



Lennox Street Casino Urban Land Release Planning Proposal

Strategic Justifications to support

- **Demonstrated Strategic Need to Rezone Further Residential Land, and Reasons Why Strategically Identified Land is not suitable for Short Term Release**
- **Urban Growth Area Variation Principles**
- **Important Farmland Interim Variation Criteria**

On 12 July 2017 Richmond Valley Council met with Mr Graeme McKenna who was researching an option to purchase Lots 1 & 2 DP545750 and Lots 85, 86 & 87 DP755627, Casino, (about 4 hectares of land on the fringe of Casino township) with respect to rezoning it for residential land release.

It was Council's understanding that while the land is not identified within an Urban Growth Boundary area, there are provisions in place to enable consideration of such proposals on their merit. The Urban Growth Area Variation Principles, set out in Appendix A of the *North Coast Regional Plan 2036*, aim to provide some flexibility to consider rezoning land outside of a Strategy:

- where adjoining an existing urban settlement area;
- justified on Strategic Planning merit; and
- where new information became available or to correct anomalies.

The land had been omitted from previous strategies because it is known to be flood prone. However, there was no reason why it couldn't be considered for rezoning if the flood constraint could be effectively and efficiently eliminated by filling.

It was also pointed out the land is mapped as Regionally Significant Farmland which, on face value, excludes it from being rezoned as residential land. However, Important Farmland Interim Variation Criteria in the *North Coast Regional Plan*, set out in Appendix B of the *North Coast Regional Plan 2036*, provided a mechanism to enable consideration of proposals where the significance of the farmland has been compromised. Given the land's:

- proximity to an existing urban settlement;
- its physical isolation from adjoining productive agricultural lands by constructed public roads;
- viability as farmland is compromised by its small size and scale; and
- was part of Casino's original urban street layout, and thus has always been held in separate ownership from adjoining agricultural lands,

there is merit for granting a variation.

Planning Proposal PP2018/0001 was subsequently lodged with Council to rezone the land from Zone RU1 Primary Production to Zone R1 General Residential and change the Minimum Lot Size from 40ha to 600m². The proposal included Attachments 7 & 8 which addresses the Urban Growth Area Variation Principles and Important Farmland Interim Variation Criteria, respectively.

Council resolved to support the proposal, including the variations, and to seek a Gateway Determination. Initial advice from the Department of Planning and Environment was that the application's variation requests were "very weak" and failed to justify inconsistencies with policy. As a result the Applicant has updated Attachments 7 & 8 of their Planning Proposal, and ALTA Engineering has provided information relating to the feasibility of filling the land relative to the overall cost of providing infrastructure.

Council has also prepared this justification report in an attempt to further address each of the heads of consideration provided within the Urban Growth Area Variation Principles and Important Farmland Interim Variation Criteria, and to provide a strategic justification for releasing additional urban land.

Demonstrated Strategic Need to Rezone Further Residential Land, and Reasons Why Strategically Identified Land is not suitable for Short Term Release

Council's Coordinator of Planning Services presented a briefing paper to a Councillor Workshop on 2 February 2016 regarding Council's dwindling supply of urban zoned land, particularly at Casino. Subsequent to this briefing paper, additional research specific to Casino was prepared and presented in the report *Casino Urban Land Availability: 2018*. This report was prepared in direct response to the Department's request for a demonstrated strategic need to rezone further residential land at Casino, and for a demonstrated need to release land outside of a strategy. The 2018 research found that:

- nothing much had changed since the 2016 briefing paper as no new land releases had taken place, or were being contemplated;
- the majority of zoned residential greenfield sites have significant constraints preventing immediate residential subdivision;
- the supply of unconstrained vacant residential zoned land in Casino represents less than 4 years of projected demand (about 89 residential lots);
- bringing strategically identified Future Urban Growth areas online is hampered by a combination of:
 - ♦ hefty upfront infrastructure provision costs;

- ♦ a lack of confidence by seasoned developers to invest in identified lands, given the long term investment return periods for upfront infrastructure provision; and
- ♦ a lack of desire by some property owners, particularly at the fringe of town, to consider their land for development. In some cases there is willingness to sell, but only for a premium sale price which has dampened the enthusiasm of seasoned developers.

In conclusion, there are absolutely no short term prospects for releasing new residential land at Casino from any of the identified Future Urban Growth areas. Furthermore, existing urban zoned residential land supplies, while on paper look ample, are in the main constrained from being developed. It is estimated that only 89 residential lots remaining which would supply less than 4 years of demand.

A copy of the *Casino Urban Land Availability: 2018* report is attached.

Urban Growth Area Variation Principles

The following is an assessment of the Urban Growth Area Variation Principles as set out in Appendix A of the *North Coast Regional Plan 2036*. These principles aim to provide some flexibility to the Future Urban Growth Boundaries through a merit based assessment of key heads of consideration.

This assessed has been necessitated as the land proposed to be rezoned in Planning Proposal PP2018/0001 is outside a strategically identified future urban growth area.

Policy

The variation needs to be consistent with the objectives and outcomes in the North Coast Regional Plan 2036 and any relevant Section 117 Directions and State Environmental Planning Policies, and should consider the intent of any applicable local growth management strategy.

North Coast Regional Plan 2036

The *North Coast Regional Plan 2036* (the NCRP 2036) aims to deliver sustainable land use by directing growth to locations that do not compromise the natural environment. It provides for urban growth in line with the Department of Planning & Environment's population projections (2016) and by directing it to identified urban growth areas. Outside of these Urban Growth Areas, the Plan provides that "[T]here may be a need to vary the urban growth areas as new information becomes available or to correct anomalies. Any variations must be in accordance with the *Urban Growth Area Variation Principles* (Appendix A) and will need to be considered and justified through a strategic planning or rezoning process."



Justification

- The proposal delivers new housing and enhances the variety of housing options in Casino, which are priorities of the NCRP 2036 (delivering on Direction 1 Deliver environmentally sustainable growth; and Direction 22 Deliver greater housing supply).
- The *Casino Urban Land Release Strategy* (2005) aims to set aside sufficient land to cater for the projected population growth of the Town to 2025; outline a strategic sustainable approach to planning future growth by identifying development constraints and opportunities; and to regulate development to achieve a desired built environment.
 - ◆ The proposal meets the intent of the Casino Urban Settlement Strategy as it provides for greater housing supply in Casino to cater for the projected population growth of the town.
 - ◆ The Planning Proposal, along with this justification assessment, has identified the constraints and opportunities for developing this land. It has demonstrated that the land is ideally located adjacent to existing urban settlement areas and will make the most efficient use of existing infrastructure. A number of constraints were identified but it has been demonstrated within the Proposal that flooding can be efficiently eliminated by filling, and that the land is viable agricultural land, see the *Important Farmland Interim Variation Criteria* assessment.
- New information has been presented within the Planning Proposal to enable evaluation of the land's urban growth potential outside of a Strategy. This information consists of LIDAR data combined with flood modelling to determine the extent of flood inundation over the property, and a cost-benefit analysis of filling the land to eliminate the hazard. The information presented in the Planning Proposal demonstrates the land can effectively and economically be filled to above RL22 metres AHD, the Flood Planning Level. This will involve approximately 23,500m³ of fill, at an average depth of 0.5 metre across the property. This fill can be purchased, transported to the land, spread, compacted and trimmed at an estimated cost of \$632,500, or \$13,750/lot. This is made viable because of the relatively low cost of servicing the land with infrastructure as all services are available to the land. The total estimated cost to service the development, including filling, is \$2,596,691.00, or \$56,450/lot.
 - ◆ Similar development undertaken by Council, namely the "Settlers Estate" at Casino, had comparable development costs and involved a similar level of filling to raise ground levels above the Flood Planning Level. The only difference between the Settlers Estate and this proposal is that Settlers was already zoned residential.
- Optimal utilisation of existing infrastructure services can be made as services are immediately available at the properties perimeter (delivering on Direction 21 Coordinate local infrastructure delivery).



- ◆ These services consist of having:
 - ✧ A sewer pumping station on Lennox Street with capacity to service this land. Because the pump station is at the perimeter of the land the entire property can be serviced by new reticulated sewer lines. The cost of laying these lines can be reduced by laying the lines first (with minimal excavation) and back filled as part of flood proofing the land;
 - ✧ Water mains (100mm diameter) are located on Lennox and East Streets. Water pressure and supply is amply provided via the South Casino Reservoir, about 750 metres away;
 - ✧ Grass swale stormwater drainage located along the properties East and Boundary Street frontages. These drains are earmarked by Council to be piped;
 - ✧ Stormwater drainage flows southerly towards a 6 hectare stormwater detention basin located on the immediate opposite side of Hare Street;
 - ✧ Bitumen sealed roads are provided on Lennox, Boundary and Hare Streets, with only half of the East Street being formed. Some road widening will be required but is mainly reliant on the existing road construction;
 - ✧ A town bus service passes through the East & Lennox Street intersection (north-western corner of this property) 4 times daily;
 - ✧ Telecommunications services are available. Casino is currently being made NBN Ready with Cable to the Node. Provisions must be made within the estate for telecommunication services to be reticulated thorough out the estate.
- The NCRP 2036 provides "that agricultural production may not be suitable on some small pockets of mapped important farmland due to non-biophysical factors that make the land more suited to other uses." Significant Farmland Interim Variation Principles have been addressed under a separate heading within this report and demonstrated why the land is not important farmland and would be better suited to its proposed residential use (delivering on Direction 11 Protect and enhance productive agricultural lands). In summary the assessment finds:
 - ◆ If there had ever been an agricultural use of the land, it has been abandoned for a significant period of time;
 - ◆ Farming of the land is not considered viable given its size and scale at around 4 hectares;
 - ◆ The land is isolated from adjoining agricultural farmland by constructed public roads;



- ♦ The land has never been held in the same ownership as recognised farmland, and there is no likelihood that it will ever be consolidated with such land;
- ♦ An Agronomist Assessment attached to the Planning Proposal (Attachment 4) provides that farming of the proposed property is unviable. Given the size of the land, its soil characteristics, and the dominant form of agriculture in the locality being low input cattle grazing, it is estimated the land could yield an annual income of only \$1,147.34, being insufficient to support a family.

Section 117 Direction – 1.2 Rural Zones

This direction provides that a planning proposal must not rezone rural zoned land to a residential zone unless the Director-General is satisfied the proposal:

- (a) is justified by a strategy;
- (b) is justified by a study prepared in support of the planning proposal which gives consideration to the objectives of the direction;
- (d) accords to a relevant Regional Plan; or
- (d) is of minor significance.

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

- An Agricultural Assessment (the Study) was prepared by Allen & Associates and accompanies Planning Proposal PP2018/0001 (Attachment 4). The study identifies the land has no agricultural value given its small size and scale; soil type characteristics; isolation from adjoining agricultural lands; and potentially low production yields based on the dominant surrounding agricultural industries.
- The NCRP 2036 provides a mechanism to enable variations for both Urban Growth Area, and Important Farmland. These have been addressed to justify inconsistency with this Direction.

Section 117 Direction – 1.4 Rural Lands

This direction provides that a planning proposal must be consistent with the Rural Planning Principles, and Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

Rural Planning Principles

The Rural Planning Principles are as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,

- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,
 - (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
 - (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
 - (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
 - (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.
- It is considered the Planning Proposal is consistent with these Principles.
 - The subject land is not currently, nor has it been, productive agricultural land.
 - The land is located at the interface with existing urban lands on 2 frontages.
 - Infrastructure and services are available at the perimeter of the property and would be efficiently utilised to service this proposal.
 - When balancing the social, economic and environmental interests of the community, it is in the best interests to develop this land for residential development as it make for the most efficient and economic use of existing infrastructure and services. Furthermore, the land has no agricultural or environmental values and would otherwise be underutilised and wasted.
 - The land is constrained by flooding. ALTA Engineering has costed servicing the land, including filling to raise the ground to above the flood planning level. An estimated 23,500m³ of fill will be required, at an average depth of 0.5 metre, and a cost of \$632,500 or \$13,750 per lot. The economically viable of this development, including filling and servicing, is due to its location adjacent to town and ready access to existing infrastructure and services.

Rural Subdivision Principles

The Rural Subdivision Principles are as follows:

- (a) the minimisation of rural land fragmentation,
 - (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,
 - (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,
 - (d) the consideration of the natural and physical constraints and opportunities of land,
 - (e) ensuring that planning for dwelling opportunities takes account of those constraints.
- It is considered the Planning Proposal is consistent with these Principles.
 - The land is already isolated from adjoining agricultural lands. Therefore, residential subdivision will not cause further fragmentation.



- The land is already located at the urban interface. While the urban interface will be moved to the perimeter of this property its extent will be lessened from 400 metres to 200 metres. Adjoining agricultural lands are used for low input cattle grazing which presents a minimal potential for land use conflict, and is consistent with the urban interface at the northern end of Boundary Street (immediately to the north of this property). Furthermore, a 20 metre wide public road exists within the interface to offer separation.
- The land is subject to flooding, however, all future dwellings will be located on elevated ground above the Flood Planning Level of RL22 AHD.

Section 117 Direction – 3.1 Residential Zones

This direction encourages planning proposals to provide housing that will broaden the choice of building types and locations available in the housing market; make more efficient use of existing infrastructure and services; and reduce the consumption of land for housing and associated urban development on the urban fringe; and be of good design. Furthermore, a planning proposal must require adequate services, and not reduce permissible residential density.

- The Planning Proposal provides urgently needed housing choice in Casino. Housing stocks are at an all-time low with less than 4 years of supply remaining.
- The Proposal makes the most efficient use of existing infrastructure and services that are located around the perimeter of the land.

Section 117 Direction – 4.3 Flood Prone Land

This direction provides that a planning proposal must include provisions to give effect to and that are consistent with the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*. It also provides that a planning proposal must not rezone land within the flood planning areas from rural to a residential Zone.

A planning proposal may be inconsistent with this direction only if the Director-General can be satisfied the:

- ♦ planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the *Floodplain Development Manual 2005*, or
- ♦ the inconsistency is of minor significance.
- The land is identified as Low Hazard (LH) Flood Prone Land.
- The Casino Floodplain Risk Management Plan was prepared in accordance with the NSW Floodplain Development Manual and establishes the Flood Planning Level as being the 1 in 100 year ARI



Flood level plus 500mm freeboard. The Risk Management Plan requires habitable floor levels of all dwellings to be located above the Flood Planning Level, which equates to a level of RL22 AHD.

- Filling of the land above the Flood Planning Level will eliminate the flood hazard from the land. This equates to an average depth of 0.5 metre (ranging from 0 to 1 metre), or 23,500m³ of fill.
- Vector diagrams showing the direction and velocity of flood water flows towards this property show that velocity is high but depth is extremely low. Additional modelling of these flows, post Gateway, should be undertaken to determine how, if any, water flows will be affected by filling of the land.
- The planning proposal is consistent with requirements of the Casino Floodplain Risk Management Plan and therefore, inconsistency with this Direction is justified.

Section 117 Direction – 5.3 Farmland of State and Regional Significance on the NSW Far North Coast

A planning proposal must not rezone "Regionally Significant Farmland" for urban purposes, however, it may be inconsistent with this direction only if the Secretary can be satisfied it is consistent with:

- ♦ the North Coast Regional Plan 2036, or
- ♦ Section 4 of the report titled Northern Rivers Farmland Protection Project – Final Recommendations, February 2005.
- The Planning Proposal attempts to rezone land mapped as Important Farmland which, on face value, is considered an inconsistency. However, flexibility in the North Coast Regional Plan 2036 is facilitated by the Important Farmland Interim Variation Criteria that allow a merit consideration of Important Farmland to be undertaken.
- An assessment of Planning Proposal PP2018/0001 against the Important Farmland Interim Variation Criteria has been undertaken and concludes the land's agricultural value is compromised by a number of factors, including:
 - ♦ its small size and scale, at around 4 hectares;
 - ♦ its soil characteristics; and
 - ♦ being physically isolated from adjoining agricultural farmland by constructed public roads, and in ownership.
- An Agronomist Report (Study), see Attachment 4 of the Planning Proposal, estimates the land may yield an income of just \$1,147.34 from low input cattle grazing, the typical enterprises on adjoining agricultural lands. This level of income would be insufficient to support a family.
- Inconsistency with this Direction should be justified, see Important Farmland Interim Variation Criteria.



Section 117 Direction – 5.10 Implementation of Regional Plans

A Planning Proposal must be consistent with a Regional Plan.

A planning proposal may be inconsistent with this direction only if the Secretary can be satisfied the inconsistency:

- ♦ is of minor significance, and
 - ♦ achieves the overall intent of the Regional Plan and does not undermine the achievements of its vision, land use strategy, goals, directions or actions.
- The Planning Proposal attempts to rezone land outside of a Future Urban Growth Boundary which, on face value, is considered an inconsistency. However, flexibility in the *North Coast Regional Plan* is facilitated by the Urban Growth Area Variation Principles that allow a merit consideration to be given to rezoning land outside of a Strategy.
 - A merit consideration has been undertaken and finds grounds to support the Planning Proposal. Therefore, the planning proposal is believed to be consistent with this Direction.

Infrastructure

The variation needs to consider the use of committed and planned major transport, water and sewerage infrastructure, and have no cost to government.

The variation should only be permitted if adequate and cost-effective infrastructure can be provided to match the expected population.

- The land is adjacent to existing residential land and in close proximity to available services. Preliminary discussions regarding the availability of services are provided within the ALTA Engineering report in Attachment 1 of the Planning Proposal.
- The land is well suited to residential development given the close proximity of these existing services. In this regard, the land can be easily connected to water, sewer, telecommunications and electricity. These services are considered to have unconstrained capacity within the area with the development of the land for residential purposes considered an efficient use of these existing services. This demonstrates consistency with s117 Direction 3.1 Housing, Infrastructure and Urban Development.
- Local bus services already service the development precinct, demonstrating consistency with s117 Direction 3.4 Integrating Land Use and Transport. A traffic impact assessment is not deemed to be required in this instance.
- Given the above availability of services, the land is able to be readily serviced without the need for cost prohibitive infrastructure extensions



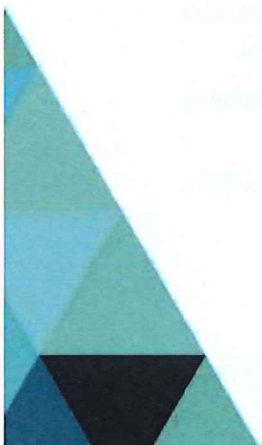
that are needed to service other greenfield development sites, including those within identified Future Urban Growth Areas.

- ALTA Engineering has undertaken preliminary costings for the development of the land and estimate civil construction costs of approximately \$56,450/lot. These figures include a generous allowance of \$632,500 for imported fill (supply, place, compact and trim).
- Preliminary feasibility studies undertaken, and based on the above per lot construction cost, and recent sales prices achieved in Casino, suggest the project is economically viable. This is largely due to the location of the site adjacent to an established residential area and the availability of essential infrastructure services.

Environmental and Farmland Protection

The variation should avoid areas:

- *of high environmental or heritage value;*
 - *mapped as important farmland, unless consistent with the interim variation criteria prior to finalising the farmland mapping review.*
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- The site comprises heavily disturbed disused farmland dominated by tall mixed weedy grassland and scattered clumps of native vegetation regrowth, generally consisting of eucalypt species. An Ecological Assessment has been prepared by Blackwood Ecological Services and is provided in Attachment 2 of the planning proposal. This assessment concludes the site has limited biodiversity value.
 - A Cultural Heritage Assessment was carried out by Everick Heritage Consulting and found nothing of significance on the land. This assessment included consultation with representatives of the Casino-Boolangle Aboriginal Land Council and searches of the Aboriginal Heritage Information Management System (AHIMS).
 - The land is mapped as Regionally Significant Farmland (now referred to as Important Farmland). An Important Farmland Interim Variation Criteria assessment, along with an agricultural assessment provided at Attachment 4 of the Planning Proposal, demonstrate the land is not suitable for agricultural activities for a variety of reasons including size, location, soil type and isolation from other agricultural lands. The Agricultural Assessment concluded that the land could only sustain a maximum annual income of \$1,147.34 which is insufficient to support a family.
 - The parcel of land is in 5 separate titles that were originally set out as part of the Town layout. These lots have never been in contiguous ownership with any other farmland in the locality, and there is no likelihood that they will. The land is also physically separated from other significant farmland by a constructed bitumen road.



- The land has not supported agricultural activities for a significant period of time due to the reasons described above and within the Agricultural Assessment. As such the proposal will not occupy productive agricultural land.

Land Use Conflict

The variation must be appropriately separated from incompatible land uses, including agricultural activities, sewage treatment plants, waste facilities and productive resource lands.

- The land is located immediately adjacent to an existing urban environment, to its north and west, with a stormwater detention area, to the south, and low input grazing land, to the east. There are no incompatible land uses in close proximity to the site. Appropriate buffers to the adjacent agricultural land are provided by virtue of the existing road network.
- The proposal will reduce the interface between rural land and urban land by virtue of reducing the frontage to rural land from 400 metres to 200 metres. This interface will be buffered by an existing bitumen sealed public road, which is consistent with buffering along the existing urban interface to the north along Boundary Street.

Avoiding Risk

The variation must avoid physically constrained land identified as:

- flood prone;
 - bushfire-prone;
 - highly erodible;
 - having a severe slope; and
 - having acid sulfate soils.
- The site is located within the 'Low Hazard - LH' designation under the Casino Floodplain Hazard Category Map. Minor filling of the land will achieve minimum ground levels throughout the proposal that are above the 1 in 100 year flood planning level, at RL22m AHD.
 - Filling of the land will eliminate flood hazard from this residential estate and therefore be consistent with the principles of the NSW Floodplain Development Manual and the Casino Flood Risk Management Plan.
 - The feasibility study undertaken by ALTA Engineering has determined that filling of the land is economically viable (see estimates above).
 - The subject land is not mapped as bushfire prone land nor containing acid sulfate soils.
 - The land is relatively flat thus avoiding steep slopes and highly erodible land.



- Minor lead paint contamination from a former dwelling on the land is isolated to a small area of the property, generally contained to the surface layer of soil, and relatively easily remediated. The Planning Proposal identifies that this hazard will be remediated as part of this development.

Heritage

The variation must protect and manage Aboriginal and non-Aboriginal heritage.

- A Cultural Heritage Assessment was undertaken by Everick Heritage Consultants and provided in Attachment 3 of the planning proposal. This assessment found no Indigenous cultural heritage sites, or relics, or items of local historic significance within the Project Area. This assessment involved consultation with representatives of the Casino-Boolange Local Aboriginal Land Council and searching the Aboriginal Heritage Information Management System (AHIMS).
- The site does not contain items of Local Environmental Heritage pursuant to Schedule 5 of the Richmond Valley Local Environmental Plan 2012.

Coastal Areas

Only minor and contiguous variations to urban growth areas in the coastal area will be considered due to its environmental sensitivity and the range of land uses competing for this limited area.

- The land is not located within the coastal area (identified as the "coastal strip" within figure 17 of the *North Coast Regional Plan 2036*).



Important Farmland Interim Variation Criteria

The following is an assessment of the Important Farmland Interim Variation Criteria as set out in Appendix B of the *North Coast Regional Plan 2036*. These criteria aim to provide a merit based assessment of the agricultural value of mapped Important Farmland against key heads of consideration.

This assessment was necessary to justify whether Planning Proposal PP2018/0001 should receive a Gateway Determination to rezone rural land on the fringe of Casino, and mapped as Important Farmland, to a residential zoning.

Agricultural capability

The land is isolated from other important farmland and is not capable of supporting sustainable agricultural production.

- The land is isolated from other important farmland by virtue of existing roads and residential development.
 - ◆ Farmland in the general locality is typically utilised for low input cattle grazing. The property consists of 4.2 hectares and is isolation from adjoining farmland, both physically and by ownership, therefore, the land's capacity to be farmed is diminished.
 - ◆ The land is in 5 separate titles and is isolated from other nearby farmland in terms of land ownership. Furthermore, as far as Council's records are concerned, the land has never been in the same ownership as any other agricultural holdings in the district.
- An Agricultural Assessment, provided at Attachment 4 to the Planning Proposal, demonstrates the land is not suitable for commercial agricultural activities for a variety of reasons including size, location and soil type. A maximum annual income of \$1,147.34 has been estimated for this land, which is insufficient to support a family. The conclusion being that the proposal will not occupy productive agricultural land.
- The land has not been utilised for agricultural activities of any kind for a significant period of time, if at all. Given the issues with the land in terms of agricultural pursuits, it is highly unlikely that agricultural activities will ever resume over this land.

Land use conflict

The land use does not increase the likelihood of conflict and does not impact on current or future agricultural activities in the locality.

- The land is bound by residential streets:



- ♦ with residential development to the north and west of the site;
 - ♦ a Council maintained stormwater detention basin located to the south; and
 - ♦ low input grazing land to the east.
- The dominant agricultural land use in the locality comprises low input cattle grazing, with no intensive agricultural activities or infrastructure close to the proposal.
 - Existing constructed road reserves surround the development and, along with building line setbacks for future dwellings, will create adequate buffering between the low input cattle grazing and the proposal. This buffering is consistent with existing setback arrangements along Boundary Street, to the north of this proposal.
 - Given the existing interface between urban and rural land will decrease, the proposal is not expected to increase the likelihood of land use conflict.

Infrastructure

The delivery of infrastructure (utilities, transport, open space, communications and stormwater required to service the land is physically and economically feasible at no cost to State and Local Government.

- The land is adjacent to existing residential land and in close proximity to available services. Preliminary discussions regarding the availability of services are provided within the ALTA Engineering report in Attachment 1 of the Planning Proposal.
- The land is well suited to residential development given the close proximity of these existing services. In this regard, the land can be easily connected to water, sewer, telecommunications and electricity. These services are considered to have unconstrained capacity within the area with the development of the land for residential purposes considered an efficient use of these existing services. This demonstrates consistency with s117 Direction 3.1 Housing, Infrastructure and Urban Development.
- Local bus services already service the development precinct, demonstrating consistency with s117 Direction 3.4 Integrating Land Use and Transport. A traffic impact assessment is not deemed to be required in this instance.
- Given the above availability of services, the land is able to be readily serviced without the need for cost prohibitive infrastructure extensions that are needed to service other greenfield development sites, including those within identified Future Urban Growth Areas.
- ALTA Engineering has undertaken preliminary costings for the development of the land and estimate civil construction costs of approximately \$56,450/lot. These figures include a generous

allowance of \$632,500 for imported fill (supply, place, compact and trim).

- Preliminary feasibility studies undertaken, and based on the above per lot construction cost, and recent sales prices achieved in Casino, suggest the project is economically viable. This is largely due to the location of the site adjacent to an established residential area and the availability of essential infrastructure services.

Environment and heritage

The proposed land uses do not have an adverse impact on areas of high environmental value, Aboriginal or historic heritage significance.

- The site comprises heavily disturbed disused farmland dominated by tall mixed weedy grassland and scattered clumps of native vegetation regrowth, generally consisting of eucalypt species. An Ecological Assessment has been prepared by Blackwood Ecological Services and is provided in Attachment 2 of the planning proposal. This assessment concludes the site has limited biodiversity value.
- A Cultural Heritage Assessment was undertaken by Everick Heritage Consultants and provided in Attachment 3 of the planning proposal. This assessment found no Indigenous cultural heritage sites, or relics, or items of local historic significance within the Project Area. This assessment involved consultation with representatives of the Casino-Boolange Local Aboriginal Land Council and searching the Aboriginal Heritage Information Management System (AHIMS).
- The site does not contain items of Local Environmental Heritage pursuant to Schedule 5 of the Richmond Valley Local Environmental Plan 2012.

Avoiding risk

Risks associated with physically constrained land are identified and avoided, including:

- flood prone;
- bushfire-prone;
- highly erodible;
- severe slope; and
- acid sulfate soils.

- The site is located within the 'Low Hazard - LH' designation under the Casino Floodplain Hazard Category Map. Minor filling of the land will achieve minimum ground levels throughout the proposal that are above the 1 in 100 year flood planning level, at RL22m AHD.
- Filling of the land will eliminate flood hazard from this residential estate and therefore be consistent with the principles of the NSW Floodplain Development Manual and the Casino Flood Risk Management Plan.

- The feasibility study undertaken by ALTA Engineering has determined that filling of the land is economically viable (see estimates above).
- The subject land is not mapped as bushfire prone land nor containing acid sulfate soils.
- The land is relatively flat thus avoiding steep slopes and highly erodible land.
- Minor lead paint contamination from a former dwelling on the land is isolated to a small area of the property, generally contained to the surface layer of soil, and relatively easily remediated. The Planning Proposal identifies that this hazard will be remediated as part of this development.



