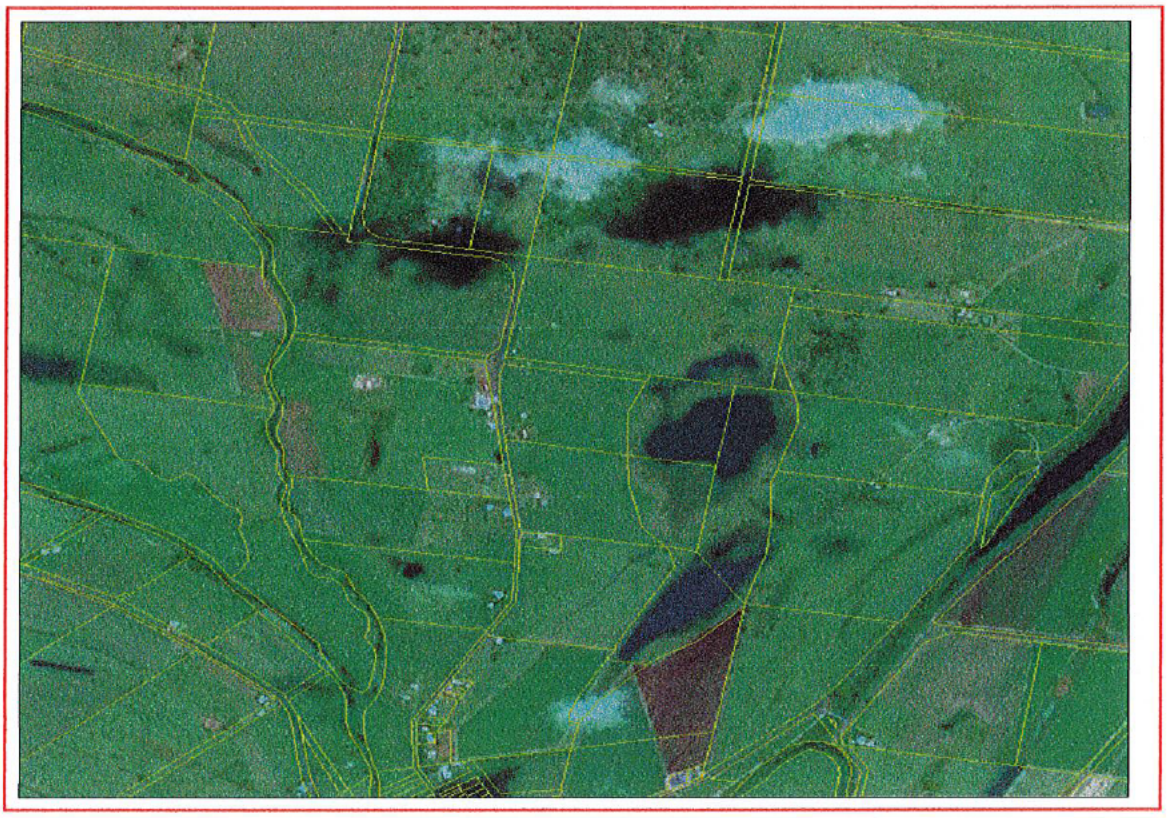
[redacted]

Email: [redacted]

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 12, DP:DP820691 with a Buffer of 1000 meters, conducted by [redacted] on 18 July 2018.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	**Aboriginal sites are recorded in or near the above location.**
0	**Aboriginal places have been declared in or near the above location. ***

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the NSW Government Gazette (http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

3 Marist Place, Parramatta NSW 2150
Locked Bag 5020 Parramatta NSW 2220
Tel: (02) 9585 6380 Fax: (02) 9873 8599

ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au

ANNEXURE J

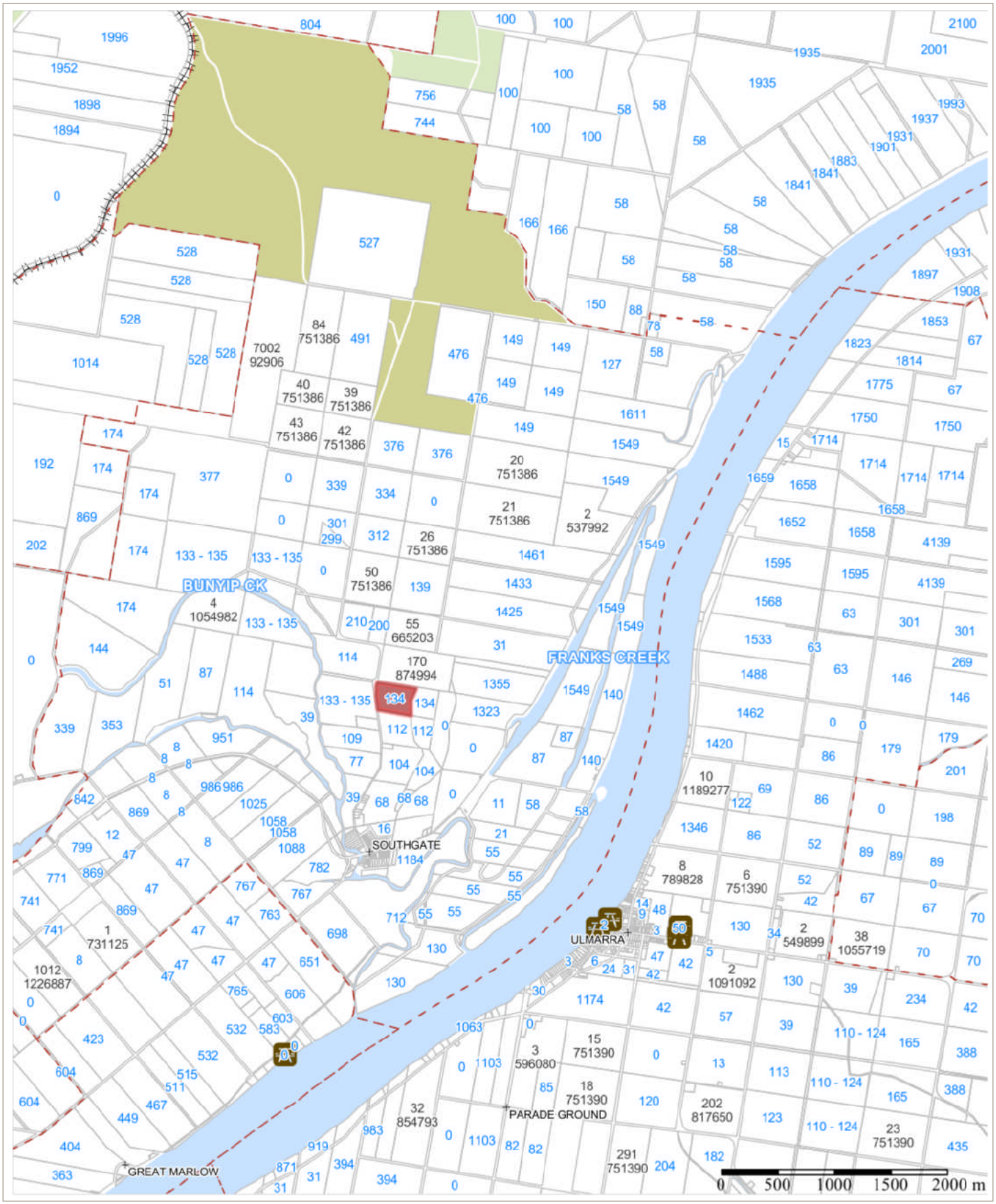
RURAL PROPERTIES IN SCHOOL LANE

ANNEXURE J

RURAL PROPERTIES IN SCHOOL LANE FROM START TO APPROXIMATELY 3.6KMS NORTH, EXCLUDING SUBJECT LAND & VILLAGE

Street No.	Property Description(s)	Size (ha)	Dwelling	Comment
39	1/784414 2/784414	19.27 6.67	No Yes	Total 25.94
68	6/1140759 1/119299 7/1140759	10.56 1.26 8.09	Yes No No	Total 19.91
77	1/784397	8.39	Yes	
104	5/360793 4/360793 1/782247	10.39 5.61 0.42	No No Yes	Total 16.42
109	1/737861	10.31	Yes	
117	71/1068909	1.92	Yes	
133-135	Multiple Lots	Greater than 40ha	Yes	
	170/874994	20.33	No	This may be part of larger holding
	55/665203	14.23	No	This may be part of larger holding
200	2/373160	4.42	Yes	This may be part of a larger holding (possibly with No.210)
210	10/820691	8.31	Yes	This may be part of a larger holding (possibly with No.200)
	51/751386	18.29	Yes	This may be part of a larger holding
299	1/175592	2.95	Yes	This may be part of a larger holding
301	1/1108544	10.61	No	This may be part of a larger holding
312	47/751386	13.22	Yes	

324	44/751386	17.36	Yes	This may be part of a larger holding with property at rear (27/751386 – 18.87ha)
339	45/751386	17.84	No	This may be part of a larger holding



Locked Bag 23 GRAFTON NSW 2640 t 02 6643 0200 w www.clarence.nsw.gov.au

clarence VALLEY COUNCIL

Drawn By:

Projection: GDA94 / MGA zone 56

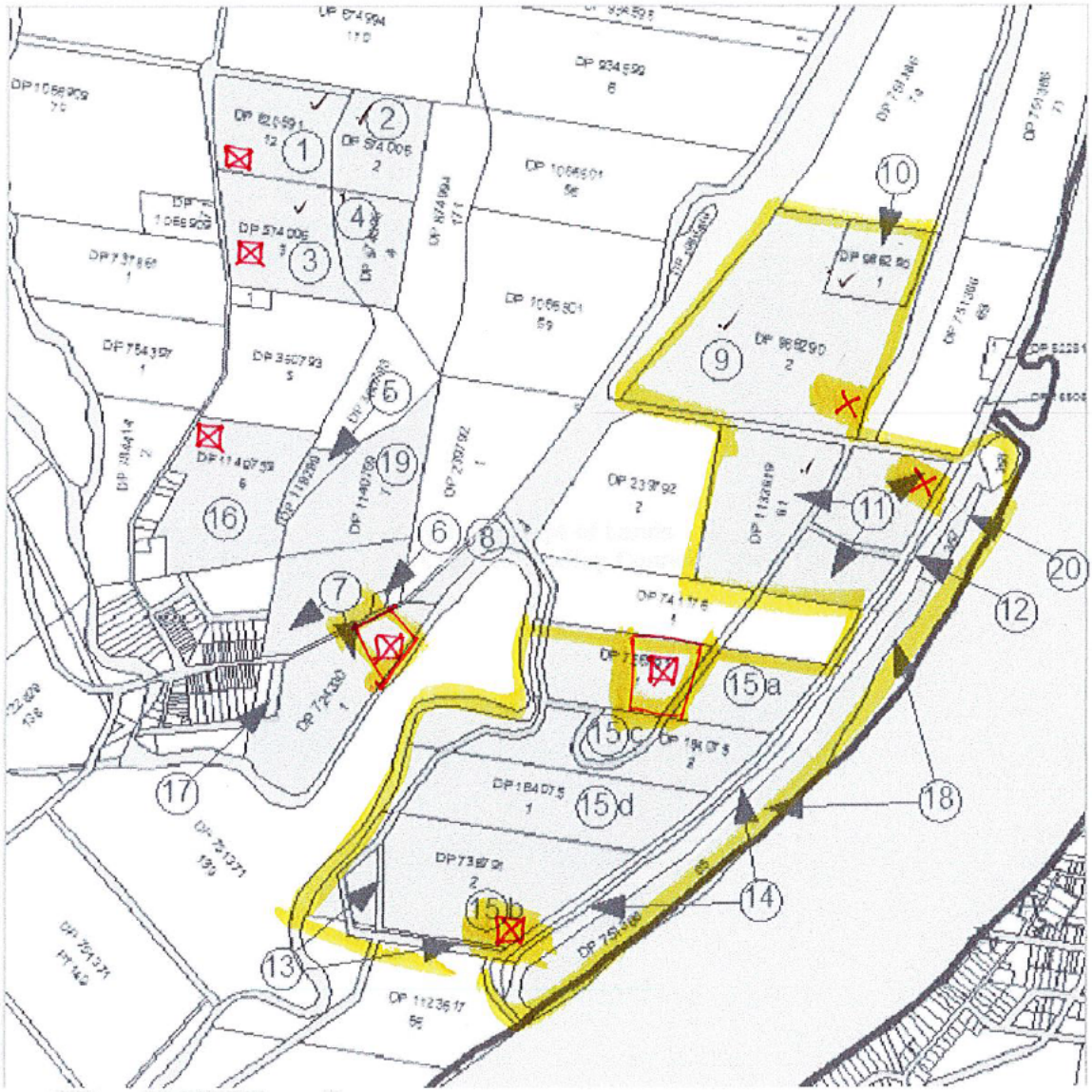
Date: 6/08/2018 11 47 AM

Map Scale 1 45687 at A4

ANNEXURE K

DOUST SOUTHGATE PROPERTY HOLDINGS

FIGURE 1: Sketch showing Existing Allotments owned by [redacted] at Southgate



[X] – INDICATES EXISTING DWELLING

X – " DWELLING ELIGIBILITY

TABLE 1. List of Land Parcels identified on CVC Rates Notices

Sketch ID	Land Description (from CVC Rates Notices)	Existing Dwelling	Use	Address & Owner
1	Lot 12 in DP 820691	Existing Dwelling	Grazing	[redacted]
2	Lot 2 in DP 574006	Nil	Grazing	
3	Lot 3 in DP 574006	Existing Dwelling	Grazing	[redacted]
4	Lot 4 in DP 574006	Nil	Grazing	
5	Lot 1 in DP 119299	Nil	Cane	[redacted]
6	Lot 2 in DP 724258	Nil	Cane	[redacted]
7	Lot 1 in DP 724330	Existing Dwelling	Cane	
8	Lot 3 in DP 239792	Nil	Cane	[redacted]
9	Lot 2 in DP 986290	Dwelling entitlement when consolidated with ID 10	Cane	[redacted]
10	Lot 1 in DP 986290	Dwelling entitlement when consolidated with ID 10	Cane	
11	Lot 61 in DP 1133619	Dwelling Entitlement	Cane	[redacted]
12	Lot 12 in DP 113364	Nil	Cane	
13	Lot 15 in DP 113364	Nil	Cane	[redacted]
14	Lot 14 in DP 113364	Nil	Cane	
15a	Lot 1 in DP 738791	Existing Dwelling	Cane	[redacted]

15b	Lot 2 in DP 73791	Existing Dwelling	Cane	[redacted]
15c	Lot 1 in DP 184075	Nil	Southgate	[redacted]
15d	Lot 21 in DP 184075	Nil	Cane	
16	Lot 6 DP 1140759	Existing Dwelling	Cane/Grazing	[redacted]
17	Lot 1 DP 906994	Nil	Cane	[redacted]
18	Lot 65 DP 751386	Nil	Cane	[redacted]
19	Lot 7 DP 1140759	Nil	Cane	[redacted]
20	Lot 357 DP 751386	Nil	Cane	[redacted]

ANNEXURE L

POTENTIAL HOUSE SITES
LOTS 1/2 DP 986290
LOT 61 DP 1133619

* This plan is only to scale if plotted at A3 size

KEY OF COMMON SERVICES

- ELECTRICITY (O/H OVERHEAD, E, ELEVATED JOINT, POWER POLE, PIT)
- TELSTRA (T)
- SEWER (S, JUNCTION, MANHOLE)
- WATER (W, HYDRANT, WATER METER, S/V, STOP VALVE)
- DRAINAGE (PIT)
- INTERALLOTMENT DRAINAGE (D)

A. FLETCHER & ASSOCIATES Pty. Ltd.
Land and Engineering Surveyors
Development Consultants
86 Victoria Street, P.O. Box 1213, Grafton. 2460
Ph.(02) 6642 3300, Fax (02) 6642 5990
Email [redacted]

PLAN SHOWING HEIGHTS OVER PART OF LOTS 1 & 2 DP 986290 AND LOT 61 DP1133619 NO.s 87 &58 SOUTHGATE FERRY ROAD, SOUTHGATE

CLIENT: [redacted]

SURVEY:	HTM
DESIGN:	
DRAWN:	HTM
DATE:	16/03/2011
SCALE: *	1: 3,750

DRAWING No. 8566GRF

ORIGIN: PM 71422 RL: 6.226

Sheet No. 1 of 1 Sheets

CAD REFERENCE [redacted]GN\8566GRF.DGN

Revision:

ANNEXURE M

LAND USE INFORMATION FROM OWNERS

20 July 2018

The Manager

Clarence Valley Council

Locked Bag 23

GRAFTON NSW 2460

Dear Sir

Re: Application for Subdivision of Property at 112 School Lane, Southgate [redacted] and Property at 134 School Lane, Southgate [redacted]

The following is a brief history of the above properties in support of our application to create one additional allotment on each of these properties and transfer of existing dwelling entitlements currently on flood prone land onto the newly subdivided allotments:

In the early sixties these properties were purchased by [redacted] to provide flood-free land for livestock and somewhere to relocate farm machinery etc.

Although it was unsuitable for cropping activities, it adjoined the family farm which quite regularly experienced flooding.

It should be noted that subdividing of these properties will not change the profile of the area nor will it interfere with or decrease in any way the efficiency of the land.

In no way does it have the potential to cause conflict between adjoining land users or result in any change in the way the land is currently being used.

[redacted] may be contacted on [redacted] if required.

Yours faithfully

[redacted]

[redacted]

ANNEXURE N

NORTH COAST REGIONAL PLAN 2036
HIGH ENVIRONMENTAL VALUE MAP


11
820691
1
127189
170
874994
1
934598
56
751386
B
934599
70
1068909
12
820691
2
574006
RU1
58
1086501
70
751386
71
1068909
SCHOOL LN
3
574006
4
574006
RU1
LAWRENCE RD
1
986290
82
1123831
1
784414
1
737861
1
782247
59
1086501
W2
1
784397
2
986290
5
360793
111
1074722
4
360793
SOUTHGATE FERRY RD
112
751371
2
784414
6
1140759
1
119299
7
1140759
1
239792
20
1168254
61
1133619
LAWRENCE RD
137
751371
0 50 100 150 200 m