

Planning Proposal PP-RICHVALL-2013/02

Section 73 Amendments to *Richmond Valley Local Environmental Plan 2012*

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PP-RICHVALL-2013/02.01: Extend Land Application Area of Richmond Valley LEP

Summary of Proposal

Proposal	This Planning Proposal seeks to add a 188ha wedge of land to the application area of the <i>Richmond Valley LEP 2012</i> . This will result in amendments to the Land Application Map, Land Zoning Map and Acid Sulfate Soils Map.
Property Details	This amendment applies to a 188ha wedge of land located in the far south-eastern corner of the Richmond Valley LGA. It shares a boundary with Clarence Valley LGA and the South Pacific Ocean. The land does not have a lot/DP description but is largely comprised of Bundjalung National Park, but also includes a thin strip of intertidal coastline (beach) adjacent to the national park. Figure 01.1 is a locality plan that shows the dimensions of the additional area.
Applicant Details	N/A
Land Owner	National Parks and Wildlife Service, and Crown.

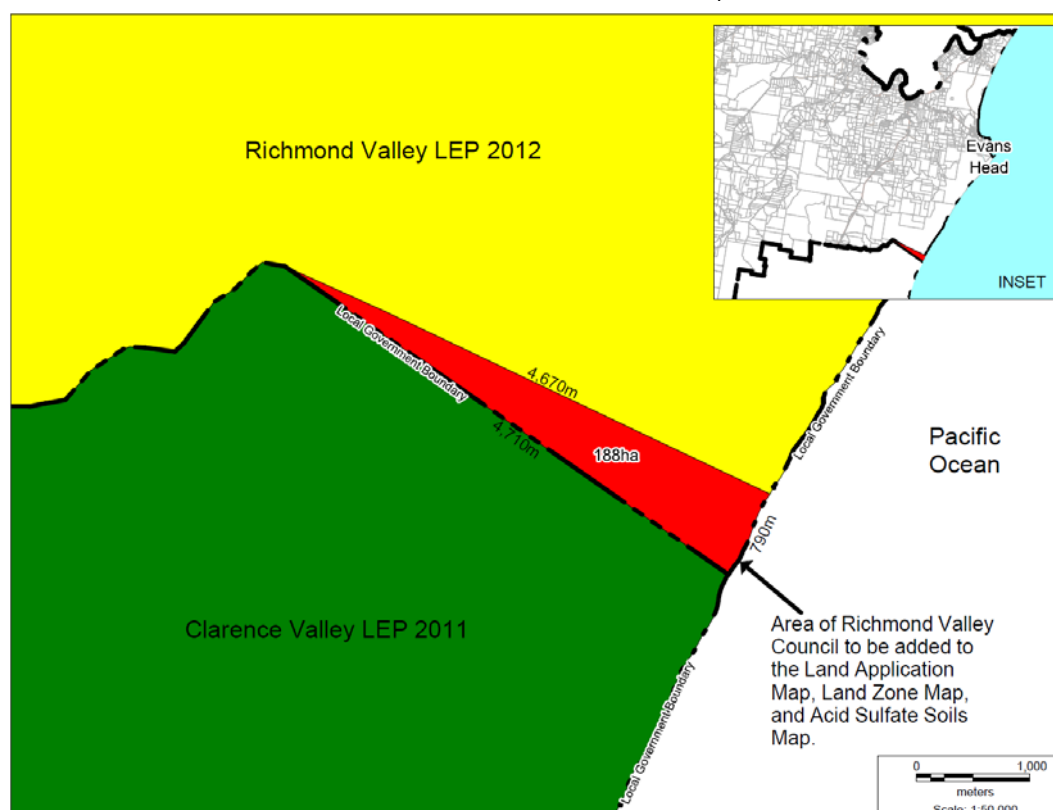


Figure 01.1: Locality Plan identifying the land (coloured red) to be added to the *Richmond Valley LEP 2012 – Land Application Map*.

Background

Following publication of the *Richmond Valley LEP 2012*, on the Legislation website on the 09 March 2012, the Department of Planning and Infrastructure notified Council that part of the LGA had been omitted from the Application Map. The Department discovered this anomaly when compiling digital LEP mapping with that of the adjoining *Clarence Valley LEP 2011*. The Department had investigated the matter and determined that the area is part of the Richmond Valley LGA and should be added to the Application Map at the first opportunity. The *Richmond River LEP 1992* would still apply to this area.

This error has arisen because digital mapping for the LGA boundary, supplied by NSW Land and Property Information (LPI), had changed without notice and Council continued to use the older version of the mapping oblivious to the change.

The Gazetted “Meets and Bounds” description for the LGA boundary, dated 27 August 2004, has not changed. What has changed is LPI’s interpretation of where the boundary should intersect with the shoreline of the South Pacific Ocean. The gazetted description provides that from the north-eastern corner of Lot 12 DP755613 (see the pivot point shown on figure 01.2) it goes “...by a line south-easterly to the mean low water mark of the shore of the South Pacific Ocean...”. Normally such a line should intersect the coastline at a right angle, but for reasons unknown this has not occurred. In fact, the old alignment is closer to a right angle with the coast than the new alignment. *Clarence Valley LEP 2011* has utilised the new alignment for its mapping.

To rectify this error, amendments will be needed to the Richmond Valley LEP 2012 so as to:

- repeal Richmond River LEP 1992—as this will be the last remaining area of land that this LEP covers,
- the Land Application Map—to add the additional land to the LEP’s coverage,
- the Land Zoning Map--to extend the application of adjacent zones E1 and E2 to the additional area, and
- the Acid Sulfate Soils Map—to extend acid sulfate soils classes to the additional area.

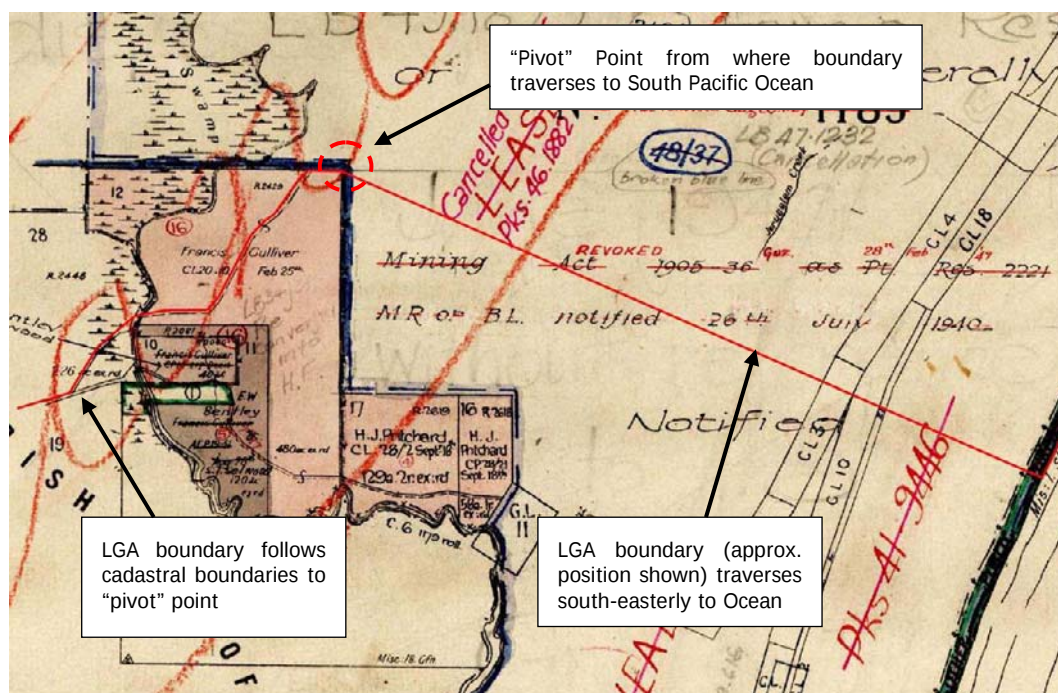


Figure 01.2: Extract from map for the Parish of Esk. LGA boundary added (red line) noting the pivot point (north-eastern corner of Lot 12 DP755613) where the boundary traverses in a generally south-easterly direction to the shore of the South Pacific Ocean.

Site

This Planning Proposal applies primarily to a section of Bundjalung National Park, and to a lesser degree the intertidal shoreline between the National Park and the South Pacific Ocean. The extent of the land is shown in figure 01.1.

Part 1 – Objectives or Intended Outcomes

The objectives of this Planning Proposal are to:

- repeal *Richmond River LEP 1992*,
- add additional land to the *Richmond Valley LEP 2012 – Land Application Map*,
- add zonings the *Land Zoning Map* for the additional area, and
- add acid sulfate soils classes to the *Acid Sulfate Soils Map* for the additional area.

By undertaking this amendment the *Richmond Valley LEP 2012* will have comprehensive coverage of the Richmond Valley LGA.

Part 2 – Explanation of Provisions

It was the intent of both the *Richmond Valley LEP 2012* and *Clarence Valley LEP 2011* to repealed parts of the *Richmond River LEP 1992* so as eliminate it completely. Unfortunately, mapping errors within the Land Application Map means that the area, the subject of this Planning Proposal, is still covered by the *Richmond River LEP*.

It is the intent of this Planning Proposal to add this omitted area to the *Richmond Valley LEP 2012 - Land Application Map* which will result in the complete repeal of the old instrument.

This Planning Proposal also proposes the following amendments to the LEP mapping:

Map	Nature of Amendment
Land Application Map	Replace the Land Application Map with amended version that includes an additional 188 hectares of coverage, located in the south-eastern corner of the Richmond Valley LGA, see figure 01.1.
Land Zoning Map	Replace Land Zoning Map – Sheet LZN_010 and apply the following zonings to the subject area: <i>Zone E1 – National Parks and Nature Reserves</i> —apply to that part of the area contained within Bundjalung National Park, and <i>Zone E2 – Environmental Conservation</i> —apply to the Intertidal Zone between the national park boundary and the mean low water mark of the South Pacific Ocean. See Figure 01.3
Acid Sulfate Soils Map	Replace Acid Sulfate Soils Map – Sheet ASS_010 and apply the following acid sulfate soils classes: Class 4 to be adopted from regional ASS mapping for the subject area, and Class 5 to be a 500 metre buffer surrounding the above Class 4 area. See Figure 01.5

Part 3 – Justification

Section A – Need for the planning proposal

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

This planning proposal is not a direct result of any strategic study or report. It has arisen as a direct result of a direction from the Department of Planning and Infrastructure to correct a mapping error regarding the location of the Richmond Valley and Clarence Valley LGA boundary.

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

Yes.

Section B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Not applicable.

4. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

This planning proposal is consistent with Richmond Valley Council's Community Strategic Plan. Action 5.2 pertains to the review and monitor of development processes. This proposal has been identified through a review mechanism.

5. Is the planning proposal consistent with applicable State environmental planning policies?

No SEPPs are applicable to this PP, see table 01.1.

Table 01.1: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for Inconsistency
SEPP No 1-Development Standards	N/A		
SEPP No 6-Number of Storeys in a Building	N/A		
SEPP No 14-Coastal Wetlands	N/A		
State Environmental Planning Policy No 15-Rural Landsharing Communities	N/A		
SEPP No 21-Caravan Parks	N/A		
SEPP No 22-Shops and Commercial Premises	N/A		
SEPP No 30-Intensive Agriculture	N/A		
SEPP No 33-Hazardous and Offensive Development	N/A		
SEPP No 36-Manufactured Home Estates	N/A		
SEPP No 44-Koala Habitat Protection	N/A		
SEPP No 60-Canal Estate Development	N/A		
SEPP No 55-Remediation of Land	N/A		
SEPP No 62-Sustainable Aquaculture	N/A		
SEPP No 64-Advertising and Signage	N/A		
SEPP No 65-Design Quality of Residential Flat Development	N/A		
SEPP No 71-Coastal Protection	N/A		
SEPP (Affordable Rental Housing) 2009	N/A		
SEPP (Building Sustainability Index: BASIX) 2004	N/A		
SEPP (Exempt and Complying Development Codes) 2008	N/A		
SEPP (Housing for Seniors or People with a Disability) 2004	N/A		
SEPP (Infrastructure) 2007	N/A		
SEPP (Major Development) 2005	N/A		
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A		

	Applicable	Consistent	Reason for Inconsistency
SEPP (Rural Lands) 2008	N/A		
SEPP (Temporary Structures and Places of Public Entertainment) 2007	N/A		
SEPP (State and Regional Development) 2011	N/A		

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with the applicable S117 Directions, see table 01.2.

Table 01.2: Consideration of S117 Directions

	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	Yes	Yes – PP does not rezone land and will not increase permissible densities.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	Yes	Yes – The PP is not inconsistent with the Rural Planning Principles (cl.7 of Rural SEPP). No change to minimum lot size will result from this PP.
2. Environment and Heritage		
2.1 Environment Protection Zones	Yes	Yes - The additional area will contain the appropriate environmental protection zones to be consistent with this Direction and existing adjacent zones.
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	N/A	
2.4 Recreation Vehicle Areas	N/A	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	N/A	
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	N/A	
3.4 Integrating Land Use and Transport	N/A	
3.5 Development Near Licensed Aerodromes	N/A	
3.6 Shooting Ranges	N/A	

	Applicable	Consistent
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	Yes – Appropriate Acid Sulfate Soils classifications will be added to the additional area.
4.2 Mine Subsidence and Unstable Land	N/A	
4.3 Flood Prone Land	N/A	
4.4 Planning for Bushfire Protection	N/A	
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	
5.6 Sydney to Canberra Corridor	N/A	
5.7 Central Coast 2008	N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	Yes – There are not concurrence, consultation or referrals proposed within this PP. No new types of designated development will result from this PP.
6.2 Reserving Land for Public Purposes	N/A	
6.3 Site Specific Provisions	N/A	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	

Section C - Environmental, social, and economic impact

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?

Yes.

This Planning Proposal increases the application area for the *Richmond Valley LEP 2012* and appropriately zones this land according to its current zoning, and land uses. The proposed zonings will be consistent with adjoining zones, and will accord with policy directions from NSW State Agencies with regard to zoning of national park and coastal crown land.

The land is comprised almost entirely of Bundjalung National Park which is a declared Wilderness Area. As a result the Land Zoning Map will adopt an *E1 – National Parks and Nature Reserves zone*.

That part of the area outside the national park, being the thin coastal strip of intertidal land (between mean high water and mean low water) will adopt an *E2 – Environmental Conservation zone*.

Regional Acid Sulfate Soils Planning Maps have been sources and the appropriate Classes of land will be applied to the additional area.

The proposed zonings will not result in any impact on threatened species populations or ecological communities, or their habitats.

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

Nil.

9. How has the planning proposal adequately addressed any social and economic effects?

N/A

Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

N/A

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

NSW Department of Planning and Infrastructure has instructed Council to undertake this Planning Proposal.

No other consultation has been undertaken but the proposal is consistent with advice received from Agencies such as the Office of Environment and Heritage, and NSW Lands, during the preparation of the comprehensive *Richmond Valley LEP 2012*.

Part 4 - Mapping

This Planning Proposal will amend mapping in the *Richmond Valley LEP 2012*. The following LEP map types will be amended:

- Land Application Map
- Land Zoning Map
- Acid Sulfate Soils Map

Land Application Map

The Land Application Map will have an additional 188 ha of land added to the south-eastern corner. This will result in the *Richmond Valley LEP 2012* having comprehensive coverage of the Richmond Valley LGA.

Land Zoning Map

The Land Zoning Map will be amended by extending zones to cover the additional area proposed in the Land Application Map. The extended zones, see figure 01.3, are:

- *E1 – National Parks and Nature Reserves zone*—to cover that much of the area as is located within the Bundjalung National Park, and
- *E2 – Environmental Conservation zone*—to cover the remaining part of the area which consists of a thin strip of intertidal land on the coast line.

The above amendments will be encapsulated in revised LEP GIS data and the replacement of the *Land Zoning Map Sheet LZN_010*.

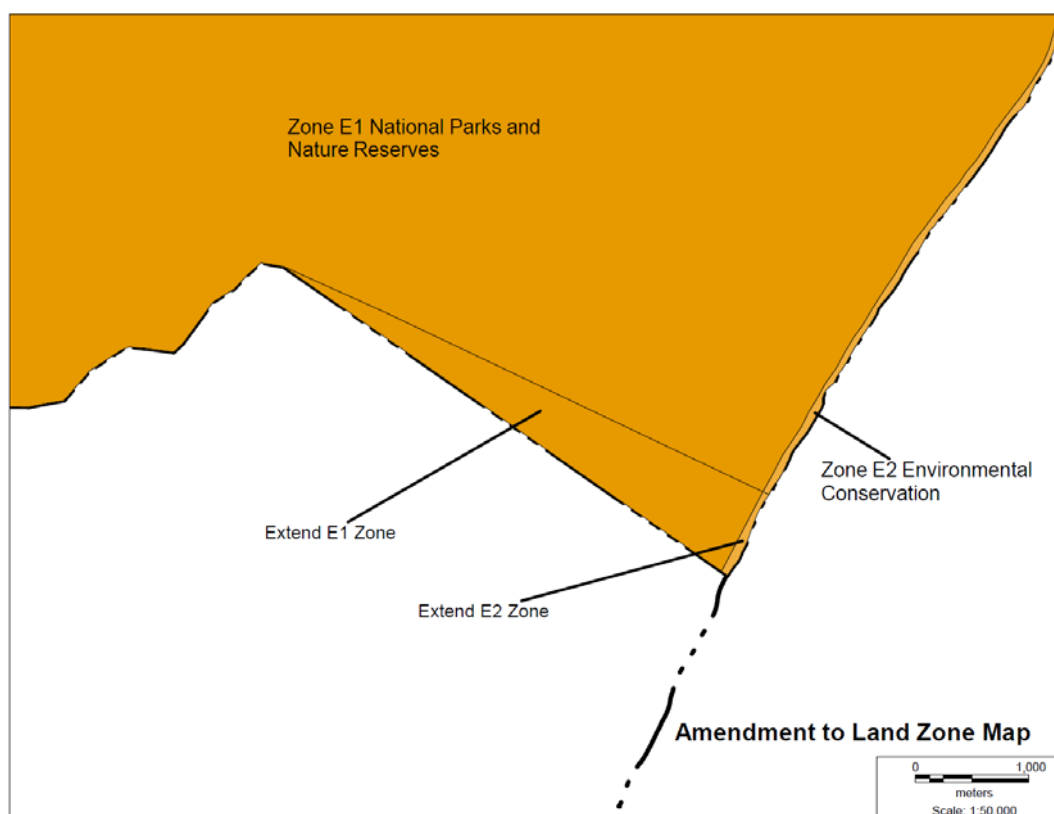


Figure 01.3: Suggested amendments to the Land Zoning Map, with additional E1 and E2 zoned land.

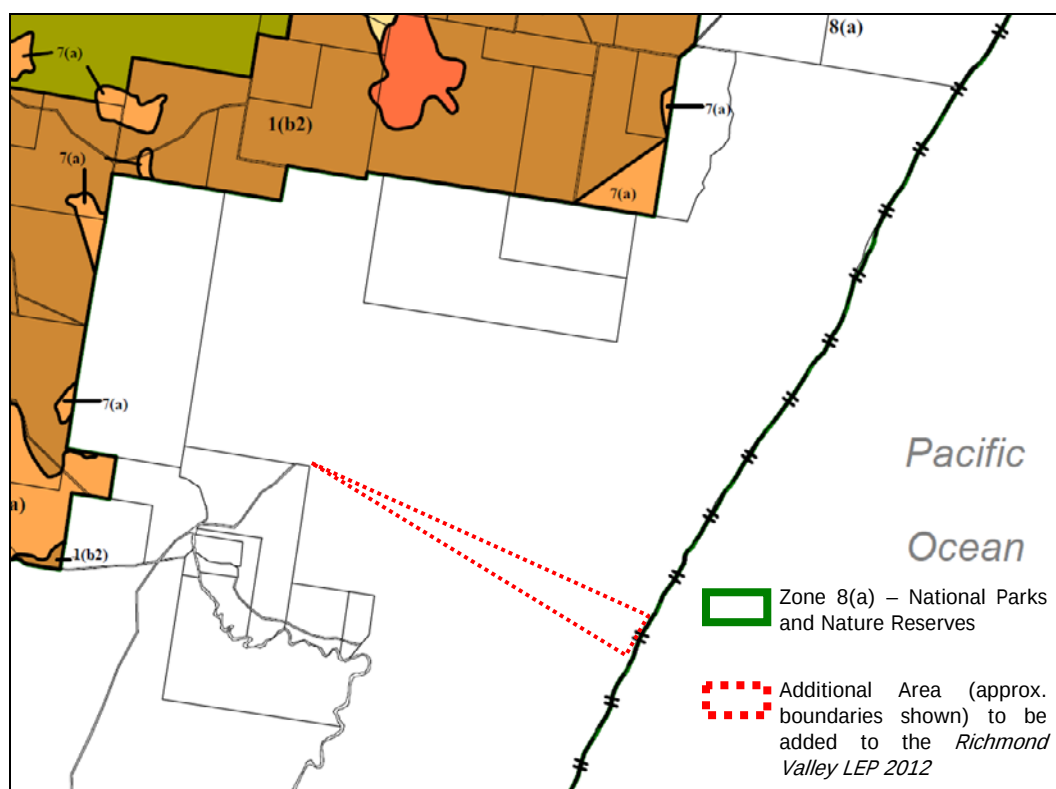


Figure 01.4: Extract from *Richmond River LEP 1992* land zone mapping that identifies the current zoning for the additional area to be *Zone 8(a) – National Parks and Nature Reserves*.

Acid Sulfate Soils Map

The Acid Sulfate Soils Map will be amended by extending Acid Sulfate Soil Classes to cover the additional area proposed in the Land Application Map. The extended Classes, see figure 01.5, are:

- *Class 4*—to be mapped from Regional Acid Sulfate Soils Planning maps covering this additional area, and
- *Class 5*—to consist of a 500 metre buffer around the Class 4 area.

The above amendments will be encapsulated in revised LEP GIS data and the replacement of the *Acid Sulfate Soils Map Sheet ASS_010*.

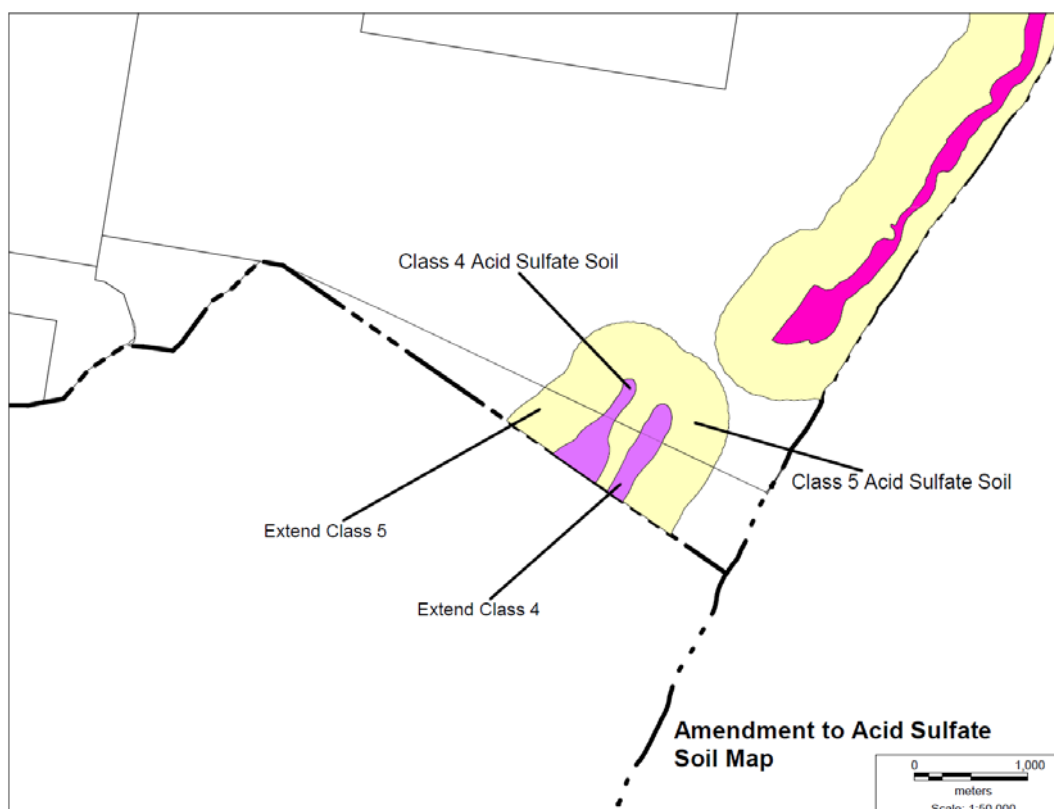


Figure 01.5: Suggested amendments to the Acid Sulfate Soils Map, with additional Class 4 and 5 land.

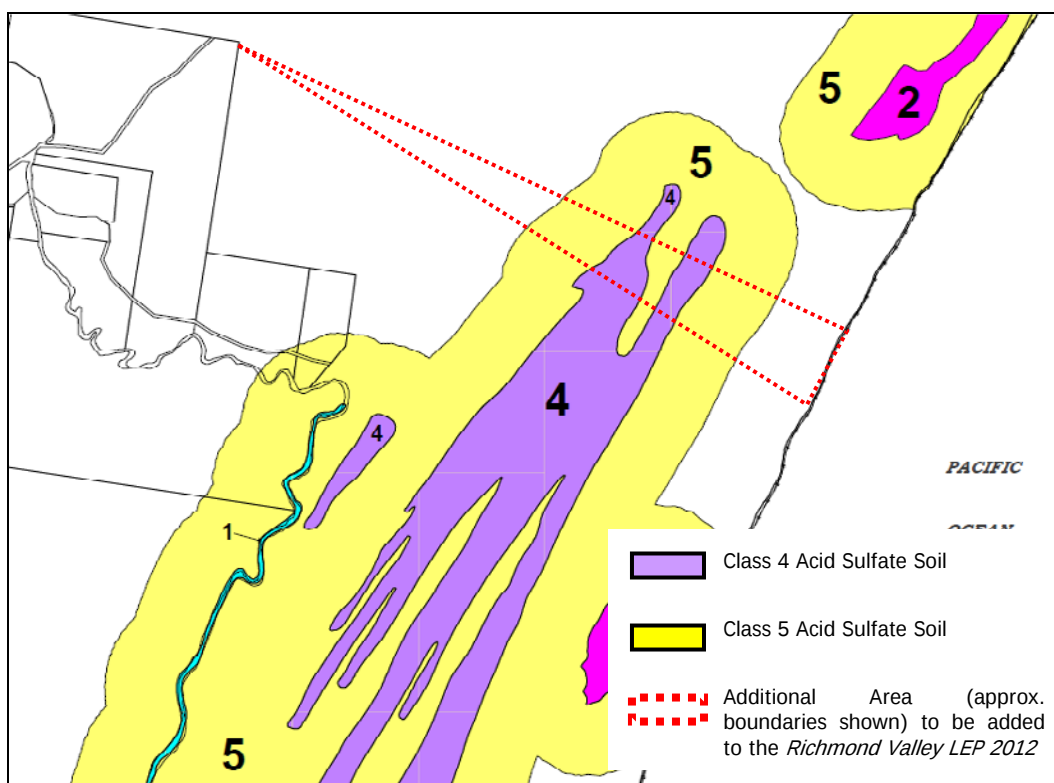


Figure 01.6: Extract from *Richmond River LEP 1992 – Acid Sulfate Soils Planning Map* that identifies the additional area to be *Class 4* and *Class 5* Acid Sulfate Soil.

GIS data has been prepared for the amendment and supplied to the Department of Planning and Infrastructure along with this Planning Proposal via the initial Gateway process.

Templates used to produce the *Richmond Valley LEP 2012* mapping were produced by the Department but not supplied to Council. As such a request will be made to have the Department produce the replacement map sheets for this amendment.

Part 5 – Community Consultation

While this Planning Proposal is considered to be a minor/administrative amendment it should be publicly exhibited for community comment. It is recommended that the Planning Proposal be exhibited for a minimum period of 30 days.

Part 6 – Project Timeline

Milestone	Timeline	
	Start	Finish
Anticipated commencement date (date of Gateway determination)	Mar 2013	Mar 2013
Anticipated timeframe for the completion of required technical information	N/A	
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A	
Commencement and completion dates for public exhibition period	Apr 2013	May 2013
Dates for public hearing (if required)	N/A	
Timeframe for consideration of submissions	May 2013	May 2013
Timeframe for the consideration of a proposal post exhibition	Jun 2013	Jun 2013
Date of submission to the Department to finalise the LEP	N/A	
Timeframe for Parliamentary Counsel's Opinion and drafting of LEP	Jul 2013	Aug 2013
Anticipated date RPA will make the plan (if delegated)	Sept 2013	Sept 2013
Anticipated date RPA will forward to the department for notification.	Sept 2013	Sept 2013

ATTACHMENT 1 – Information Checklist

STEP 1: Required for all Proposals

under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome - Mapping (including current and proposed zones) - Community consultation (agencies to be consulted)	- Explanation of provisions - Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)
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STEP 2: Matters – Considered on a Case by Case Basis

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context		
• Demonstrated consistency with relevant Regional Strategy	☒	☐
• Demonstrated consistency with relevant Sub-Regional strategy	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒
Site Description/Context		
• Aerial photographs	☐	☒
• Site photos/photomontage	☐	☒
Traffic and Transport Considerations		
• Local traffic and transport	☐	☒
• TMAP	☐	☒
• Public transport	☐	☒
• Cycle and pedestrian movement	☐	☒
Environmental Considerations		
• Bushfire hazard	☐	☒
• Acid Sulphate Soil	☒	☐
• Noise impact	☐	☒
• Flora and/or fauna	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒
• Water quality	☐	☒
• Stormwater management	☐	☒
• Flooding	☐	☒
• Land/site contamination (SEPP55)	☐	☒

PLANNING MATTERS OR ISSUES	To be considered	N/A
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒
• Sea level rise	☐	☒
Urban Design Considerations		
• Existing site plan (buildings vegetation, roads, etc)	☐	☒
• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Lighting impact	☐	☒
• Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Economic Considerations		
• Economic impact assessment	☐	☒
• Retail centres hierarchy	☐	☒
• Employment land	☐	☒
Social and Cultural Considerations		
• Heritage impact	☐	☒
• Aboriginal archaeology	☐	☒
• Open space management	☒	☐
• European archaeology	☐	☒
• Social & cultural impacts	☐	☒
• Stakeholder engagement	☐	☒
Infrastructure Considerations		
• Infrastructure servicing and potential funding arrangements	☐	☒
Miscellaneous/Additional Considerations		
<i>List any additional studies</i>		

PP-RICHVALL-2013/02.02: Exclude the Minimum Lot Size Applying to Certain Subdivisions Creating Residue Lots

Summary of Proposal

Proposal	This Planning Proposal seeks to amend Clause 4.1 of the <i>Richmond Valley LEP 2012</i> so as to provide exceptions to the minimum lot size applying to the creation of a residue lot under clause 4.2A (Special Purpose Subdivisions) and clause 4.2 (Rural Land Subdivisions).
Property Details	N/A
Applicant Details	N/A
Land Owner	N/A

Background

Since this commencement of the Richmond Valley LEP 2012, on 21 April 2012, Council has been monitoring the effectiveness of the instrument. During this exercise it has been determined that the subdivision provisions contained within clauses 4.2 and 4.2A, which are a Standard Instrument Clause and Model Clause respectively, omit references to the creation of a residue lot.

It is Council's opinion, and this view is shared by the Department of Planning and Infrastructure, that clauses 4.2 and 4.2A do not operate in isolation to other clauses in the LEP. Because these clauses omit to exclude the minimum lot size (MLS) from applying to a resulting residue lot, such a lot would need to meet the applicable MLS.

When Rural Land subdivisions were undertaken under the Rural Land SEPP such an omission was acceptable as the SEPP prevailed over the LEP and its nominated MLS. Now that rural land subdivision has been included in the Standard Instrument LEP this omission needs to be corrected as it renders the clauses almost unusable.

The drafting directions for *clause 4.1 Minimum subdivision lot size* provide that “*An exception to the minimum size shown on the Lot Size Map may be provided in certain circumstances, for example, in the case of land that is to be used for attached dwellings*”.

This Planning Proposal proposes to include an additional exception to Clause 4.1 that will exclude the MLS from applying to a residue lot created by a subdivision under clause 4.2 or 4.2A.

Site

N/A

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend the *Richmond Valley LEP 2012* by exclude the Minimum Lot Size applying to subdivisions, under clauses 4.2 or 4.2A, which create a residue lot.

Part 2 – Explanation of Provisions

It is proposed that clause 4.1 be amended as follows:

Suggested amendment	Explanation
[1] Omit subclause (4A) from clause 4.1 <i>Minimum subdivision lot size</i> .	Subclause (4A) is to be removed but will be reinserted in a restructured layout.
[2] Insert the following subclause: “(4A) <i>Despite subclause (3):</i> (a) <i>land within Zone RU5 Village may be subdivided to create lots of at least 600 square metres, but only if the consent authority is satisfied that each lot is, or will be, serviced by a water reticulation system and sewerage system,</i> (b) <i>development consent may be granted to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land but only where that lot comprises the entire residue of a subdivision under clause 4.2 or 4.2A.</i> ”	Insert a new clause that contains the omitted provision, from [1] above, at (a). Insert (b) that will permit a residue lot to be created of any size but only if it comprises the residue of an allotment created under the Rural Land subdivision clause (cl.4.2) or the special purpose subdivision clause (cl.4.2A).

Part 3 – Justification

Section A – Need for the planning proposal

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

This planning proposal is not a direct result of any strategic study or report.

It has arisen as a direct result of the first review of the *Richmond Valley Local Environmental Plan 2012* since its commencement on 21 April 2012.

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

No.

Alternative means of achieving the objectives of this Planning Proposal may include:

- Amendment of clauses 4.2 and 4.2A would be the most direct way of achieving the objectives of this Planning Proposal, however, amending a Standard Instrument clause or a Model Clause is not permitted.
- Inserting a new clause that contains this exception, similar to clause 4.1AA, 4.1A, 4.1C etc.
- Permit a variation to the MLS under clause 4.6.

Section B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Not inconsistent.

4. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Yes. This planning proposal is consistent with Richmond Valley Council's Community Strategic Plan. Action 5.2 pertains to the review and monitor of development processes. This proposal has been identified through a review mechanism.

5. Is the planning proposal consistent with applicable State environmental planning policies?

This Planning Proposal is consistent with applicable SEPPs, see table 02.1.

Table 02.1: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for Inconsistency
SEPP No 1-Development Standards	N/A		
SEPP No 6-Number of Storeys in a Building	N/A		
SEPP No 14-Coastal Wetlands	N/A		
State Environmental Planning No Policy No 15-Rural Landsharing Communities	N/A		
SEPP No 21-Caravan Parks	N/A		
SEPP No 22-Shops and Commercial Premises	N/A		
SEPP No 30-Intensive Agriculture	N/A		
SEPP No 33-Hazardous and Offensive Development	N/A		
SEPP No 36-Manufactured Home Estates	N/A		
SEPP No 44-Koala Habitat Protection	N/A		
SEPP No 60-Canal Estate Development	N/A		
SEPP No 55-Remediation of Land	N/A		
SEPP No 62-Sustainable Aquaculture	N/A		
SEPP No 64-Advertising and Signage	N/A		
SEPP No 65-Design Quality of Residential Flat Development	N/A		
SEPP No 71-Coastal Protection	N/A		

	Applicable	Consistent	Reason for Inconsistency
SEPP (Affordable Rental Housing) 2009	N/A		
SEPP (Building Sustainability Index: BASIX) 2004	N/A		
SEPP (Exempt and Complying Development Codes) 2008	N/A		
SEPP (Housing for Seniors or People with a Disability) 2004	N/A		
SEPP (Infrastructure) 2007	N/A		
SEPP (Major Development) 2005	N/A		
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A		
SEPP (Rural Lands) 2008	Yes	Yes – The SEPP was silent on creating a residue lot and of it meeting the MLS. The same can not be said of the provision as transferred to the Standard Instrument LEP. This amendment attempts to except such subdivisions from the MLS so the status quo will continue.	
SEPP (Temporary Structures and Places of Public Entertainment) 2007	N/A		
SEPP (State and Regional Development) 2011	N/A		

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The PP is consistent with relevant S117 Directions, see table 02.2.

Table 02.2: Consideration of S117 Directions

	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	Yes	This PP will not rezone land, and will not increase the permissible density of land. Subdivisions under clauses 4.2 and 4.2A can not contain a dwelling house. Therefore, no additional dwelling opportunities will be created, whether or not the residue can have a dwelling.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	Yes	The PP is consistent with the Rural Planning Principles and the Rural Subdivision Principles of the Rural Lands SEPP.
2. Environment and Heritage		
2.1 Environment Protection Zones	N/A	
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	N/A	
2.4 Recreation Vehicle Areas	N/A	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	N/A	
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	N/A	
3.4 Integrating Land Use and Transport	N/A	
3.5 Development Near Licensed Aerodromes	N/A	
3.6 Shooting Ranges	N/A	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	
4.2 Mine Subsidence and Unstable Land	N/A	
4.3 Flood Prone Land	N/A	
4.4 Planning for Bushfire Protection	N/A	

	Applicable	Consistent
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	
5.6 Sydney to Canberra Corridor	N/A	
5.7 Central Coast 2008	N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	Yes. There are no concurrence or referrals are proposed.
6.2 Reserving Land for Public Purposes	N/A	
6.3 Site Specific Provisions	N/A	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	

Section C - Environmental, social, and economic impact

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?

None.

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

None.

9. How has the planning proposal adequately addressed any social and economic effects?

Nil.

Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

N/A

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

N/A

Part 4 - Mapping

There is no specific land or mapping associated with this Planning Proposal.

Part 5 – Community Consultation

This Planning Proposal will be publicly exhibited in accordance with Statutory requirements. A minimum period of 30 days is recommended.

Part 6 – Project Timeline

Milestone	Timeline	
	Start	Finish
Anticipated commencement date (date of Gateway determination)	Mar 2013	Mar 2013
Anticipated timeframe for the completion of required technical information	N/A	
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A	
Commencement and completion dates for public exhibition period	Apr 2013	May 2013
Dates for public hearing (if required)	N/A	
Timeframe for consideration of submissions	May 2013	May 2013
Timeframe for the consideration of a proposal post exhibition	Jun 2013	Jun 2013
Date of submission to the Department to finalise the LEP	N/A	
Timeframe for Parliamentary Counsel's Opinion and drafting of LEP	Jul 2013	Aug 2013
Anticipated date RPA will make the plan (if delegated)	Sept 2013	Sept 2013
Anticipated date RPA will forward to the department for notification.	Sept 2013	Sept 2013

ATTACHMENT 1 – Information Checklist

STEP 1: Required for all Proposals

under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome - Mapping (including current and proposed zones) - Community consultation (agencies to be consulted)	- Explanation of provisions - Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)
--	--

STEP 2: Matters – Considered on a Case by Case Basis

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context		
• Demonstrated consistency with relevant Regional Strategy	☐	☒
• Demonstrated consistency with relevant Sub-Regional strategy	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒
Site Description/Context		
• Aerial photographs	☐	☒
• Site photos/photomontage	☐	☒
Traffic and Transport Considerations		
• Local traffic and transport	☐	☒
• TMAP	☐	☒
• Public transport	☐	☒
• Cycle and pedestrian movement	☐	☒
Environmental Considerations		
• Bushfire hazard	☐	☒
• Acid Sulphate Soil	☐	☒
• Noise impact	☐	☒
• Flora and/or fauna	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒
• Water quality	☐	☒
• Stormwater management	☐	☒
• Flooding	☐	☒
• Land/site contamination (SEPP55)	☐	☒

PLANNING MATTERS OR ISSUES	To be considered	N/A
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒
• Sea level rise	☐	☒
Urban Design Considerations		
• Existing site plan (buildings vegetation, roads, etc)	☐	☒
• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Lighting impact	☐	☒
• Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Economic Considerations		
• Economic impact assessment	☐	☒
• Retail centres hierarchy	☐	☒
• Employment land	☐	☒
Social and Cultural Considerations		
• Heritage impact	☐	☒
• Aboriginal archaeology	☐	☒
• Open space management	☐	☒
• European archaeology	☐	☒
• Social & cultural impacts	☐	☒
• Stakeholder engagement	☐	☒
Infrastructure Considerations		
• Infrastructure servicing and potential funding arrangements	☐	☒
Miscellaneous/Additional Considerations		
<i>List any additional studies</i>		

PP-RICHVALL-2013/02.03: Rezone the Casino Drill Hall Site for Residential Development

The following Planning Proposal has been adapted from a submission prepared and lodged by the Sweett Group Pty Ltd on behalf of the Department of Defence (Oct 2012).

Summary of Proposal

Proposal	To amend the <i>Richmond Valley LEP 2012</i> by rezoning Lots 1 to 7 DP772610, 75-81 Lennox Street, Casino, from <i>Zone SP1 Special Activities (Defence)</i> to <i>Zone R1 General Residential</i> .
Property Details	Lots 1 to 7 DP772610 75-81 Lennox Street (fronting Centre Street, Lennox Street and Stapleton Avenue) Casino Area – 1.275 hectares
Applicant Details	Sweett Group Pty Ltd
Land Owner	Commonwealth of Australia – Department of Defence

Background

The Casino Army Reserve Training Depot (known locally as the “Casino Drill Hall”) has been in Commonwealth ownership since 1935 and is currently *Zoned SP1 Special Activities (Defence)* under the *Richmond Valley LEP 2012*. It was used for Defence operation and training purposes up until 2001. The buildings have been vacant since this time and the site has been declared surplus to Defence operational requirements.

The site contains a building known as the Drill Hall, which is listed as a place of local heritage significance in the *Richmond Valley LEP 2012*. The Drill Hall is not listed on the State or Commonwealth Heritage registers.

Under the recent commenced *Richmond Valley LEP 2012*, the subject site was zoned from 2 Township, under the *Casino LEP 1992*, to Zone SP1 Special Activities (Defence) as shown in figure 03.1. This zoning change was to reflect the current land use of the site. The Commonwealth and Department of Defence are seeking a rezoning of the site to Zone R1 General Residential to be consistent with adjoining zoned land and to facilitate a future residential use of land, once remediation works have been completed.

Preliminary on site discussions regarding the possible rezoning of the site were held with Richmond Valley Council Planning Officers in September 2012 and involved Department of Defence and Sweett Group representatives. Council Officers indicated they were supportive of, and prepared to facilitate, a rezoning of the subject site.

Subsequently Sweett Group was engaged by Department of Defence to prepare a Planning Proposal as a formal request to amend the *Richmond Valley LEP 2012*.

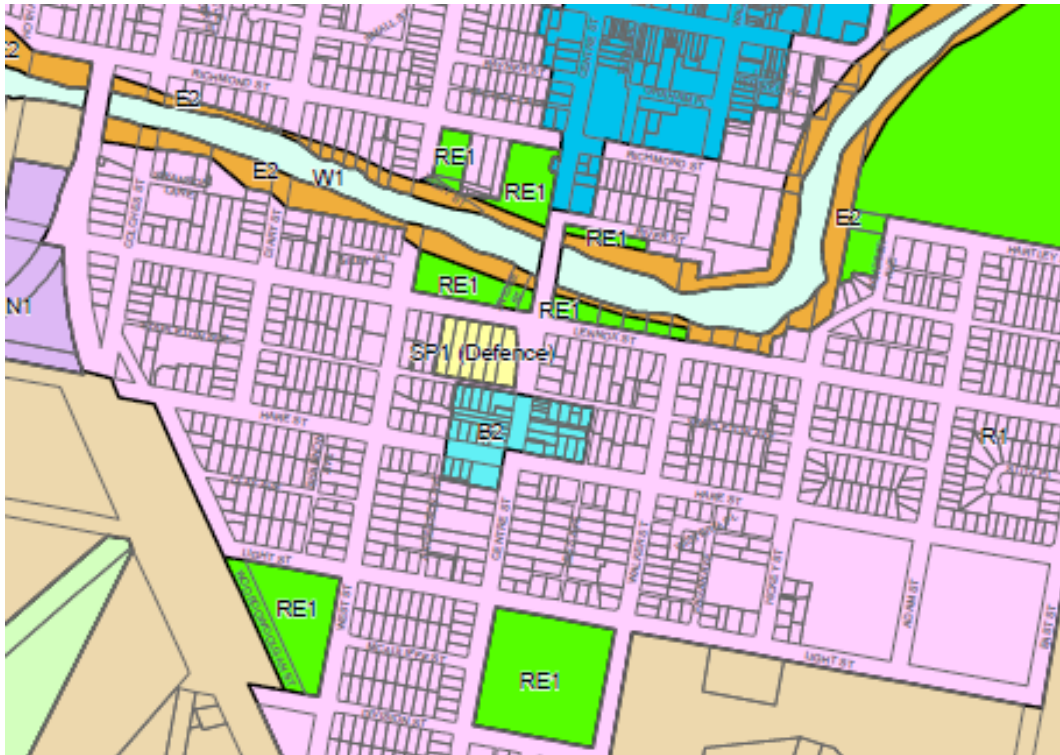


Figure 03.1: Extract from *Richmond Valley LEP 2012 – Land Zoning Map*.



Figure 03.2: Map showing the current zoning for the Casino Defence Force Site (coloured yellow) as SP1 Special Activities (Defence).

Site

Land the subject of this Planning Proposal is identified as Lots 1 to 7 DP772610, 75-81 Lennox Street Casino. The land has frontage to Lennox Street as well as Centre Street (Summerland Way and Bruxner Highway) and Stapelton Avenue. While the property is addressed to Lennox Street the main entrance to the site is via Centre Street.

LT2/16

PLAN OF LAND IN ORDER N° G908853 BEING PART ALLOTS 8,9,10,11,12,13 AND 14 SEC. 40 COMPRISED IN CERTIFICATE OF TITLE VOL 7500 FOL.69		D. P. 772610	
Mun./Shire/City <u>CASINO</u>		Registered: <u>13.1.1988</u>	
Town or Locality <u>CASINO</u>		C.A.: _____	
Parish <u>SOUTH CASINO</u>		Title System <u>TORRENS</u>	
County <u>RICHMOND</u>		Purpose <u>DEPARTMENTAL</u>	
Reduction Ratio <u>1:800</u>		Ref. Map: <u>X00000-23</u> #	
Lengths are in metres		Last Plan: <u>D.P. 442880</u>	

The diagram illustrates the layout of the seven lots within the deposited plan. The lots are numbered 1 through 7. Lot 6 is located at the top right, and Lot 7 is located at the bottom right. The plan shows the boundaries of each lot and the overall dimensions of the site. The total area of the site is 34725. The plan also shows the location of the site relative to the surrounding streets: Lennox St to the north, Stapelton Ave to the south, and Summerland Way (Centre St) to the east.

Figure 03.3: Copy of Deposited Plan 772610.

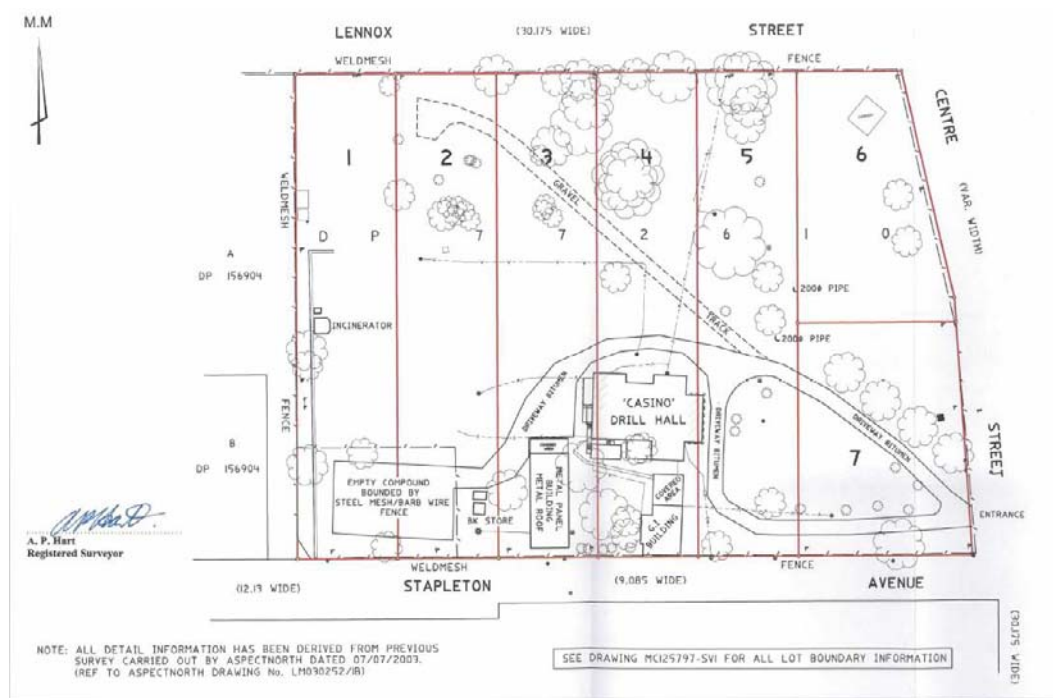


Figure 03.4: Plan of Lots 1 to 7 DP772610 showing existing site layout.



Figure 03.5: Aerial photo of the subject land with cadastral overlay (photo courtesy of LPMA 2009).

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to rezone Lots 1 to 7 DP772610 from *Zone SP1 Special Activities (Defence)* to *Zone R1 General Residential*.

The land has not been used for defence purposes since 2001 and is currently surplus to their future needs. As such the Department of Defence will remediate identified contamination before disposing of the land with the intent that it be developed for future residential purposes.

The Heritage listed drill hall will be incorporated into any future plans for the property. This rezoning is not incompatible with the management of this heritage item.

Part 2 – Explanation of Provisions

This Planning Proposal seeks to rezone the subject land from *Zone SP1 Special Activities (Defence)* to *Zone R1 General Residential*. The proposed rezoning will achieve a more desirable and practical planning outcome than that included in the current *Richmond Valley LEP 2012*. The existing use of the site is now surplus to the needs of the Commonwealth Government. The proposed residential zoning would be consistent with the predominant surrounding zoning and existing land uses.

The vision for the site is one of sustainable urban living. Once the site is rezoned for residential purposes, future dwellings on the site can be designed by a future owner to integrate with the existing and planned residential character of the area and harmonise with the natural environment. The ability to pursue the development of the site proposed for *R1 General Residential* will provide a mechanism to facilitate low density residential development consistent with surrounding land uses. The rezoning will also allow flexible and adaptive reuse of the Drill Hall located on the site.

This amendment will be implemented by replacing the *Richmond Valley LEP 2012 – Land Zoning Map - Sheet LZN_006A* with a new map sheet that identifies the subject land as being contained within Zone R1, see figure 03.6.



Figure 03.6: Proposed amendment to the *Richmond Valley LEP 2012 – Land Zoning Map*.

Part 3 – Justification

Section A – Need for the planning proposal

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

No. But the land is located within an existing residential precinct and the proposal would result in development that is consistent with the surrounding land uses.

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

Yes.

Section B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes.

4. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Yes. This planning proposal is consistent with Richmond Valley Council's Community Strategic Plan. Action 5.1 pertains to Land Use Planning and the release of land for urban development.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

There are no applicable SEPPs, see table 03.1.

Table 03.1: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for Inconsistency
SEPP No 1-Development Standards	N/A		
SEPP No 6-Number of Storeys in a Building	N/A		
SEPP No 14-Coastal Wetlands	N/A		
State Environmental Planning No Policy No 15-Rural Landsharing Communities	N/A		
SEPP No 21-Caravan Parks	N/A		
SEPP No 22-Shops and Commercial Premises	N/A		
SEPP No 30-Intensive Agriculture	N/A		
SEPP No 33-Hazardous and Offensive Development	N/A		
SEPP No 36-Manufactured Home Estates	N/A		
SEPP No 44-Koala Habitat Protection	Yes	Yes – A flora and fauna assessment identified some potential feeding habitat for koala. The habitat is not considered to be an area critical to the survival of a viable threatened species population.	
SEPP No 60-Canal Estate Development	N/A		
SEPP No 55-Remediation of Land	Yes	Yes – Site is currently being remediated with the aim of receiving an unconditional Section A Site Audit Statement, issued by a suitably qualified, independent Auditor, under the <i>Contaminated Land Management Act 1997</i> , stating the land is suitable for residential development.	
SEPP No 62-Sustainable Aquaculture	N/A		

	Applicable	Consistent	Reason for Inconsistency
SEPP No 64-Advertising and Signage	N/A		
SEPP No 65-Design Quality of Residential Flat Development	N/A		
SEPP No 71-Coastal Protection	N/A		
SEPP (Affordable Rental Housing) 2009	N/A		
SEPP (Building Sustainability Index: BASIX) 2004	N/A		
SEPP (Exempt and Complying Development Codes) 2008	N/A		
SEPP (Housing for Seniors or People with a Disability) 2004	N/A		
SEPP (Infrastructure) 2007	N/A		
SEPP (Major Development) 2005	N/A		
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A		
SEPP (Rural Lands) 2008	N/A		
SEPP (Temporary Structures and Places of Public Entertainment) 2007	N/A		
SEPP (State and Regional Development) 2011	N/A		

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with the applicable S117 Directions, see table 03.2.

Table 03.2: Consideration of S117 Directions

	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	N/A	
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	N/A	
2. Environment and Heritage		
2.1 Environment Protection Zones	Yes	A Flora and Fauna Assessment concluded the following: identified two vegetation

	Applicable	Consistent
		assemblages: 1) a maintained grassland (lawn) comprising the majority of the Site with planted (introduced) and possibly remnant (native) sparse trees; 2) approximately 15 individuals of likely remnant <i>Eucalyptus tereticornis</i> with an overlapping canopy and a modified middle and ground storey in the north of the Site; - the results of the field investigations indicate that the patch of <i>Eucalyptus tereticornis</i> in the north of the site is not classified as an Endangered Ecological Community (EEC); and - no flora or fauna listed as threatened under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> or the <i>NSW Threatened Species Conservation Act 1995</i> were identified at the Site. No threatened flora species are anticipated to occur on the Site.
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	N/A	
2.4 Recreation Vehicle Areas	N/A	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	Yes. This proposal will support infill development, utilising existing infrastructure and services, close to the heart of Casino township. There will not be a reduction in residential densities, in fact this rezoning will facilitate the development of this underutilised area of land with the town precinct.
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	N/A	
3.4 Integrating Land Use and Transport	N/A	
3.5 Development Near Licensed Aerodromes	N/A	
3.6 Shooting Ranges	N/A	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	
4.2 Mine Subsidence and Unstable Land	N/A	

	Applicable	Consistent
4.3 Flood Prone Land	Yes	Yes – The land is not affected by flooding up to a 1 in 100 year ARI Flood Event.
4.4 Planning for Bushfire Protection	N/A	
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Yes – The site is identified within an existing Town and Village Growth Boundary.
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	
5.6 Sydney to Canberra Corridor	N/A	
5.7 Central Coast 2008	N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	Yes. No concurrence or referrals are proposed.
6.2 Reserving Land for Public Purposes	N/A	
6.3 Site Specific Provisions	N/A	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	

Section C - Environmental, social, and economic impact

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?

None.

The site is not identified as containing threatened species, critical habitat, ecological communities or their habitats. A flora and fauna assessment was prepared and submitted to Council.

The investigation identified 2 vegetation assemblages, see figure 03.7:

1. a maintained grassland (lawn) comprising the majority of the Site with planted (introduced) and possibly remnant (native) sparse trees; and

2. approximately 15 individual trees of likely remnant *Eucalyptus tereticornis* with an overlapping canopy and a modified middle and ground storey in the north of the Site.



Figure 03.7: Subject site looking north-west across grounds.

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

None.

The rezoning of the site will have no detrimental effects on the environment.

Contamination

The remediation of the site (which is a necessary precursor to any residential use of the site) will have no unacceptable negative outcomes on the environment.

Flood

The land is located above a 1 in 100 year ARI flood event. Figure 03.8 identifies the only hazard present is from a “rare” flood event which equates to a PMF Flood Event.

Heritage

The Hall is heritage listed under the *Richmond Valley LEP 2012*. It will be managed within future development of the land. This planning proposal will not impact upon the item’s heritage significance.

Bushfire Prone Land

The land is not Bushfire Prone.

In conclusion, all specialist consultant assessments have concluded that residential zoning for the site is an acceptable outcome for the site.

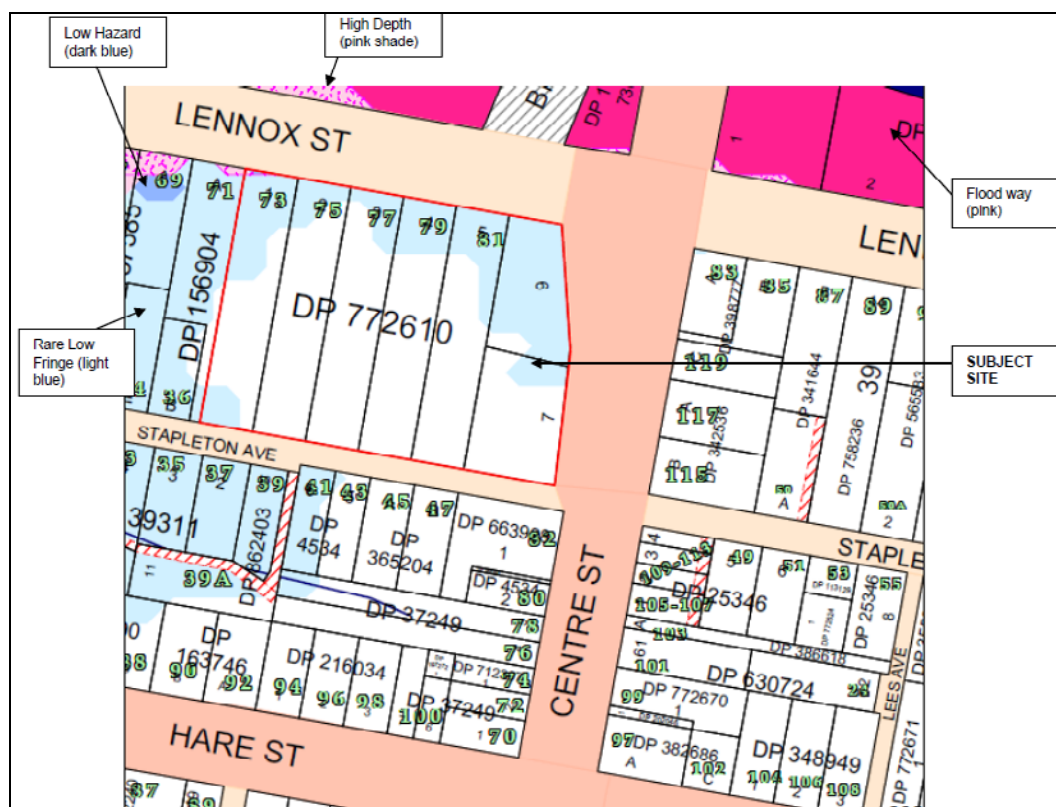


Figure 03.8: Extract from Casino Flood Study showing the land is located above a 1 in 100 year ARI Flood Event (Note. The “rare Low Fringe” represents a PMF flood event).

9. How has the planning proposal adequately addressed any social and economic effects?

The rezoning of the site should have a positive social outcome and will be harmonious with the existing social fabric of Casino including:

- provision of an infill site for residential land uses in close proximity to services and public transport,
- the proposed R1 General Residential zone is consistent with surrounding land uses, and
- the proposed R1 General Residential Zone will allow for a range of uses including Residential, Aged Care, shops and Community uses. This flexibility would also enable the possible adaptive reuse of the locally heritage listed Drill Hall for community uses.

In regards to economic effects, the rezoning of the site will provide an opportunity for the site to be developed into low density residential

dwellings which will create short term employment during the construction phase.

Permitting residential use for the site will provide positive economic effects on the existing businesses in Casino. The additional residential occupants to the Casino town will contribute to economic multiplier effects which have the potential to strengthen the long term viability of nearby shopping facilities.

The proposal will allow for an orderly and planned residential subdivision. The proposed rezoning could provide some employment opportunities with associated increases in local revenue through development, construction, and household expenditure. Therefore it is submitted that the proposal will have a positive economic impact on the town of Casino and further strengthen the future economic viability of the suburb.

Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. The rezoning itself will not generate any need for additional public infrastructure, as the Site is currently serviced by water, sewer and electricity. Should the rezoning proceed, then the applicant for any subsequent development of the area will need to consult with the relevant public authorities to determine the need for contributions to public infrastructure. Notwithstanding, there is capacity in the existing infrastructure to service the additional development.

The modest size of the site and associated residential lot yield will provide some increase in traffic movements from the rezoning and redevelopment of the subject site on the local road network. Given the small scale of the potential development it is submitted additional traffic movements are well within acceptable standards for adjoining road classifications.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The site is currently under the ownership of The Commonwealth of Australia with delegated responsibility to the Department of Defence. The Department of Defence has consulted with Richmond Valley Council over the past few years in relation to Defence's plans for the site and also in accordance with the relevant SEPP's for the site.

Part 4 - Mapping

The following mapping is provided in this report:

- the land subject to the planning proposal including an aerial photograph – figures 03.1, 03.4, & 03.5
- current land use zone/s applying to the land – figure 03.1 & 03.2
- the proposed alternative zone, if a change in zone is proposed – figure 03.6

GIS data has been prepared for the amendment and supplied to the Department of Planning and Infrastructure along with this Planning Proposal via the initial Gateway process.

Templates used to produce the *Richmond Valley LEP 2012* mapping were produced by the Department but not supplied to Council. As such a request will be made to have the Department produce the replacement map sheets for this amendment.

Part 5 – Community Consultation

Defence liaised with Federal, State and Local Council representatives regarding current and future uses of the Site, which is considered surplus to operational requirements. The disposal of the surplus Defence property is undertaken in accordance with the *Commonwealth Property Disposals Policy*.

Defence's Environmental Consultant GHD has undertaken a number of environmental onsite testing activities over recent years and during these activities the local community has been informed accordingly.

In September 2012 a public notice was issued to the local community through the form of letter box drops, and notices were placed in the Public Notices section of four (4) local newspapers outlining Defence's activities and timing for remediation and other onsite works. Following the notifications there have been no adverse reactions received from the community to date.

This planning proposal is considered a "Low Impact" planning proposal as it is consistent with the strategic planning framework and presents no issues or impact on existing infrastructure, is not a principal LEP and does not require the reclassification of public land.

It is submitted that the level of community liaison and consultation undertaken is sufficient to support the rezoning of the site.

Part 6 – Project Timeline

Milestone	Timeline	
	Start	Finish
Anticipated commencement date (date of Gateway determination)	Mar 2013	Mar 2013
Anticipated timeframe for the completion of required technical information	N/A	
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A	
Commencement and completion dates for public exhibition period	Apr 2013	May 2013
Dates for public hearing (if required)	N/A	
Timeframe for consideration of submissions	May 2013	May 2013
Timeframe for the consideration of a proposal post exhibition	Jun 2013	Jun 2013

Date of submission to the Department to finalise the LEP	N/A	
Timeframe for Parliamentary Counsel's Opinion and drafting of LEP	Jul 2013	Aug 2013
Anticipated date RPA will make the plan (if delegated)	Sept 2013	Sept 2013
Anticipated date RPA will forward to the department for notification.	Sept 2013	Sept 2013

ATTACHMENT 1 – Information Checklist

STEP 1: Required for all Proposals

under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome - Mapping (including current and proposed zones) - Community consultation (agencies to be consulted)	- Explanation of provisions - Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)
--	--

STEP 2: Matters – Considered on a Case by Case Basis

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context		
• Demonstrated consistency with relevant Regional Strategy	☐	☒
• Demonstrated consistency with relevant Sub-Regional strategy	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒
Site Description/Context		
• Aerial photographs	☒	☐
• Site photos/photomontage	☒	☐
Traffic and Transport Considerations		
• Local traffic and transport	☒	☐
• TMAP	☐	☒
• Public transport	☒	☐
• Cycle and pedestrian movement	☒	☐
Environmental Considerations		
• Bushfire hazard	☒	☐
• Acid Sulphate Soil	☐	☒
• Noise impact	☐	☒
• Flora and/or fauna	☒	☐
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☒	☐
• Water quality	☐	☒
• Stormwater management	☒	☐
• Flooding	☒	☐
• Land/site contamination (SEPP55)	☒	☐
PLANNING MATTERS OR ISSUES		
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒
• Sea level rise	☐	☒
Urban Design Considerations		
• Existing site plan (buildings vegetation, roads, etc)	☒	☐
• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Lighting impact	☐	☒
• Development yield analysis (potential yield of lots, houses, employment generation)	☒	☐
Economic Considerations		
• Economic impact assessment	☐	☒
• Retail centres hierarchy	☐	☒
• Employment land	☐	☒
Social and Cultural Considerations		
• Heritage impact	☒	☐
• Aboriginal archaeology	☐	☒
• Open space management	☐	☒
• European archaeology	☒	☐
• Social & cultural impacts	☒	☐
• Stakeholder engagement	☒	☐
Infrastructure Considerations		
• Infrastructure servicing and potential funding arrangements	☒	☐
Miscellaneous/Additional Considerations		
<i>List any additional studies</i>		

PP-RICHVALL-2013/02.04: Amend the Lot Size Map on Fringe of Casino

Summary of Proposal

Proposal	To amend the <i>Richmond Valley LEP 2012</i> to accommodate the subdivision of Lot 82 DP624006, 49 Sextonville Road, Casino. This will be facilitated by amending the Lot Size Map.
Property Details	Lot 82 DP624006 49 Sextonville Road, Casino
Applicant Details	Mr Peter Wilson
Land Owner	Mr Peter Wilson

Background

Lot 82 has an area of 1.4 ha and lies on the fringe of the Gays Hill urban precinct, west of the Casino Township, see figure 04.1 and 04.2.

Under the former *Casino LEP 1992* this land was zoned *2 Township*, having a 600m² minimum lot size for subdivision. Despite this zoning, the Casino DCP applied further restrictions to development of the land, due primarily to flood constraints, by applying *L1 – Low density* and *R1 – Rural Land* control plan areas.

During the preparation of the *Richmond Valley LEP 2012* much consideration was given to the zoning of this property and the location of zone boundaries and minimum lot sizes. The main consideration for determining the boundaries was flooding.

Recent discussions with the owner have identified desires to subdivide the flood free part of the property, however, the amended planning scheme now prevents this due to the minimum lot size for subdivision increasing from 600m² to 2ha.

As indicated, flood was a major consideration given to determining the location of zone boundaries on this property. Figure ??? illustrates the 1 in 100 year ARI Flood Event and hazard categories for the land. It can be seen that the house and a sizable part of the property is located above the 1 in 100 year flood event. Furthermore, the blue “Low Flood Hazard” area represents flood depths of less than 1 metre, with low velocity, at the peak of a 1 in 100 year ARI flood event. Development and subdivision of this component of the property is considered reasonable due to the extent of flood impact.

Moving the minimum lot size boundary to include part of the low hazard area would permit subdivision of this area but the residue lot would still be required to meet a standard. In order to facilitate the proposed development the residue part of the property would need to have a minimum lot size of about 5000m². This too will be incorporated into the amendment.

Site

Lot 82 DP624006, is located at 49 Sextonville Road, Casino. This property has an area of 1.4 ha and contains an existing dwelling. Part of the land is flood prone and unsuitable for flood sensitive development. However, the northern boundary of the land, where the dwelling is sited, is flood free.

All services, including water, sewer, electricity, telephone and road access are available to the land and can service any resulting subdivision.



Figure 04.1: Locality Plan for Lot 82 DP624006, 49 Sextonville Road Casino



Figure 04.2: Aerial photo of Lot 82 DP624006, 49 Sextonville Road Casino



Figure 04.3: 49 Sextonville Road Casino

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to facilitate the subdivision of Lot 82 DP624006, 49 Sextonville Road Casino by amending the *Richmond Valley LEP 2012 – Lot Size Map*.

It is anticipated that this Planning Proposal will enable the property to be subdivided to create 3 allotments each capable of siting a dwelling outside of flood. One of the lots would contain the flood prone residue part of the property.

Part 2 – Explanation of Provisions

It is proposed to amend the Lot Size Map from that shown in figure 04.3 to that shown in figure 04.4. This will involve reducing the minimum lot size (MLS) of the flood free and low flood hazard parts of the property from 2ha to 600m² and the residue part of the property to be reduced from 2ha to 5000m².

The amendment will involve replacing *Richmond Valley LEP 2012 – Lot Size Map – Sheet LSZ_006A* with another containing the changes described above.

Part 3 – Justification

Section A – Need for the planning proposal

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

No, however, the land is contained within the Casino Town & Village Growth Boundary identified by the *Far North Coast Regional Strategy (2006)*.

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

Yes.

Section B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes.

4. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Yes. This planning proposal is consistent with Richmond Valley Council's Community Strategic Plan. Action 5.1 pertains to Land Use Planning and the release of land for urban development.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

No SEPPs are applicable to this planning proposal, see table 04.1.

Table 04.1: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for Inconsistency
SEPP No 1-Development Standards	N/A		
SEPP No 6-Number of Storeys in a Building	N/A		
SEPP No 14-Coastal Wetlands	N/A		
State Environmental Planning No Policy No 15-Rural Landsharing Communities	N/A		
SEPP No 21-Caravan Parks	N/A		
SEPP No 22-Shops and Commercial Premises	N/A		
SEPP No 30-Intensive Agriculture	N/A		
SEPP No 33-Hazardous and Offensive Development	N/A		
SEPP No 36-Manufactured Home Estates	N/A		
SEPP No 44-Koala Habitat Protection	N/A		
SEPP No 60-Canal Estate Development	N/A		
SEPP No 55-Remediation of Land	N/A		
SEPP No 62-Sustainable Aquaculture	N/A		
SEPP No 64-Advertising and Signage	N/A		
SEPP No 65-Design Quality of Residential Flat Development	N/A		
SEPP No 71-Coastal Protection	N/A		
SEPP (Affordable Rental Housing) 2009	N/A		
SEPP (Building Sustainability Index: BASIX) 2004	N/A		
SEPP (Exempt and Complying Development Codes) 2008	N/A		
SEPP (Housing for Seniors or People with a Disability) 2004	N/A		
SEPP (Infrastructure) 2007	N/A		
SEPP (Major Development) 2005	N/A		
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A		

	Applicable	Consistent	Reason for Inconsistency
SEPP (Rural Lands) 2008	N/A		
SEPP (Temporary Structures and Places of Public Entertainment) 2007	N/A		
SEPP (State and Regional Development) 2011	N/A		

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with the applicable S117 Directions, see table 04.2.

Table 04.2: Consideration of S117 Directions

	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	N/A	
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	N/A	
2. Environment and Heritage		
2.1 Environment Protection Zones	N/A	
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	N/A	
2.4 Recreation Vehicle Areas	N/A	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	Yes. The PP will make more efficient use of existing infrastructure and services, reduce the consumption of new land for housing. The PP will increase the residential density of the subject land by enabling it to be further subdivided. The land is fully serviced.
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	N/A	
3.4 Integrating Land Use and Transport	N/A	
3.5 Development Near Licensed Aerodromes	N/A	
3.6 Shooting Ranges	N/A	

	Applicable	Consistent
4. Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	
4.2 Mine Subsidence and Unstable Land	N/A	
4.3 Flood Prone Land	Yes	Yes. PP does not rezone rural land to a residential zone. The PP will not substantially increase development of a flood planning area.
4.4 Planning for Bushfire Protection	N/A	
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	
5.6 Sydney to Canberra Corridor	N/A	
5.7 Central Coast 2008	N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	Yes. No concurrence or referrals are proposed.
6.2 Reserving Land for Public Purposes	N/A	
6.3 Site Specific Provisions	N/A	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	

Section C - Environmental, social, and economic impact

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?

Nil.

The land comprises a residential allotment on the fringe of town and the flood plain. It is predominantly vegetated by managed introduced grassland with little in the way of native vegetation, or habitat of threatened or endangered species, or ecological communities.

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

Nil.

Flood

The land is partially flood prone but all development resulting from this PP would be safely located above the 1 in 100 year ARI Flood event, see figure 04.4.

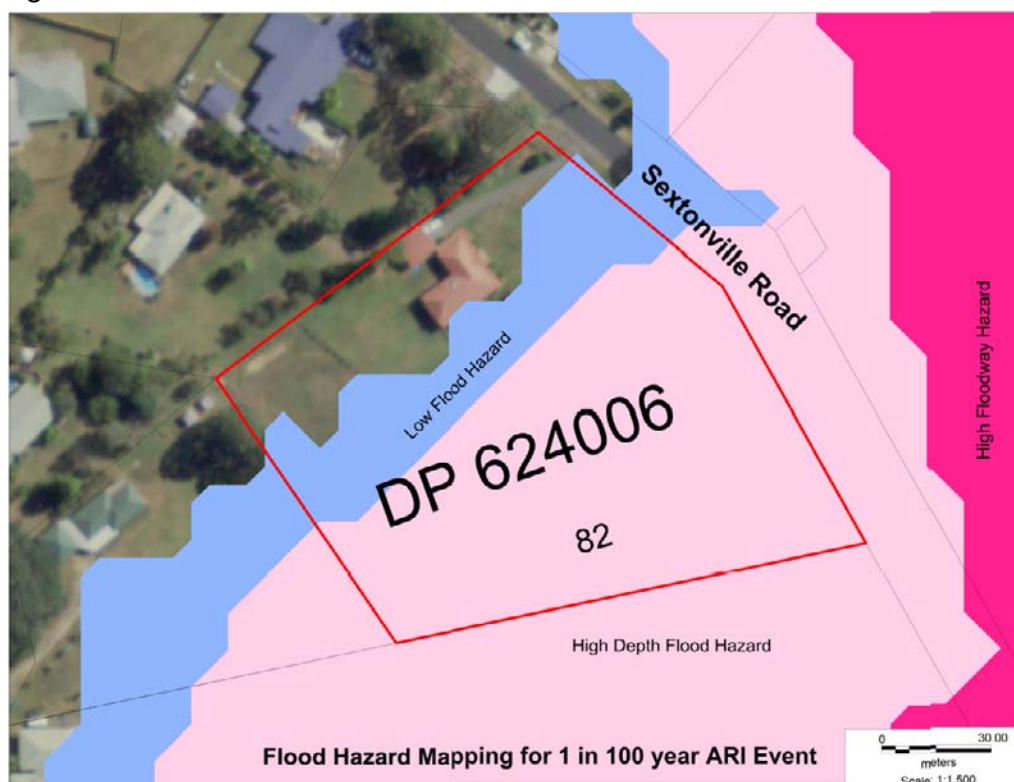


Figure 04.4: Extract from Casino Flood Study Hazard Mapping, for Lot 82 DP624006, 49 Sextonville Road Casino, calculated for a 1 in 100 year ARI flood event.

9. How has the planning proposal adequately addressed any social and economic effects?

There should be no social or economic impacts from this proposal. The increased development yield from this proposal will be consistent with similar subdivisions being undertaken on the adjoining properties, including that immediately adjacent to the north boundary.

Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. All services are currently connected to the allotment and can be extended to service any proposed development.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

None have been contacted.

Part 4 - Mapping

This Planning proposal is supported by the following relevant mapping:

- the land subject to the planning proposal including aerial photography– see figure 04.1 and 04.2
- current land use zones applying to the land – see figure 04.5
- current minimum lot size development standards relating to the land – see figure 04.6
- the proposed alternative minimum lot size development standards relating to the land – see figure 04.7

Templates used to produce the *Richmond Valley LEP 2012* mapping were produced by the Department. A request will be made for the Department to produce the replacement map sheets for this amendment.

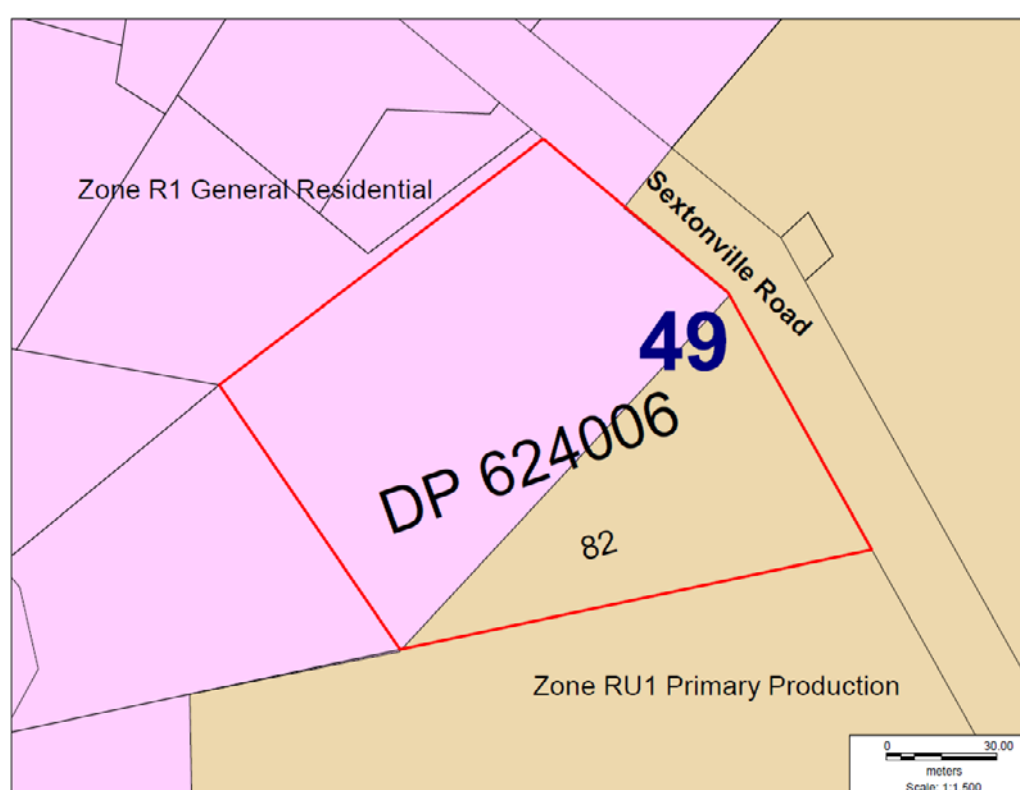


Figure 04.5: Extract from Land Zoning Map for Lot 82 DP624006, 49 Sextonville Road Casino, showing it to have a dual zoning of *R1 General Residential* and *RU1 Primary Production*.

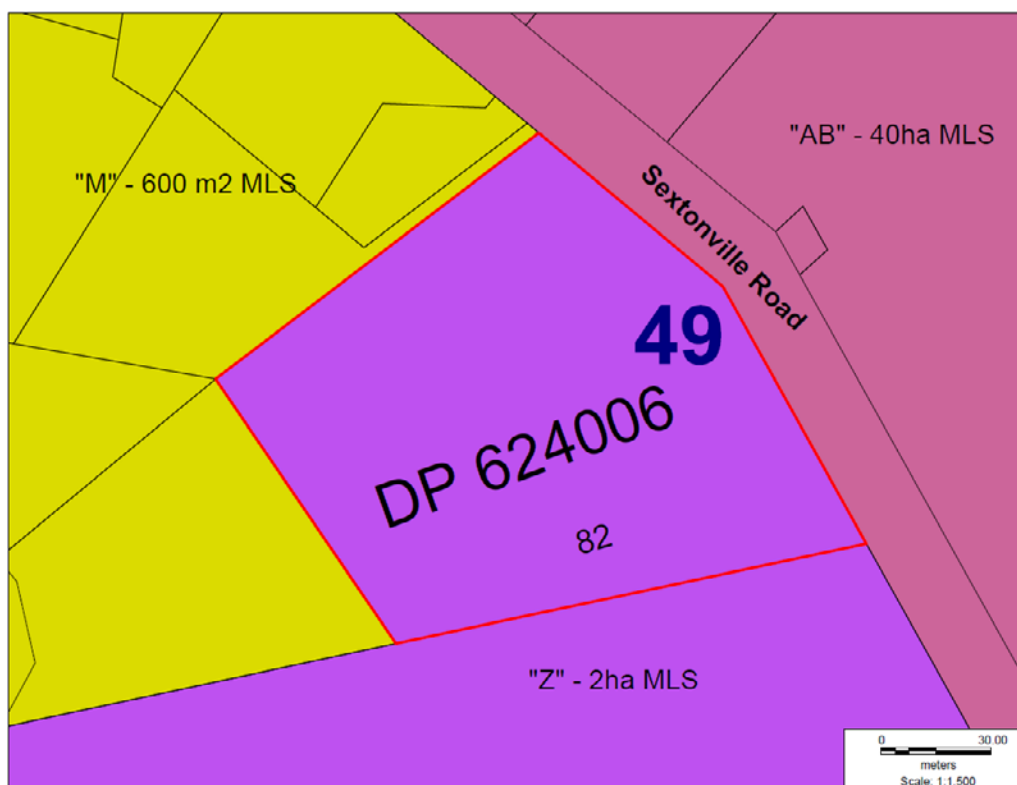


Figure 04.6: Extract from *Lot Size Map* for Lot 82 DP624006, 49 Sextonville Road Casino, showing to have a 2 ha MLS.

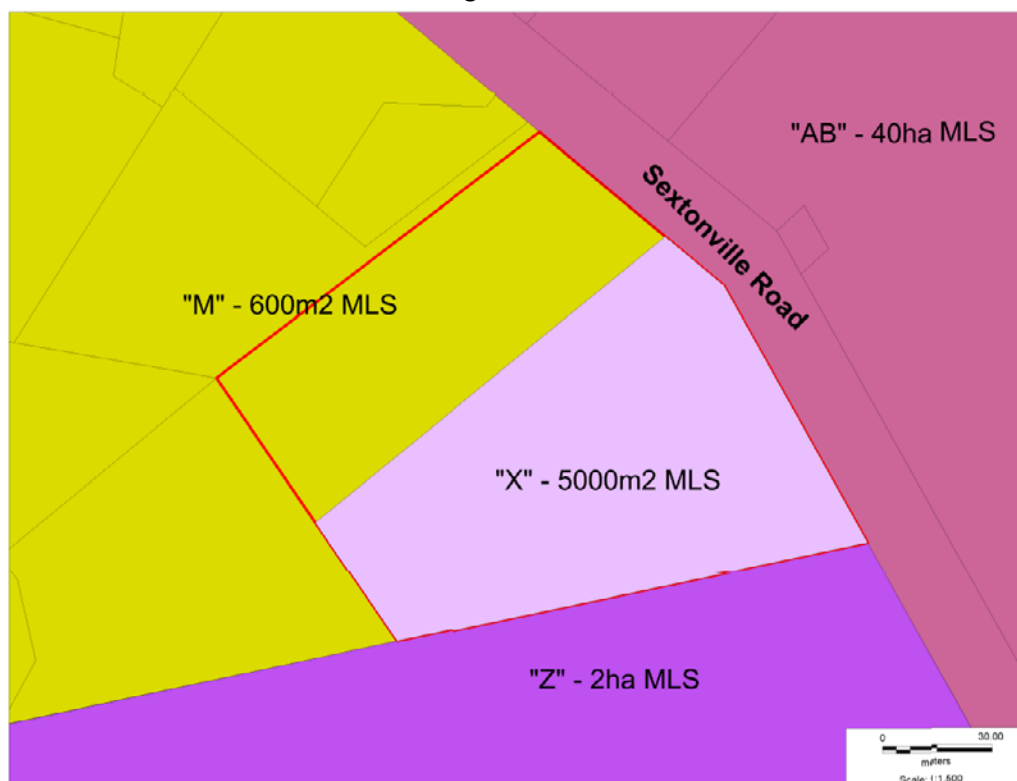


Figure 04.7: Proposed changes to the *Lot Size Map* for Lot 82 DP624006, 49 Sextonville Road Casino, so that it has dual MLS of 600m² and 5000m².

Part 5 – Community Consultation

There has been no community consultation undertaken for this Planning Proposal. It is anticipated that this will be undertaken in accordance with Statutory requirements.

Part 6 – Project Timeline

Milestone	Timeline	
	Start	Finish
Anticipated commencement date (date of Gateway determination)	Mar 2013	Mar 2013
Anticipated timeframe for the completion of required technical information	N/A	
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A	
Commencement and completion dates for public exhibition period	Apr 2013	May 2013
Dates for public hearing (if required)	N/A	
Timeframe for consideration of submissions	May 2013	May 2013
Timeframe for the consideration of a proposal post exhibition	Jun 2013	Jun 2013
Date of submission to the Department to finalise the LEP	N/A	
Timeframe for Parliamentary Counsel's Opinion and drafting of LEP	Jul 2013	Aug 2013
Anticipated date RPA will make the plan (if delegated)	Sept 2013	Sept 2013
Anticipated date RPA will forward to the department for notification.	Sept 2013	Sept 2013

ATTACHMENT 1 – Information Checklist

STEP 1: Required for all Proposals

under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome - Mapping (including current and proposed zones) - Community consultation (agencies to be consulted)	- Explanation of provisions - Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)
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STEP 2: Matters – Considered on a Case by Case Basis

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context		
• Demonstrated consistency with relevant Regional Strategy	☐	☒
• Demonstrated consistency with relevant Sub-Regional strategy	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒
Site Description/Context		
• Aerial photographs	☒	☐
• Site photos/photomontage	☒	☐
Traffic and Transport Considerations		
• Local traffic and transport	☐	☒
• TMAP	☐	☒
• Public transport	☐	☒
• Cycle and pedestrian movement	☐	☒
Environmental Considerations		
• Bushfire hazard	☐	☒
• Acid Sulphate Soil	☐	☒
• Noise impact	☐	☒
• Flora and/or fauna	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒
• Water quality	☐	☒
• Stormwater management	☐	☒
• Flooding	☒	☐
• Land/site contamination (SEPP55)	☐	☒

PLANNING MATTERS OR ISSUES	To be considered	N/A
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒
• Sea level rise	☐	☒
Urban Design Considerations		
• Existing site plan (buildings vegetation, roads, etc)	☐	☒
• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Lighting impact	☐	☒
• Development yield analysis (potential yield of lots, houses, employment generation)	☒	☐
Economic Considerations		
• Economic impact assessment	☐	☒
• Retail centres hierarchy	☐	☒
• Employment land	☐	☒
Social and Cultural Considerations		
• Heritage impact	☐	☒
• Aboriginal archaeology	☐	☒
• Open space management	☐	☒
• European archaeology	☐	☒
• Social & cultural impacts	☐	☒
• Stakeholder engagement	☐	☒
Infrastructure Considerations		
• Infrastructure servicing and potential funding arrangements	☐	☒
Miscellaneous/Additional Considerations		
<i>List any additional studies</i>		

PP-RICHVALL-2013/02.05: Amend the Dwelling Opportunity Map to Graphically Recognise Opportunities for Lots Meeting the Minimum Lot Size

Summary of Proposal

Proposal	To amend <i>Richmond Valley LEP 2012 – Dwelling Opportunity Map</i> to include an additional 58 dwelling opportunities for lots that meet minimum lot size shown on the Lot Size Map. The proposal also involves omitting one opportunity to accommodate 2 of the 58 above.
Property Details	Various
Applicant Details	N/A
Land Owner	Various

Background

During the preparation of the *Richmond Valley LEP 2012* dwelling opportunities were mapped, based upon the provisions of the *Richmond River LEP*, *Casino LEP* & *Copmanhurst LEP*. This was done to carry these opportunities forward into the new LEP and avoid referencing 40 year terms such as 'existing holding'. This mapping picked up:

- lots meeting minimum lot size
- lots created with consent having a dwelling opportunity
- lots having existing dwellings, and
- existing holdings.

Subsequent to this mapping, several changes were made to the Lot Size Map that resulted in the minimum lot size being reduced from 200 ha to 100 ha and, in a couple of instances, from 100 ha to 40 ha. All lots meeting the new MLS would have a dwelling opportunity pursuant to clause 4.2B(3)(a), however, they were not included on the *Dwelling Opportunity Map*.

Site

Various.

See List in Table 05.1 for properties to be added to the *Dwelling Opportunity Map*, and Table 05.2 for the opportunity to be omitted.

Table 05.1: List of properties to be added to the *Dwelling Opportunity Map*.

Owner Name	Street Address	LZN	Property Description	LSZ (Ha)	Area (Ha)
Aldaline Pty Ltd	Bungawalbin Whiporie Road WHIPORIE NSW 2469	RU1 Primary Production	Lot 21 DP 755619	100	105.2
Forests NSW	Barragunda Road COOMBELL NSW 2470	RU1 Primary Production	Lot 80 DP 755616	100	99.55
Ilepool Pty Ltd	855 Benns Road SHANNON BROOK NSW 2470	RU1 Primary Production	Lot 106 DP 755625	100	99.15
Jenbrook Pty Limited	Myall Creek Road WEST BUNGAWALBIN NSW 2469	RU1 Primary Production	Lot 44 DP 755607	100	194.24
Jenbrook Pty Limited	1080 Neileys Lagoon Road WEST BUNGAWALBIN NSW 2469	Split Zones-E2, RU1	Lot 39 DP 755607	100	101.17
M/S W Kellas-Sharpe	260 Ainsworth Road MONGOGARIE NSW 2470	RU1 Primary Production	Lot 12 DP 755625	40	49.97
Minyumai Land Holding Co	Minyumai Road THE GAP NSW 2472	Split Zones-E2, RU1	Lot 8 DP 755613	100	121.4
Minyumai Land Holding Co	Minyumai Road THE GAP NSW 2472	RU1 Primary Production	Lot 78 DP 755614	100	137.59
Minyumai Land Holding Co	THE GAP NSW 2472	RU1 Primary Production	Lot 85 DP 755614	100	129.5
Minyumai Land Holding Co	The Gap Road THE GAP NSW 2472	RU1 Primary Production	Lot 86 DP 755614	100	172.19
Minyumai Land Holding Co	Minyumai Road THE GAP NSW 2472	RU1 Primary Production	Lot 32 DP 755614	100	104.1
Minyumai Land Holding Co	The Gap Road THE GAP NSW 2472	RU1 Primary Production	Lot 33 DP 755614	100	129.5
Mr AC Bryant	Casino Coraki Road TATHAM NSW 2471	Split Zones-E2, RU1	Lot 1 DP 755630	40	62.83
Mr AC Bryant	Casino Coraki Road TATHAM NSW 2471	RU1 Primary Production	Lot 104 DP 755630	40	40.87
Mr AJ & Mrs DA Marshall	Lagoon Road WEST CORAKI NSW 2471	RU1 Primary Production	Lot 26 DP 6339	40	64.7
Mr BJ Robotham & Others	96 Endries Lane TATHAM NSW 2471	RU1 Primary Production	Lot 1 DP 1155855	40	88.72
Mr BR & Mrs JE Curtis	427 Mothersoles Road WEST CORAKI NSW 2471	Split Zones-E2, RU1	Lot 2 DP 1139467	Split 40 & 100	110.4
Mr BR & Mrs JE Curtis	427 Mothersoles Road WEST CORAKI NSW 2471	RU1 Primary Production	Lot 185 DP 755631	40	40.47

Owner Name	Street Address	LZN	Property Description	LSZ (Ha)	Area (Ha)
Mr DG & Miss KM Haynes	The Gap Road WOODBURN NSW 2472	Split Zones-E1, RU1	Lot 159 DP 755624	40	69.5
Mr G & Mrs S Galea	9085 Summerland Way LEEVILLE NSW 2470	RU1 Primary Production	Lot 42 DP 755606	40	80.43
Mr G & Mrs VL Cole	16 Tatham Greenridge Road GREENRIDGE NSW 2471	RU1 Primary Production	Lot 79 DP 1080510	40	56.56
Mr GFG & Mrs GJ Parker	670 Lagoon Road WEST CORAKI NSW 2471	RU1 Primary Production	Lot 37 DP 6339	40	63.69
Mr IN & Mrs BJ Blackman	Pacific Highway TABBIMOBLE NSW 2472	Split Zones-E2, RU1	Lot 27 DP 755610	100	182.1
Mr JR Haynes	Golf Links Road WOODBURN NSW 2472	Split Zones-E2, RU1	Lot 77 DP 755624	40	56.66
Mr JT & Mr JJ Richards	420 Avenue Road MYRTLE CREEK NSW 2469	RU1 Primary Production	Lot 32 DP 755607	100	121.4
Mr MP & Mrs JL McCaughey	760 Old Dyraaba Road WOODVIEW NSW 2470	RU1 Primary Production	Lot 93 DP 755602	40	54.93
Mr MP & Mrs JL McCaughey	760 Old Dyraaba Road WOODVIEW NSW 2470	RU1 Primary Production	Lot 92 DP 755602	40	58.47
Mr NS & Mrs KM Mitchell	505 Backmede Road BACKMEDE NSW 2470	RU1 Primary Production	Lot 1 DP 1163535	40	40.03
Mr P Calandro	120 Springville Road WEST CORAKI NSW 2471	RU1 Primary Production	Lot 149 DP 755631	40	49.57
Mr PJ Foster	1180 Coraki-Ellangowan Road WEST CORAKI NSW 2471	Split Zone-E2, RU1, W1	Lot 1 DP 1139467	40	391.1
Mr PS Willis	Lot 119 Off Brickella Road WOODBURN NSW 2472	Split Zones-E2, RU1	Lot 119 DP 755624	40	40.47
Mr PS Willis	Off Brickella Road WOODBURN NSW 2472	Split Zones-E2, RU1, W1	Lot 93 DP 755624	40	92.67
Mr R Metcalf & Mrs CM Van De Beek	1090 Ainsworth Road HOGARTH RANGE NSW 2469	RU1 Primary Production	Lot 115 DP 755625	100	99.35
Mr RM Miller & M/S GJ Gilmore	Neileys Lagoon Road BUNGAWALBIN NSW 2471	Split Zones-E2, RU1	Lot 1 DP 120384	100	99.09
Mr T Trapuzzano	Neileys Lagoon Road WEST BUNGAWALBIN NSW 2469	RU1 Primary Production	Lot 28 DP 755601	100	101.17
Mr T Trapuzzano	Neileys Lagoon Road WEST BUNGAWALBIN NSW 2469	RU1 Primary Production	Lot 25 DP 755601	100	129.5
Mr TR & Mrs PA Dowling	750 Lagoon Road WEST CORAKI NSW 2471	RU1 Primary Production	Lot 36 DP 6339	40	51.19

Owner Name	Street Address	LZN	Property Description	LSZ (Ha)	Area (Ha)
Mr WO & Mrs DL Lollback	Bruxner Highway WOODVIEW NSW 2470	RU1 Primary Production	Lot 54 DP 755602	40	65.76
Mr WR & Mrs RE Bulmer	215 Ryans Road LEEVILLE NSW 2470	RU1 Primary Production	Lot 185 DP 755623	40	71.12
Mr WR & Mrs RE Bulmer	215 Ryans Road LEEVILLE NSW 2470	RU1 Primary Production	Lot 84 DP 755623	40	52.3
Mrs AR & Mr KJ Onions	Bungawalbin Whiporie Road GIBBERAGEE NSW 2469	RU1 Primary Production	Lot 8 DP 755632	100	129.5
Mrs CE & Mr PN Marshall	639 Lagoon Road WEST CORAKI NSW 2471	RU1 Primary Production	Lot 227 DP 755631	40	80.93
Mrs CE & Mr PN Marshall	639 Lagoon Road WEST CORAKI NSW 2471	RU1 Primary Production	Lot 27 DP 6339	40	81.97
Mrs JM & Mr TL Hobdell	769 Lagoon Road WEST CORAKI NSW 2471	RU1 Primary Production	Lot 2 DP 123834	40	55.79
Mrs JM & Mr TL Hobdell	769 Lagoon Road WEST CORAKI NSW 2471	RU1 Primary Production	Lot 33 DP 6339	40	78.41
Mrs ME Pennefather	2505 Upper Mongogarie Road UPPER MONGOGARIE NSW 24	RU1 Primary Production	Lot 51 DP 755604	100	99.14
Northern Co-Op Meat Co Ltd	Reynolds Road BACKMEDE NSW 2470	Split Zones-E2, RU1	Lot 214 DP 1139328	40	53.39
Northern Rivers Tea Tree Pty Limited	840 Main Camp Road MYRTLE CREEK NSW 2469	RU1 Primary Production	Lot 21 DP 755607	100	127.88
Northern Rivers Tea Tree Pty Limited	Main Camp Road MYRTLE CREEK NSW 2469	RU1 Primary Production	Lot 2 DP 755607	100	128.8
Northern Rivers Tea Tree Pty Limited	840 Main Camp Road MYRTLE CREEK NSW 2469	RU1 Primary Production	Lot 15 DP 755601	100	175.63
Northern Rivers Tea Tree Pty Limited	840 Main Camp Road MYRTLE CREEK NSW 2469	RU1 Primary Production	Lot 14 DP 755601	100	121.4
Northern Rivers Tea Tree Pty Limited	Myall Creek Road MYRTLE CREEK NSW 2469	RU1 Primary Production	Lot 9 DP 755601	100	161.87
Northern Rivers Tea Tree Pty Limited	840 Main Camp Road MYRTLE CREEK NSW 2469	RU1 Primary Production	Lot 3 DP 755607	100	188.9
Northern Rivers Tea Tree Pty Limited	840 Main Camp Road MYRTLE CREEK NSW 2469	RU1 Primary Production	Lot 11 DP 755601	100	129.5

Owner Name	Street Address	LZN	Property Description	LSZ (Ha)	Area (Ha)
Snowy Mountains Forests Pty Limited	2805-2825 Casino Coraki Road TATHAM NSW 2471	RU1 Primary Production	Lot 56 DP 755630	40	80.93
South Endeavour Pty Limited	MYRTLE CREEK NSW 2469	RU1 Primary Production	Lot 27 DP 755601	100	118.97
Surfmill Pty Ltd	Swampy Creek Road SWAN BAY NSW 2471	Split Zones-E2, RU1	Lot 180 DP 755603	40	40.4686
Tasmanian Plantation Pty Ltd	Busbys Flat Road COOMBELL NSW 2470	RU1 Primary Production	Lot 74 DP 755616	100	99.75

In the case of the 58 lots identified in Table 05.1, they exceed the minimum lot size (MLS) as shown on the Lot Size Map for the land. They have dwelling opportunities by virtue of clause 4.2B(3)(a) of the *Richmond Valley LEP 2012*. They are now proposed to be added to the *Dwelling Opportunity Map*.

Table 05.2: Dwelling opportunities to be omitted from *Dwelling Opportunity Map*, see figure 05.2.

Owner Name	Street Address	LZN	Property Description	LSZ (Ha)	Area (Ha)
Mr PJ Foster and Mr BR & Mrs JE Curtis	1180 Coraki-Ellangowan Road WEST CORAKI NSW 2471	Split Zone-RU1, E2, W1	Formerly Lot 61 DP 1024236 (now split into Lot 1 & 2 DP 1139467)	40	413.6

Part 1 – Objectives or Intended Outcomes

The objectives of this Planning Proposal are to amend the *Dwelling Opportunity Map* by:

- graphically recognising prescriptive dwelling opportunities that meeting the minimum lot size (MLS) on the *Lot Size Map* but were missed from the original mapping, and
- omit a dwelling opportunity that will be replaced as a result of a subdivision creating lots greater than the MLS.

No new dwelling opportunities will be created by this planning proposal. The 58 opportunities to be mapped are described within Table 05.1, see figure 05.1 and figures 05.3 to 05.10. The opportunity to be omitted is listed in Table 05.2, see figure 05.2.

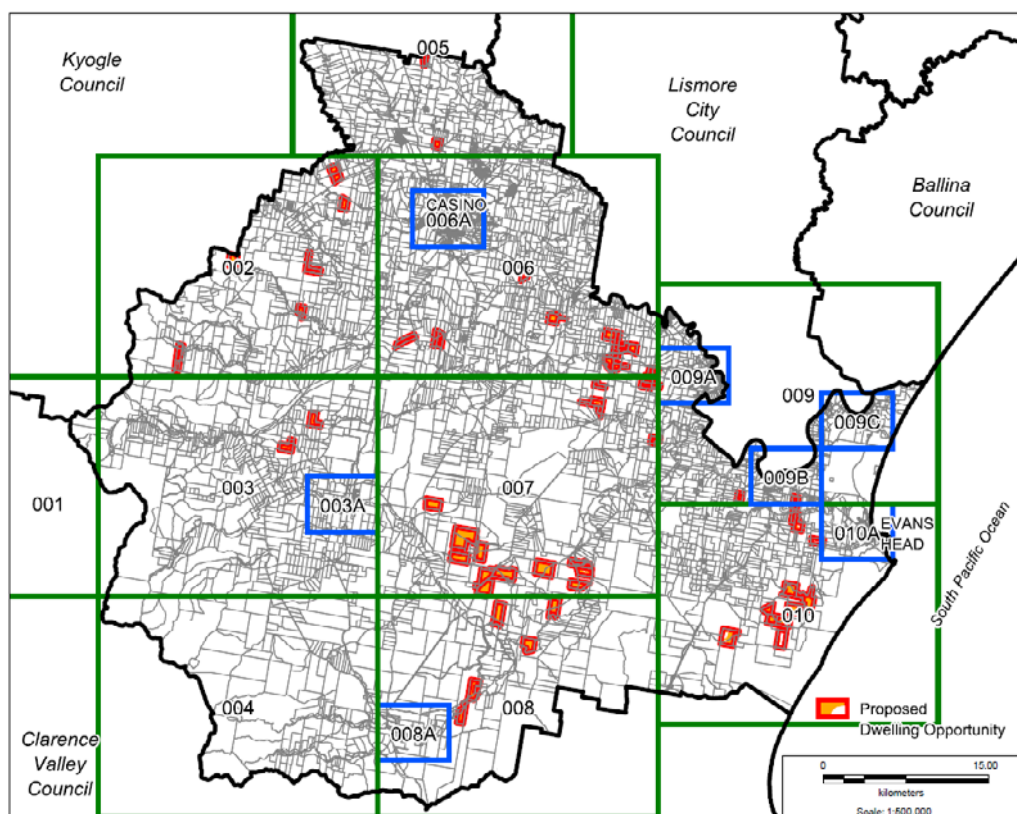


Figure 05.1: Map showing the location of properties identified in Table 05.1. See Part 4 for more detailed mapping.

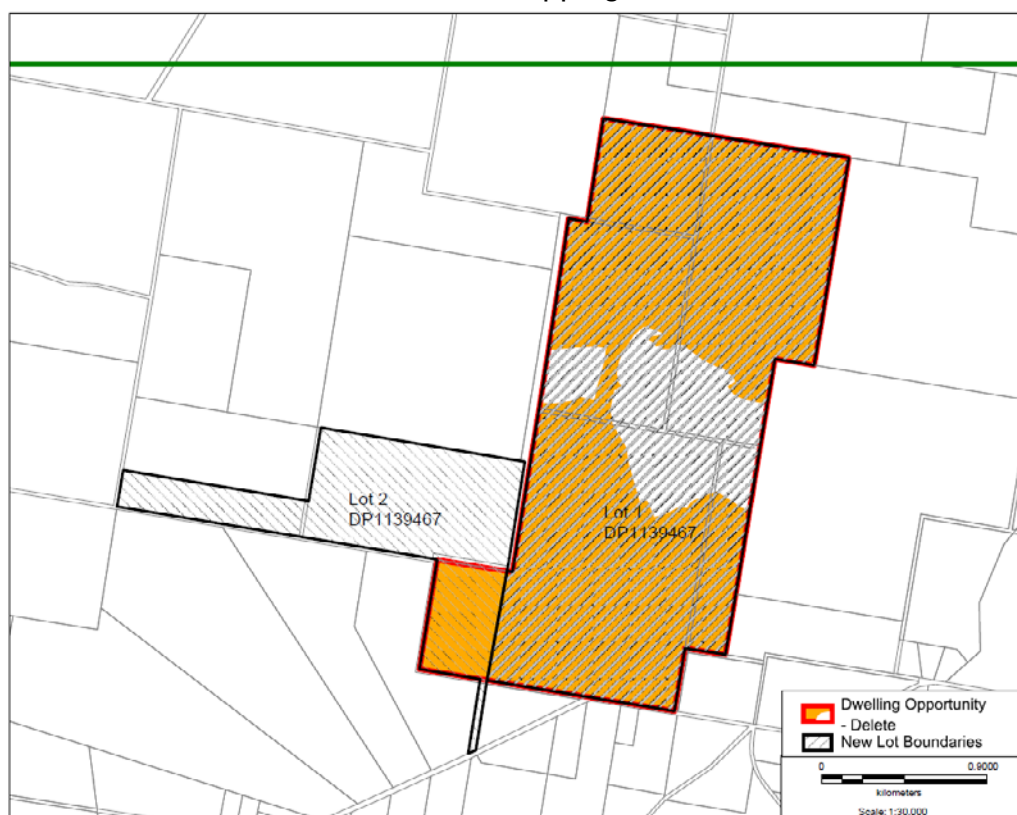


Figure 05.2: Dwelling Opportunity to be omitted from Sheet DWE_007. Lots 1 & 2 will each have an opportunity mapped.

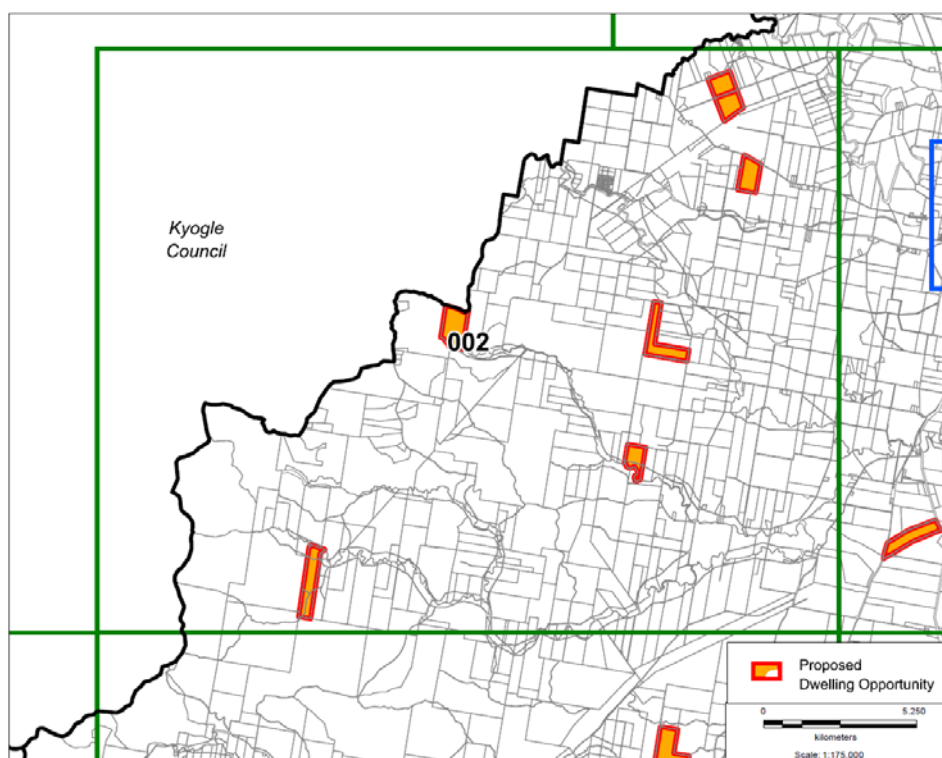


Figure 05.3: *Dwelling Opportunity Map* showing coverage for Sheet DWE_002 and proposed dwelling opportunities to be recognised in the mapping.

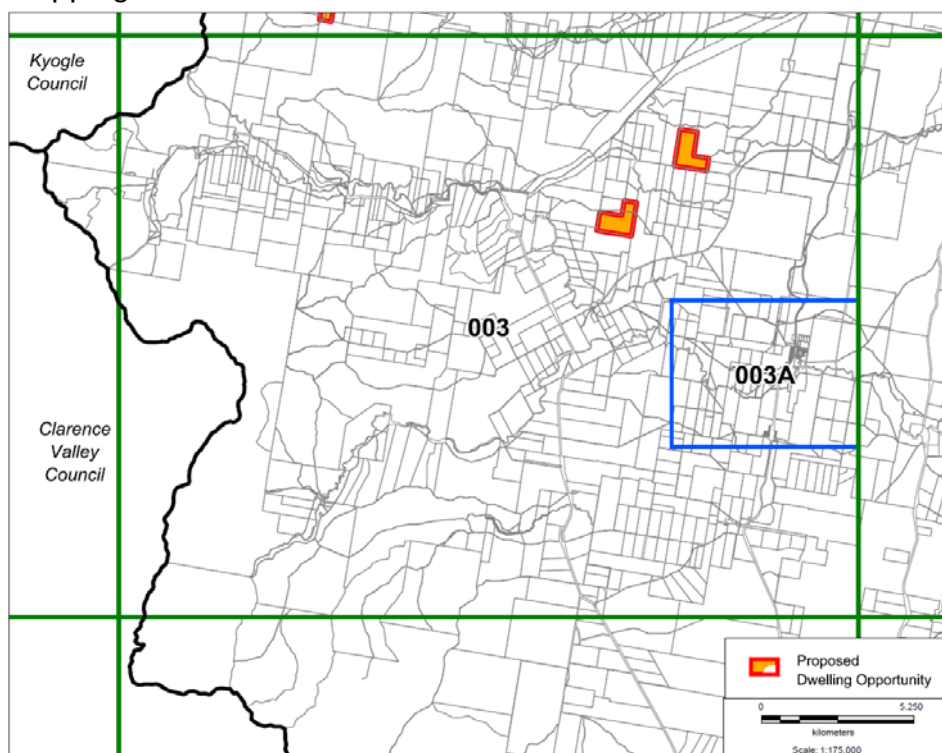


Figure 05.4: *Dwelling Opportunity Map* showing coverage for Sheet DWE_003 and proposed dwelling opportunities to be recognised in the mapping.

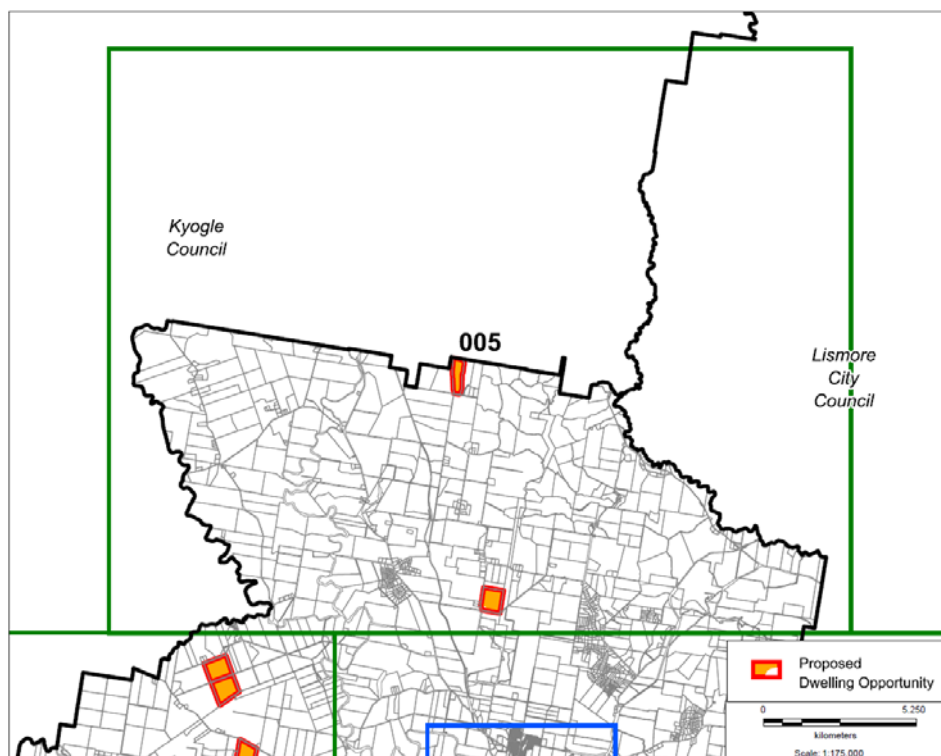


Figure 05.5: *Dwelling Opportunity Map* showing coverage for Sheet DWE_005 and proposed dwelling opportunities to be recognised in the mapping.

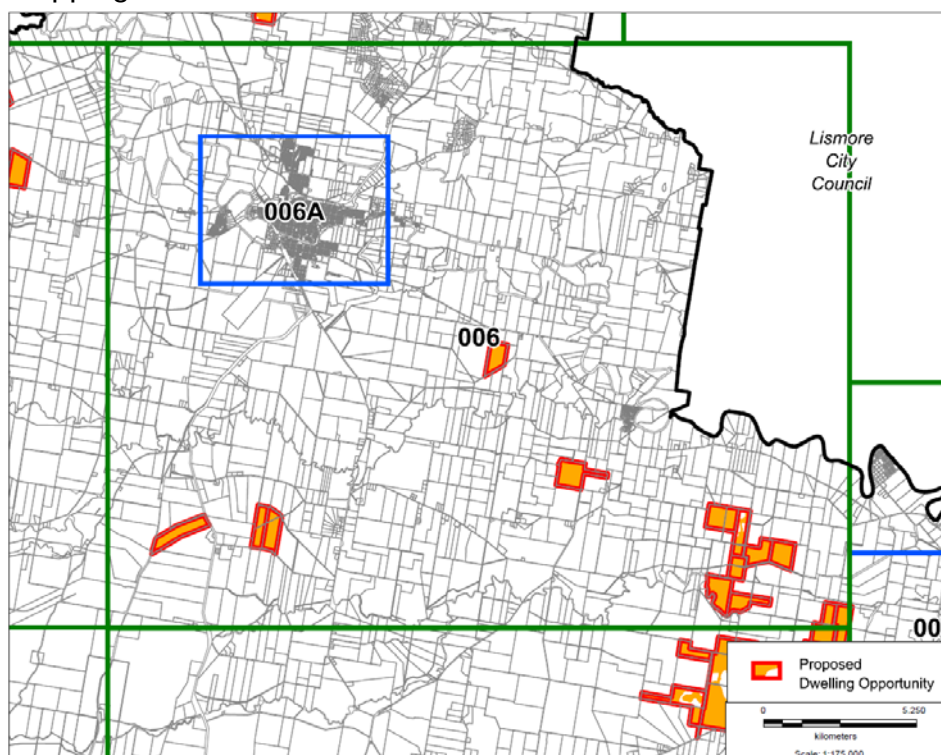


Figure 05.6: *Dwelling Opportunity Map* showing coverage for Sheet DWE_006 and proposed dwelling opportunities to be recognised in the mapping.



Figure 05.7: *Dwelling Opportunity Map* showing coverage for Sheet DWE_007 and proposed dwelling opportunities to be recognised in the mapping.

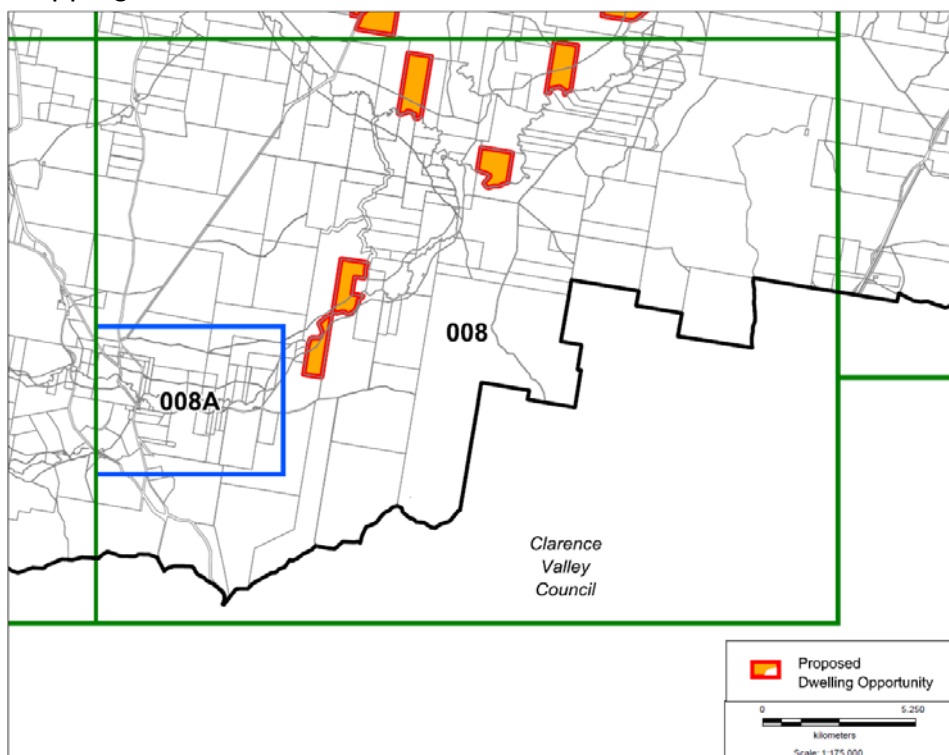


Figure 05.8: *Dwelling Opportunity Map* showing coverage for Sheet DWE_008 and proposed dwelling opportunities to be recognised in the mapping.

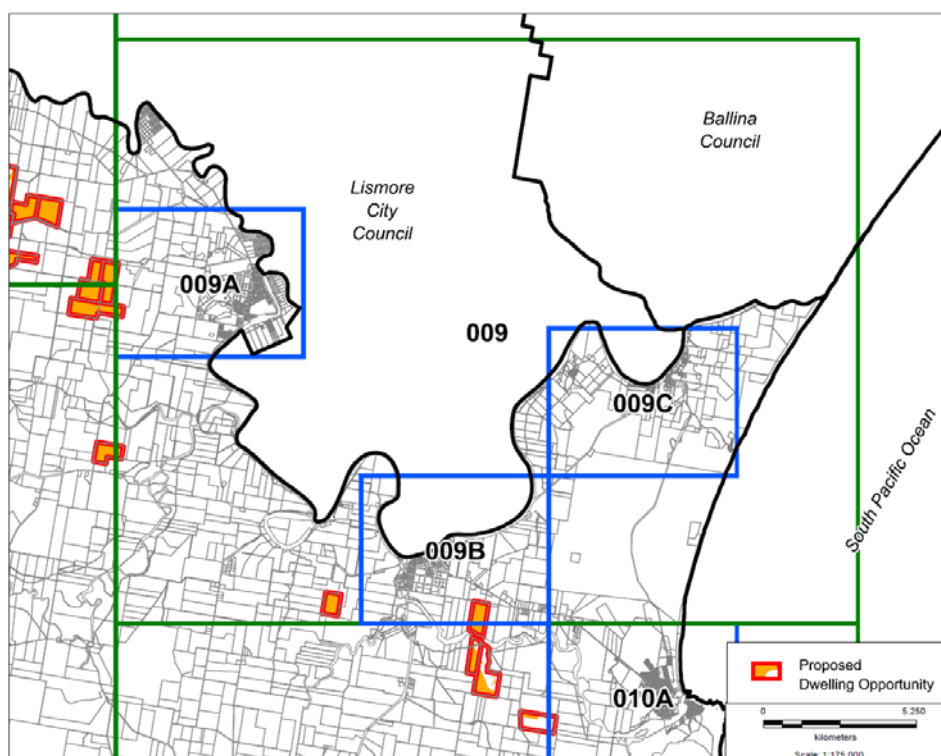


Figure 05.9: *Dwelling Opportunity Map* showing coverage for Sheet DWE_009 and proposed dwelling opportunities to be recognised in the mapping.

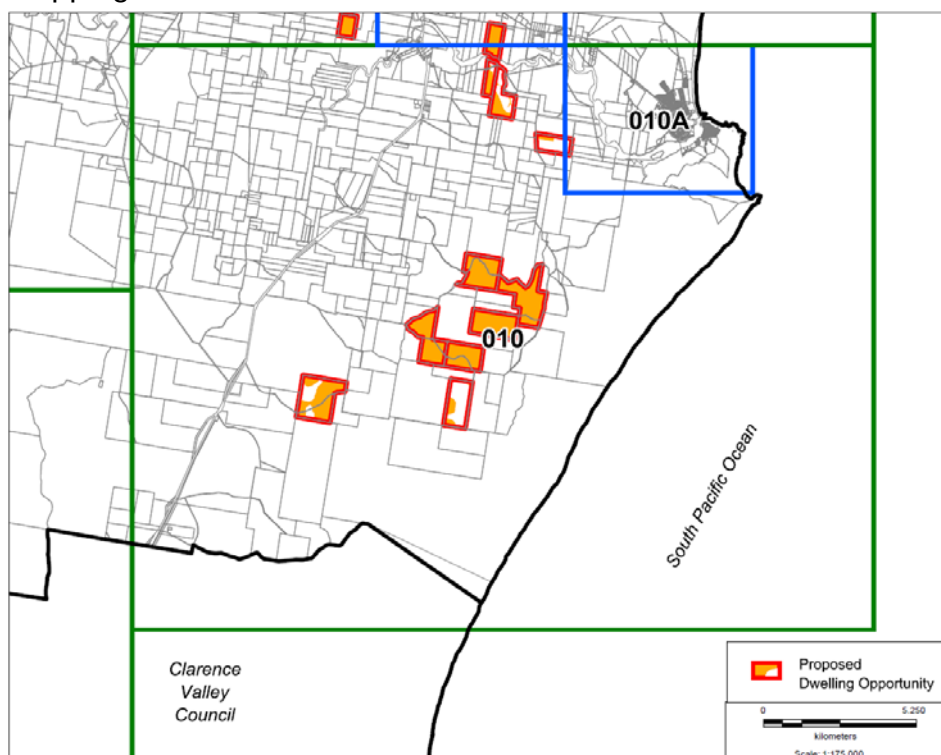


Figure 05.10: *Dwelling Opportunity Map* showing coverage for Sheet DWE_010 and proposed dwelling opportunities to be recognised in the mapping.

Part 2 – Explanation of Provisions

This Planning Proposal will amend the *Richmond Valley LEP 2012 - Dwelling Opportunity Map* by omitting an opportunity for a property and adding 58 opportunities.

This will result in replacing the following *Dwelling Opportunity Map* sheets:

- DWE_002,
- DWE_003,
- DWE_005,
- DWE_006,
- DWE_007,
- DWE_008,
- DWE_009, and
- DWE_010.

Part 3 – Justification

Section A – Need for the planning proposal

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

No.

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

No. These dwelling opportunities already exist under clause 4.2B(3)(a). However, it is intended that the Dwelling Opportunity Map be as comprehensive as possible.

Section B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes.

4. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Yes. This planning proposal is consistent with Richmond Valley Council's Community Strategic Plan. Action 5.2 pertains to the review and monitor of development processes. This proposal has been identified through a review mechanism.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is consistent with the applicable SEPPs, see table 05.3.

Table 05.3: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for Inconsistency
SEPP No 1-Development Standards	N/A		
SEPP No 6-Number of Storeys in a Building	N/A		
SEPP No 14-Coastal Wetlands	N/A		
State Environmental Planning No Policy No 15-Rural Landsharing Communities	N/A		
SEPP No 21-Caravan Parks	N/A		
SEPP No 22-Shops and Commercial Premises	N/A		
SEPP No 30-Intensive Agriculture	N/A		
SEPP No 33-Hazardous and Offensive Development	N/A		
SEPP No 36-Manufactured Home Estates	N/A		
SEPP No 44-Koala Habitat Protection	N/A		
SEPP No 60-Canal Estate Development	N/A		
SEPP No 55-Remediation of Land	N/A		
SEPP No 62-Sustainable Aquaculture	N/A		
SEPP No 64-Advertising and Signage	N/A		
SEPP No 65-Design Quality of Residential Flat Development	N/A		
SEPP No 71-Coastal Protection	N/A		
SEPP (Affordable Rental Housing) 2009	N/A		
SEPP (Building Sustainability Index: BASIX) 2004	N/A		
SEPP (Exempt and Complying Development Codes) 2008	N/A		
SEPP (Housing for Seniors or People with a Disability) 2004	N/A		
SEPP (Infrastructure) 2007	N/A		
SEPP (Major Development) 2005	N/A		

	Applicable	Consistent	Reason for Inconsistency
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A		
SEPP (Rural Lands) 2008	Yes	Yes. The PP is consistent with Rural Planning Principles. It will not impact upon agricultural potential, and will reinforce opportunities for rural settlement and housing.	N/A
SEPP (Temporary Structures and Places of Public Entertainment) 2007	N/A		
SEPP (State and Regional Development) 2011	N/A		

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with the applicable S117 Directions, see table 05.4.

Table 05.4: Consideration of S117 Directions

	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	Yes	Yes. No rural land is being rezoned by this PP. The PP will not increase the permissible density in a rural zone as all the dwelling opportunities currently exist.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	Yes	Yes. This PP is consistent with the Rural Planning Principles, see SEPP (Rural land).
2. Environment and Heritage		
2.1 Environment Protection Zones	N/A	
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	N/A	
2.4 Recreation Vehicle Areas	N/A	

	Applicable	Consistent
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	N/A	
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	N/A	
3.4 Integrating Land Use and Transport	N/A	
3.5 Development Near Licensed Aerodromes	N/A	
3.6 Shooting Ranges	N/A	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	
4.2 Mine Subsidence and Unstable Land	N/A	
4.3 Flood Prone Land	N/A	
4.4 Planning for Bushfire Protection	N/A	
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	
5.6 Sydney to Canberra Corridor	N/A	
5.7 Central Coast 2008	N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	Yes. No concurrence or referrals are proposed.
6.2 Reserving Land for Public Purposes	N/A	
6.3 Site Specific Provisions	N/A	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	

Section C - Environmental, social, and economic impact

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

No. All dwelling opportunities currently exist. As such the PP will not increase likely impacts.

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

No.

9. How has the planning proposal adequately addressed any social and economic effects?

N/A

Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

N/A

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation has been undertaken.

Part 4 - Mapping

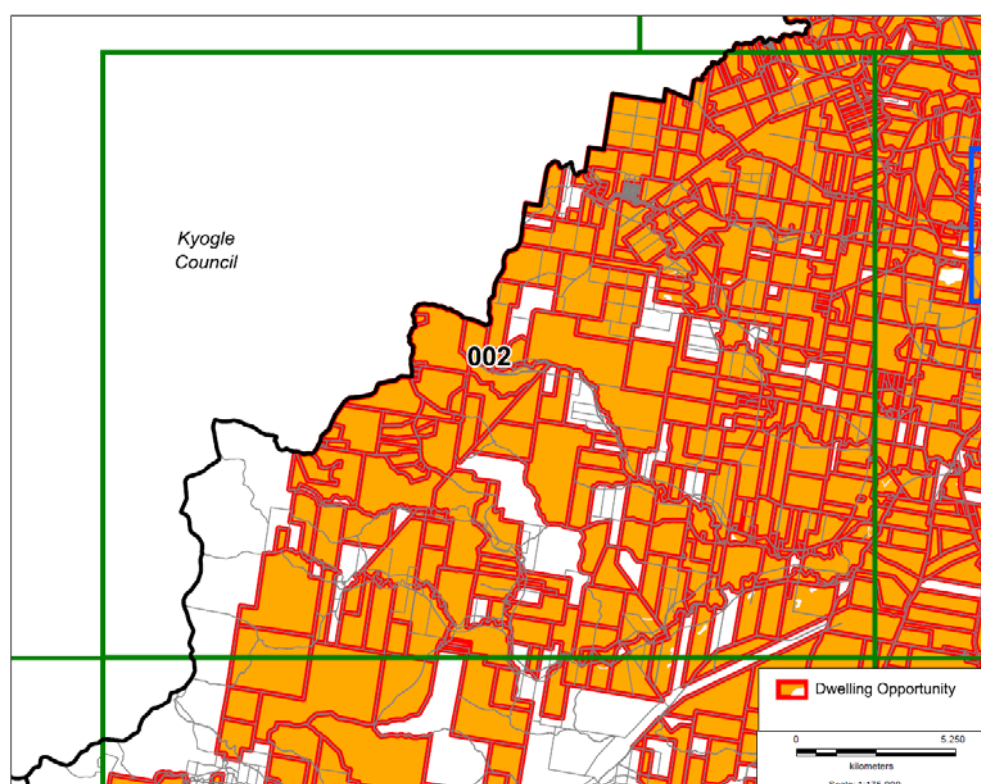


Figure 05.11: *Dwelling Opportunity Map - Sheet DWE_002* as it would be following this PP.

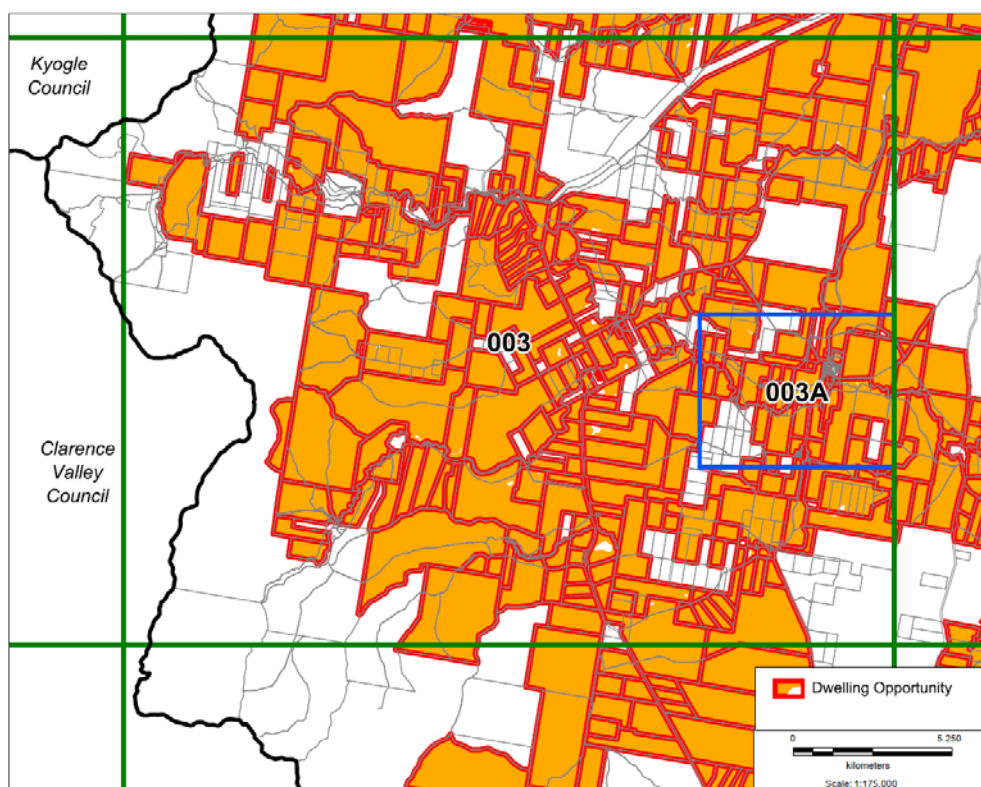


Figure 05.12: *Dwelling Opportunity Map - Sheet DWE_003* as it would be following this PP.

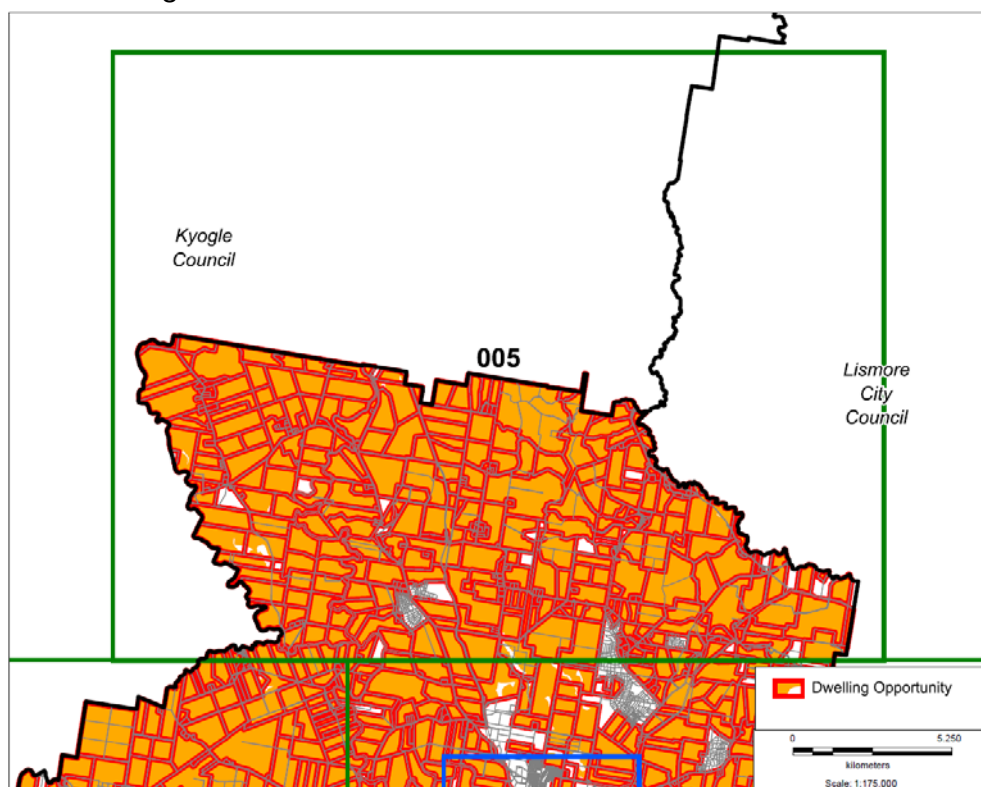


Figure 05.13: *Dwelling Opportunity Map - Sheet DWE_005* as it would be following this PP.



Figure 05.14: *Dwelling Opportunity Map - Sheet DWE_006* as it would be following this PP.

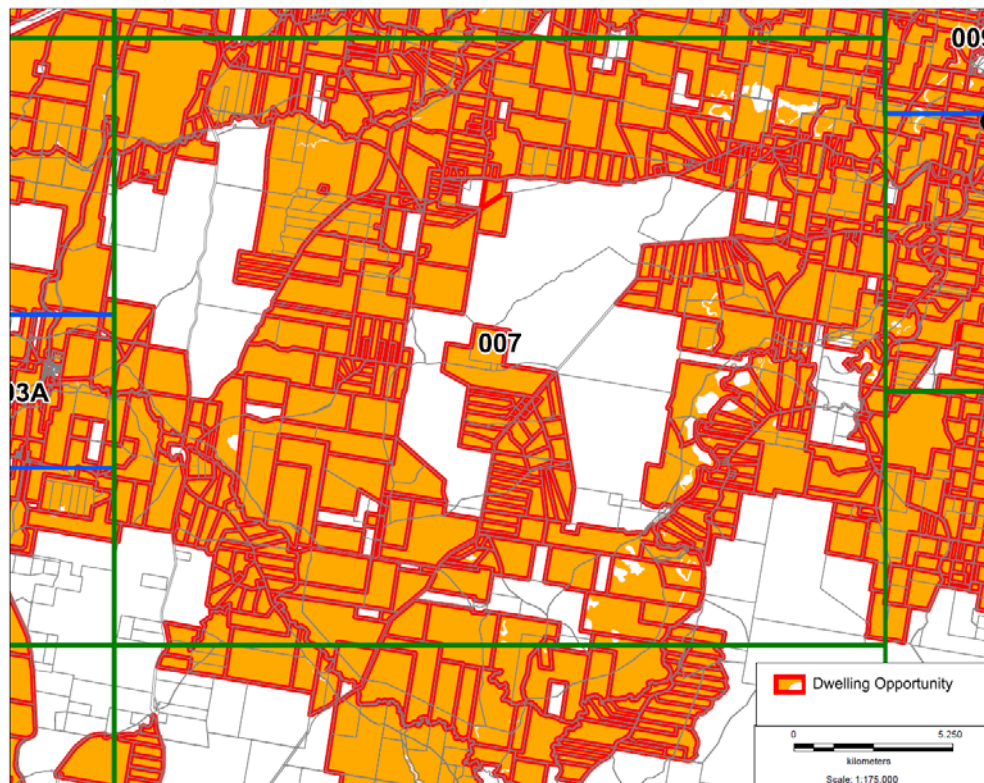


Figure 05.15: *Dwelling Opportunity Map - Sheet DWE_007* as it would be following this PP.

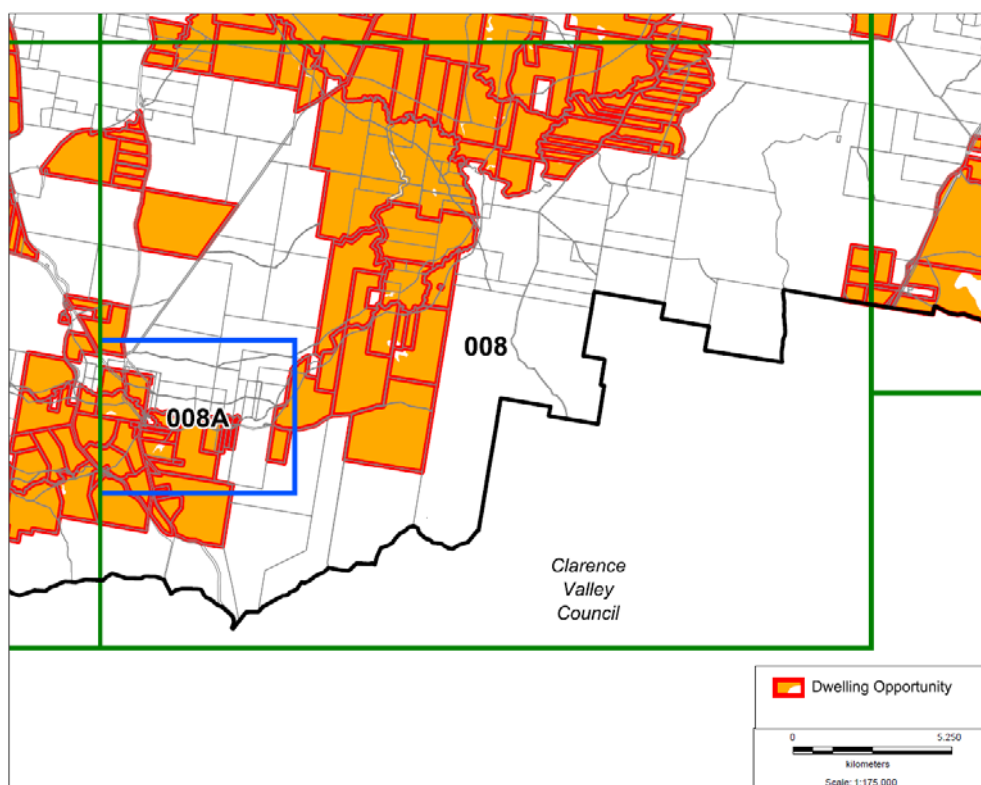


Figure 05.16: *Dwelling Opportunity Map - Sheet DWE_008* as it would be following this PP.

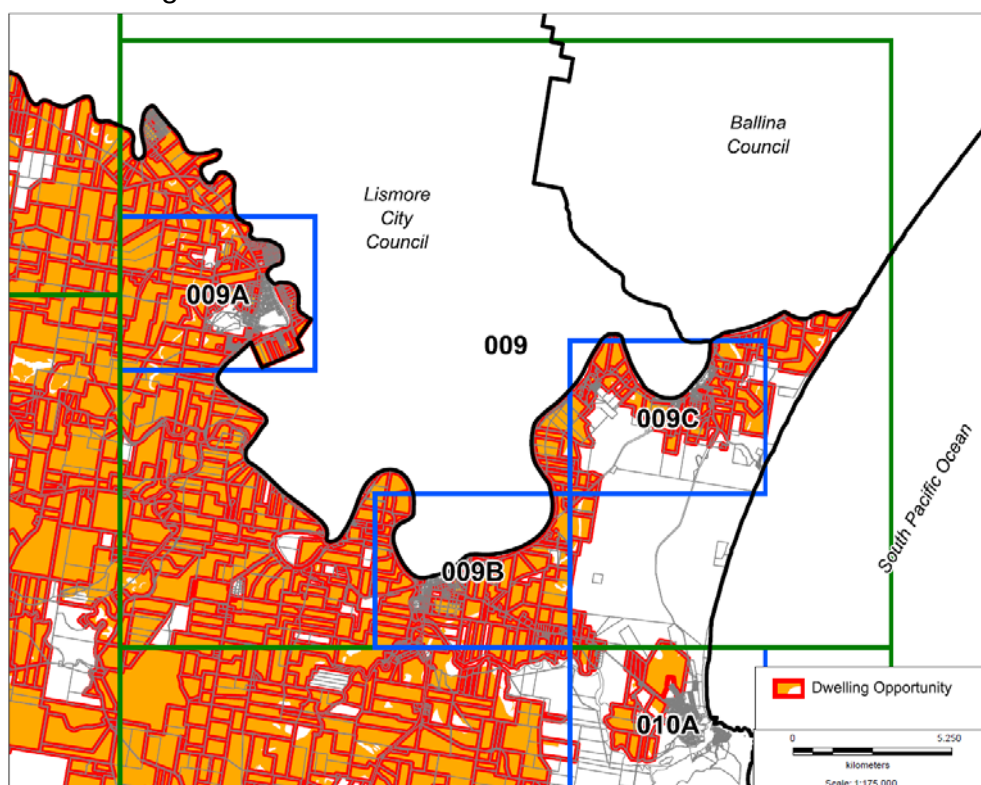


Figure 05.17: *Dwelling Opportunity Map - Sheet DWE_009* as it would be following this PP.

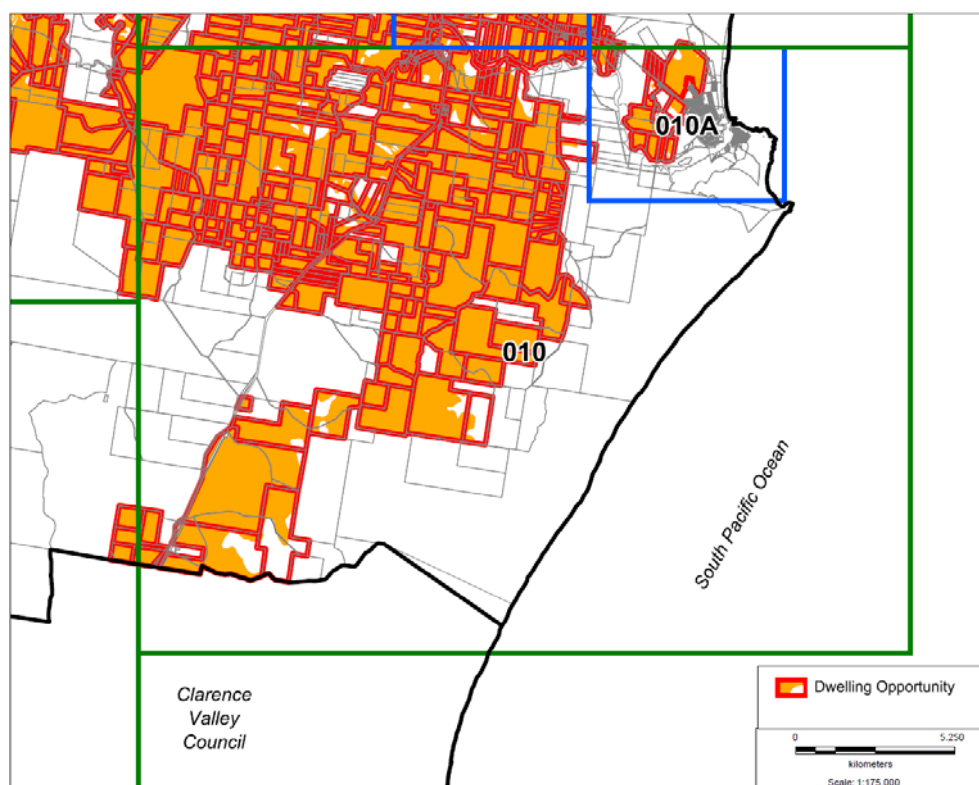


Figure 05.18: Dwelling Opportunity Map - Sheet DWE_010 as it would be following this PP.

Templates used to produce the *Richmond Valley LEP 2012* mapping were produced by the Department. A request will be made for the Department to produce the replacement map sheets for this amendment.

Part 5 – Community Consultation

There has been no community consultation undertaken for this Planning Proposal. It is anticipated that this will be undertaken in accordance with Statutory requirements.

Part 6 – Project Timeline

Milestone	Timeline	
	Start	Finish
Anticipated commencement date (date of Gateway determination)	Mar 2013	Mar 2013
Anticipated timeframe for the completion of required technical information	N/A	
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A	
Commencement and completion dates for public exhibition period	Apr 2013	May 2013
Dates for public hearing (if required)	N/A	
Timeframe for consideration of submissions	May 2013	May 2013

Timeframe for the consideration of a proposal post exhibition	Jun 2013	Jun 2013
Date of submission to the Department to finalise the LEP	N/A	
Timeframe for Parliamentary Counsel's Opinion and drafting of LEP	Jul 2013	Aug 2013
Anticipated date RPA will make the plan (if delegated)	Sept 2013	Sept 2013
Anticipated date RPA will forward to the department for notification.	Sept 2013	Sept 2013

ATTACHMENT 1 – Information Checklist

STEP 1: Required for all Proposals

under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome - Mapping (including current and proposed zones) - Community consultation (agencies to be consulted)	- Explanation of provisions - Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)
--	--

STEP 2: Matters – Considered on a Case by Case Basis

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context		
• Demonstrated consistency with relevant Regional Strategy	☒	☐
• Demonstrated consistency with relevant Sub-Regional strategy	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒
Site Description/Context		
• Aerial photographs	☐	☒
• Site photos/photomontage	☐	☒
Traffic and Transport Considerations		
• Local traffic and transport	☐	☒
• TMAP	☐	☒
• Public transport	☐	☒
• Cycle and pedestrian movement	☐	☒
Environmental Considerations		
• Bushfire hazard	☐	☒
• Acid Sulphate Soil	☐	☒
• Noise impact	☐	☒
• Flora and/or fauna	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒
• Water quality	☐	☒
• Stormwater management	☐	☒
• Flooding	☐	☒
• Land/site contamination (SEPP55)	☐	☒

PLANNING MATTERS OR ISSUES	To be considered	N/A
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒
• Sea level rise	☐	☐
Urban Design Considerations		
• Existing site plan (buildings vegetation, roads, etc)	☐	☒
• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Lighting impact	☐	☒
• Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Economic Considerations		
• Economic impact assessment	☐	☒
• Retail centres hierarchy	☐	☒
• Employment land	☐	☒
Social and Cultural Considerations		
• Heritage impact	☐	☒
• Aboriginal archaeology	☐	☒
• Open space management	☐	☒
• European archaeology	☐	☒
• Social & cultural impacts	☐	☒
• Stakeholder engagement	☐	☒
Infrastructure Considerations		
• Infrastructure servicing and potential funding arrangements	☐	☒
Miscellaneous/Additional Considerations		
<i>List any additional studies</i>		

PP-RICHVALL-2013/02.06: Amend the Dwelling Opportunity Map to recognise opportunities that were just below MLS

Summary of Proposal

Proposal	To amend <i>Richmond Valley LEP 2012 – Dwelling Opportunity Map</i> to include an additional 6 dwelling opportunities for lots that were just below minimum lot size (MLS) immediately before the MLS was increased by the new Plan.
Property Details	Various
Applicant Details	N/A
Land Owner	Various

Background

During the preparation of the *Richmond Valley LEP 2012* dwelling opportunities were mapped, based upon the provisions of the *Richmond River LEP*, *Casino LEP* & *Copmanhurst LEP*. This was done to carry these opportunities forward into the new LEP and avoid referencing 40 year terms such as 'existing holding'. This mapping picked up:

- lots meeting minimum lot size
- lots created with consent having a dwelling opportunity
- lots having existing dwellings, and
- existing holdings.

Subsequent to this mapping, several changes were made to the Lot Size Map that resulted in the minimum lot size being increase from 40 ha to 100 ha. All lots meeting the old MLS were mapped as having a dwelling opportunity but those just under the MLS, and which would have been granted consent subject to a SEPP1 objection, were not mapped. Because the MLS has increased the opportunity to object on the basis of being close to meeting the standard (cl.4.6) has been removed.

This amendment proposes to capture lots that were within 5% of the MLS from the former LEPs so they are granted a dwelling opportunity through them being mapped on the *Dwelling Opportunity Map*.

Site

Various.

See List in Table 06.1 for properties to be added to the *Dwelling Opportunity Map*, and Table 06.2 for the opportunity to be omitted.

Table 06.1: List of properties to be added to the *Dwelling Opportunity Map*.

Owner Name	Street Address	Property Description	Old MLS (Ha)	New MLS (Ha)	Property Area (Ha)
Mr KL Jenner	1048 Seery Road KIPPENDUFF	Lot 63 DP755636	40	100	38.04
Mr GG & Mrs CD Ford	2577 Old Tenterfield Road WYAN	Lot 14 DP755616	40	100	39.66
Mrs MA & Mr RN Bailey	148 Bailey Road MYRTLE CREEK	Lot 113 DP755620	40	100	39.15
Mr MR Small	2613 Old Tenterfield Road WYAN	Lot 74 DP755635	40	100	38.24
Snowy Mountains Forests Pty Limited	350 Camira Creek Road MOUNT MARSH	Lot 84 DP755605	40	100	39.05
Mr WJ & Mrs LN Burton	1320 Mongogarrie Road MONGOGARIE	Lot 33 DP755618	40	100	39.66

This the case of the 6 properties identified in Table 06.1, they are within 5% of the Minimum Lot Size as it was prior to being increased by the *Richmond Valley LEP 2012*. It is proposed to add them to the *Dwelling Opportunity Map*.

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend the *Dwelling Opportunity Map* by graphically recognising dwelling opportunities for those lots identified in Table 06.1. All of the lots identified in Table 06.1 could have had a dwelling house erected under the former planning schemes is supported by a SEPP1 objection. This objection would have been justified on the basis that the lot is just below the minimum lot size, as it was. Now that the MLS has been increased such an objection can not be justified and has resulted in the loss of a dwelling opportunity.

It is the intent of this Planning Proposal to recognised these dwelling opportunities on the *Dwelling Opportunity Map*.

This Planning Proposal will result in an additional 6 dwelling opportunities being recognised, however, had the MLS not changed these lots could have received a development consent to building, subject to a SEPP1 objective. As such Council considers that this is equivalent to no new opportunities being created by this proposal.

The 6 opportunities to be mapped are described within Table 06.1, see figure 06.1 and figures 06.2 to 06.4.

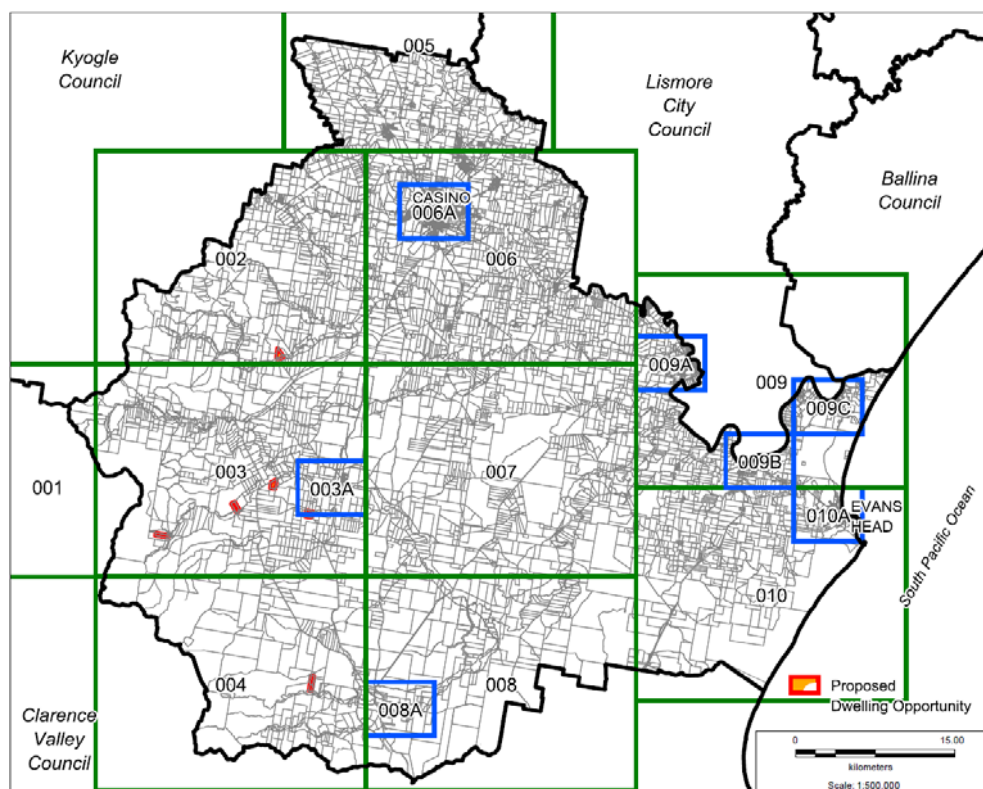


Figure 06.1: Map showing the location of properties identified in Table 06.1. See Part 4 for more detailed mapping.

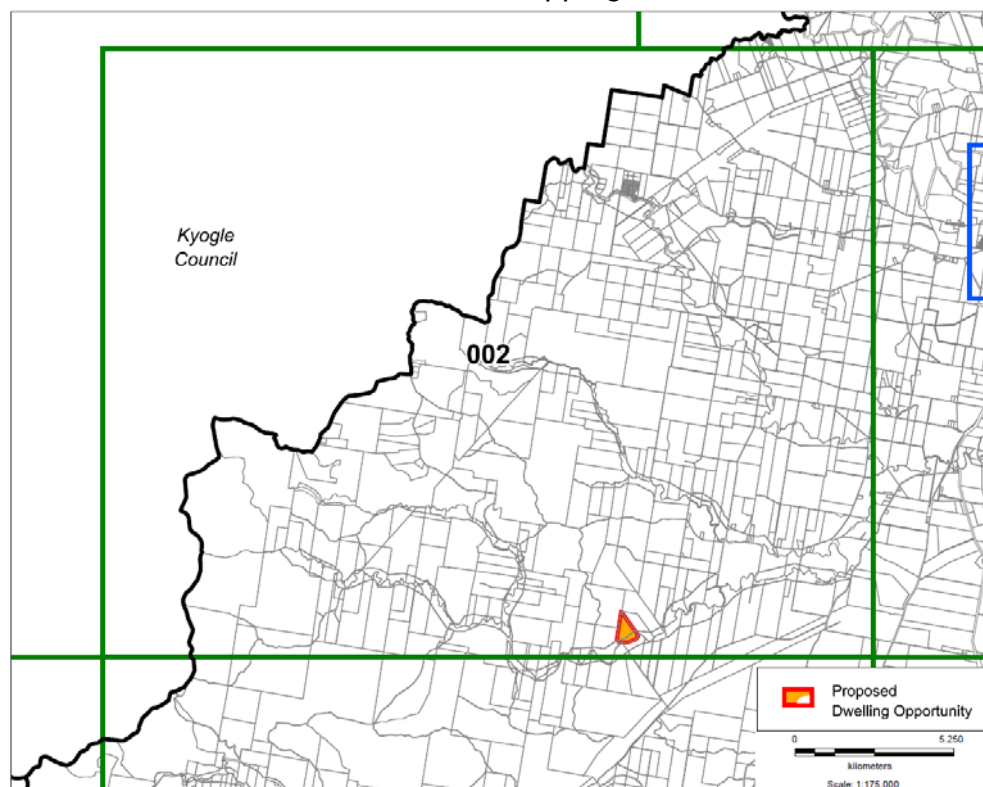


Figure 06.2: *Dwelling Opportunity Map* showing coverage for Sheet DWE_002 and proposed dwelling opportunities to be recognised in the mapping.

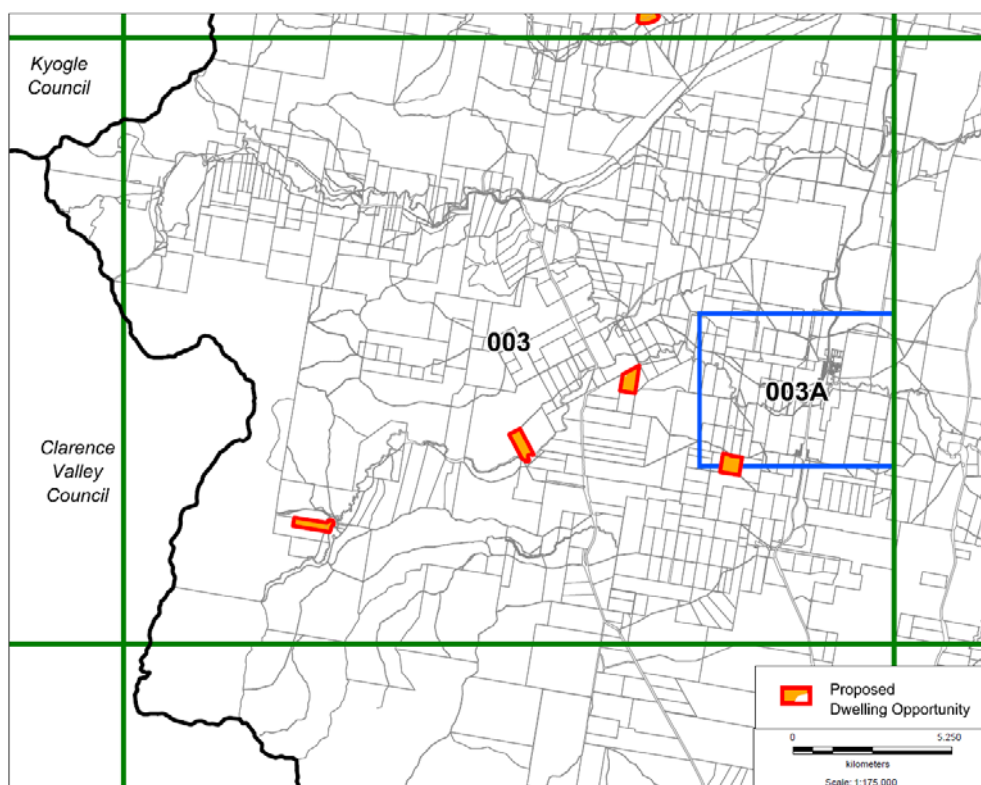


Figure 06.3: *Dwelling Opportunity Map* showing coverage for Sheet DWE_003 and proposed dwelling opportunities to be recognised in the mapping.



Figure 06.4: *Dwelling Opportunity Map* showing coverage for Sheet DWE_004 and proposed dwelling opportunities to be recognised in the mapping.

Part 2 – Explanation of Provisions

The Planning Proposal will amend the *Richmond Valley LEP 2012 - Dwelling Opportunity Map* by replacing the following *Dwelling Opportunity Map* sheets:

- DWE_002,
- DWE_003, and
- DWE_004.

Part 3 – Justification

Section A – Need for the planning proposal

1. *Is the planning proposal a result of any strategic study or report?*

No.

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

Yes.

Section B – Relationship to Strategic Planning Framework

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes.

4. *Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?*

Yes. This planning proposal is consistent with Richmond Valley Council's Community Strategic Plan. Action 5.2 pertains to the review and monitor of development processes. This proposal has been identified through a review mechanism.

5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The proposal is consistent with the applicable SEPPs, see table 06.1.

Table 06.1: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for Inconsistency
SEPP No 1-Development Standards	N/A		
SEPP No 6-Number of Storeys in a Building	N/A		
SEPP No 14-Coastal Wetlands	N/A		
State Environmental Planning No Policy No 15-Rural Landsharing Communities	N/A		
SEPP No 21-Caravan Parks	N/A		
SEPP No 22-Shops and Commercial Premises	N/A		
SEPP No 30-Intensive Agriculture	N/A		

	Applicable	Consistent	Reason for Inconsistency
SEPP No 33-Hazardous and Offensive Development	N/A		
SEPP No 36-Manufactured Home Estates	N/A		
SEPP No 44-Koala Habitat Protection	N/A		
SEPP No 60-Canal Estate Development	N/A		
SEPP No 55-Remediation of Land	N/A		
SEPP No 62-Sustainable Aquaculture	N/A		
SEPP No 64-Advertising and Signage	N/A		
SEPP No 65-Design Quality of Residential Flat Development	N/A		
SEPP No 71-Coastal Protection	N/A		
SEPP (Affordable Rental Housing) 2009	N/A		
SEPP (Building Sustainability Index: BASIX) 2004	N/A		
SEPP (Exempt and Complying Development Codes) 2008	N/A		
SEPP (Housing for Seniors or People with a Disability) 2004	N/A		
SEPP (Infrastructure) 2007	N/A		
SEPP (Major Development) 2005	N/A		
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A		
SEPP (Rural Lands) 2008	Yes	Yes. The PP is consistent with Rural Planning Principles. It will not impact upon agricultural potential, and will reinforce opportunities for rural settlement and housing.	N/A
SEPP (Temporary Structures and Places of Public Entertainment) 2007	N/A		
SEPP (State and Regional Development) 2011	N/A		

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with the applicable S117 Directions, see table 06.2.

Table 06.2: Consideration of S117 Directions

	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	Yes	Yes. No rural land is being rezoned by this PP. No. The PP will increase the permissible density in a rural zone as it will create an additional 6 dwelling opportunities. However, these opportunities could have been realised under the former Planning Scheme via SEPP1 objections. All lots are within 5% of the former MLS, as it stood before being increased.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	Yes	Yes. This PP is consistent with the Rural Planning Principles, see SEPP (Rural land).
2. Environment and Heritage		
2.1 Environment Protection Zones	N/A	
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	N/A	
2.4 Recreation Vehicle Areas	N/A	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	N/A	
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	N/A	
3.4 Integrating Land Use and Transport	N/A	
3.5 Development Near Licensed Aerodromes	N/A	
3.6 Shooting Ranges	N/A	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	
4.2 Mine Subsidence and Unstable Land	N/A	
4.3 Flood Prone Land	N/A	

	Applicable	Consistent
4.4 Planning for Bushfire Protection	N/A	
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	
5.6 Sydney to Canberra Corridor	N/A	
5.7 Central Coast 2008	N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	Yes. No concurrence or referrals are proposed.
6.2 Reserving Land for Public Purposes	N/A	
6.3 Site Specific Provisions	N/A	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	

Section C - Environmental, social, and economic impact

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

No.

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

No.

9. How has the planning proposal adequately addressed any social and economic effects?

N/A

Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

N/A

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation has been undertaken.

Part 4 - Mapping

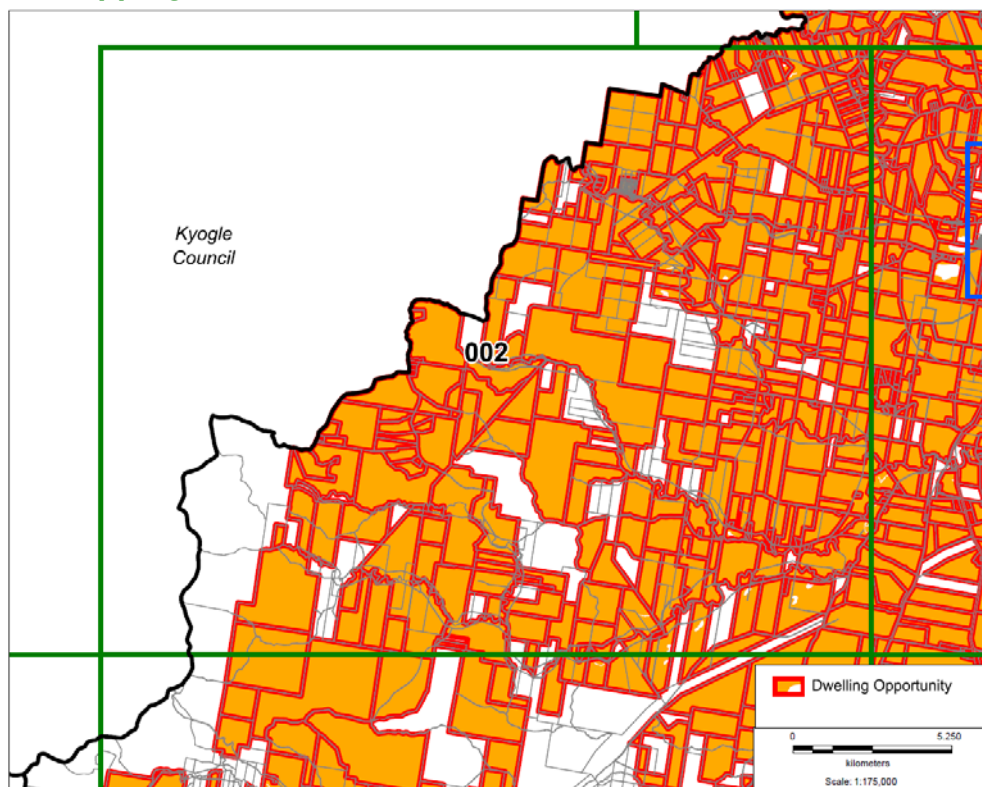


Figure 05.5: *Dwelling Opportunity Map - Sheet DWE_002* as it would be following this PP.

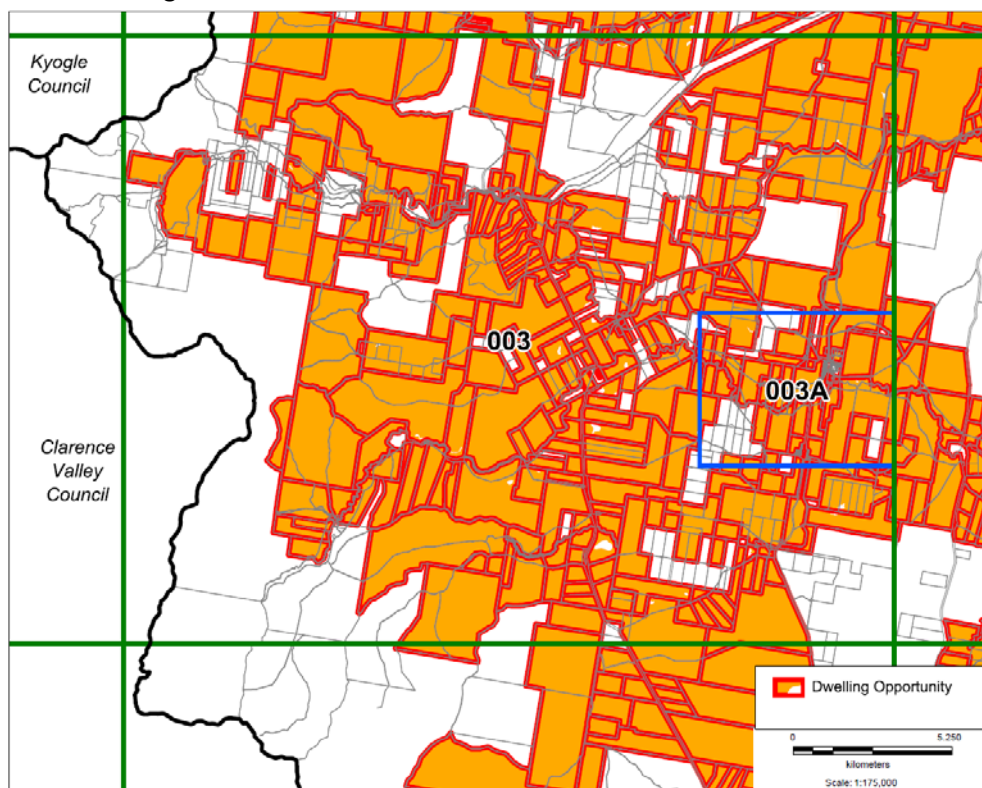


Figure 05.6: *Dwelling Opportunity Map - Sheet DWE_003* as it would be following this PP.

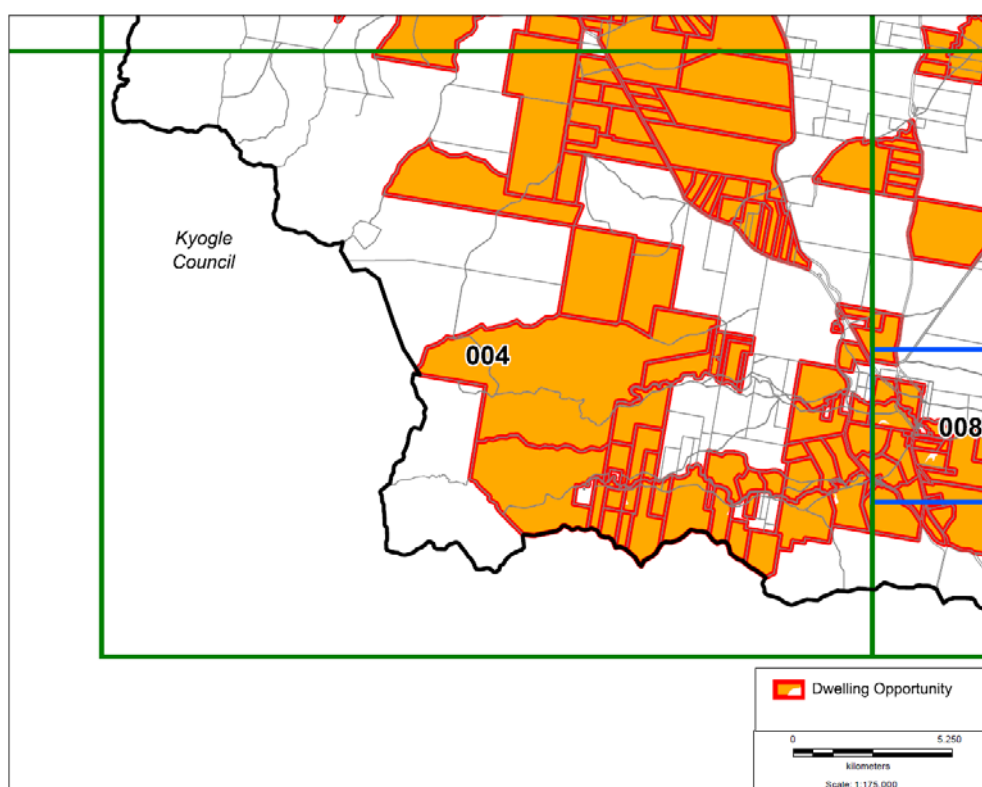


Figure 05.7: *Dwelling Opportunity Map - Sheet DWE_004* as it would be following this PP.

Templates used to produce the *Richmond Valley LEP 2012* mapping were produced by the Department. A request will be made for the Department to produce the replacement map sheets for this amendment.

Part 5 – Community Consultation

There has been no community consultation undertaken for this Planning Proposal. It is anticipated that this will be undertaken in accordance with Statutory requirements.

Part 6 – Project Timeline

Milestone	Timeline	
	Start	Finish
Anticipated commencement date (date of Gateway determination)	Mar 2013	Mar 2013
Anticipated timeframe for the completion of required technical information	N/A	
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A	
Commencement and completion dates for public exhibition period	Apr 2013	May 2013
Dates for public hearing (if required)	N/A	
Timeframe for consideration of submissions	May 2013	May 2013

Timeframe for the consideration of a proposal post exhibition	Jun 2013	Jun 2013
Date of submission to the Department to finalise the LEP	N/A	
Timeframe for Parliamentary Counsel's Opinion and drafting of LEP	Jul 2013	Aug 2013
Anticipated date RPA will make the plan (if delegated)	Sept 2013	Sept 2013
Anticipated date RPA will forward to the department for notification.	Sept 2013	Sept 2013

ATTACHMENT 1 – Information Checklist

STEP 1: Required for all Proposals

under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome - Mapping (including current and proposed zones) - Community consultation (agencies to be consulted)	- Explanation of provisions - Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)
--	--

STEP 2: Matters – Considered on a Case by Case Basis

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context		
• Demonstrated consistency with relevant Regional Strategy	☒	☐
• Demonstrated consistency with relevant Sub-Regional strategy	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒
Site Description/Context		
• Aerial photographs	☐	☒
• Site photos/photomontage	☐	☒
Traffic and Transport Considerations		
• Local traffic and transport	☐	☒
• TMAP	☐	☒
• Public transport	☐	☒
• Cycle and pedestrian movement	☐	☒
Environmental Considerations		
• Bushfire hazard	☐	☒
• Acid Sulphate Soil	☐	☒
• Noise impact	☐	☒
• Flora and/or fauna	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒
• Water quality	☐	☒
• Stormwater management	☐	☒
• Flooding	☐	☒
• Land/site contamination (SEPP55)	☐	☒

PLANNING MATTERS OR ISSUES	To be considered	N/A
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒
• Sea level rise	☐	☒
Urban Design Considerations		
• Existing site plan (buildings vegetation, roads, etc)	☐	☒
• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Lighting impact	☐	☒
• Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Economic Considerations		
• Economic impact assessment	☐	☒
• Retail centres hierarchy	☐	☒
• Employment land	☐	☒
Social and Cultural Considerations		
• Heritage impact	☐	☒
• Aboriginal archaeology	☐	☒
• Open space management	☐	☒
• European archaeology	☐	☒
• Social & cultural impacts	☐	☒
• Stakeholder engagement	☐	☒
Infrastructure Considerations		
• Infrastructure servicing and potential funding arrangements	☐	☒
Miscellaneous/Additional Considerations		
<i>List any additional studies</i>		

PP-RICHVALL-2013/02.07: Amend Land Zoning, Lot Size and Dwelling Opportunity Maps as they apply to Land owned by Mr Cole at Busbys Flat

Summary of Proposal

Proposal	To amend <i>Richmond Valley LEP 2012</i> by: as it applies to Lot 94 DP43839 and Lot 67 DP755636, Old School Road, Busbys Flat, by: —rezoning Lot 94 DP43839 from E2 Environmental Conservation to RU1 Primary Production, and —to apply a dwelling opportunity to the parcel consisting of Lot 94 DP43839 and Lot 67 DP755636 on the <i>Dwelling Opportunity Map</i>.
Property Details	Lot 94 DP43839 and Lot 67 DP755636, Old School Road, Busbys Flat
Applicant Details	Mr Keith Cole
Land Owner	Mr Keith Cole

Background

Environmental Protection Zoning

Lot 94 is zoned E2 Environmental Conservation under the *Richmond Valley LEP 2012*, see figure 07.4. This zoning was inherited from the *Richmond River LEP 1992* where the land had a Zone 7(c) – Environmental Protection (Flora/fauna) zoning. This zoning was originally applied to a large area of Crown land at Busbys Flat comprising of Portions 73, 81, 87, 88, 85 Parish of Wyon and Portions 70, 69 and 65 Parish of Busby. Lot 94 was mistakenly included in this zoning as it had been converted from Crown land to Torrens Title in about 1984, resulting in the creation of DP43839.

An inspection of the land has determined that Lot 94 did not warrant the Zone 7(c) zoning and should not have been included in the E2 Environmental Conservation zoning under the *Richmond Valley LEP 2012*. See photographs at Figure 07.1 and 07.2.

This planning proposal aims to rezone Lot 94 by omitting most of the E2 zoning and replacing this with RU1 Primary Production. An area of E2 over a wetland area will be retained.



Figure 07.1: Photograph of Lot 94 DP43839 to the south-east.



Figure 07.2: Photograph of Lot 94 DP43839 to the east.

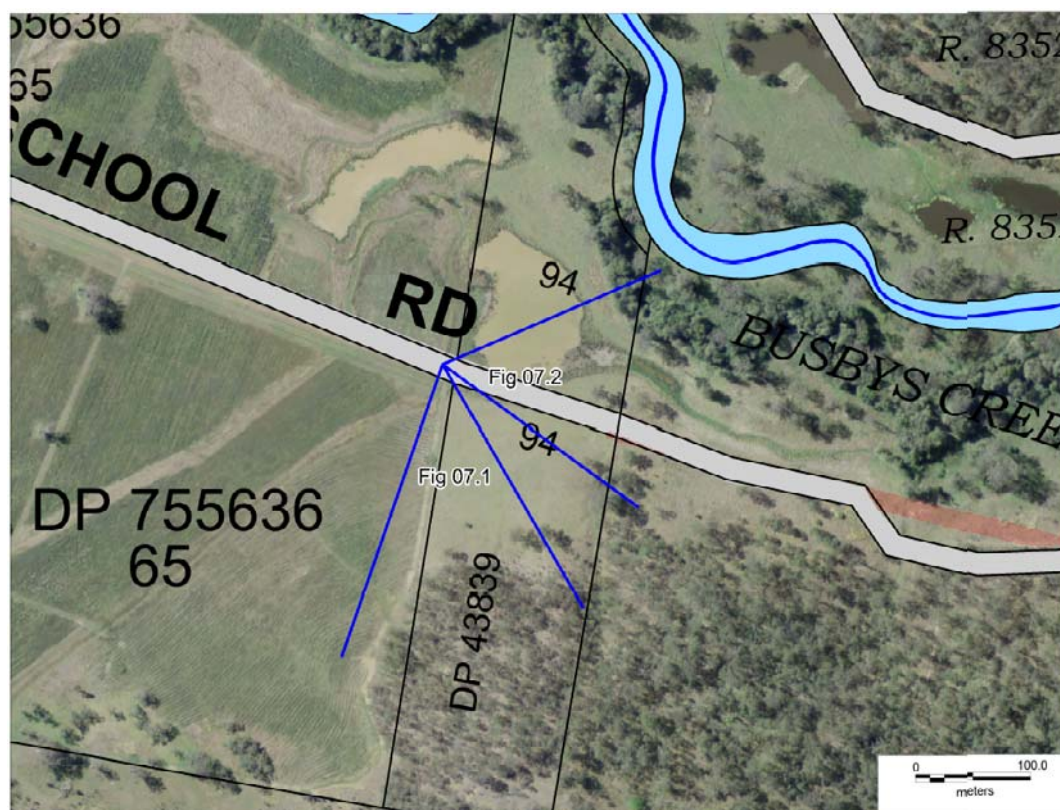


Figure 07.3: Index map of images for Lot 94 (see figures 07.1 & 07.2).

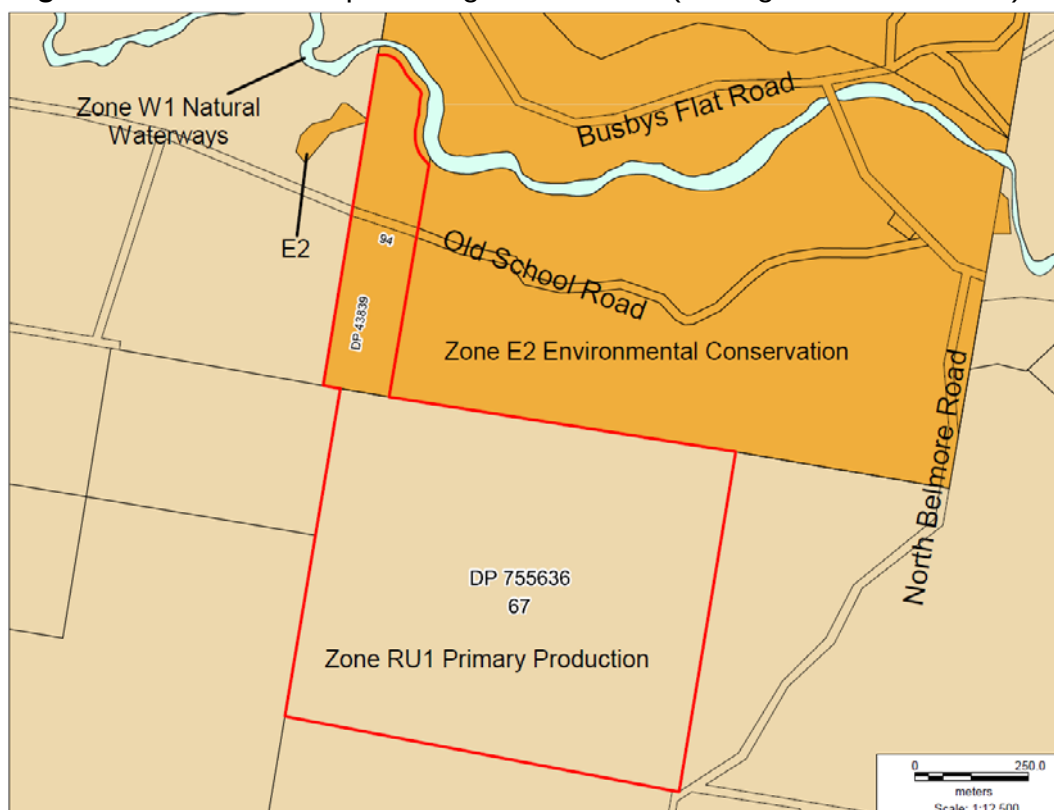


Figure 07.4: Extract from *Richmond Valley LEP 2012 – Land Zoning Map*.

Dwelling Opportunities

During the preparation of the *Richmond Valley LEP 2012* dwelling opportunities were mapped from the prevailing provisions of the planning scheme so they could be carried forward into the new LEP. Additional opportunities were recognised for those parcels that had no dwelling opportunity. The parcel comprising Lots 67 and 94 was not given a dwelling opportunity during this exercise as it was believed that it was held in the same ownership as adjoining lots that had dwelling opportunities. This proved to be incorrect. Therefore, for consistency it is proposed to correct this by applying a single, shared, dwelling opportunity.

Site

Lot 67 DP755636 and Lot 94 DP43839 are located on Old School Road, Busbys Flat. The land is about 32 kilometres south-west of Casino, and 17 kilometres to the west of Rappville (each as the crow flies). The land comprises of 72.89 hectares of forested undulating hill country, with large areas of open pastured hill slopes, and riparian flats with wetland.

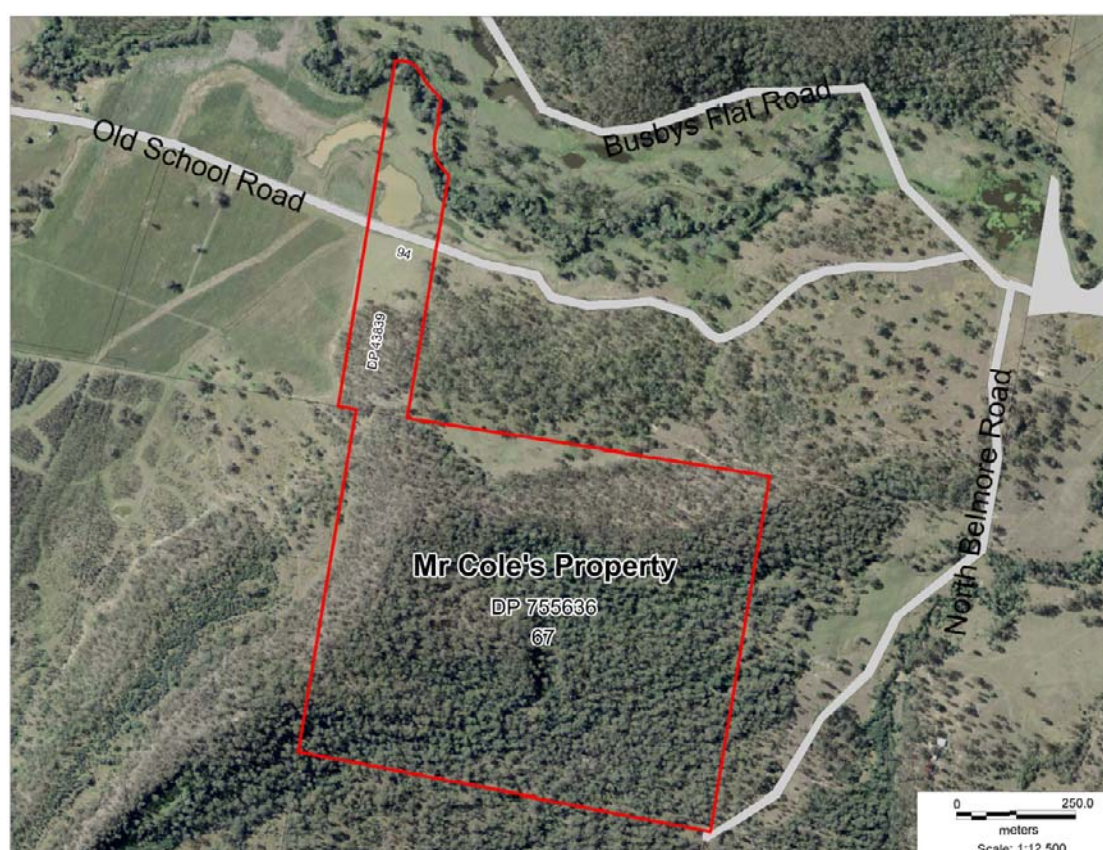


Figure 07.5: Extract from *Richmond Valley LEP 2012 – Land Zoning Map*.

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend the *Land Zoning Map* and *Dwelling Opportunity Map* as they apply to Lot 94 DP43836 and Lot 67 DP755636, Busbys Flat.

Amendments to the *Land Zoning Map* will involve rezoning Lot 94 from *E2 Environmental Conservation* to a dual zoning of *RU1 Primary Production* and *E2*.

Amendments to the *Dwelling Opportunity Map* will involve mapping a single dwelling opportunity over the parcel consisting of Lots 94 & 67.

The intended outcomes of this Planning Proposal are that the land would continue to be grazed but will acquire the ability to have a dwelling erected.

Part 2 – Explanation of Provisions

The Planning Proposal will amend the *Richmond Valley LEP 2012 – Land Zoning Map* by replacing Map Sheet LZN_003 containing the rezoning of Lot 94 DP43836, see figure .

The Planning Proposal will amend the *Richmond Valley LEP 2012 – Dwelling Opportunity Map* by replacing Map Sheet DWE_003 containing the a single dwelling opportunity over Lot 94 DP43836 and Lot 67 DP755636.

Part 3 – Justification

Section A – Need for the planning proposal

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

No.

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

Yes.

Section B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes.

4. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Yes. This planning proposal is consistent with Richmond Valley Council's Community Strategic Plan. Action 5.2 pertains to the review and monitor of development processes. This proposal has been identified through a review mechanism.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is consistent with the applicable SEPPs, see table 07.1.

Table 07.1: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for Inconsistency
SEPP No 1-Development Standards	N/A		
SEPP No 6-Number of Storeys in a Building	N/A		
SEPP No 14-Coastal Wetlands	N/A		
State Environmental Planning No Policy No 15-Rural Landsharing Communities	N/A		
SEPP No 21-Caravan Parks	N/A		
SEPP No 22-Shops and Commercial Premises	N/A		
SEPP No 30-Intensive Agriculture	N/A		
SEPP No 33-Hazardous and Offensive Development	N/A		
SEPP No 36-Manufactured Home Estates	N/A		
SEPP No 44-Koala Habitat Protection	N/A		
SEPP No 60-Canal Estate Development	N/A		
SEPP No 55-Remediation of Land	N/A		
SEPP No 62-Sustainable Aquaculture	N/A		
SEPP No 64-Advertising and Signage	N/A		
SEPP No 65-Design Quality of Residential Flat Development	N/A		
SEPP No 71-Coastal Protection	N/A		
SEPP (Affordable Rental Housing) 2009	N/A		
SEPP (Building Sustainability Index: BASIX) 2004	N/A		
SEPP (Exempt and Complying Development Codes) 2008	N/A		
SEPP (Housing for Seniors or People with a Disability) 2004	N/A		
SEPP (Infrastructure) 2007	N/A		
SEPP (Major Development) 2005	N/A		
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A		
SEPP (Rural Lands) 2008	Yes	Yes. The PP is consistent with Rural Planning Principles. It will not impact	

	Applicable	Consistent	Reason for Inconsistency
		upon agricultural potential, and will reinforce opportunities for rural settlement and housing.	
SEPP (Temporary Structures and Places of Public Entertainment) 2007	N/A		
SEPP (State and Regional Development) 2011	N/A		

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with the applicable S117 Directions, see table 07.2.

Table 07.2: Consideration of S117 Directions

	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	Yes	Yes. Land will not be rezoned rural land to a residential, business, industrial, village or tourist zone. The PP will increase the permissible density of rural land by a single dwelling. This is considered to be of minor significance as the land has an area of 72.89 hectares.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	Yes	Yes. PP is consistent with the Rural Planning Principles of the Rural Land SEPP.
2. Environment and Heritage		
2.1 Environment Protection Zones	Yes	Inconsistent because the PP proposes to remove the E2 zoning from most of the land. This inconsistency is justified on the basis that the land was originally zoned 7(c) Environmental Protection (Flora/Fauna) by mistake and this error was carried forward into the <i>Richmond Valley LEP 2012</i> . As can be

	Applicable	Consistent
		seen within figures 07.1 and 07.2 substantial parts of the land are cleared of native vegetation. Therefore the rezoning of E2 to RU1 is considered to be of minor significance.
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	N/A	
2.4 Recreation Vehicle Areas	N/A	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	N/A	
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	N/A	
3.4 Integrating Land Use and Transport	N/A	
3.5 Development Near Licensed Aerodromes	N/A	
3.6 Shooting Ranges	N/A	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	
4.2 Mine Subsidence and Unstable Land	N/A	
4.3 Flood Prone Land	Yes	Yes. Will not rezone rural or environmental protection to an urban purpose. The PP will not alter flood planning provisions, or impose flood related development controls, on the land.
4.4 Planning for Bushfire Protection	Yes	Yes. The PP has had regard to <i>Planning for Bushfire Protection 2006</i> . It will not place inappropriate development in a hazardous area. The bushfire hazard is upslope of any proposed dwelling envelope, with at least 150 metres clearance to the road frontage. The Planning for Bushfire Protection guideline requires a minimum APZ of 20 metres, and determines the Bush fire Attack to be No requirement <100m, Level 1 at 35 to 100m, Level 2 at 25 to 35 metres, Level 3 at 25 to 17m, and in the flame zone where less than 17 metres.
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	

	Applicable	Consistent
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	
5.6 Sydney to Canberra Corridor	N/A	
5.7 Central Coast 2008	N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	Yes. No concurrence or referrals are proposed.
6.2 Reserving Land for Public Purposes	N/A	
6.3 Site Specific Provisions	N/A	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	

Section C - Environmental, social, and economic impact

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

No.

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

None.

9. How has the planning proposal adequately addressed any social and economic effects?

Yes.

Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

There has been no consultation with Government Agencies.

Part 4 - Mapping

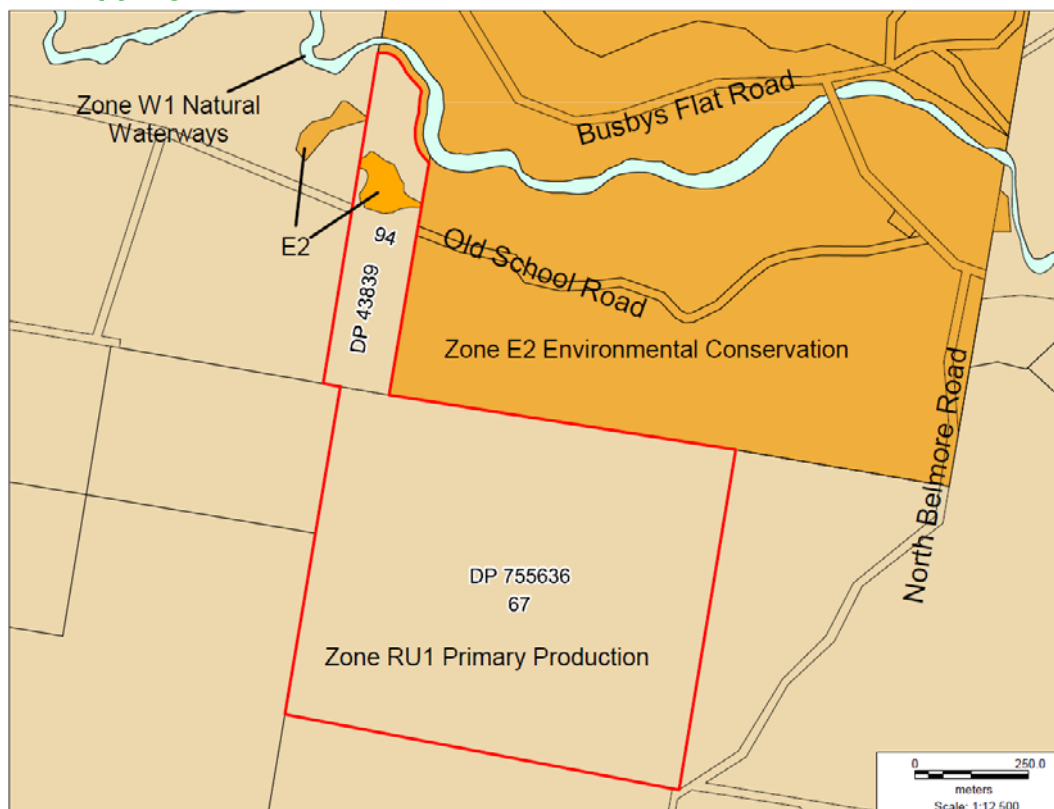


Figure 07.6: Proposed changes to *Richmond Valley LEP 2012 – Land Zoning Map* – Sheet LZN_003.

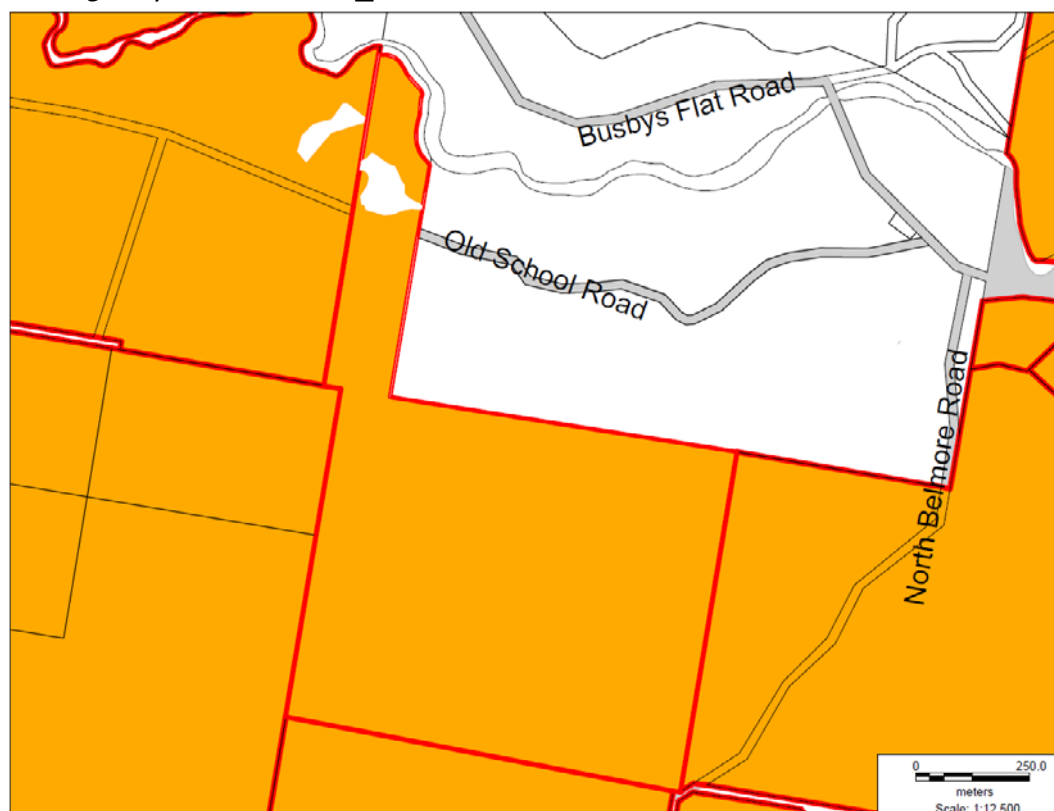


Figure 07.7: Proposed changes to the *Richmond Valley LEP 2012 – Dwelling Opportunity Map* – Sheet DWE_003.

Templates used to produce the *Richmond Valley LEP 2012* mapping were produced by the Department. A request will be made for the Department to produce the replacement map sheets for this amendment.

Part 5 – Community Consultation

There has been no community consultation undertaken for this Planning Proposal. It is anticipated that this will be undertaken in accordance with Statutory requirements.

Part 6 – Project Timeline

Milestone	Timeline	
	Start	Finish
Anticipated commencement date (date of Gateway determination)	Mar 2013	Mar 2013
Anticipated timeframe for the completion of required technical information	N/A	
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A	
Commencement and completion dates for public exhibition period	Apr 2013	May 2013
Dates for public hearing (if required)	N/A	
Timeframe for consideration of submissions	May 2013	May 2013
Timeframe for the consideration of a proposal post exhibition	Jun 2013	Jun 2013
Date of submission to the Department to finalise the LEP	N/A	
Timeframe for Parliamentary Counsel's Opinion and drafting of LEP	Jul 2013	Aug 2013
Anticipated date RPA will make the plan (if delegated)	Sept 2013	Sept 2013
Anticipated date RPA will forward to the department for notification.	Sept 2013	Sept 2013

ATTACHMENT 1 – Information Checklist

STEP 1: Required for all Proposals

under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome - Mapping (including current and proposed zones) - Community consultation (agencies to be consulted)	- Explanation of provisions - Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)
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STEP 2: Matters – Considered on a Case by Case Basis

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context		
• Demonstrated consistency with relevant Regional Strategy	☒	☐
• Demonstrated consistency with relevant Sub-Regional strategy	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒
Site Description/Context		
• Aerial photographs	☒	☐
• Site photos/photomontage	☒	☐
Traffic and Transport Considerations		
• Local traffic and transport	☐	☒
• TMAP	☐	☒
• Public transport	☐	☒
• Cycle and pedestrian movement	☐	☒
Environmental Considerations		
• Bushfire hazard	☒	☐
• Acid Sulphate Soil	☐	☒
• Noise impact	☐	☒
• Flora and/or fauna	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒
• Water quality	☐	☒
• Stormwater management	☐	☒
• Flooding	☒	☐
• Land/site contamination (SEPP55)	☐	☒

PLANNING MATTERS OR ISSUES	To be considered	N/A
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒
• Sea level rise	☐	☒
Urban Design Considerations		
• Existing site plan (buildings vegetation, roads, etc)	☐	☒
• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Lighting impact	☐	☒
• Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Economic Considerations		
• Economic impact assessment	☐	☒
• Retail centres hierarchy	☐	☒
• Employment land	☐	☒
Social and Cultural Considerations		
• Heritage impact	☐	☒
• Aboriginal archaeology	☐	☒
• Open space management	☐	☒
• European archaeology	☐	☒
• Social & cultural impacts	☐	☒
• Stakeholder engagement	☐	☒
Infrastructure Considerations		
• Infrastructure servicing and potential funding arrangements	☐	☒
Miscellaneous/Additional Considerations		
<i>List any additional studies</i>		

PP-RICHVALL-2013/02.08: Correct Errors in the Drafting of Clause 4.1C – Exceptions to Minimum Lot Size for Dual Occupancies

Summary of Proposal

Proposal	Amend <i>clause 4.1C Exceptions to minimum lot size for dual occupancy</i> to correct a drafting error resulting from changes made to the clause by Parliamentary Counsel. The intent of the clause was that it apply to all urban dual occupancy developments, however, the clause as drafted only applies to older developments granted consent under the former planning schemes.
Property Details	Various
Applicant Details	N/A
Land Owner	N/A

Background

Clause 4.1C Exception to minimum lot size for dual occupancies was introduced into the *Richmond Valley LEP 2012* to provide reduced subdivision standards to enable each dwelling of a dual occupancy development to be located on a minimum 350 m² lot.

It was Council's intent that the clause apply equally to new dual occupancy developments as to older developments.

Unfortunately, during the final drafting stages of the *Richmond Valley LEP 2012* there were changes made to this clause that restricted it to only dual occupancies granted consent under a former planning scheme. Council provided feedback pointing this out but the changes were retained.

It is the intent of this Planning Proposal to amend the clause by removing the restriction that only permits older developments to be subdivided under this clause.

A temporary workaround has been devised that enables new dual occupancy developments to be granted consent to the reduced minimum lot size (MLS). The workaround assumes the intent and standards of clause 4.1C but achieve this via a clause 4.6 objection to the 600m² MLS.

Site

N/A

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend *clause 4.1C Exception to minimum lot size for dual occupancies* by removing a restriction that only older dual occupancy developments (those granted consent under the former planning schemes) can be subdivided under the clause. See extract of clause below.

Outcomes from this amendment will be that new dual occupancy development (granted consent under *Richmond Valley LEP 2012*) can also be subdivided under the clause. This will correct drafting errors in the clause and avoid having to use clause 4.6 (the SEPP1 replacement clause) to achieve the same outcomes.

Part 2 – Explanation of Provisions

It is proposed to amend clause 4.1C(3) by omitting “*that was lawfully erected in accordance with an environmental planning instrument before this Plan commenced*” where it appears.

The following clause has been extracted from the *Richmond Valley LEP 2012* –

cl.4.1C Exceptions to minimum lot size for dual occupancies

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to development on land that is serviced by a water reticulation system and sewerage system in the following zones:
 - (a) Zone RU5 Village,
 - (b) Zone R1 General Residential.
- (3) Development consent may be granted for subdivide land to which this clause applies if there is an existing dual occupancy situated on the land that was lawfully erected in accordance with an environmental planning instrument before this Plan commenced and each resulting lot from the subdivision:
 - (a) will be at least 350 square metres, and
 - (b) will contain a single dwelling.

Part 3 – Justification

Section A – Need for the planning proposal

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

No.

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

Yes.

Section B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes.

4. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Yes. This planning proposal is consistent with Richmond Valley Council's Community Strategic Plan. Action 5.2 pertains to the review and monitor of development processes. This proposal has been identified through a review mechanism.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

There are no applicable SEPPs, see table 08.1.

Table 08.1: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for Inconsistency
SEPP No 1-Development Standards	N/A		
SEPP No 6-Number of Storeys in a Building	N/A		
SEPP No 14-Coastal Wetlands	N/A		
State Environmental Planning No Policy No 15-Rural Landsharing Communities	N/A		
SEPP No 21-Caravan Parks	N/A		
SEPP No 22-Shops and Commercial Premises	N/A		
SEPP No 30-Intensive Agriculture	N/A		
SEPP No 33-Hazardous and Offensive Development	N/A		
SEPP No 36-Manufactured Home Estates	N/A		
SEPP No 44-Koala Habitat Protection	N/A		
SEPP No 60-Canal Estate Development	N/A		
SEPP No 55-Remediation of Land	N/A		
SEPP No 62-Sustainable Aquaculture	N/A		
SEPP No 64-Advertising and Signage	N/A		
SEPP No 65-Design Quality of Residential Flat Development	N/A		
SEPP No 71-Coastal Protection	N/A		
SEPP (Affordable Rental Housing) 2009	N/A		
SEPP (Building Sustainability Index: BASIX) 2004	N/A		
SEPP (Exempt and Complying Development Codes) 2008	N/A		
SEPP (Housing for Seniors or People with a Disability) 2004	N/A		
SEPP (Infrastructure) 2007	N/A		
SEPP (Major Development) 2005	N/A		
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A		
SEPP (Rural Lands) 2008	N/A		
SEPP (Temporary Structures and Places of Public Entertainment) 2007	N/A		
SEPP (State and Regional	N/A		

	Applicable	Consistent	Reason for Inconsistency
Development) 2011			

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with the applicable S117 Directions, see table 08.2.

Table 08.2: Consideration of S117 Directions

	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	N/A	
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	N/A	
2. Environment and Heritage		
2.1 Environment Protection Zones	N/A	
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	N/A	
2.4 Recreation Vehicle Areas	N/A	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	Yes. This PP doesn't alter housing choices nor requirements regarding provision of services and infrastructure.
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	N/A	
3.4 Integrating Land Use and Transport	N/A	
3.5 Development Near Licensed Aerodromes	N/A	
3.6 Shooting Ranges	N/A	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	
4.2 Mine Subsidence and Unstable Land	N/A	
4.3 Flood Prone Land	N/A	
4.4 Planning for Bushfire Protection	N/A	
5. Regional Planning		

	Applicable	Consistent
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	
5.6 Sydney to Canberra Corridor	N/A	
5.7 Central Coast 2008	N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	Yes. No concurrence or referrals are proposed.
6.2 Reserving Land for Public Purposes	N/A	
6.3 Site Specific Provisions	N/A	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	

Section C - Environmental, social, and economic impact

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

No.

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

None.

9. How has the planning proposal adequately addressed any social and economic effects?

Clause 4.1C should have applied to all dual occupancy development. Unfortunately, drafting changes to the clause has restricted it to older dual occupancies. A workaround is in place to enable newer dual occupancies to be subdivided under the intent of the clause, but this is only a temporary fix using clause 4.6 (objection to standard).

Undertaking this amendment will strengthen the clause and provide for equitable coverage to all urban dual occupancy developments.

Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

N/A.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation has been undertaken.

Part 4 - Mapping

There is no mapping associated with this Planning Proposal.

Part 5 – Community Consultation

There has been no community consultation undertaken for this Planning Proposal. It is anticipated that this will be undertaken in accordance with Statutory requirements.

Part 6 – Project Timeline

Milestone	Timeline	
	Start	Finish
Anticipated commencement date (date of Gateway determination)	Mar 2013	Mar 2013
Anticipated timeframe for the completion of required technical information	N/A	
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A	
Commencement and completion dates for public exhibition period	Apr 2013	May 2013
Dates for public hearing (if required)	N/A	
Timeframe for consideration of submissions	May 2013	May 2013
Timeframe for the consideration of a proposal post exhibition	Jun 2013	Jun 2013
Date of submission to the Department to finalise the LEP	N/A	
Timeframe for Parliamentary Counsel's Opinion and drafting of LEP	Jul 2013	Aug 2013
Anticipated date RPA will make the plan (if delegated)	Sept 2013	Sept 2013
Anticipated date RPA will forward to the department for notification.	Sept 2013	Sept 2013

ATTACHMENT 1 – Information Checklist

STEP 1: Required for all Proposals

under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome - Mapping (including current and proposed zones) - Community consultation (agencies to be consulted)	- Explanation of provisions - Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)
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STEP 2: Matters – Considered on a Case by Case Basis

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			- Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining) - Sea level rise	☐ ☐	☒ ☒
- Demonstrated consistency with relevant Regional Strategy - Demonstrated consistency with relevant Sub-Regional strategy - Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy - Demonstrated consistency with Threshold Sustainability Criteria	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	Urban Design Considerations		
Site Description/Context			- Existing site plan (buildings vegetation, roads, etc) - Building mass/block diagram study (changes in building height and FSR) - Lighting impact - Development yield analysis (potential yield of lots, houses, employment generation)	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒
Traffic and Transport Considerations			Economic Considerations		
- Local traffic and transport - TMAP - Public transport - Cycle and pedestrian movement	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	- Economic impact assessment - Retail centres hierarchy - Employment land	☐ ☐ ☐	☒ ☒ ☒
Environmental Considerations			Social and Cultural Considerations		
- Bushfire hazard - Acid Sulphate Soil - Noise impact - Flora and/or fauna - Soil stability, erosion, sediment, landslip assessment, and subsidence - Water quality - Stormwater management - Flooding - Land/site contamination (SEPP55)	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	- Heritage impact - Aboriginal archaeology - Open space management - European archaeology - Social & cultural impacts - Stakeholder engagement	☐ ☐ ☐ ☐ ☐ ☐	☒ ☒ ☒ ☒ ☒ ☒
			Infrastructure Considerations		
			Infrastructure servicing and potential funding arrangements	☐	☒
			Miscellaneous/Additional Considerations		
			<i>List any additional studies</i>		

PP-RICHVALL-2013/02.09: Amend Schedule 2 Exempt Development standards applicable to Garage and Signage Development Types

Summary of Proposal

Proposal To amend *Richmond Valley LEP 2012 – Schedule 2 Exempt Development* by changing development standards applicable to “Garage” and “Signage” development types.

Property Details N/A

Applicant Details N/A

Land Owner N/A

Background

Schedule 2 of the *Richmond Valley LEP 2012* contains local exempt development provisions. Two (2) categories of exempt development identified in the schedule are “Garages” and “Signage”. It is proposed that these categories of exempt development be amended to correct errors and omissions.

Following, for each exempt development type, is an extract from Schedule 2 and an explanation of the issues and possible remedies.

Garages

The following is extracted from Schedule 2-

Garages	
(1)	Must only be used for domestic purposes.
(2)	Must be located on a lot:
(a)	with an area less than 200m ² on land in Zone RU5 Village or Zone R1 General Residential, or
(b)	with an area less than 4,000m ² on land in Zone R5 Large Lot Residential.
(3)	Must be constructed or installed so that roof water is disposed of without causing a nuisance to adjoining owners.
(4)	Must be located clear of any sewer main, water main or stormwater main to a minimum distance of 1.5m, with footings and foundations to be extended down to a depth of 300mm below the zone of influence for the main (an area contained within 30° to the horizontal from the invert of the main).
(5)	Must be designed by, and constructed in accordance with the specifications of, a professional engineer.
(6)	Must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
(7)	Must be constructed of non-combustible material if located within 5m of a dwelling located on bush fire prone land.
(8)	Maximum floor area—20m ² .
(9)	Must not have a wall height, excluding gables, greater than 3m above ground level (existing).
(10)	Maximum 1 per lot.
(11)	If located on land in Zone R5 Large Lot Residential, must be located at least 3m from each side and rear boundary and 20m from a boundary fronting a road.
(12)	If located on land in Zone RU5 Village or Zone R1 General Residential, must be located at least 900mm from each side or rear boundary and 5.5m from a boundary fronting a road.

Issue-

Size of Land

- Exempt development for garages can only be undertaken on lots <200m² on land within Zone RU5 or R1, or lots <4000m² on land within Zone R5.
- There are concerns with placing exempt garages on such small lots.

- Most lots in these zones exceed these areas, so the exemption becomes unusable.

Zoning

- Council intended this exemption to also apply to Zone RU1.
- This enabled lots that are not conducting primary production activities to erect exempt garages.

Floor area

- Council's intent was to allow a range of garage sizes based upon zoning and lot size.
- The exempt provision permits a maximum floor area of 20m². This is equivalent to a single bay garage.
- Council's previous exempt policy permitted garages up 60m².

Use

- Council's intent was to restrict the garage to domestic use only.

Setback

- Council's intent was for garages to be setback 900mm from a side or rear boundary, and 5.5 metres from a frontage to a road in Zones R1 and RU5.
- This was omitted from the final version.

Signage

The following is extracted from Schedule 2-

Signage	
(1)	General requirements <i>All signs must comply with the following:</i> (a) <i>must relate to the premises on which the sign is situated,</i> (b) <i>must not cover mechanical ventilation inlet or outlet vents,</i> (c) <i>must relate to a lawful use of, and use carried out on, the land,</i> (d) <i>must be non-flashing,</i> (e) <i>must not contain offensive language or material,</i> (f) <i>must not be animated,</i> (g) <i>if illuminated—must not cause glare nuisance to drivers, pedestrians or neighbouring properties.</i>
(2)	<i>Building identification signs must comply with the following:</i> (a) <i>maximum size—0.75m²,</i> (b) <i>must only display the name of the premises or the name of the owners of the premises,</i> (c) <i>must not protrude beyond the property boundaries.</i>
(3)	<i>Business identification signs for home businesses, home industries or home occupations must comply with the following:</i> (a) <i>maximum size—0.75m²,</i> (b) <i>if fixed to a building, maximum height—2.4m above ground level (existing),</i> (c) <i>if freestanding or fixed to a fence, maximum height—1.2m above ground level (existing),</i> (d) <i>must not be illuminated,</i> (e) <i>must not protrude beyond the property boundaries,</i> (f) <i>must not be erected or affixed on land containing a heritage item.</i>
(4)	<i>Business identification signs for business or retail premises in Zone RU5, Zone R1, Zone B1, Zone B2, Zone B3 or Zone IN1 must comply with the following:</i> (a) <i>must not be erected or affixed on land containing a heritage item,</i> (b) <i>in relation to under awning signs:</i> (i) <i>maximum height—500mm, and</i> (ii) <i>maximum depth—80mm, and</i> (iii) <i>maximum length—2.5m, and</i> (iv) <i>if over a public road, must be suspended at least 2.6m above the road,</i> (v) <i>must not cover more than 20% of the area under the awning,</i> (vi) <i>1 sign per 3m of awning length,</i> (c) <i>in relation to above awning signs:</i>

	(i)	if flush with the facade of the premises, maximum area—8m ² , and
	(ii)	if freestanding, maximum area—4m ² , and
	(iii)	1 sign per premises, and
	(iv)	must not project beyond the awning, and
	(v)	must not project more than 1m above the fascia of the awning,
(d)		in relation to awning fascia signs:
	(i)	maximum height—400mm, and
	(ii)	must not extend more than 300mm from the fascia or return end of the awning, and
	(iii)	must not project above or below the fascia or return end of the awning,
(e)		in relation to signs on building walls—must not occupy more than 20% of the area of the wall up to 4.6m above ground level (existing) on which it appears or up to the bottom of the first floor windows, whichever is lower,
(f)		in relation to signs behind the glass line of a shop window:
	(i)	must not occupy more than 50% of the area of the window, and
	(ii)	maximum 1 per street frontage.
(5)		Business identification signs on land in Zone IN1 General Industrial must comply with the following:
	(a)	maximum size—10m ² ,
	(b)	must not occupy more than 20% of the area of the wall on which they appear.
(6)		Real estate signs must comply with the following:
	(a)	maximum size:
	(i)	2.6m ² ,
	(ii)	in business and industrial zones—4.5m ² ,
	(b)	must not be more than 1 sign per real estate agency displayed at the premises for sale or lease,
	(c)	must not protrude beyond the property boundaries,
	(d)	must be removed within 7 days of the sale or lease of the property,
	(e)	must not be illuminated,
	(f)	must not have returns exceeding 180mm.
(7)		Temporary signs advertising an event and associated relevant details including sponsorship of the event must comply with the following:
	(a)	maximum area—4.5m ² ,
	(b)	must not be illuminated,
	(c)	must be securely fixed,
	(d)	must not be displayed earlier than 28 days before the event and must be removed within 7 days of the conclusion of the event,
	(e)	must not impede pedestrian and vehicular access or movement.

Issue-

Above awning sign

- Must not project more than 1 metre above the fascia of the awning. This means that the sign might not be visible from the street.
- Look to increase height.

Freestanding Signs in Commercial and Industrial Zones

- The exempt policy does not support freestanding business identification signs in Zones B1, B2, B3 or IN1.
- Assumption was that most development in these zones would have a zero building line and the signage would be located on the buildings.
- Examples have arisen where the building is setback from the road frontage and a modest freestanding business identification sign is wanted.

Site

N/A

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to make minor amendments to Schedule 2 Exempt Development so as to improve the performance of the “signage” provisions and correct errors in workings of the “garages” provision.

Part 2 – Explanation of Provisions

The following amendments to Schedule 2 are proposed:

Garages

- Apply to Zones RU1, RU5, R1 & R5.
- Restrict the garage to 20m² on lots less than 2 hectares, or 60m² on lots 2 ha or greater.
- For domestic use only.
- Setback in zone R1 or RU5 to be 5.5m to a road frontage and 900mm to a side or rear boundary, or zone RU1 or R5 to be 20 metres from a road frontage and 3 metres to a side or rear boundary.
- Add a minimum setback to bushfire hazard of 20 metres.

Signage

- Increase the projection above the fascia for an above awning sign, from 1 metre to 2.1 metres.
- Include a category of exempt business identification signage for freestanding signs with a height no greater than 2 metres above ground level, and having a maximum display area of 3m².

Part 3 – Justification

Section A – Need for the planning proposal

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

No.

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

Yes.

Section B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

N/A

4. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Yes. This planning proposal is consistent with Richmond Valley Council's Community Strategic Plan. Action 5.2 pertains to the review and monitor of development processes. This proposal has been identified through a review mechanism.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is consistent with the applicable SEPPs, see table 09.1.

Table 09.1: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for Inconsistency
SEPP No 1-Development Standards	N/A		
SEPP No 6-Number of Storeys in a Building	N/A		
SEPP No 14-Coastal Wetlands	N/A		
State Environmental Planning No Policy No 15-Rural Landsharing Communities	N/A		
SEPP No 21-Caravan Parks	N/A		
SEPP No 22-Shops and Commercial Premises	N/A		
SEPP No 30-Intensive Agriculture	N/A		
SEPP No 33-Hazardous and Offensive Development	N/A		
SEPP No 36-Manufactured Home Estates	N/A		
SEPP No 44-Koala Habitat Protection	N/A		
SEPP No 60-Canal Estate Development	N/A		
SEPP No 55-Remediation of Land	N/A		
SEPP No 62-Sustainable Aquaculture	N/A		
SEPP No 64-Advertising and Signage	Yes	Yes. This PP deals with exempt signage while the SEPP deals with larger signage with consent.	
SEPP No 65-Design Quality of Residential Flat Development	N/A		
SEPP No 71-Coastal Protection	N/A		
SEPP (Affordable Rental Housing) 2009	N/A		
SEPP (Building Sustainability Index: BASIX) 2004	N/A		
SEPP (Exempt and Complying Development Codes) 2008	Yes	Yes. This PP is not inconsistent with the SEPP and will not	

	Applicable	Consistent	Reason for Inconsistency
		duplicate exempt development types.	
SEPP (Housing for Seniors or People with a Disability) 2004	N/A		
SEPP (Infrastructure) 2007	N/A		
SEPP (Major Development) 2005	N/A		
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A		
SEPP (Rural Lands) 2008	N/A		
SEPP (Temporary Structures and Places of Public Entertainment) 2007	N/A		
SEPP (State and Regional Development) 2011	N/A		

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

No applicable S117 Directions apply to this Planning Proposal, see table 09.2.

Table 09.2: Consideration of S117 Directions

	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	N/A	
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	N/A	
2. Environment and Heritage		
2.1 Environment Protection Zones	N/A	
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	N/A	
2.4 Recreation Vehicle Areas	N/A	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	N/A	
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	N/A	

	Applicable	Consistent
3.4 Integrating Land Use and Transport	N/A	
3.5 Development Near Licensed Aerodromes	N/A	
3.6 Shooting Ranges	N/A	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	
4.2 Mine Subsidence and Unstable Land	N/A	
4.3 Flood Prone Land	N/A	
4.4 Planning for Bushfire Protection	N/A	
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	
5.6 Sydney to Canberra Corridor	N/A	
5.7 Central Coast 2008	N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
6. Local Plan Making		
6.1 Approval and Referral Requirements	N/A	
6.2 Reserving Land for Public Purposes	N/A	
6.3 Site Specific Provisions	N/A	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	

Section C - Environmental, social, and economic impact

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

No.

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

None.

9. How has the planning proposal adequately addressed any social and economic effects?

This Planning Proposal aims to improve the exempt development provisions contained within Schedule 2. This should improve the efficiency of the planning system and reduce red tape for minor development.

Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

N/A

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

There has been no consultation with Agencies.

Part 4 - Mapping

There is no mapping associated with this Planning Proposal.

Part 5 – Community Consultation

There has been no community consultation undertaken for this Planning Proposal. It is anticipated that this will be undertaken in accordance with Statutory requirements.

Part 6 – Project Timeline

Milestone	Timeline	
	Start	Finish
Anticipated commencement date (date of Gateway determination)	Mar 2013	Mar 2013
Anticipated timeframe for the completion of required technical information	N/A	
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A	
Commencement and completion dates for public exhibition period	Apr 2013	May 2013
Dates for public hearing (if required)	N/A	
Timeframe for consideration of submissions	May 2013	May 2013
Timeframe for the consideration of a proposal post exhibition	Jun 2013	Jun 2013
Date of submission to the Department to finalise the LEP	N/A	
Timeframe for Parliamentary Counsel's Opinion and drafting of LEP	Jul 2013	Aug 2013
Anticipated date RPA will make the plan (if delegated)	Sept 2013	Sept 2013
Anticipated date RPA will forward to the department for notification.	Sept 2013	Sept 2013

ATTACHMENT 1 – Information Checklist

STEP 1: Required for all Proposals

under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome - Mapping (including current and proposed zones) - Community consultation (agencies to be consulted)	- Explanation of provisions - Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)
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STEP 2: Matters – Considered on a Case by Case Basis

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context		
• Demonstrated consistency with relevant Regional Strategy	☐	☒
• Demonstrated consistency with relevant Sub-Regional strategy	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒
Site Description/Context		
• Aerial photographs	☐	☒
• Site photos/photomontage	☐	☒
Traffic and Transport Considerations		
• Local traffic and transport	☐	☒
• TMAP	☐	☒
• Public transport	☐	☒
• Cycle and pedestrian movement	☐	☒
Environmental Considerations		
• Bushfire hazard	☐	☒
• Acid Sulphate Soil	☐	☒
• Noise impact	☐	☒
• Flora and/or fauna	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒
• Water quality	☐	☒
• Stormwater management	☐	☒
• Flooding	☐	☒
• Land/site contamination (SEPP55)	☐	☒

PLANNING MATTERS OR ISSUES	To be considered	N/A
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒
• Sea level rise	☐	☒
Urban Design Considerations		
• Existing site plan (buildings vegetation, roads, etc)	☐	☒
• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Lighting impact	☐	☒
• Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Economic Considerations		
• Economic impact assessment	☐	☒
• Retail centres hierarchy	☐	☒
• Employment land	☐	☒
Social and Cultural Considerations		
• Heritage impact	☐	☒
• Aboriginal archaeology	☐	☒
• Open space management	☐	☒
• European archaeology	☐	☒
• Social & cultural impacts	☐	☒
• Stakeholder engagement	☐	☒
Infrastructure Considerations		
• Infrastructure servicing and potential funding arrangements	☐	☒
Miscellaneous/Additional Considerations		
<i>List any additional studies</i>		