
PLANNING PROPOSAL
endorsed by Council on 17 July 2012

for the rezoning of:

**Lot 51 in DP 1171431,
Lot 3604 in DP 834592 and
Lot 361 in DP 751388**

at:

Boundary Road, Gulmarrad

prepared for:

***Gulmarrad Pty Ltd,
Bevan Noel Farlow, and
Warren Alan Campbell & Sara Jane Campbell***

***Revision A
March 2012***

EXECUTIVE SUMMARY

Request:

Council requested to exercise its powers under Division 4 of EP&A Act to prepare a planning proposal to:

1. Rezone land zoned R5 Large Lot Residential under Clarence Valley LEP 2011 to E2 Environmental Conservation; and
2. Rezone land zoned RU2 Rural Landscape under Clarence Valley LEP 2011 to R5 Large Lot Residential.

SITE DETAILS

Site address:

Boundary Road, Gulmarrad

Property:

LOT/DP	OWNER	AREA
Lot 51 in DP 1171431 (Part Portion 359)	• Gulmarrad Pty Ltd	25.83 ha
Lot 3604 in DP 834592 (Part Portion 360)	• Bevan Noel Farlow	38.81ha
Lot 361 in DP 751388 (Portion 361)	• Warren Alan Campbell, and • Sara Jane Campbell	52.3ha
Total Area		116.94 ha

Zone:

R5 Large Lot Residential and RU2 Rural Landscape under Clarence Valley LEP 2011

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1. Preliminary

1.1 Context

This Planning Proposal accompanies a request to Clarence Valley Council to exercise its powers as the “relevant planning authority” under Division 4 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and prepare a planning proposal to explain and justify the making of a Local Environmental Plan (LEP) for land at Boundary Road, Gulmarrad; viz.: -

- part of Lot 51 in DP 1171431 (Part Portion 359),
- part of Lot 3604 in DP 834592 (Part Portion 360), and
- part of Lot 361 in DP 751388 (Portion 361).

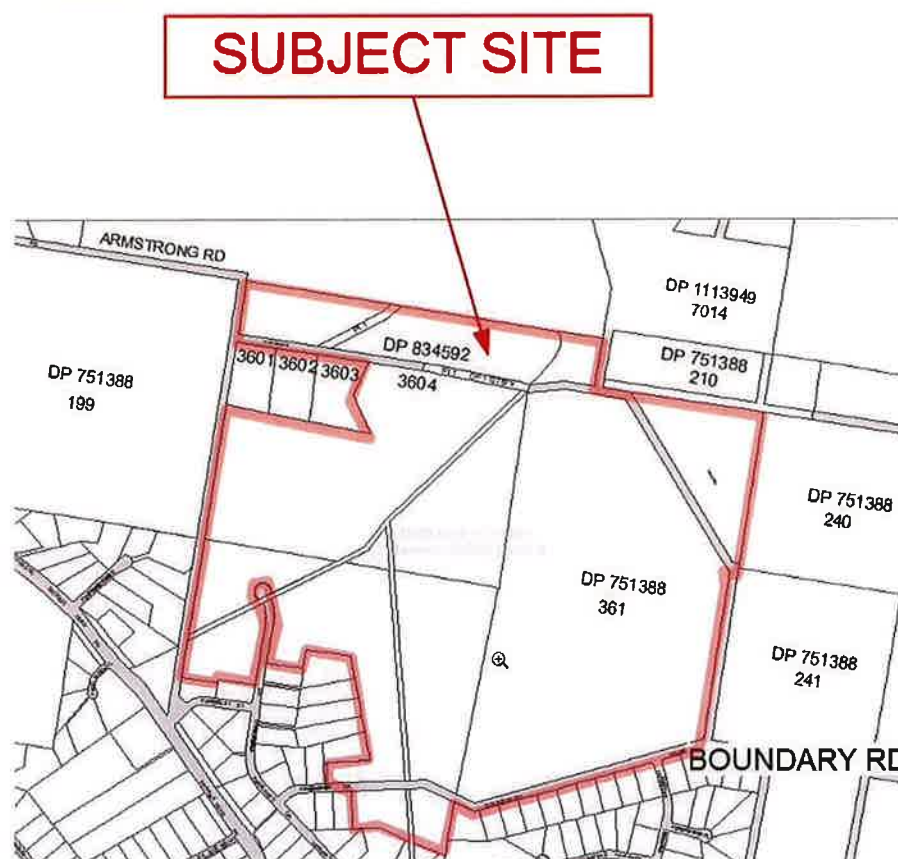
This Planning Proposal is drafted in accordance with Section 55 of the EP&A Act, and the Department of Planning’s “*A guide to preparing planning proposal’s*” (July 2009). It is anticipated to form the basis of Council’s planning proposal and request for gateway determination by the Minister under Section 56 of the EP&A Act.

1.2 Subject Land

This Planning Proposal applies to the following land and is identified in **Figure 1** below, and further shown on **Figure 2** below.

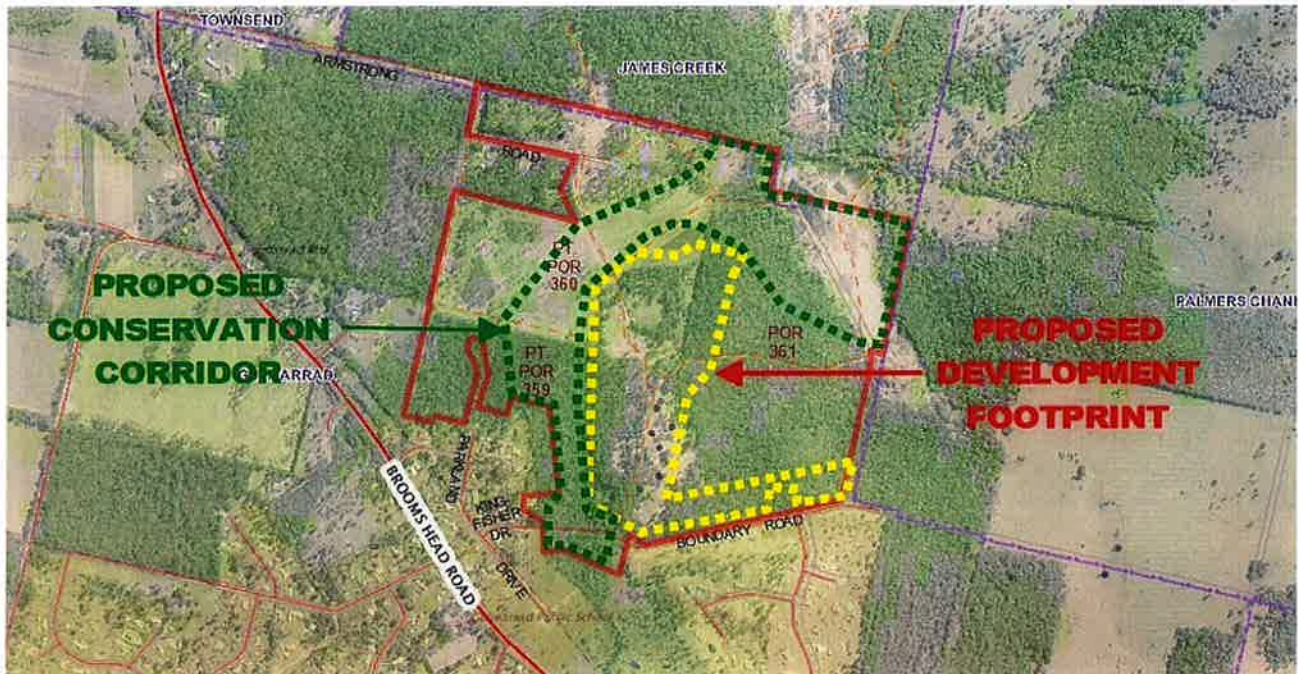
Figure 1: Locality Sketch

Source: http://mapping.clarence.nsw.gov.au/Exponare/cvc_mapping_link.html, 14 March 2012, Land Parcels Map



- (1) Lot 51 in DP 1171431 (Part Portion 359) Parklands Drive & Kingfisher Drive,
- (2) Lot 3604 in DP 834592 (Part Portion 360) Armstrong Road, and
- (3) Lot 361 in DP 751388 (Portion 361) Parklands Drive.

Figure 2: Aerial Image



The subject land is located at Gulmarrad, to the east of the Pacific Highway, approximately 5km from Maclean's CBD, and more than 10km from the coastal foreshore. The total area, including the site of the Planning Proposal is about 116.94 hectares.

The subject land presents as a modified environment, where massive disturbance has occurred from past logging, quarrying and grazing activities. Within Portion 359, continuous expanses of native vegetation are retained within and along the margins of the site's drainage lines that discharge towards the low-lying areas within Portions 360 and 361.

Ecological assessment (BushfireSafe (Aust) Pty Ltd Environmental Services, July 2011, *Flora and Fauna Assessment – Rural Residential Subdivision Part Lot 361 on DP 751388, Part Lot 3604 on DP 834592 and Part Lot 61 on DP 1083577 – Boundary and Armstrong Roads, Gulmarrad*, report prepared for W Campbell) confirms the site presents already as a modified environment. More specifically, the ridge comprising the proposed development footprint has a pitted terrain that consists of emerging regrowth vegetation and only two remnant habitat trees. This terrain requires regrading to more closely resemble the shape of the original ground surface, with a specific objective to avoid the two remnant habitat trees.

The details of the subject land are set out in **Table 1**.

Table 1: Property Details

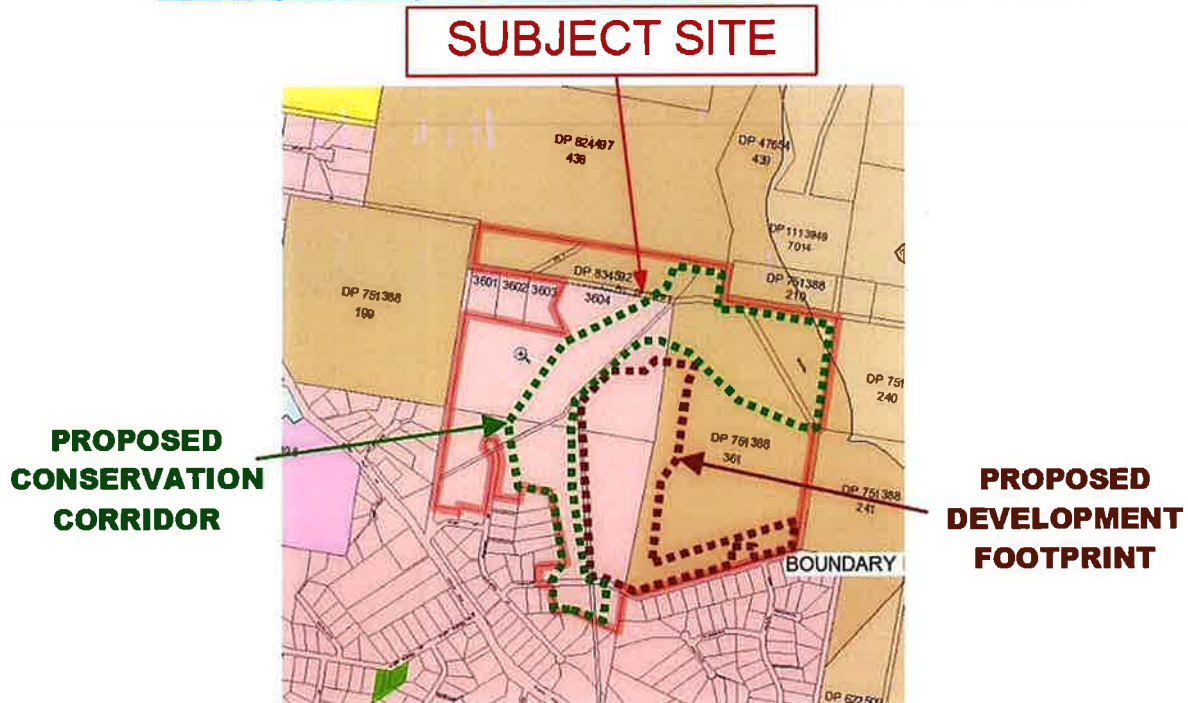
No	Property Description	Lot Size	CVLEP Zone	Minimum LEP lot size	Land Use	Land Characteristic	Regionally Significant Farmland	Comments
1	Lot 51 DP1171431 (Part Por 359) Parklands Dr & Kingfisher Dr	25.83 ha	R5 Large Lot Residential	4,000 m ²	Vacant Land in course of development	- Part bush fire prone (6%) because it adjoins fire prone Por 361 to E - Drainage & biodiversity corridors traverse the site - Developable area degraded by past quarrying and logging	No	- Residue of "Taloumbi Park" Estate - W portion of land being developed as per DA's 93-3172 & SUB2010-23 - E portion is degraded and can be developed, but is isolated without using Por 361
2	Lot 3604 DP834592 (Part Por 360) Armstrong Road	38.81 ha	R5 Large Lot Residential and RU2 Rural Landscape	4,000 m ² and 40 ha	R5 zoned land is Vacant and in course of development RU2 zoned land contains residence	- Part bush fire prone (69%). N part is fire prone, and also affected by fire prone Por 361 to E - Drainage & biodiversity corridor traverses the site - Developable area degraded by quarrying and logging	No	- N portion of land being developed (i.e. S side of Armstrong Rd) as per DA SUB2007-40 - SE portion is degraded and can be developed, but is isolated without using Por 361
3	Lot 361 DP755388 (Por 361) Boundary Road	52.3 ha	R5 Large Lot Residential and RU2 Rural Landscape	4,000 m ² and 40 ha	Vacant	- Bush fire prone – impacts as unmanaged site on rural res. lands to W & S. - Part of site forms N extent of drainage & biodiversity corridor - Site degraded by past quarrying and logging	NE corner only (1%)	- S perimeter coincides with "Causley Farm" Estate - Site approved for child care centre on Boundary Road vide DA 2010-734 - portion of land being developed (i.e. S side of Armstrong Rd) as per DA SUB2007-40 - SE portion is degraded and can be developed, but is isolated without using Por 361
TOTALS		116.94 ha	R5 = 48% RU2 = 52%				0.4%	

1.3 Current Zoning & Use

The land is zoned R5 Large Lot Residential (48%) and RU2 Rural Landscape (52%) under the *Clarence Valley Local Environmental Plan 2011* (CVLEP), as shown on **Figure 3**.

Figure 3: Clarence Valley LEP 2011 Land Use Zone Map

Source: http://mapping.clarence.nsw.gov.au/Exponare/cvc_mapping_link.html, 14 March 2012, Land Use Zones Map



Part Portion 359

Part Portion 359 is entirely zoned R5 Large Lot Residential. It is the residue of the “Taloumbi Park” Rural Residential Estate, and is accessed from Brooms Head Road via Bower Street then Parklands Drive then Kingfisher Drive. Part Portion 359 also has frontage to the western terminal of Boundary Road, which is physically linked to Kingfisher Drive by a gravel access that has previously been used for haulage purposes.

The gravel access forms a causeway across a north-draining watercourse, which prevents vehicular linkage between Kingfisher Drive and Boundary Road during high rainfall events. Beyond the watercourse, the north-eastern corner of Portion 359 forms an elongated elevated rectangle comprising approximately 7ha that adjoins Portion 361 to the east and Portion 360 to the north. The NE corner of Portion 359 has been extensively quarried, and has been regarded as marginal for development unless incorporated into a master-planned approach for the locality such as this Planning Proposal.

The site is serviced by town water, electricity and telecommunications infrastructure. The W half of the site is the subject of approvals vide DA 93/3172 and DA SUB2010/0023 to create 10 additional allotments.

That part of the proposed development footprint within the site falls westerly at about 3% grade from the E boundary of Portion 359 at about RL 11m AHD to the edge of the watercourse corridor at between RL 7m AHD and RL 4m AHD.

Part Portion 360

Part Portion 360 is zoned partly R5 Large Lot Residential (75%), and partly RU2 Rural Landscape (25%). It is the residue of a 3-lot small holdings estate, is accessed from Brooms Head Road via Armstrong Road, and contains a residence on the northern side of Armstrong Road. Armstrong

Road is physically linked to the western terminal of Boundary Road by internal property accesses through Portions 360 and 359.

The access route forms a culvert crossing across the north-draining watercourse, which again prevents vehicular linkage between Armstrong Road and Boundary Road during high rainfall events. Beyond the watercourse, the south-eastern corner of Portion 360 forms an elevated square comprising approximately 5ha that adjoins Portion 361 to the east and Portion 359 to the south. The SE corner of Portion 360 has been partially quarried, and has been regarded as marginal for development unless incorporated into a master-planned approach for the locality such as this proposal.

The site is serviced by town water, electricity and telecommunications infrastructure. That part of the site adjoining the abovementioned small holdings is the subject of an approval vide DA SUB2007/0040 to create 3 additional allotments. Furthermore, adjoining Lot 3603 in DP 834592 is the subject of an approval vide DA SUB2010/0013 to create 2 additional allotments.

That part of the proposed development footprint within the site falls westerly and northerly at about 2% grade from the SE corner of Portion 360 at about RL 10m AHD to the edge of the watercourse corridor at between RL 4m AHD and RL 3m AHD.

Portion 361

Portion 361 is partly zoned R5 Large Lot Residential (2%), but is mainly zoned RU2 Rural Landscape (98%). It is accessed from Brooms Head Road via Colonial Drive then Boundary Road, and adjoins the northern perimeter of the "Causley Farm" Rural Residential Estate. Portion 361 has frontage to the entire length of Boundary Road, along which a child care centre is approved for the site vide DA 2010/0734.

The site can be immediately serviced by town water, electricity and telecommunications infrastructure extended from the "Causley Farm" Estate.

A ridgeline at about RL 12m AHD traverses NNW from Boundary Road within the W boundary of Portion 361 towards the NE corner of Portion 359, and has been quarried. From the ridgeline, the site falls westerly towards Portion 359 and also east to north-easterly at about 2% grade. The NE portion of the site has also been extensively quarried, and now forms an extension of the north-draining watercourse that traverses Portions 359 and 360.

1.4 Background

The subject land is in three separate ownerships, as set out in **Table 2:** -

Table 2: Land Ownerships

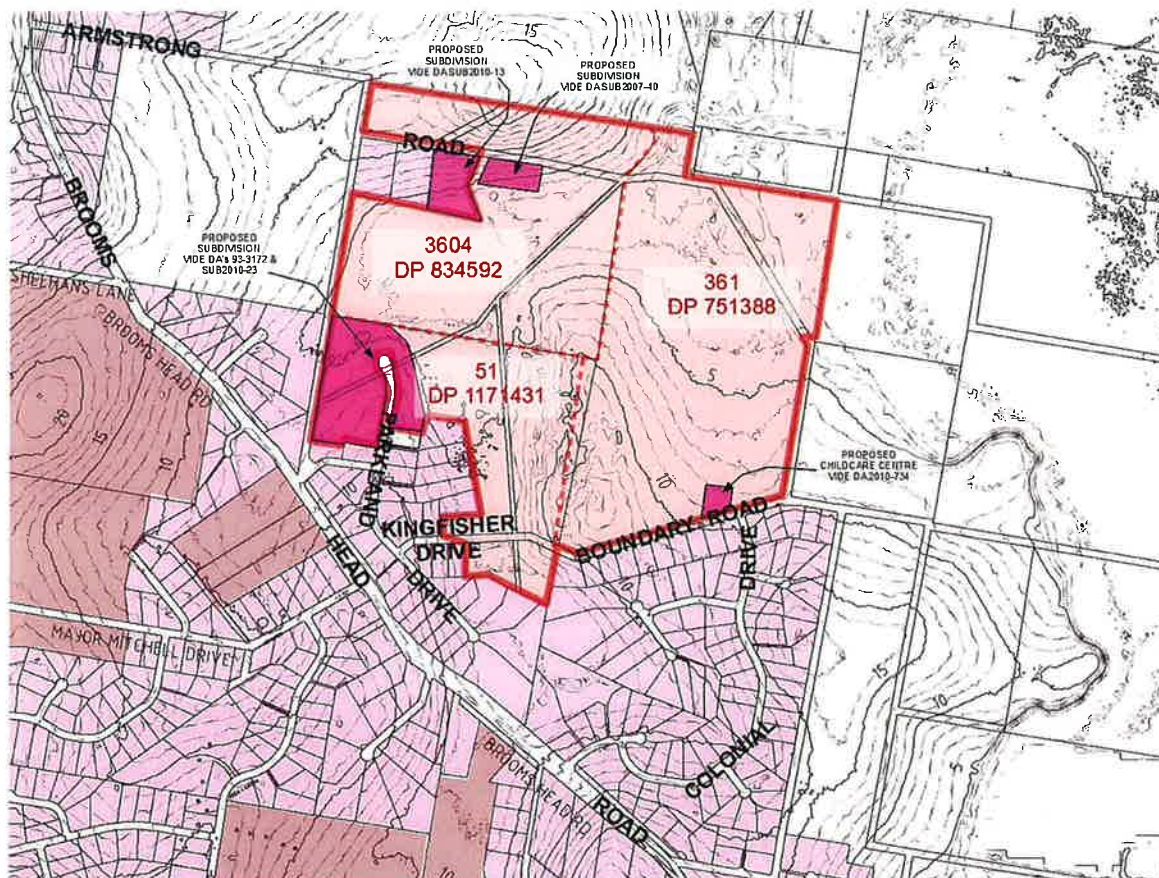
No	LOT/DP	OWNER
1	Lot 51 in DP 1171431 (Part Portion 359)	Gulmarrad Pty Ltd
2	Lot 3604 in DP 834592 (Part Portion 360)	Bevan Noel Farlow
3	Lot 361 in DP 751388 (Portion 361)	- Warren Alan Campbell, and - Sara Jane Campbell

The subject land is the subject of development consents for: -

- subdivision to create 10 additional allotments on Part Portion 359;
- subdivision to create 3 additional allotments on Part Portion 360; and
- a child care centre on Portion 361.

The respective areas of the subject site affected by these consents are shown shaded PINK on **Figure 4**.

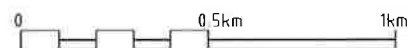
Figure 4: Existing Site & Topography



EXTRACT OF TOPOGRAPHIC DATA SUPPLIED BY CLARENCE VALLEY COUNCIL

CONTOUR INTERVAL: 5m major 1m minor

AUSTRALIAN HEIGHT DATUM

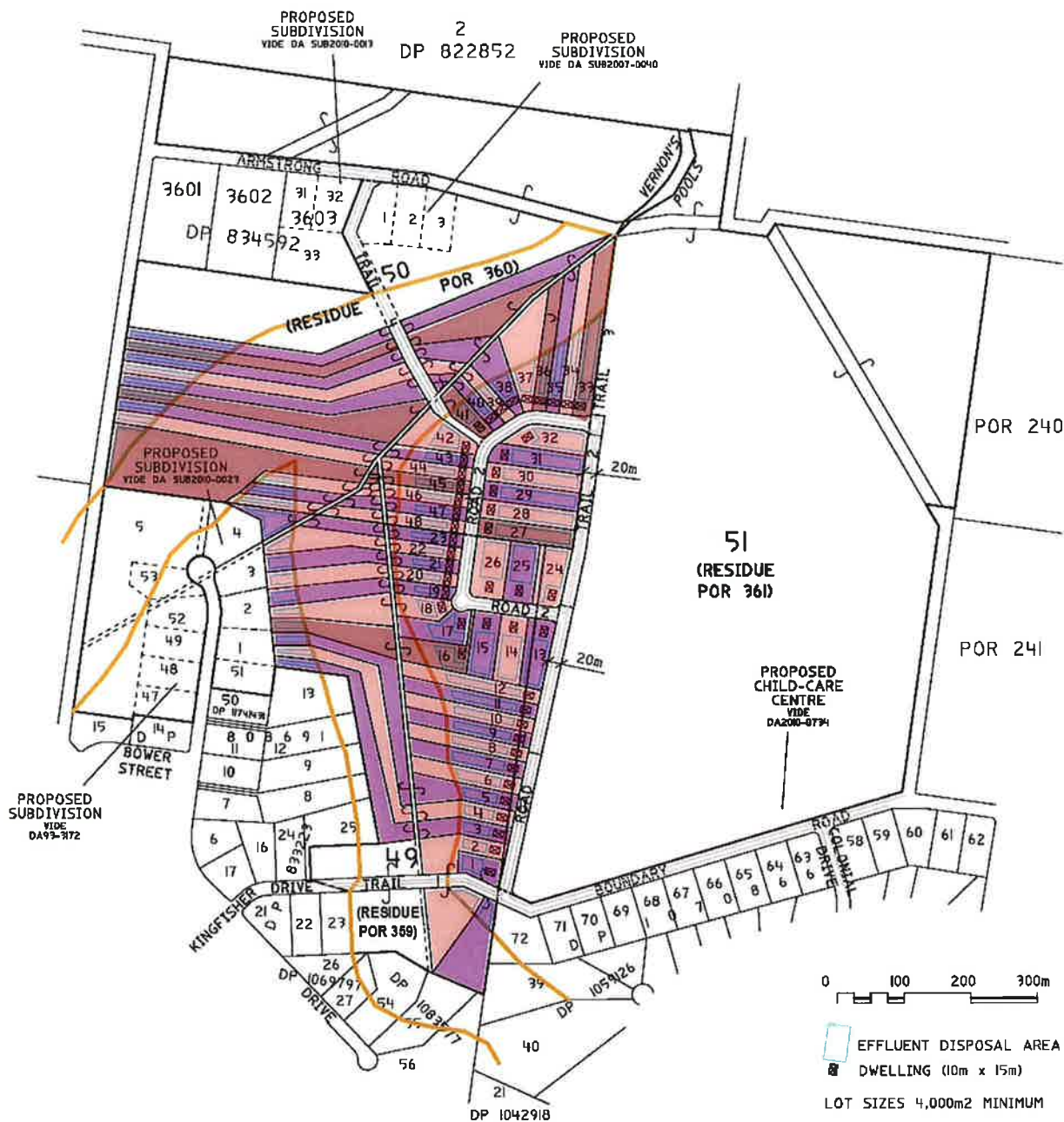


Under the existing zoning, a further 48 rural residential allotments could be developed from Boundary Road on isolated areas within Part Portions 359, 360 and 361, provided access and fire hazard reduction measures are established within Portion 361 as shown in **Figure 5**. Such use of the western perimeter of Portion 361 for access and fire hazard reduction can be permitted under Clause 5.3 of the CVLEP because it is development within 20 metres of the R5 zone boundary.

However, whilst being able to conform strictly to the requirements of the current planning controls, the majority of these allotments (i.e. except Lots 13 – 18, 32, 32 & 42) are narrow and elongated, and are out of character with the pattern of development that has emerged in Gulmarrad. Furthermore, almost 50% of the possible allotments are severed by the drainage buffer identified in Maps S1, S3, S6 and S8 of Council's *Residential Zones DCP 2011*. The elevated sections of those severed allotments would be required for reserve-capacity wastewater disposal utilizing pump systems, so that the possible development scenario has the general appearance of being disorderly.

More significantly, this possible development scenario will introduce a multitude of landowners to the management of the drainage buffer so that significant conflict will be generated between the private values of individual landowners and the environmental values of that corridor to the public.

Figure 5: Possible Development of Subject Site under Current LEP



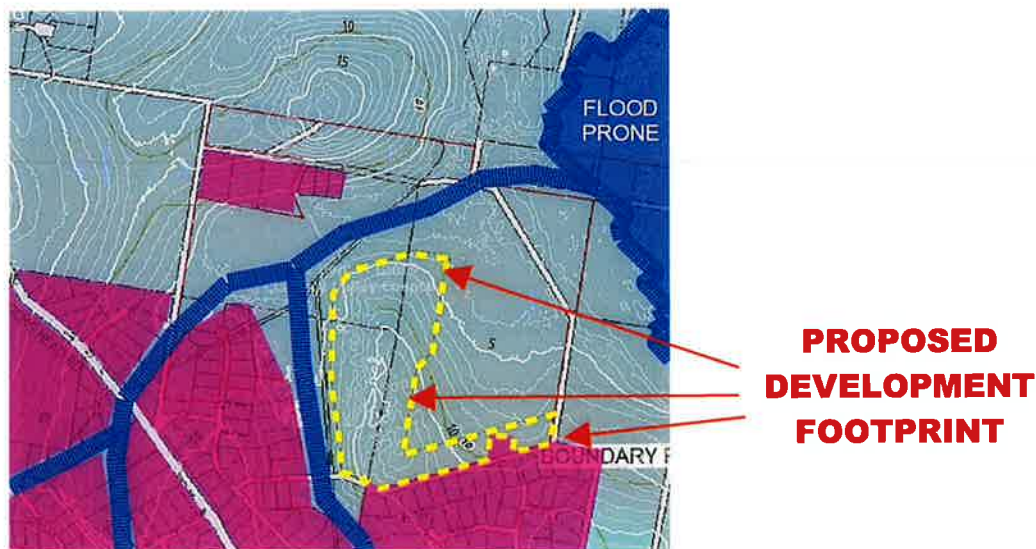
prepared for W Campbell (April 2012)

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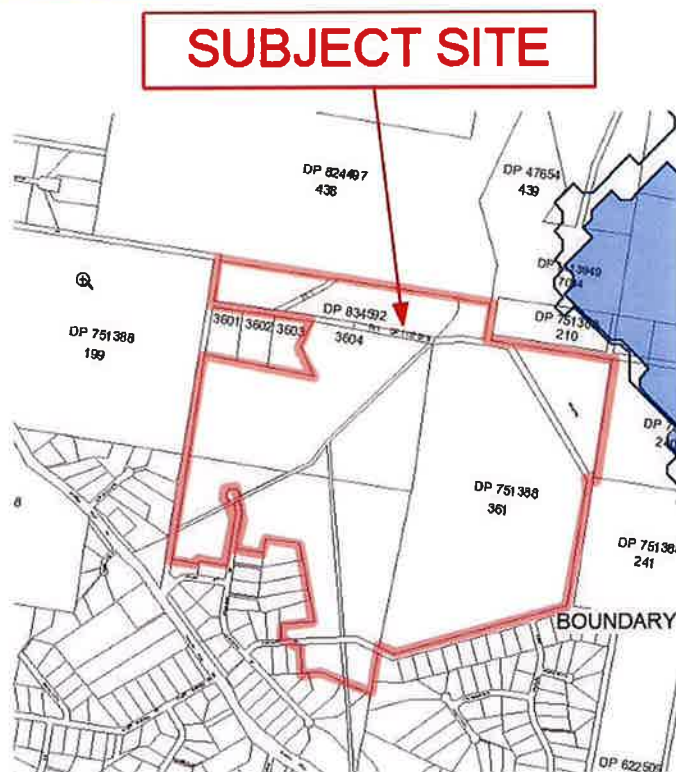
Figure 7: Stormwater Runoff Pathways



However, the land is not affected by inundation from the Clarence River as shown on **Figure 8**.

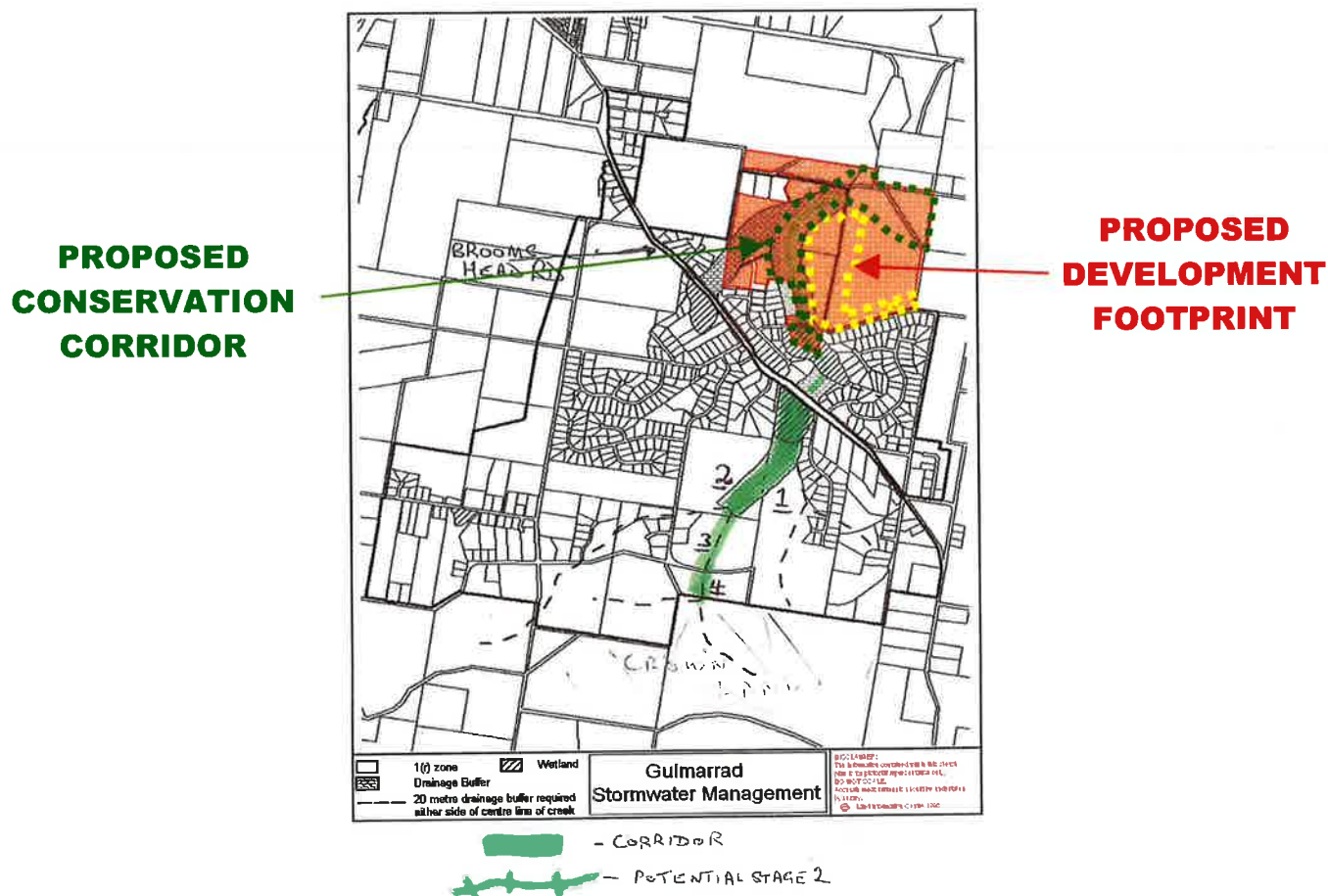
Figure 8: Extent of Inundation from Clarence River

Source: http://mapping.clarence.nsw.gov.au/Exponare/cvc_mapping_link.html, 14 March 2012, Combination Map



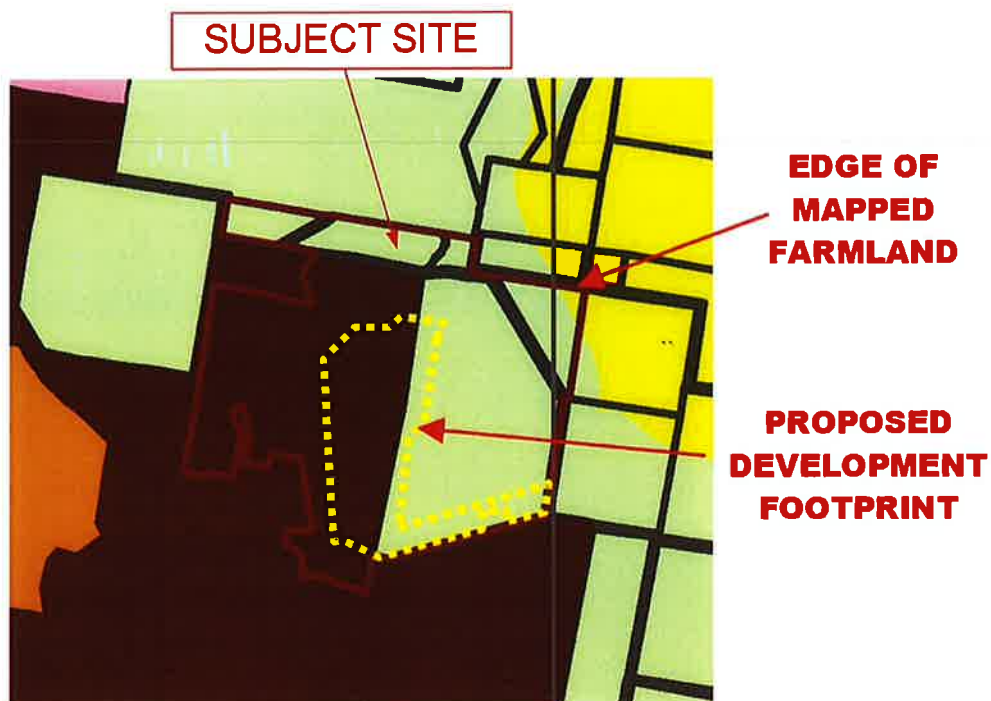
The runoff corridors are also considered to contribute significantly to the wellbeing of the locality's wildlife, and are earmarked for inclusion in a permanent biodiversity corridor as shown on **Figure 9**.

Figure 9: Extract “Gulmarrad Wildlife Corridor” Discussion Paper Map B



About 0.4% of the site (and 1% of Portion 361) only, at its NE extremity, is mapped as significant farmland, as shown on **Figure 10**. However, agricultural investigation indicates the land to be entirely devoid of significant farmland, so that the mapping appears to be erroneous.

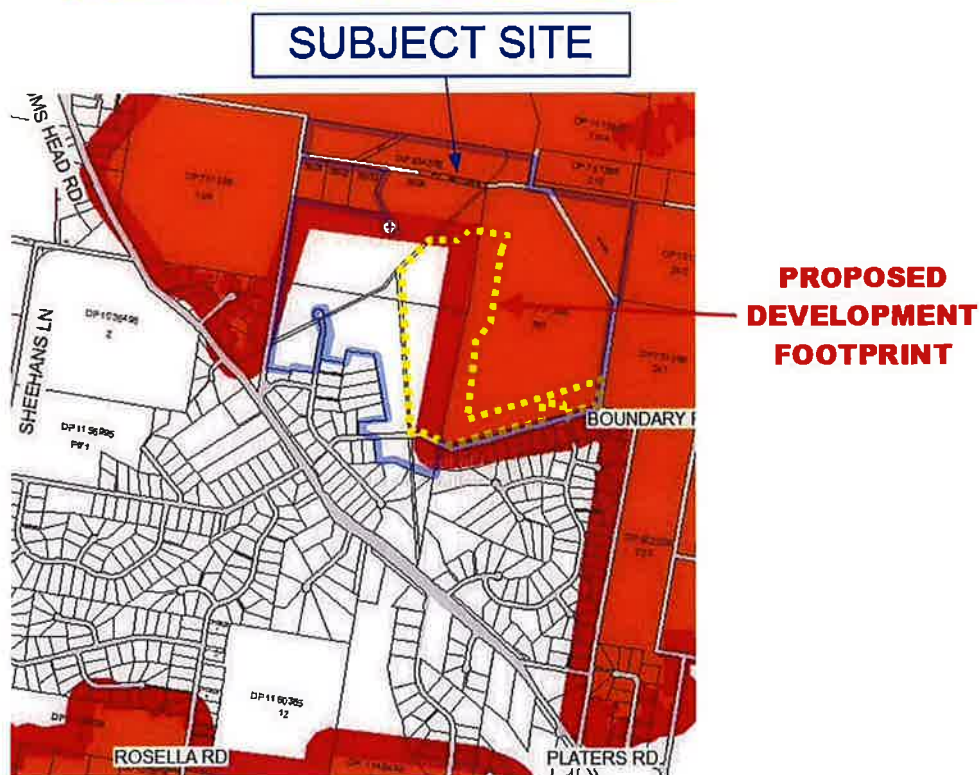
Figure 10: North Coast Farmland Map



Part of the site is mapped as bush fire prone, as shown on **Figure 11**, with Portion 361 presenting the dominant hazard.

Figure 11: Bush Fire Prone Land

Source: http://mapping.clarence.nsw.gov.au/Exponare/cvc_mapping_link.html, 14 March 2012, Fire Prone Land Map



2. Objective or Intended Outcome

The intent of the Planning Proposal is twofold. Firstly, its intent is to facilitate the orderly development of isolated pockets of developable R5 zoned land through the utilisation of nearby available infrastructure, old quarry and degraded land.

The Planning Proposal will facilitate the orderly creation of 48 rural residential allotments, whereby 24 of those allotments will be created within Part Portions 359 and 360 on land already zoned R5. It will also enable the creation of eleven (11) additional rural residential allotments within Portion 361 along Boundary Road adjacent to a proposed child care centre, and a further fifteen (15) rural residential allotments along degraded land (partly already zoned R5) immediately adjacent to the aforementioned 24 allotments within Part Portions 359 and 360 (see **Figure 6**). It involves the rezoning of about 12.6 hectares of land from RU2 Rural Landscape to R5 Low Density Residential under the CVLEP to effect this more efficient use of the land.

Secondly, its intent is to permanently conserve 35.6 hectares of land as a significant biodiversity corridor.

The Planning Proposal will facilitate the formal inclusion of the site's dominant stormwater pathway into the regionally-significant "Gulmarrad Wildlife Corridor", and its subsequent management for conservation and enhancement of the natural environment. The corridor is intended to remain in ownership independent of Council with long term management to be determined at the Development Application stage, options including a voluntary conservation agreement, voluntary planning agreement, or restrictions on the title. The Planning Proposal involves the rezoning of about 17.5 hectares of land from R5 Low Density Residential, and about 18.1 hectares of land from RU2 Rural Landscape, to E2 Environmental Conservation under the CVLEP. In total, about 35.6 hectares of land will be rezoned to E2.

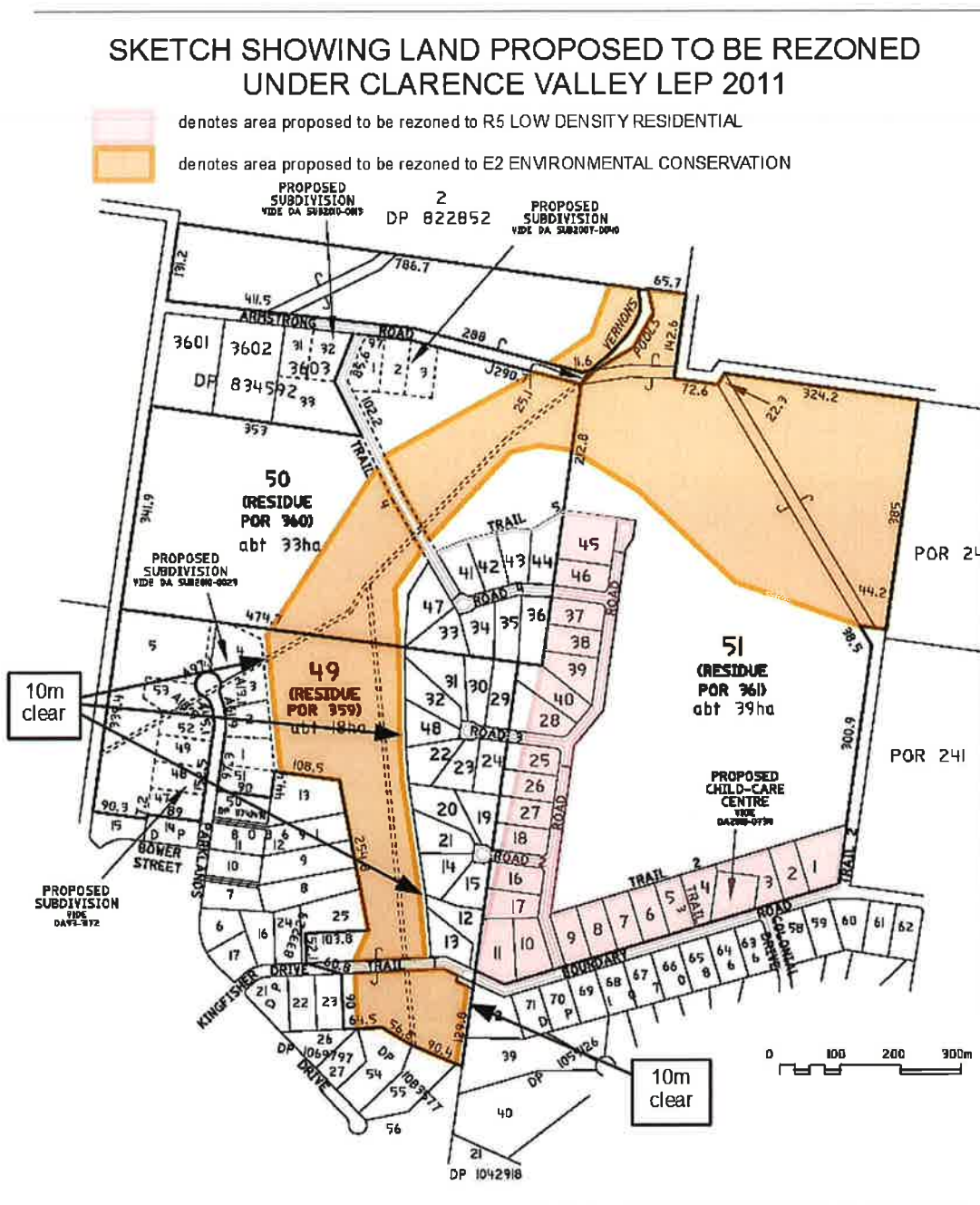
3. Explanation of Provisions

The objective of the Planning Proposal will be achieved by (see **Figures 12 & 13**): -

- (a) amending the CVLEP Map Sheet 1730_COM_LZN_011J_040_20111206 (i.e. Land Zoning Map) to rezone part of Portion 359 (i.e. 9.9ha of Lot 51 in DP 1171431) as E2 Environmental Conservation;
- (b) amending the CVLEP Map Sheet 1730_COM_LZN_011J_040_20111206 (i.e. Land Zoning Map) to rezone part of Portion 360 (i.e. 8.5ha of Lot 3604 in DP 834592) as E2 Environmental Conservation;
- (c) amending the CVLEP Map Sheet 1730_COM_LZN_011J_040_20111206 (i.e. Land Zoning Map) to rezone part of Portion 361 (i.e. 17.2ha of Lot 361 in DP 751388) as E2 Environmental Conservation;
- (d) amending the CVLEP Map Sheet 1730_COM_LSZ_011_160_20111214 (i.e. Lot Size Map) to show those parts of Portions 359, 360 and 361 rezoned to E2 as subject to Code AD having a minimum lot size of 100 hectares;
- (e) amending the CVLEP Map Sheet 1730_COM_LZN_011J_040_20111206 (i.e. Land Zoning Map) to rezone part of Portion 361 (i.e. 17.2ha of Lot 361 in DP 751388) as R5 Large Lot Residential; and
- (f) amending the CVLEP Map Sheet 1730_COM_LSZ_011_160_20111214 (i.e. Lot Size Map) to show that part of Portion 361 rezoned to R5 as subject to Code W having a minimum lot size of 4,000m².

Rezoning of 12.6ha of Portion 361 to R5 Low Density Residential would permit subdivision to create 24 allotments (plus roads) of 4,000m² minimum each.

Figure 12: Proposed LEP Land Zone Map Amendment

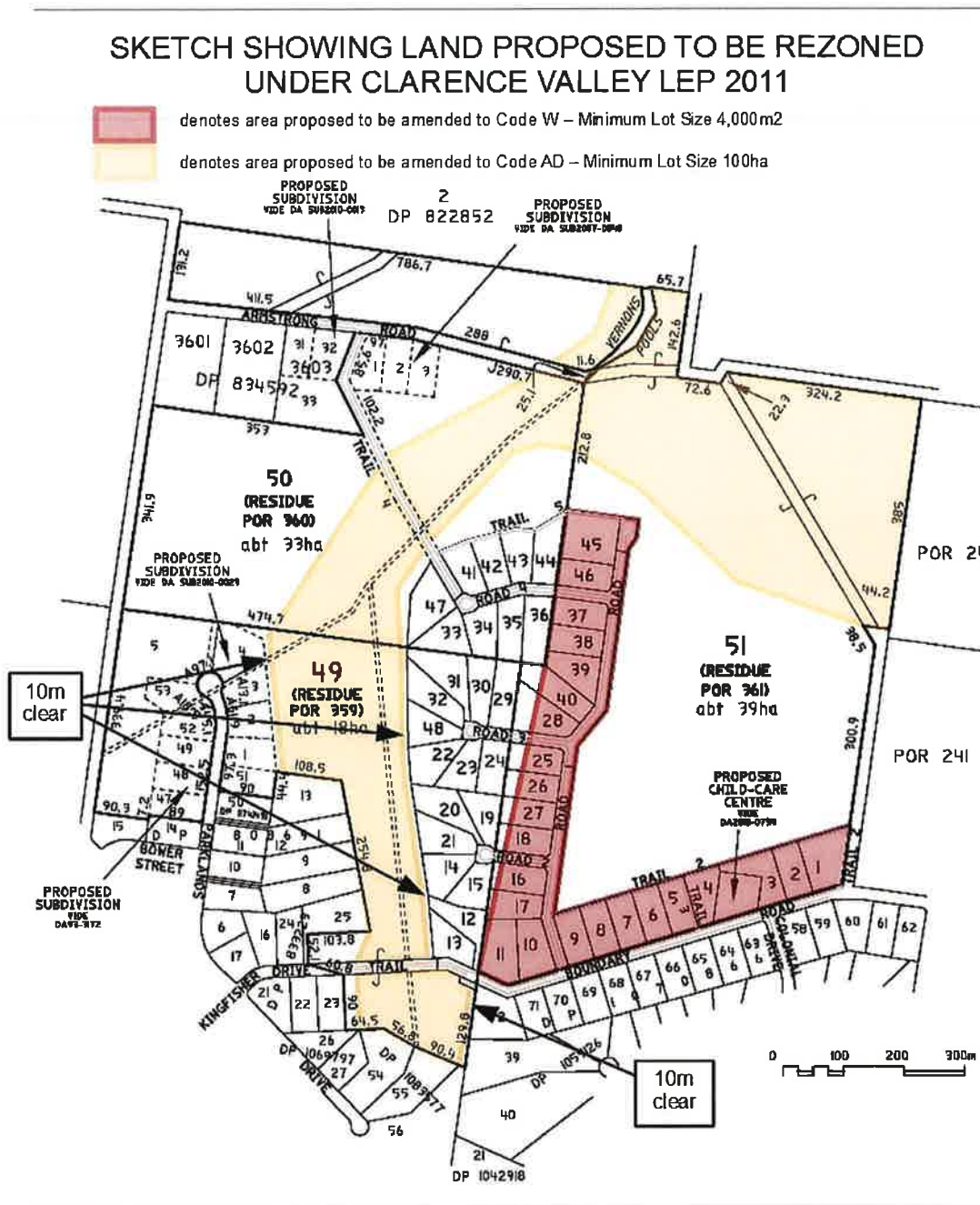


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Figure 13: Proposed LEP Lot Size Map Amendment



prepared for W Campbell (March 2012)

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4. Justification

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

No, the Planning Proposal is not the result of any strategic study or report.

However, firstly, the Planning Policy is a response to a community initiative to establish the "Gulmarrad Wildlife Corridor" which was presented to and received favourably by Councillors in October 2010.

Secondly, the Planning Proposal aims to facilitate the orderly development of isolated pockets of developable Zone R5 land which is consistent with the objectives of the R5 zone under the CVLEP.

The land is located at the northern edge of, and partly outside, the existing Gulmarrad Rural Residential settlement area defined by the LEP and identified by the *Mid North Coast Regional Strategy 2006 - 2031* (March 2009) (MNCRS). The Planning Proposal will utilise the infrastructure long established by the "Causley Farm" and "Taloumbi Park" estates, is configured to match the contours of a distinct, flood-free ridge and avoids significant drainage obstructions, and is effectively in-fill development which reinforces Gulmarrad's status as a growth area. More significantly, it involves the substitution of 17.5ha of Zone R5 land (i.e. on Portions 359 and 360) with 12.6ha of adjacent degraded Zone RU2 land (i.e. on Portion 361) to achieve a more orderly pattern of serviced rural residential development without affecting allotment yield, despite reducing the locality's stock of Zone R5 land by 4.9ha.

Furthermore, it is consistent with the *Clarence Valley Settlement Strategy* objective of clustering rural residential development.

Nevertheless, in spite of these compelling arguments, the Planning Proposal is not the result of any specific strategy or study.

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

Yes.

An alternative to the proposal is presented in **Figure 5**. However, whilst being able to conform strictly to the requirements of the current planning controls, the majority of the allotments presented in the alternative are narrow and elongated, and are out of character with the pattern of development that has emerged in Gulmarrad. Furthermore, almost 50% of the possible allotments are severed by the drainage buffer identified in Council's *Residential Zones DCP 2011*. The elevated sections of those severed allotments would be required for reserve-capacity wastewater disposal utilizing pump systems, so that the possible development scenario has the general appearance of being disorderly.

More significantly, the alternative would introduce a multitude of landowners to the management of the drainage buffer so that significant conflict will be generated between the private values of individual landowners and the environmental values of that corridor to the public.

By contrast, the proposal as presented in **Figure 6** shifts the development footprint merely 90m eastwards from the drainage buffer, and utilises the existing infrastructure established already along Boundary Road, and thereby achieves the same yield of allotments without resorting to creating narrow elongated allotments across the drainage buffer. Furthermore, it ensures the drainage corridor is retained and managed as a single land parcel.

However, the CVLEP does not make provision for the substitution of a zone on one area of land for a different zone on another area of land in the same locality where there are sound planning reasons. The intended outcome is best, and can only be achieved by changing the zoning and minimum lot size controls for the land.

4.3 Is there a net community benefit?

Yes, there is a massive net community benefit generated by this Planning Proposal, and it is being encouraged by Clarence Valley Councillors who so expressed this in their deliberations over Item 12.194/11 (DA SUB2011/0049). The benefit includes: -

- (a) in-fill of an existing settlement area;
- (b) orderly settlement of development land, without either increase or decrease to possible allotment yield;
- (c) location of rural residential allotments on flood-free land, each with total flood-free access to the "major town" of Maclean;
- (d) efficient use of serviceable degraded and unproductive land;
- (e) rehabilitation of degraded and heavily-cratered land;
- (f) protection of the locality's biodiversity values; and
- (g) conservation and enhancement of a locally significant biodiversity corridor as a single land parcel.

5. Relationship to Strategic Planning Framework

5.1 Applicable Regional Strategy – Mid North Coast Regional Strategy

The *Mid North Coast Regional Strategy 2006 - 2031* (March 2009) (MNCRS) is the applicable regional strategy.

The land is located at the northern edge of, and partly outside, the existing Gulmarrad Rural Residential settlement area identified by the MNCRS. Whilst referring directly to "growth area boundaries", the MNCRS, nevertheless, indicates rezoning will be considered on the basis of "efficient use of infrastructure/services, avoidance of significant environmental constraints ..., and reinforcement of the regional settlement hierarchy" (MNCRS p.18). The Planning Proposal is consistent with these heads of consideration in that it utilises the infrastructure long established by the "Causley Farm" and "Taloumbi Park" estates, in that it is configured to match the contours of a distinct, flood-free ridge and avoids significant drainage obstructions, and in that it is effectively in-fill development which reinforces Gulmarrad's status as a growth area. More significantly, it involves the substitution of 17.5ha of Zone R5 land (i.e. on Portions 359 and 360) with 12.6ha of adjacent degraded Zone RU2 land (i.e. on Portion 361) to achieve a more orderly pattern of serviced rural residential development without affecting allotment yield, despite reducing the locality's stock of Zone R5 land by 4.9ha.

Furthermore, the MNCRS (p.18) upholds rural residential development as a form of housing choice for the region with emphasis on its location "close to an existing urban settlement, away from the coast, away from areas that may in the future have value as urban expansion areas, and where current or potential future primary production will not be affected." The Planning Proposal is consistent with these objectives in that it applies to land within Gulmarrad, in that it applies to land more than 10km from the coastal foreshore (and furthermore is outside the Coastal Zone as defined by the *Coastal Protection Act 1979*), in that the immediate locality has no foreseeable value as an urban expansion area, and in that the proposed development footprint is almost 0.5km clear of any land mapped as significant farmland.

The MNCRS (p.18) also upholds rural residential development with emphasis on its location "... where significant vegetation clearing would not be required." The Planning Proposal facilitates some vegetation clearing within the 12.6ha of adjacent degraded Zone RU2 land (i.e. on Portion 361) for 24 dwelling sites, extension of roads and infrastructure, and bushfire hazard management. However, vegetation clearing of the development footprint is already a necessary consequence of

restoring the terrain from the past disturbance by logging, quarrying and grazing activities to more closely resemble the shape of the original ground surface. More importantly, the development footprint consists of emerging regrowth vegetation and only two remnant habitat trees (as per ecological assessment by BushfireSafe (Aust) Pty Ltd Environmental Services, July 2011).

The development footprint comprises about 25ha. Within that footprint, about 5ha is proposed to be established as continuous native habitat, whilst a further 1.6ha can provide some habitat capability as managed Asset Protection Zones, so that 18.4ha of the overall site will be permanently and totally modified into occupiable space. In contrast, the Planning Proposal conserves 35.6ha of the overall site as a significant biodiversity corridor, and facilitates the provision of a further 6.6ha within the development footprint for habitat purposes, so that 42.2ha of the site will contribute meaningfully to conserving the locality's biodiversity values.

Therefore, whilst justifiable vegetation clearing would eventuate, the Planning Proposal can be considered to deliver a nett vegetation gain of 23.8ha to the Gulmarrad Rural Residential settlement area.

As regards "rural residential development", the MNCRS lists the following actions: -

- *Future rural residential development will only be zoned for release if it is in accordance with a local growth management strategy agreed to between council and the Department of Planning and consistent with the principles of the Settlement Planning Guidelines.*

Relevant / Consistent / Inconsistent /Comments:

Not inconsistent

The Planning Proposal applies to land at the northern edge of, and partly outside, the Gulmarrad Rural Residential settlement area. It involves substituting 17.5ha of R5 zoned land for 12.6ha of degraded RU2 zoned land so that a more orderly pattern of serviced rural residential development can be achieved. Despite reducing the overall stock of R5 zoned land by 4.9ha, it will neither increase nor decrease allotment yield (see **Figure 6** and compare to **Figure 5**), so that there is no change to the existing strategy being pursued by Council for Gulmarrad.

Accordingly, the Planning Proposal is not inconsistent with this MNCRS action.

- *No new rural residential development will be permitted within the Coastal Area, other than development already zoned or in an approved current or future local growth management strategy (or rural residential land release strategy).*

Relevant / Consistent / Inconsistent /Comments:

Not inconsistent

The Planning Proposal applies to land at the northern edge of, and partly outside, the Gulmarrad Rural Residential settlement area, which is more than 10km from the coastal foreshore (and furthermore is outside the Coastal Zone as defined by the *Coastal Protection Act 1979*).

Furthermore, it involves substituting 17.5ha of R5 zoned land for 12.6ha of degraded RU2 zoned land so that a more orderly pattern of serviced rural residential development can be achieved for the locality. Despite reducing the overall stock of R5 zoned land by 4.9ha, it will neither increase nor decrease allotment yield (see **Figure 6** and compare to **Figure 5**), so that there is no change to the existing strategy being pursued by Council for Gulmarrad.

Accordingly, the Planning Proposal is not inconsistent with this MNCRS action.

In summary, the Planning Proposal is not inconsistent with the MNCRS as it merely substitutes 17.5ha of R5 zoned land for 12.6ha of degraded RU2 zoned land so that a more orderly pattern of serviced rural residential development can be achieved, and as there will be neither increase nor decrease to the possible allotment yield for R5 zoned land for Gulmarrad.

5.2 Consistency with Council's Community Strategic Plan, or other local strategic plan

5.2.1 Valley Vision 2020

Valley Vision 2020, July 2008, is Council's adopted corporate strategic plan, which is based on the Sustainability Initiative adopted by Council in 2006. Sustainability principles underlie Council's decision making. The relevant goals of *Valley Vision 2020* are: -

- protecting biodiversity – the Planning Proposal facilitates the formal inclusion of the site's dominant pathway into the regionally significant "Gulmarrad Wildlife Corridor", and its subsequent dedication for conservation and enhancement of the natural environment by way of a voluntary planning agreement. It involves the rezoning of about 17.5 hectares of land from R5 Low Density Residential, and about 18.1 hectares of land from RU2 Rural Landscape, to E2 Environmental Conservation under the CVLEP. In total, about 35.6 hectares of land will be rezoned to E2;
- efficient transport and access – the Planning Proposal involves matching a well-serviced layout with good access arrangements to existing infrastructure and constraint-free topography;
- effective essential services – the Planning Proposal effectively involves exchanging constrained land for an elevated ridge line that is readily serviced and that can be managed for ecologically sustainable water conditions;
- managing resources - the Planning Proposal ensures that Council's investment in infrastructure and services for the 1175 rural residential allotments anticipated by the CVLEP for Gulmarrad is at least partially recouped by developer contributions and rates revenue.

In summary, the Planning Proposal is consistent with these goals, and therefore with Council's *Valley Vision 2020*.

5.2.2 Maclean Urban Catchment Local Growth Management Strategy 2011

Maclean Urban Catchment Local Growth Management Strategy 2011 (MLGMS), August 2011, is Council's adopted strategic plan for future residential and industrial development within the Maclean urban catchment, which has been developed to achieve the planning outcomes and actions contain in the MNCRS. It reinforces Maclean as the principal town supported by residential satellites that include Gulmarrad, and identifies the "growth areas". In relation to Gulmarrad's "growth areas", the MLGMS seeks to generate a critical mass of development that: -

- *is efficient to service;*
- *accounts for the locality's biodiversity values;*
- *is accessible to local commercial, community and open space services; and*
- *has good connectivity to Townsend and Maclean.*

Whilst the Planning Proposal does apply to land within a "growth area", it nevertheless resonates with these objectives in seeking to transfer a development footprint to land that is more efficient to service, in seeking to conserve a significant biodiversity corridor, and seeking to provide a site with immediate flood-free access to both Gulmarrad's intended commercial hub and to the principal business districts of Townsend and Maclean.

The MLGMS also recognises there are existing zoning and development approval commitments that sustain rural residential development as an ongoing lifestyle choice for Gulmarrad outside of the “growth areas”. The Planning Proposal is not inconsistent with these commitments as it merely substitutes 17.5ha of R5 zoned land for 12.6ha of degraded RU2 zoned land so that a more orderly pattern of serviced rural residential development can be achieved, and as there will be neither increase nor decrease to the possible allotment yield for R5 zoned land for Gulmarrad (see **Figure 6** and compare to **Figure 5**).

5.3 Consistency with applicable State Environmental Planning Policies

The following SEPP’s are considered:

- State Environmental Planning Policy No 44 — Koala Habitat Protection; and
- State Environmental Planning Policy (Rural Lands) 2008 (SEPP-RL).

5.3.1 SEPP No 44 – Koala Habitat Protection

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) aims to encourage the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations are maintained over their present range. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat.

Relevant / Consistent / Inconsistent /Comments:

Not inconsistent

The Planning Proposal does not involve a site containing a viable koala population, and has been assessed as not containing tree species listed in Schedule 2 of SEPP 44. Furthermore, the site has been assessed as having no signs of koala activity.

Accordingly, the Planning Proposal is not inconsistent with the aims of SEPP 44.

5.3.2 SEPP (Rural Lands) 2008

SEPP-RL primarily aims to facilitate the orderly and economic use and development of rural lands, and to ensure the ongoing viability of State significant agricultural land for agricultural use.

Relevant / Consistent / Inconsistent /Comments:

Not inconsistent

The NE perimeter of the site is identified as “regionally significant farmland” by the North Coast Farmland Mapping Project 2008. However, the proposed development footprint is located at least 480m away from the mapped farmland.

The development footprint has been massively disturbed by past logging and quarrying, and does not contain any land that can sustain agricultural production.

Furthermore, the site is topographically suited for the proposal, forming a part of an extension of the “Causley Farm” residential estate northwards to the edge of a flood-free ridge from Boundary Road. The proposal is effectively in-fill development between Boundary Road and rural-residential development emerging along Parklands Drive to the W and along Armstrong Road to the NW.

Accordingly, the Planning Proposal is not inconsistent with the aims of SEPP-RL.

In summary, the proposal is not inconsistent with the applicable SEPP's.

5.4 Consistency with applicable Ministerial Directions (s. 117 Directions)

The following Directions are considered: -

- Direction 1.2 Rural Zones;
- Direction 1.5 Rural Lands;
- Direction 2.1 Environmental Protection Zones;
- Direction 2.2 Coastal Protection;
- Direction 4.1 Acid Sulphate Soils;
- Direction 4.3 Flood Prone Land;
- Direction 4.4 Planning for Bushfire Protection; and
- Direction 5.1 Implementation of Regional Strategies.

5.4.1 Direction 1.2 Rural Zones

The objective of this direction is to protect the agricultural production value of rural land.

Relevant / Consistent / Inconsistent /Comments:

Not inconsistent

The Planning Proposal does not involve increasing the density of development within 480m of any area mapped as significant farmland.

Accordingly, the Planning Proposal is not inconsistent with the objective of the Rural Zones Direction.

5.4.2 Direction 1.5 Rural Lands

The objectives of this direction are to:

- (a) protect the agricultural production value of rural land,*
- (b) facilitate the orderly and economic development of rural lands for rural and related purposes.*

Relevant / Consistent / Inconsistent /Comments:

Not inconsistent

The Planning Proposal applies as it involves land within an existing rural zone. However, the *Mid North Coast Farmland Mapping Project 2008* (MNCFMP), as adopted by the NSW Department of Planning, has given consideration to the objectives of this Rural Lands Direction.

The MNCFMP maps only the NE perimeter of the site as significant farmland. However, the proposed development footprint is located at least 480m clear of the area mapped as significant farmland.

Accordingly, the Planning Proposal is not inconsistent with the objective of the Rural Lands Direction.

5.4.3 Direction 2.1 Environmental Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas.

Relevant / Consistent / Inconsistent /Comments:

Consistent

The Planning Proposal applies as it involves land regarded as environmentally sensitive.

It involves the conservation of a significant biodiversity corridor by rezoning 17.5ha of Zone R5 land and 18.1ha of Zone RU2 land to E2 Environmental Conservation (i.e. 35.6ha in total), and thereby is consistent with the objective of the Environmental Protection Zones Direction.

5.4.4 Direction 2.2 Coastal Protection

The objective of this direction is to implement the principles in the NSW Coastal Policy.

Relevant / Consistent / Inconsistent /Comments:

Not relevant

The Planning Proposal does not apply to the coastal zone as defined by the *Coastal Protection Act 1979*.

5.4.5 Direction 4.1 Acid Sulphate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

Relevant / Consistent / Inconsistent /Comments:

Consistent

The Planning Proposal involves land parcels that are partly identified as containing Class 5 ASS conditions. However, the proposed development almost entirely avoids ASS conditions of any class, is unlikely to involve works extending to depths of more than 1m below natural ground surface, and is unlikely to impact on present watertable depths.

Accordingly, the Planning proposal is consistent with the objective of the Acid Sulphate Soils Direction.

5.4.6 Direction 4.3 Flood Prone Land

The objectives of this direction are:

- (a) *to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- (b) *to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

Relevant / Consistent / Inconsistent /Comments:

Not relevant

The Planning Proposal does not apply as the land is not identified as flood prone land (see **Figure 7**).

5.4.7 Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) to encourage sound management of bush fire prone areas.*

Relevant / Consistent / Inconsistent /Comments:

Consistent

The Planning Proposal involves land parcels that are identified as bush fire prone. Fire hazard is located to the north and west of the development footprint (see **Figure 11**). A bushfire risk assessment recommends establishing Asset Protection Zones (APZ's) to a width of 30m along those northern and western perimeter boundaries of the development footprint within Portion 361. Accordingly, the Planning proposal is consistent with the objectives of the Planning for Bushfire Protection Direction.

5.4.8 Direction 5.1 Implementation of Regional Strategies

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

Relevant / Consistent / Inconsistent /Comments:

Not inconsistent

The *Mid North Coast Regional Strategy* (MNCRS) is relevant to the Planning Proposal as the land is located at the northern edge of, and partly outside, the existing Gulmarrad Rural Residential settlement area identified by the MNCRS.

The Planning Proposal involves substituting 17.5ha of R5 zoned land for 12.6ha of degraded RU2 zoned land so that a more orderly pattern of serviced rural residential development can be achieved. Despite reducing the overall stock of R5 zoned land by 4.9ha, it will neither increase nor decrease allotment yield (see **Figure 6** and compare to **Figure 5**), so that there is no change to the existing strategy being pursued by Council for Gulmarrad.

Moreover, the Planning Proposal resonates with the aims and objectives of the MNCRS, in: -

- avoiding and conserving a habitat corridor;
- being in-fill development;
- being consistent with the *Clarence Valley Settlement Strategy* objective of clustering rural residential development;
- not increasing rural residential development in the Coastal Area;
- avoiding the development of constrained land;
- avoiding the development of land with cultural, heritage and scenic values;
- being ideally located to integrate with established infrastructure;
- not fragmenting significant farmland; and
- not disrupting the productivity of viable farmland.

Accordingly, the outcome of this Planning Proposal is not inconsistent with the MNCRS.

In summary, the proposal is not inconsistent with the applicable Section 117 Directions.

6. Environmental, Social and Economic Impact

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

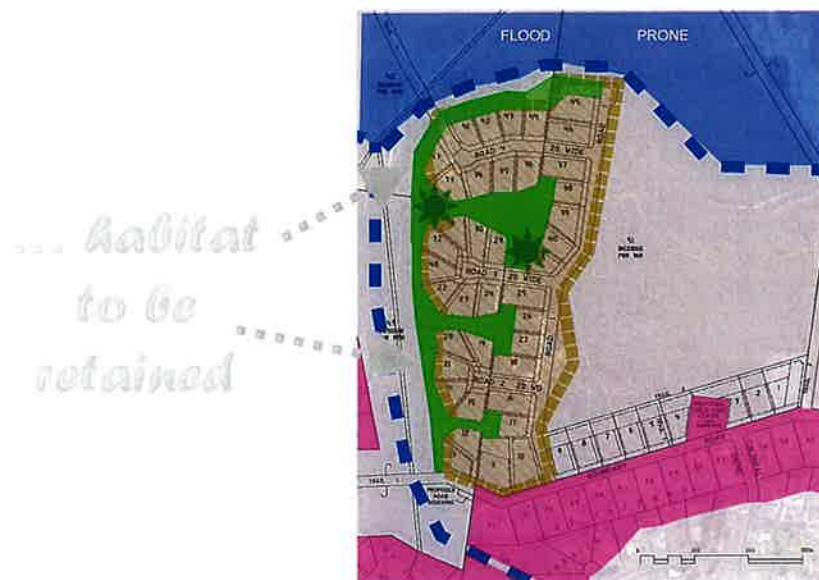
Ecological assessment has been undertaken to ascertain the likelihood of threatened species using or visiting the site. The assessment reports the site has been heavily logged in the past, so that mature hollow-bearing trees are scarce, although two (2) trees of significance have been identified within the proposed development footprint. Hollow logs, debris and areas of dense leaf litter exist across each of the above vegetation communities. Furthermore, the site contains fruit-bearing *Eucalyptus* and *Banksia* species

The site's tall open forest communities are connected with similar stands of tall open forest communities to the north and east, but the long-established Gulmarrad settlement area limits connectivity to the south and west.

Apart from disturbing incidental use by some other threatened fauna species, the assessment determined that the Rufous Bettong species was most at risk from development. More specifically, it is likely to source food in the sandy soil that mantles the W slopes of the main ridge within the proposed development footprint, and is likely to shelter in the understorey cover along the adjacent drainage arm.

The particular design response to protect the Rufous Bettong is to keep clear separation between the development footprint and the adjacent drainage arm, and to formally include continuous vegetation corridors, between 15m and 60m wide, for native habitat purposes within 20% of the development footprint (i.e. about 5ha – see **Figure 14**), enforced by restrictions as to user on the proposed allotments. A further 6% of the continuous development footprint (i.e. about 1.6ha) will contain vegetation, principally managed to reduce bushfire hazard, will also provide some habitat functionality. Fencing would also be limited to that which permits the free passage of native fauna.

Figure 14: Habitat within Development Footprint to be retained



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

6.2.1 Context and Setting

The proposal matches the density and scale of adjoining development. More significantly, it facilitates an orderly increase to the concentration of settlement area within a 2km radius of Gulmarrad's future community and commercial hub, and thereby enhances its viability.

6.2.2 Natural Hazards

Flood Hazard

Part of the site is inundated in extreme storm events by stormwater runoff from about 660ha of catchment conveyed via three intersecting drainage arms.

However, the perimeter of the proposed development footprint is elevated above, or coincides with, the predicted stormwater flowpath for the 1 in 100 year event, with only some fire trail elements (i.e. Trails 1 & 4) required to be functional for bushfire events outside of flood periods. More importantly, proposed dwelling envelopes, together with wastewater disposal areas, within the development envelope are elevated at least 0.5m above the predicted 1 in 100 year flowpath.

Bushfire Hazard

Part of the site is identified as "bush fire prone land". For the proposal, the fire hazard is located to the north and west of the development footprint. The design response is the inclusion of Asset Protection Zones (APZ's) to a width of 30m along those northern and western perimeter boundaries of the development footprint within Portion 361. Road 1 functions as an APZ and as access for firefighting vehicles in emergencies. Dwelling envelopes located along Road 1 (20m wide) are setback 10m.

The design response also includes alternative site exits from the S end of the development footprint by means of Trail 1 to Kingfisher Drive, and from the N end of the development footprint by means of Trail 4 to Armstrong Road.

Nevertheless, the Bushfire Risk Assessment has made the following recommendations: -

- APZ's be maintained as per specified performance standards
- electrical transmission lines should be underground;
- fire hydrants and delivery water lines be installed as per specifications;
- fire trails (i.e. Trails 1, 2, 3 & 4) be constructed as per specifications;
- AS 3959 (2009) *Construction of Buildings in Bushfire Prone Areas* (Standards Australia, 2009) be the construction standard for future dwellings erected on the proposed allotments; and
- future landscaping within the proposed allotments be established as per a standard.

The above recommendations can be imposed by consent conditions.

6.2.3 Transport and Traffic

The proposal will generate traffic movements to, from and along Boundary Road, then Colonial Drive and Brooms Head Road, for 48 additional households.

The Gulmarrad locality is serviced by a school bus service.

6.2.4 Utilities

Town water, electricity and telecommunications services are available to the land.

Each allotment has ample capacity for the on-site disposal of wastewater following treatment by an in-line standard secondary treatment system. The On-site Wastewater Assessment recommends: -

- the treatment system be of a type accredited by NSW Health; and
- be installed by a licensed plumber or drainer.

This requirement can be imposed by a consent condition.

6.2.5 Heritage

The site does not contain nor is in proximity to any sites or items listed on either the Australian Heritage Database (AHD) or the Aboriginal Heritage Information Management System (AHIMS). Furthermore, there are no sites of environmental heritage listed in Schedule 5 of the CVLEP.

The proposed development footprint is a modified environment, where massive disturbance has occurred from past logging and quarrying activities, except for two remnant trees. These trees are being retained with buffers for habitat purposes (i.e. within proposed Lots 28 & 31).

Otherwise, the proposal presents no likelihood of disruption to items of heritage significance. This has been confirmed by the Yaegl Local Aboriginal Land Council following a site inspection.

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

If the Planning Proposal proceeds, it will provide an immediate positive stimulus by increasing the supply of affordable land for housing in the Lower Clarence region to offset the rising prices of land in the coastal settlements (like Yamba).

It will also provide medium term economic stimulus and employment opportunities for local businesses and individuals towards establishing subdivision works and dwellings on proposed Lots 1 to 48.

In the long term operational phase, the proposal can be reasonably anticipated to provide further economic stimulus for local businesses supplying goods and services to additional households. Furthermore, the proposal will add to the cost-effectiveness of Council by recouping its investment costs for establishing infrastructure from developer contributions, and by increasing its revenue base (i.e. through rates and other charges).

7. State and Commonwealth Interests

7.1 Is there adequate public infrastructure for the planning proposal?

The benefit of the Planning Proposal is the availability of public infrastructure immediately adjacent to the development footprint, so that public road access and services can be extended directly from Boundary Road into the development footprint. The on-going maintenance costs for the public infrastructure are reduced by the development footprint being matched to constraint-free land.

7.2 What are the views of State and Commonwealth public authorities consulted?

A gateway determination has not yet been issued. There has been no consultation with State and Commonwealth public authorities to date.

8. Community Consultation

It is considered that the Planning Proposal is a “low impact planning proposal” under Section 4.5 of *“A guide to preparing local environmental plans”*.

On this basis, the Planning Proposal would be advertised for 14 days in accordance with Section 4.5 of *“A guide to preparing local environmental plans”*. It would involve giving notice in writing to land owners who surround the subject land.

A public hearing does not appear necessary.