



PLANNING PROPOSAL/LEP AMENDMENT REQUEST

Submission to Richmond Valley Council

Lot 100 DP 1201719
Hills Road, Rileys Hill

for:
Mr Alan Cardy
(Director – Monal Pty Ltd)

August 2021

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1. Introduction

This section introduces the proposal and provides a general overview of the project.

1.1 Background

This submission comprises a Planning Proposal/LEP Amendment Request which explains the intended effect of, and provides justification for, a proposed amendment to the Richmond Valley Local Environmental Plan 2012 (RVLEP).

This planning proposal has been the subject of several amendments since the original proposal was presented to Richmond Valley Council in May 2017. The current proposal was issued with a positive gateway determination on 20 January 2021.

The proposed amendments relate to land described as Lot 100 DP 1201719, Hills Road, Rileys Hill and involves:

- rezoning part of the land to part RU5 – Village Zone and part E2 – Environmental Conservation and retaining a portion of the land as RU1; and
- change the proposed minimum lot size for the proposed RU5 zoned portion of land from 40ha to 800m² to enable the RU5 zoned land to be subdivided and developed for residential purposes (NB; the original proposal was for the RU5 zoned land to have a 600m² minimum Lot size)
- apply a 4ha minimum Lot size over the balance of the subject lot to remain RU1 and proposed as E2 zoned land
- provide a single dwelling opportunity designation to the entire RU1 zoned land remnant Lot.

This Planning Proposal has been prepared having regard to Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and:

- Planning Proposals – A Guide to Preparing Planning Proposals (Department of Planning and Environment, December 2018)

This submission has been prepared on behalf of the landowner, Mr Alan Cardy (Director – Monal Pty Ltd).

There is no Political Donations and Gifts Disclosure required to accompany this request.

1.2 Structure and Scope of Report

This LEP Amendment Initiation Request contains the following:

- Section 2** Context and characteristics of subject land.
- Section 3** A statement of the **Objectives and Intended Outcomes** of the proposed LEP amendment (Section 2, Part 1).
- Section 4** An **Explanation of the Provisions** that are to be included in the proposed LEP amendment (Section 2, Part 2).
- Section 5** The **Justification** for those objectives, outcomes and provisions and the process for their implementation (Section 3, Part 2).
- Section 6** Details of the **Community Consultation** in respect of the Planning Proposal (Section 4, Part 2).

Several appendices form part of this request being:

- Appendix A** Aerial photograph of subject and adjoining land
- Appendix B** Copy of deposited plan
- Appendix C** Contour and detail survey
- Appendix D** Acid Sulfate Soils Assessment and Management Plan (October 2020)
- Appendix E** Ecological Assessment (October 2020)
- Appendix F** Bushfire Assessment Amended (November 2020)
- Appendix G** Flood Study – V3 (September 2021)
- Appendix H** Land-use Conflict Resolution Assessment (October 2020)

- Appendix I** Preliminary Contaminated Site investigation (October 2020)
- Appendix J** Aboriginal Cultural Heritage Assessment (October 2020)
- Appendix K** Traffic Impact Assessment (October 2020)
- Appendix L** Water and Sewer Infrastructure Report V3 (September 2021)

2. Context and Characteristics of Subject Land

This section describes the subject land and identifies the geographical context of the site and its relationship to the surrounding locality.

2.1 Property Details

This Planning Proposal relates to a single lot which is described in real property terms as Lot 100 DP 1201719, Hills Road, Rileys Hill.

The subject land is irregular in shape with a frontage of approx. 631m to Hills Road and an area of 8.268ha. The subject land is vacant and is largely cleared grassland (grazing land) and has levels ranging between 4.5-15m AHD.

Vehicular access to the site is via Hills Road which is a constructed rural road with a bitumen seal for the property frontage.

An aerial photograph of the subject and adjoining land is provided at **Appendix A**. A copy of the deposited plan is provided at **Appendix B**. A contour and detail survey are provided at **Appendix C**.

2.2 Constraints

Preliminary planning investigations (including interrogation of Council's GIS mapping) have confirmed as follows:

2.2.1 Acid Sulfate Soils

The subject land is mapped on RVLEP 2012 Acid Sulfate Soils Map – Sheet ASS_009 as being part Class 2 and part Class 5 acid sulfate soils. The vast bulk of the land is mapped as Class 5 with a small strip of Class 2 land being situated on the lower sections of the land along the south-eastern boundary (adjacent to Hills Road).

Consent is required on Class 2 land for:

- works below the natural ground surface
- works by which the watertable is likely to be lowered

Consent is required on Class 5 land for:

- works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the watertable is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land

Ardill Payne & Partners (APP) were commissioned by Monal Pty Ltd to complete an Acid Sulphate Soil Assessment and Management Plan for Lot 100 DP 1201719, Hills Road, Rileys Hill following the conditional Gateway determination (dated 16th February 2018) in respect of the subject land as follows:

“Planning Proposal (Department Ref: PP_2018_RICHM_001_00): to rezone part of Lot 100 DP 1201719 at Hills Road, Rileys Hill from RU1 Primary Production to RU5 Village and change the minimum lot size from 40 hectares to 600m² to enable the land to be developed for low density residential purposes.”

This Acid Sulphate Soil Assessment (ASSA) and Management Plan (MP) were prepared to address part of Condition 1, viz:

1. Prior to community consultation the following site investigations are to be undertaken and the planning proposal amended if necessary to reflect the outcomes of the site investigations. The site investigations are to be included in the material used for community consultation:
 - a. an ecological assessment;
 - b. a preliminary site contamination assessment including soil sampling as appropriate and to the satisfaction of Council;
 - c. an Aboriginal cultural heritage assessment;
 - d. an assessment of the potential impacts of the Rileys Hill Quarry operations, including a land use conflict risk assessment for potential blasting, noise, traffic and vibration impacts, should the operation of the quarry be resumed;
 - e. a traffic impact assessment;
 - f. a flood study;
 - g. a bushfire hazard risk assessment;
 - h. an infrastructure servicing plan; and
 - i. **an acid sulfate soils assessment.**

The completed ASSA and MP is within **Appendix D**. The assessment concluded *“that soils in the investigation area are acidic but do not have potential for further generation (i.e. no PASS detected). Due to the acidic nature of surface and sub-surface soils around one of the boreholes (BH4) liming is proposed. Although, liming rates are relatively low (all below 10kg CaCO₃ / tonne excavated material dry weight)”*.

The management plan contained within Appendix D will *'ensure that any ASS material is treated, managed and re-used appropriately as to prevent any detrimental effects on the environment. It is assumed that all excavated material will be re-used on site.*

This assessment has been conducted in accordance with the NSW Acid Sulfate Soils Manual (Acid Sulfate Soils Management Advisory Committee, 1998).'

It is further noted that the lower portion of the site below the 5m AHD contour is proposed to be zoned E2 – Environmental Conservation is mapped as Class 2 ASS. This will provide further protection from any exposure of ASS because of future development onsite.

2.2.2 Bushfire

Most of the subject land is mapped as being bushfire prone because of Vegetation Category 1 vegetation + 100m buffer.

The original PP was significantly amended to address RFS comments of 25 July 2019.

A Bush Fire Assessment is provided within **Appendix F**. This Bushfire Report provides further amendments addressing the RFS comments and the amended design that significantly reduces Lot yield and addresses the RFS issues.

Specifically, these matters relate to:

- suitable APZs within each lot to achieve a maximum BAL 29 construction standard
- A trafficable defensible space being available on the interface between the residential lots and unmanaged vegetation
- public roads to be through roads

The amended bushfire proposal advised as follows on the revised design with a reduced Lot yield:

It is noted that a performance solution for this (the current) indicative layout would be required with the future development application for subdivision as no perimeter road is present and exceptional circumstances for part of the required asset protection zone to be located on the residual RU1 allotment. This report however does provide adequate information to demonstrate that a reasonable performance solution is available for the indicative subdivision design presented subject to the recommendations in this report.

The primary items that will need consideration at this rezoning stage are as follows –

- *Indicative Lot 6 will not be capable of supporting the required 20m APZ within the allotment and will need to be redesigned with the future application for subdivision.*
- *The emergency access/egress road adjacent to proposed Lot 35 will require formalising with an easement and 88b instrument or should NSW RFS require this connection to form part of the public road system then a condition can be applied. Either way, the connecting road will be required to comply with the general and public road access requirements of Table 5b of Planning for Bushfire Protection 2019.*

2.2.3 Terrestrial Biodiversity

The subject land is mapped as containing biodiverse vegetation on RVLEP Terrestrial Biodiversity Map – Sheet BIO_009.

Following advice from the Biodiversity and Conservation Division (BCD) within the Department of Planning and Environment, advice was provided in response to the draft Planning Proposal and Ecological Assessment (**Appendix E**) submitted in support of the Proposal. Because of the Ecology Assessment and BCD comments, parts of the site that contain high conservation biodiversity values were rezoned to E2- Environmental Conservation. This resulted in a revised indicative Lot layout with a significantly reduced Lot yield.

The modified proposal maps land that warrants environmental protection as E2 Environmental Conservation. This portion of the lot provides Koala and Wallum Froglet habitat and contains mapped EEC's on the site being:

- Tall Closed Sclerophyll Forest – Blackbutt with mixed species
- Mid-high Open Swamp Sclerophyll woodland – Broad-leaved paperbark

The proposal is considered satisfactory regarding the protection of lands of high conservation biodiversity values.

2.2.4 Coastal Environment Area

The subject site is partially mapped as a 'coastal environment area' pursuant to SEPP (Coastal Management) 2018 in conjunction with the provisions of the *Coastal Management Act 2016*.

The proposal is of a relatively minor nature. The subject land is physically and spatially removed from any coastal foreshore area and is not subject to any damaging coastal processes. The land is not mapped on the:

- Coastal Wetlands and Littoral Rainforest Area Map or proximity thereto map and thus Part 2, Division 1 does not apply

- Coastal Use Map and thus Part 2 Division 4 does not apply
- Coastal Vulnerability Map (NO map at this time) and thus Part 2, Division 2 does not apply

Having regard to the above, it can be concluded that the proposal will not result in the intensification of existing land uses within mapped coastal wetlands or littoral rainforest. The planning proposal will not increase development within vulnerable coastal land or land identified as affected by current or future coastal hazards.

2.2.5 Flooding

Richmond River is the main source of flooding for the site. The subject land is mapped as “Rare Low Hazard – Extreme Flood Fringe (RLH)” on the Richmond Valley Flood Mapping. A flood study report is provided within **Appendix G**.

This report reflects the current indicative residential subdivision layout with Lots positioned on the elevated portion of the subject site above the Rare Low Hazard mapped lands.

While all Lots are proposed to be located above the 100-year ARI level of 5m AHD, the Flood Planning level for Climate Change is 5.5m AHD. Therefore, some lots will be subject to flood planning controls to ensure a minimum flood planning level of 5.5m AHD is achieved and the proposed development is fully compliant with Council’s DCP regarding development in flood prone lands.

The site is within walking distance to urban parts of the village with no risk to life due to flooding of the site expected. However, the site along with the rest of Rileys Hill village can potentially be isolated from the other urban areas due to flooding of the village main access from Rileys Hill Road.

Accordingly, the flood report includes a flood emergency plan to promote a satisfactory awareness of:

- expected flood behaviour and risks,
- identification of measures to become flood prepared, and
- a recommended course of action during the flood events.

The Flood Study provides commentary on Flood Emergency management as the site may be isolated during a major event for a duration of 2 to 4 days. The Report provides lead times for various predicted events and evacuation procedures if requested by Emergency Services. Management procedures for future residents isolation are also included within this Report

It is noted that a long flood warning time at the site ensures implementing the proposed plan is practical.

2.3 Stormwater, Water and Sewer Services

2.3.1 Stormwater

The site has an average slope of 3.0% generally toward the south-east draining the site run-off to the Broadwater National Park located on the opposite side of Hills Road. The stormwater collection and treatment will be required onsite prior to discharge under the adjoining Council Road reserve through a possibly upgraded culvert. The natural drainage route will continue offsite toward the adjoining National Park opposite the site.

2.3.2 Water

Rileys Hill water supply system has sufficient capacity to provide for the proposed development. The site can be connected to the existing network and upgrading the existing system for servicing the site will not be required. However, RVC may require further investigation of the site water supply requirements for firefighting. A Water and Sewer Infrastructure report is provided within **Appendix L**.

2.3.3 Sewer

The site sewerage can be gravity discharged to a small SPS located close to the site's eastern boundary. The collected sewer at the SPS can be pumped to the existing Rileys Hill STP. The STP has sufficient capacity to meet the development additional loads.

Additional treatment capacity can be provided for future developments by upgrading or replacement of the existing STP. However, RVC notes that the development brings the future upgrades forward. A Water and Sewer Infrastructure report is provided within **Appendix L**.

2.4 Traffic

The original planning proposal provided a Traffic Impact Assessment (dated 2nd July 2018) based on the 'Draft Subdivision Layout Plan Option 1' prepared by APP (Drawing No. POS1, dated 18/08/2016) which was indicative only and identified a potential yield of 70 lots with roads and reserve/stormwater management areas.

As a consequence of further detailed investigations that have been undertaken over the site post Gateway Determination, the original rezoning area and concept lot layout has been amended, reducing the RU5 zone and potential Lot yield. The amended and current traffic

assessment dated October 2020 is based on a potential yield of approx. 35 lots rather than the original assessment of 70 lots.

This amended report concluded that upgrade works are required to service the proposed subdivision and are achievable. It also must be noted that the Pacific Highway has been relocated from this area and access and upgrading of the road to the proposed subdivision will be through local roads only. Further detail is provided within **Section 3.2**.

The Traffic Impact Assessment is provided in **Appendix K**.

2.5 Ecology

A full ecological assessment has been prepared to inform this Planning Proposal and is an addendum to this document in **Appendix E**. The findings and outcomes of this ecological assessment reflect the exhibited Planning Proposal that has evolved from the original proposal in 2018.

Following advice from the Biodiversity and Conservation Division (BCD) within the Department of Planning and Environment, advice was provided in response to the draft Planning Proposal and Ecological Assessment (**Appendix E**) submitted in support of the Proposal. Because of the Ecology Assessment and BCD comments, parts of the site that contain high conservation biodiversity values were rezoned to E2- Environmental Conservation. This resulted in a revised indicative Lot layout with a significantly reduced Lot yield.

The modified proposal maps land that warrants environmental protection as E2 Environmental Conservation. This portion of the lot provides Koala and Wallum Froglet habitat and contains mapped EEC's on the site being:

- Tall Closed Sclerophyll Forest – Blackbutt with mixed species
- Mid-high Open Swamp Sclerophyll woodland – Broad-leaved paperbark

The proposal is considered satisfactory in regard to the protection of lands of high conservation biodiversity values.

2.6 Dwelling Entitlement

The subject land is mapped on the RVLEP Dwelling Opportunity Map - Sheet DWE_009 as having a “dwelling opportunity” and thus Council can grant consent to an application for a dwelling house pursuant to Clause 4.2B(3)(d) of the RVLEP.

The PP will amend the DWE LEP Map to reduce the footprint of the dwelling opportunity to the remnant area of Zone RU1- Primary Production.

2.7 Other matters

The subject land is **not**:

- mapped as containing wetlands or key fish habitat on the RVLEP Wetlands Map Riparian Land and Waterways Map – Sheet _CL1_009
- mapped as being in a drinking water catchment on the RVLEP Drinking Water Catchment Map – Sheet DWC_009
- identified as being or containing an item of environmental heritage under Part 1 of Schedule 5 of the RVLEP 2012
- identified as being an archaeological site under Part 2 of Schedule 5 of the RVLEP 2012
- identified as being within a heritage conservation area under Part 3 of Schedule 5 of the RVLEP 2012
- affected by any road widening or realignment proposal under either Division 2 of Part 3 of the *Roads Act 1993*, any environmental planning instrument or any resolution of Council
- identified as being subject to acquisition by a public authority under the provisions of any environmental planning instrument, deemed or draft environmental planning instrument.

2.8 Strategic Planning Context

2.8.1 North Coast Regional Plan 2036 (NCRP)

The subject land is mapped on 'Figure 17: Urban growth area map for Richmond Valley Local Government Area' in the NCRP as being an 'Investigation Area – Urban Land'. The objective for the Richmond Valley under the heading 'Housing' is to *"Deliver new housing in Rileys Hill, Evans Head, Woodburn and Casino."*

Under the circumstances, the proposed application of a village/residential zone is consistent with the NCRP.

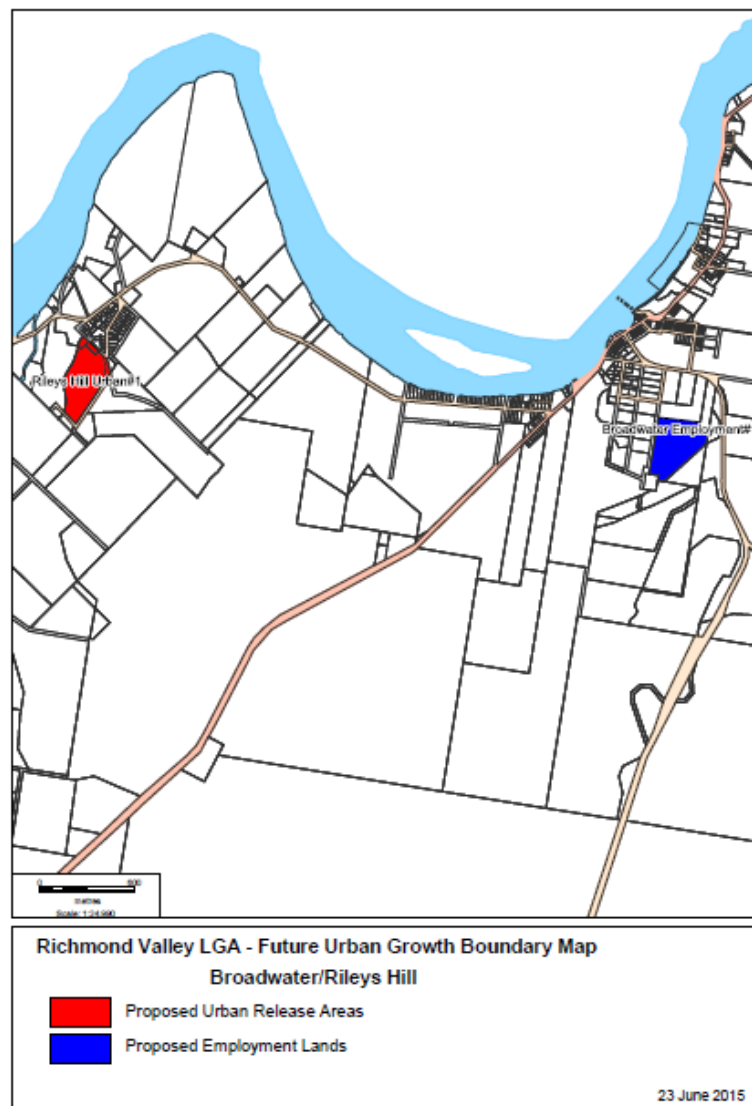
2.8.2 Richmond Valley Council Local Strategic Planning Statement 2020 Vision May 2020

The subject land is identified within Figure 11: Broadwater and Rileys Hill Locality Plan of this Planning Statement as being within both the urban growth boundary and a future urban growth area.

Under the circumstances, the proposed application of a village/residential zone is consistent with the RVCSPS.

2.8.3 North Coast Regional Plan 2036 – RVC Future Urban Growth Boundary Submission

Richmond Valley Council made a submission to the public exhibition of the Draft NCRP which identified the subject land (being Rileys Hill Urban #1) as a “Proposed Urban Release Area”. A copy of the Future Growth Boundary Map that was provided to the Department of Planning is provided below.



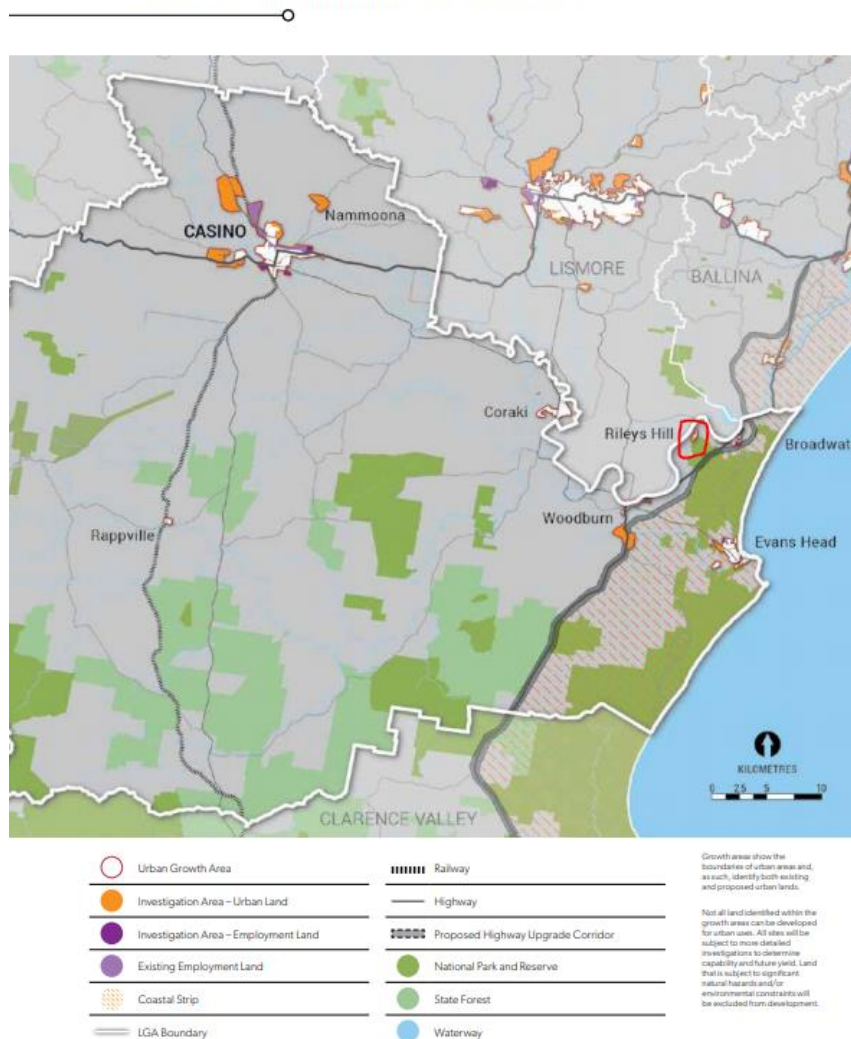
This submission to the DNCRP was the result of a community consultation process and was adopted by Council for inclusion in the Draft NCRP. The NCRP has now been finalised.

The subject site was incorporated into the NCRP Urban Growth Area Map. The subject site is now identified within the NCRP for the delivery of new housing within the Rileys Hill locality.

The partial rezoning of the subject site to RU5 will facilitate new housing within the Village of Rileys Hill. A conceptual layout of the RU5 portion of the subject site has identified 35 Lots can be accommodated within the RU5 portion with a minimum Lot area of 800m². This conceptual lot layout is reflective of infrastructure needs for the subdivision including access, infrastructure and roads.

The conceptual layout design of the potential future subdivision ‘footprint’ was an important component of the Planning Proposal to determine the ability of the site to integrate with existing infrastructure.

Figure 17: Urban growth area map for Richmond Valley Local Government Area



Under the circumstances, the proposed application of a village/residential zone is consistent with Council's resolution the final NCRP.

2.9 Relevant Provisions of RVLEP 2012

The subject land is mapped under the RVLEP 2012 as follows:

- Clause 2.1 - RU1 – Primary Production Zone
- Clause 4.1 - 40ha minimum lot size/subdivision standard
- Clause 4.3 - 8.5m maximum building height
- Clause 6.1 - part Class 2 and part Class 5 acid sulfate soils
- Clause 6.6 - containing biodiverse vegetation
- Clause 4.2B - having a dwelling opportunity

3. Objectives Outcomes of Proposed LEP

3.1 Objectives of Planning Proposal

The objective of the Planning Proposal is to rezone a portion of the subject land to a village zone and to apply a minimum lot size that will enable a suitable portion of the site to be subdivided into minimum 800m² lots, and to enable the construction of dwelling houses on the vacant lots at some future time (and subject to a separate approval process).

In response to ecological assessment undertaken across the subject site, a portion of the land will be rezoned to E2 – Environmental Conservation. The E2 zone will protect an identified area of land that provides Koala and Wallum Froglet habitat and contains mapped EEC's on the site. As a further protection for this environmental protection zone, the residue allotment part zoned RU1 and the proposed E2 zone will have a 4ha minimum Lot size applied. The aim of this minimum lot area is to prevent further subdivision of this Lot, given the environmental constraints of the land. An ecological assessment was prepared to inform this planning proposal and is included in the exhibition documents.

3.2 Possible Future Subdivision

The subject land has an area of 8.268ha and it is proposed to apply an RU5 – Village Zone with an 800m² minimum lot size to a portion of the site deemed appropriate for this Village zoning.

Based purely on an 800m² lot size and approximately 150m² of road per lot, the site could yield in the order of 80 lots if zoned RU5 in its entirety. However, it is submitted that since the original proposal of 2017 was presented to Council, the area of RU5 land has been reduced significantly. This reduced RU5 zone area and hypothetical Lot layout has provided an approximate yield of 35 Lots along the northwestern and south western boundary.

The remnant portion of land not to be zoned RU5 will be a combination of RU1 - Primary Production and E2 - Environmental Conservation zones. This zoning pattern for the remnant parcel was largely informed by communications with Richmond Valley Council and a consulting ecologist. The ecological assessment completed in 2018 recommended that areas mapped as Blackbutt Forest and Swamp sclerophyll woodland be protected with an appropriate environmental zoning.

The proposed E2 zone portion of the site is of a high conservation value on the basis that it:

- Provides known habitat for the NSW listed Threatened species Wallum froglet and the NSW and Commonwealth listed Threatened species Koala.
- Provides potential habitat for a range of other Threatened fauna species that may occur on the site over time.

- Includes areas of the NSW listed Threatened Ecological Community (TEC) Swamp sclerophyll forest on floodplains.
- Includes areas of the NSW listed TEC Coastal cypress pine forest.

The Department of Planning issued a conditional Gateway Determination in respect of the subject land 16th February 2018. An ecological assessment (dated 17th July 2018) was prepared to address Condition 1a of this conditional Gateway Determination.

In response to the conditional gateway determination, an amended Ecological Assessment (dated October 2020) was prepared and is provided with the exhibition documents. Specifically, as per Condition 2 of the conditional gateway determination, and because of on-going detailed communications with Council in complying with Condition 1, the Planning Proposal has been modified such that there has been:

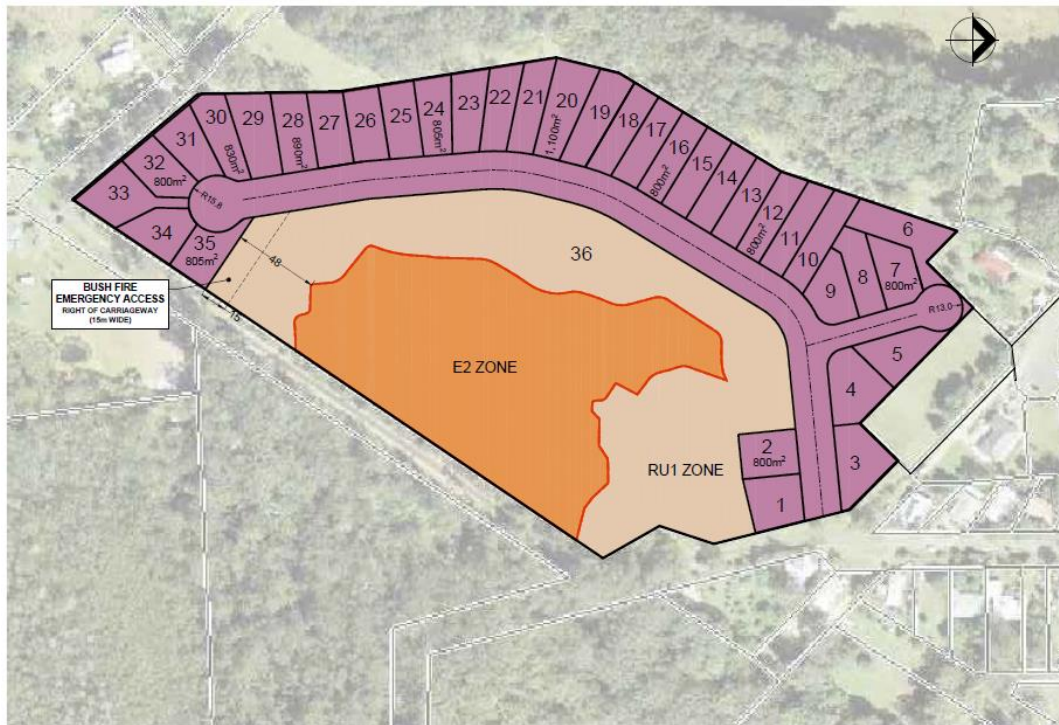
- a significant reduction in the proposed footprint/area of the RU5 zone
- an increase in the mapped minimum lot size to 800m² for the RU5 zoned land
- the inclusion of an E2 – Environmental Conservation Zone over part of the land
- application of a minimum lot size of 4ha to the residue area zoned RU1 and E2
- a reduction of any dwelling opportunity to the remnant area of zone RU1

As a consequence of the above, there has been a significant reduction in the potential lot yield as originally proposed, from 70 residential lots down to 35 residential lots (which will be zoned RU5) and one single dwelling opportunity lot (which will be zoned part RU1 and part E2). This amended ecological assessment has been prepared to support/inform the community consultation process for the Planning Proposal as per point 3 above.

The outcomes of the ecological assessment have significantly reduced the portion of the land suitable for RU5 – Village. In conjunction with this reduced footprint, part of the site will have an E2 – Environmental Conservation zone applied. The balance of the residue lot not proposed as an E2 zone will have an RU1 zone applied. This residue lot will also have a 4ha minimum Lot size, preventing further fragmentation of this Lot that will accommodate the E2 zone.

The E2 - Environmental Conservation zone will protect an identified area of land that provides Koala and Wallum Froglet habitat and contains mapped EEC's on the site. This amendment to the original proposal will ensure no removal of significant vegetation, habitat or EEC's therein and thus not generate and future required off-sets.

The further revised modified zoning and concept Lot layout us provided below.



Proposed Zoning Changes

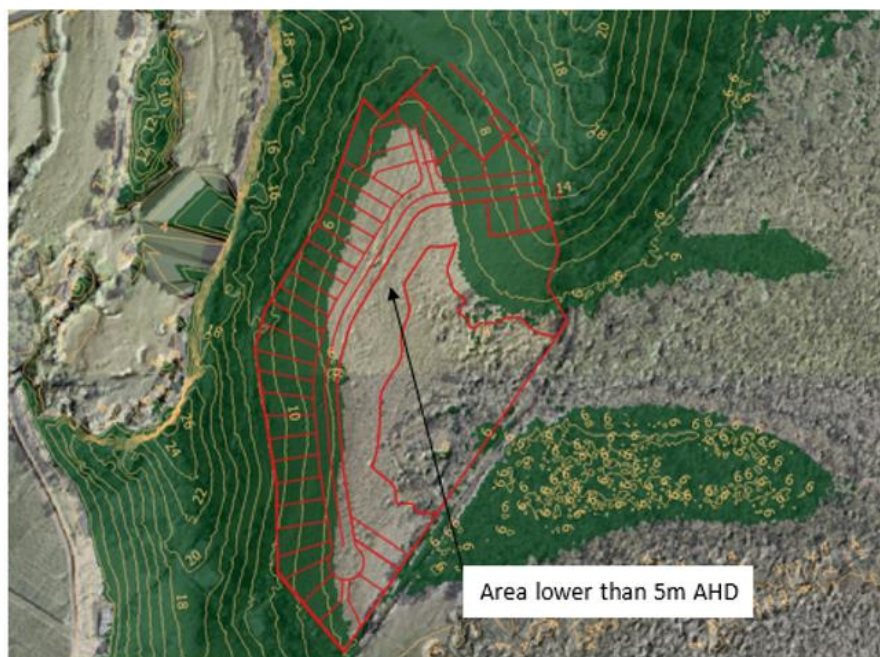
The locality is serviced by all necessary reticulated public infrastructure services. The Water and Sewer infrastructure serving report dated 14 September 2021 (**Appendix L**), has been prepared in consultation with RVC to ensure the Rileys Hill existing water and sewer system can service the site with no impact to the existing customers. Reduction of the number of the future lots from 70 to 35 provides a large degree of conservatism in this regard.

- Potable water supply** – The planning proposal is accompanied by an infrastructure report (**Appendix L**). This report concluded that the existing Rileys Hill water supply system has sufficient capacity to provide for the proposed development. The site will be connected to the existing 100mm main at Hill’s Road. Rileys Hill is fed from B/W Reservoir 2 which has a top water level of 55m AHD. The site is located lower than the majority of the existing properties at Rileys Hill, therefore no pressure issue for supply is anticipated.

Council believes that with growth of Rileys Hill and concerns about bush fire planning for upgrade of the existing water system in the future may be necessary and have to be studied at the DA stage of the proposed development.

- Sewerage disposal** – The site sewer will gravity flow to the south-east corner of the site, from which will be pumped to the Rileys Hill existing Sewer Treatment Plant. Riley’s Hill STP is located on Council land in proximity to the site.

- The existing STP has a treatment capacity of 200 Equivalent Tenement and is currently working slightly more than half of its capacity. This ensures that sufficient capacity at the STP for the additional 35 ET sewer load from the proposed development is available.
- **Flooding** – Approximately 82% of the site areas located within the development footprint is located above the 100-year ARI design flood level of 5m AHD. This allows full design flood immunity of the site and access road to be achieved with minimum fill earthworks.



- Constructed urban roads – A Traffic Impact Assessment (TIA) have been prepared and submitted in conjunction with this Planning Proposal to inform the proposal in regard to urban roads.

The TIA made a series of recommendations as follows:

Recommendation 1: Provide some widening of Hills Road at the intersection to improve the approach angle. Add centre line marking in all approaches.

Recommendation 2: Install advance warning signs in both approaches on Rileys Hill Road ('Side Road Intersection Ahead').

Recommendation 3: Install speed restriction signs (50km/hr) and 'Children Ahead' symbolic signs on the entry to Hills Road.

Recommendation 4: Widen Hills Road to a minimum 7m wide carriageway with mountable kerb both sides.

Recommendation 5: Landscaping and signage, which can potentially reduce sight distances, be kept clear of the sight lines at all intersections.

Recommendation 6: The intersection of the new internal road with Hills Road shall be designed to assign priority to the new development. The existing road to the south shall be realigned to intersect at a suitable angle with the new road.

Recommendation 7: Provision should be made at the end of the internal road for the turning of garbage trucks.

Recommendation 8: Ensure existing gravel track in the road reserve along the southeastern boundary of the proposal meets the provisions of a fire trail as defined in 'Planning for Bush Fire Protection', 2006.

- **Electricity** – Existing power lines running at Rileys Hill Road and Echidna Place. A detailed assessment of the existing system will be undertaken post rezoning stage and likely necessary upgrades of the system to power the site will be identified.

Such services would have to be extended so that any future new lots could be connected to and serviced by such systems.

4. Explanation of Provisions

4.1 Explanation of Proposed Amendments

The proposed amendments to the RVLEP 2012 involve:

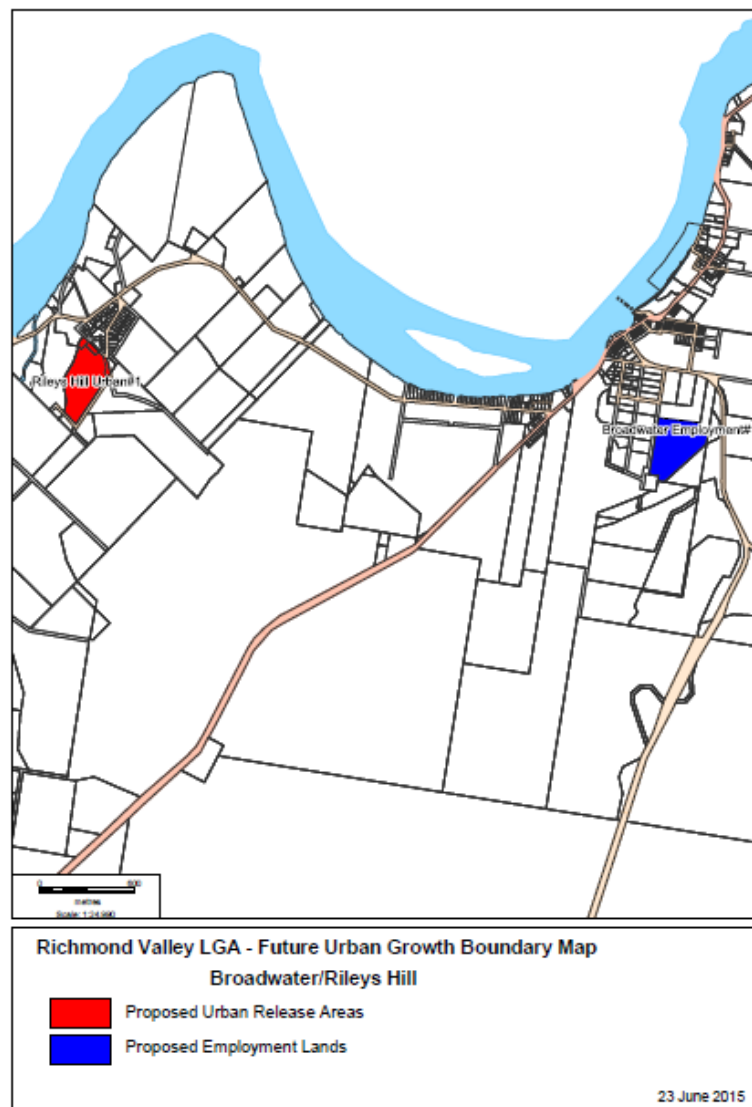
- rezoning part of the land to part RU5 – Village Zone and part E2 – Environmental Conservation retaining the balance of the lot as RU1 – Primary Production; and
- change the proposed minimum lot size for the proposed RU5 zoned land from 40ha to 800m² to enable the RU5 zoned land to be subdivided and developed for residential purposes (NB; the original proposal was for the RU5 zoned land to have a 600m² minimum Lot size)
- apply a 4ha minimum Lot size over the RU1 and E2 zoned land
- provide a single dwelling opportunity designation to the remaining RU1 zoned land remnant.

5. Justification for the Proposed Amendments

5.1 Section A – Need for the planning proposal

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

Richmond Valley Council made a submission to the public exhibition of the Draft NCRP which identified the subject land (being Rileys Hill Urban #1) as a “Proposed Urban Release Area”. A copy of the Future Growth Boundary Map that was provided to the Department of Planning is provided below.



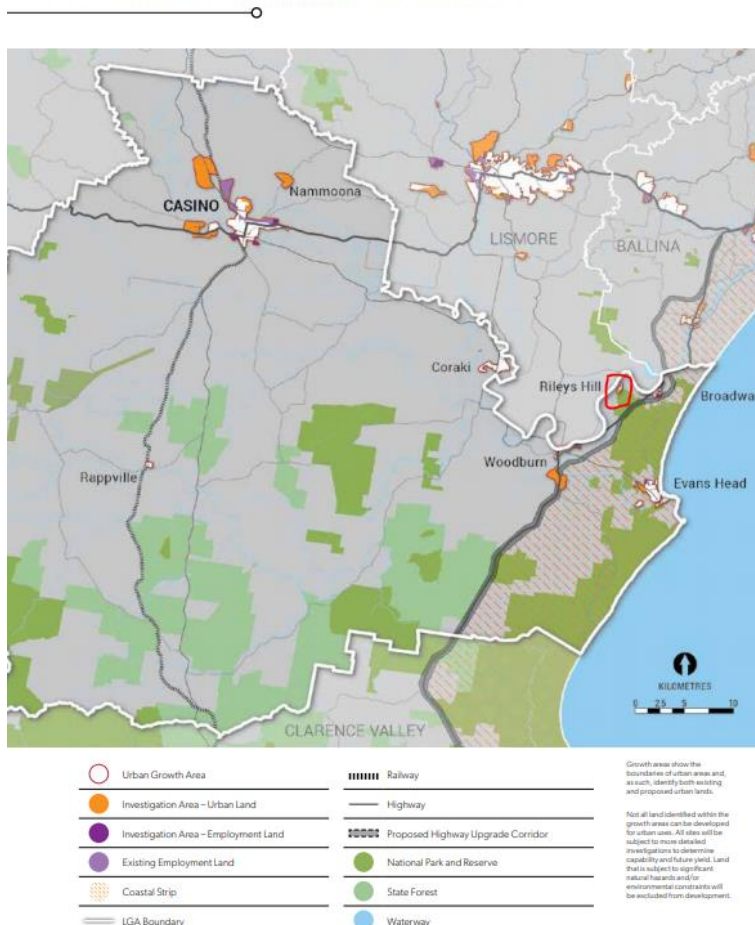
This submission to the DNCRP was the result of a community consultation process and was adopted by Council for inclusion in the Draft NCRP. The NCRP has now been finalised.

The subject site was incorporated into the NCRP final document, including the Urban Growth Area Map (see below). The subject site is now identified within the NCRP for the delivery of new housing within the Rileys Hill locality.

The partial rezoning of the subject site to RU5 will facilitate new housing within the village of Rileys Hill. A conceptual layout of the RU5 portion of the subject site has identified that 35 Lots can be accommodated within the RU5 portion of the site with a minimum Lot area of 800m². This conceptual lot layout is reflective of infrastructure needs/limitations for the subdivision and environmental constraints.

The conceptual layout design of the potential future subdivision ‘footprint’ was an important component of the Planning Proposal to determine the ability of the site to integrate with existing infrastructure.

Figure 17: Urban growth area map for Richmond Valley Local Government Area



Under the circumstances, the proposed application of a village/residential zone is consistent with Council’s resolution and the final NCRP.

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

The proposed application of a rural village zone is consistent with these strategic planning documents/processes that identify the land for future urban release/use.

It is submitted that an LEP amendment is the best (and only) way in which to achieve the proposed outcomes, as the proposal relates expressly to land use zoning and future consequential subdivision.

3. *Is there a net community benefit?*

The net community benefit that will result from the proposal is:

- additional economic activity generated by the development of the land for residential purposes
- additional land available for residential and related development
- achieving the objective of the NCRP of delivering new housing to Rileys Hill
- the protection of sensitive vegetation by way of an environmental protection zone over land currently zoned RU1- Primary Production.

5.2 Section B – Relationship to strategic planning framework

4. *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)?*

As detailed elsewhere in this Planning Proposal, the proposal is consistent with the North Coast Regional Plan 2036.

The Planning Proposal involves a change to the zoning and minimum lot size standards to enable future subdivision (and construction of new dwelling houses).

The Planning Proposal will provide for increased housing opportunities which will assist in accommodating the projected local and regional population increase.

The information contained in this Planning Proposal document confirms and supports the capability of the land to accommodate village/residential development, which is thus consistent with the regional planning framework.

5. *Is the planning proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?*

The Richmond Valley Made 2030 Community Strategic Plan (RVMCSP) was adopted by Council on 27 June 2017.

Incorporated into this Strategic Plan is economic growth. It is Councils aim to create an environment which allows the economy to flourish now and into the future.

Development strategies include the partnering with the State government to deliver new housing in Rileys Hill, Evans Head, Woodburn and Casino.


This rezoning of a portion of a rural Lot for the purposes of RU5 – Village for future housing is accordingly considered to be consistent with this Strategic Plan.

6. *Is the planning proposal consistent with applicable state environmental planning policies?*

There are several SEPP’s that are of relevance to the proposal, details of which are as follows:

| SEPP Title | Compliance of Planning Proposal |
|---|--|
| SEPP (Koala Habitat Protection) 2020 and 2021 | <p>The subject land is a relatively small (8.268ha) rural lot. Koala were recorded during site visits of the ecological assessment undertaken by Blackwood ecological services in conjunction with this Planning Proposal. This 2018 assessment recommended area of Blackbutt Forest and Swamp Sclerophyll woodland be protected with an appropriate environmental zoning.</p> <p>It is this ecological assessment that has prompted the partial zoning of the subject site as E2 – Environmental Conservation to avoid harm to this vegetation.</p> <p>It is therefore submitted that the Planning Proposal is consistent with the provisions of and is not contrary to the intent of the SEPP.</p> |

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| <p>SEPP 55 – Remediation of Land</p> | <p>Clause 6(1) of this SEPP requires the planning authority when preparing a Draft LEP to consider whether the land is contaminated and whether the land is suitable for such purpose (as not being contaminated or requiring remediation to make it suitable).</p> <p>The subject land is a relatively small rural lot (8.268ha) that has and continues to be used for cattle grazing and does not have any current or historical usage that would have likely contaminated the land. Further, the land does not adjoin and is not proximate to any intensive horticulture or other potentially contaminating uses.</p> <p>It is therefore submitted that the Planning Proposal is consistent with the provisions of and is not contrary to the intent of the SEPP.</p> |
| <p>SEPP (Primary Production and Rural Development) 2019</p> | <p>The aims of this policy are to facilitate the orderly and economic use and development of lands for primary production. This orderly development includes intent to reduce landuse conflict and sterilisation of rural land by balancing primary production residential development and the protection of native vegetation.</p> <p>This SEPP is however intended to be applied at a statutory level rather than a strategic planning level. The land was not identified by the “Northern Rivers Farmland Protection Project – Final Recommendations”, February 2005 as “State significant farmland”, “regionally significant farmland” and “significant non-contiguous farmland”.</p> <p>The subject land is currently zoned RU1. The proposed rezoning of the lot to a village/residential zone will not compromise or prejudice the use of the subject and adjoining land for agricultural purposes, due primarily to the characteristics, existing use, adjoining use and small size of the lot.</p> <p>The application of a village zone will not result in increased land use conflicts with adjoining agricultural land because of the siting of adjoining dwellings, the character of the adjoining and surrounding land (being primarily residential and bushland) and the limited potential for agricultural use of the adjoining land.</p> <p>The land has previously been identified as an investigation area for urban development.</p> <p>Any further development would need to address the provisions of this SEPP where applicable.</p> <p>It is therefore submitted that the Planning Proposal is consistent with the provisions of and is not contrary the intent of the SEPP.</p> |
| <p>SEPP (Coastal Management)</p> | <p>SEPP-CM came into effect on the 3rd April 2018, with SEPP 71 – Coastal Protection being repealed that same day. The subject land is situated in the coastal zone and is thus subject to the provisions of the SEPP. The subject land is physically and spatially removed from any coastal foreshore area, being more than 300m from the bank of the Richmond River. The land is not mapped on the:</p> <ul style="list-style-type: none"> • Coastal Wetlands and Littoral Rainforest Area Map or proximity thereto map and thus Part 2, Division 1 does not apply • Coastal Use Map and thus Part 2 Division 4 does not apply • Coastal Vulnerability Map (NO map at this time) and thus Part 2, Division 2 does not apply <p>The subject land is mapped on the Coastal Environment Area Map and thus Division 3 of Part 2 applies. As per Clause 13, the proposed development:</p> |

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| |  <p>Extract NSW Planning Portal</p> <ul style="list-style-type: none"> • will not have any adverse impacts on the biophysical, hydrological (surface and groundwater) and ecological environment • will not have any impacts on coastal environmental values or natural coastal processes • will not significantly impact on or be significantly impacted by geological and geomorphological coastal processes and features • will not have any adverse impact on the water quality of marine estate • will not have any adverse impacts on native vegetation and fauna and their habitats, undeveloped headlands and rock platforms • will not adversely impact Aboriginal cultural heritage and places • will not have any impact on the use of the surf zone <p>It is therefore submitted that the Planning Proposal is consistent with the provisions of and is not contrary the intent of the SEPP.</p> |
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7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Section 9.1 of the *EP & A Act 1979* provides directions that relevant planning authorities must have regard to when preparing planning proposals for new LEPs. The following table identifies which of these directions are applicable to the proposed rezoning and how the Planning Proposal is consistent with their provisions.

| Direction Number | Compliance of Planning Proposal |
|------------------------------------|---|
| 1. Employment and Resources | |
| 1.1 Business and Industrial Zones | Does not apply to Planning Proposal. |
| 1.2 Rural Zones | Complies – The subject land is mapped as ‘Investigation Area – Urban Land’ (Figure 17 – Urban growth area map for Richmond Valley Local Government Area) of the NCRP 2036 and is thus able to be justified because of the NCRP. |

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| <p>1.3 Mining, Petroleum Production and Extractive Industries</p> | <p>A quarry known as the Rileys Hill Quarry is indicated within identified land mapping forth purpose of Section 9.1 Ministerial Direction as a regional resource. The Dept. of Primary Industries (DPI – Minerals) were advised of the Planning Proposal for a response. An electronic correspondence received on 4 July 2017 from the Senior Geoscientist – Land Use Assessment, Division of Resources and Geoscience stated, “We do not have any information that the resource at this site is likely to be extracted in the future.” A 1km influence buffer to the site of past quarrying activity includes the land proposed for rezoning. The Planning Proposal is accompanied by a Land Use Conflict Risk Assessment (LUCRA) that includes reporting on this Quarry, despite the site not being known as actively worked for more than 50 years (RVC, 21 November 2017) This LUCRA is within Appendix H.</p> <p>The recommendations of the LUCRA regarding the Quarry are provided as follows:</p> <p><i>A Noise and Vibration Impact Assessment in accordance with the Noise Policy for Industry (NSW EPA 2017) and Vibration Guidelines is to be prepared to assess the impact of a recommenced quarry on future sensitive receptors prior to the issue of a Development Application for subdivision for residential use.</i></p> <p><i>The outcomes of future Noise and Vibration Impact Assessment will establish a project specific noise criterion for the future residential land. Specific conditions would be ascribed to future Development Applications.</i></p> <p><i>Measures to mitigate noise impacts to an acceptable level may include:</i></p> <ul style="list-style-type: none"> • <i>Increasing the separation distance</i> • <i>Installing Barriers and fencing</i> • <i>Site and Building Layout</i> • <i>Building construction methods</i> |
| <p>1.4 Oyster Aquaculture</p> | <p>Does not apply to Planning Proposal.</p> |
| <p>1.5 Rural Lands</p> | <p>Complies – comments in respect of the Rural Lands SEPP are provided in Section 5.2 of this Planning Proposal. Further, the proposed rezoning is of relatively minor significance and is consistent with the NCRP as the land is mapped as an ‘Investigation Area – Urban Land’.</p> |
| <p>2. Environment and Heritage</p> | |
| <p>2.1 Environmental Protection Zones</p> | <p>Complies - This planning proposal includes provisions for the protection and conservation of environmentally sensitive areas. The planning proposal includes the rezoning of a portion of RU1 land to E2 Environmental Conservation to protect identified environmental attributes.</p> <p>The planning proposal also provides for a minimum lot size over the remnant RU1 and E2 land to ensure the remnant parcel cannot be fragmented. The proposed part RU1 and E2 remnant portion will have a minimum lot size of 4ha. This minimum Lot size will provide the remnant portion with a single dwelling entitlement.</p> |
| <p>2.2 Coastal Management</p> | <p>Complies – the proposal is of a relatively minor nature. The subject land is physically and spatially removed from any coastal foreshore area and is not subject to any damaging coastal processes. The land is not mapped on the:</p> <ul style="list-style-type: none"> • Coastal Wetlands and Littoral Rainforest Area Map or proximity thereto map and thus Part 2, Division 1 does not apply • Coastal Use Map and thus Part 2 Division 4 does not apply • Coastal Vulnerability Map (NO map at this time) and thus Part 2, Division 2 does not apply <p>Having regard to the above, it can be concluded that the proposal will not result in the intensification of existing land uses within mapped coastal wetlands or littoral rainforest. The planning proposal will not increase development within vulnerable coastal land or land identified as affected by current or future coastal hazards.</p> |

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| 2.3 Heritage Conservation | <p>European Heritage - Complies – the subject land is not identified as containing or comprising a heritage item or place (per Schedule 5 of the RVLEP 2012).</p> <p>Aboriginal Heritage – Complies – the subject land and the surrounding land has not been identified as containing an item or items of Aboriginal heritage. The Aboriginal Cultural Heritage Assessment Report prepared by Everick Heritage Pty Ltd concludes that the Proposed Works are unlikely to result in harm to Aboriginal objects.</p> |
| 2.4 Recreation Vehicle Areas | Does not apply to Planning Proposal. |
| 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs | The Planning Proposal does include E2 land. However, this direction does not apply to the Richmond Valley Council LGA. |
| 2.6 Remediation of Contaminated Land | Complies – A Stage 1 Preliminary Contaminated Site Investigation was undertaken for the subject site due to the existing agricultural uses onsite. This investigation, including sampling was able to conclude that the site has not been contaminated from historical landuses and is suitable for the proposed rezoning. |
| 3. Housing, Infrastructure and Urban Development | |
| 3.1 Residential Zones | <p>Complies – adequate public infrastructure is available in the immediate locality to service the existing lot and possible new lots (contingent upon rezoning and consent being granted to future subdivision).</p> <p>The proposal will facilitate village/residential development which is able to connect to and make use of existing infrastructure services.</p> |
| 3.2 Caravan Parks and Manufactured Home Estates | Does not apply to Planning Proposal. |
| 3.3 Home Occupations | Revoked 9 November 2020 |
| 3.4 Integrated Land Use and Transport | Complies – the land is identified as ‘Investigation Area – Urban Land’ (Figure 17 – Urban growth area map for Richmond Valley Local Government Area) of the NCRP 2036. The proposal will facilitate development which is able to make use of existing roads and transport services. |
| 3.5 Development Near regulated Airports and Defence Airfields | Does not apply to Planning Proposal. |
| 3.6 Shooting Ranges | Does not apply to Planning Proposal. |
| 3.7 Reduction in non-hosted short – term rental accommodation period | Does not apply to Planning Proposal. |
| 4. Hazard and Risk | |
| 4.1 Acid Sulfate Soils | <p>The subject land is mapped as part Class 2 and part Class 5 acid sulfate soils. The vast bulk of the lot is mapped as Class 5 with the Class 2 land being the lower lying land along the south-eastern boundary (being land at a level of approx. 5m AHD).</p> <p>If the land is rezoned and developed for village/residential purposes, there may be some works that could disturb the ground surface of the Class 2 land.</p> <p>An ASS assessment has been prepared to support the rezoning application. The assessment indicates low levels of liming would be required to neutralise excavated material in the lower parts of the property. This assessment will be submitted with any future development application as an Acid Sulfate Soil Management Plan.</p> |

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| 4.2 Mine Subsidence and Unstable Land | Does not apply to Planning Proposal. |
| 4.3 Flood Prone Land | The land is not flood free as it would have to be above the PMF. The Richmond River Flood Study estimates a 1 in 100-year ARI flood event would reach a level of 5m AHD. This would inundate low parts of the property within the proposed residue lot. Flood planning controls require habitable levels of dwellings to be located above the 5.5m AHD Flood Planning Level. The Rileys Hill Village is placed upon high ground but the 2 access roads from Rileys Hill are cut by flood water in more frequent floods such as 1 in 20-year events. Refer to Sections 2.2.5 and Appendix G for commentary on Flood Evacuation |
| 4.4 Planning for Bushfire Protection | A bushfire hazard assessment would have to be prepared in accordance with the provisions of Planning for Bushfire Protection 2019 to support the proposed rezoning and future possible subdivision of the land. |
| 5. Regional Planning | |
| 5.1 Implementation of Regional Strategies | Revoked (i.e. Repealed and no longer a 9.1 Direction) 17 October 2017. |
| 5.2 Sydney Drinking Water Catchments | Does not apply to Planning Proposal. |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast | Complies – This direction does not technically apply due to the fact that land is mapped in the “Northern Rivers Farmland Protection Project – Final Recommendations”, February 2005 as “other rural land”. This direction applies to land mapped as “State significant farmland”, “regionally significant farmland” and “significant non-contiguous farmland”. |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | Does not apply to the Planning Proposal. |
| 5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) | Revoked 18 June 2010. |
| 5.6 Sydney to Canberra Corridor | Revoked 10 July 2008 |
| 5.7 Central Coast | Revoked 10 July 2008 |
| 5.8 Second Sydney Airport: Badgerys Creek | Revoked 20 August 2018 |
| 5.9 North West Rail Link Corridor Strategy | Does not apply to the Planning Proposal. |
| 5.10 Implementation of Regional Plans | The land is identified as ‘Investigation Area – Urban Land’ (Figure 17 – Urban growth area map for Richmond Valley Local Government Area) of the NCRP 2036. The Planning Proposal complies with the NCRP. |
| 5.11 Development of Aboriginal Land Council Land | Does not apply to the Planning Proposal. |
| 6. Local Plan Making | |
| 6.1 Approval and Referral Requirements | Complies – does not introduce any new concurrence or consultation provisions or any additional designated development types. |
| 6.2 Reserving Land for Public Purposes | Does not apply to the Planning Proposal. |

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| 6.3 Site Specific Provisions | Complies – seeks to apply the existing RU5 land use zone and standards that are compatible with the village development of the site and adjoining land. |
| 7. Metropolitan Planning | |
| 7.1 Implementation of the Metropolitan Plan for Sydney 2036 | Revoked 9 November 2020 |
| 7.2 Implementation of Greater Macarthur Land Release Investigation | Revoked 28 November 2020 |
| 7.3 Parramatta Road Corridor Urban Transformation Strategy | Does not apply to the Planning Proposal. |
| 7.4 – Implementation of Northwest Priority Growth Area Landuse and Infrastructure Implementation Plan | Does not apply to the Planning Proposal. |
| 7.5 – Implementation of Greater Parramatta Priority Growth Area Interim Land use an Infrastructure Implementation Plan | Does not apply to the Planning Proposal. |
| 7.6 – Implementation of Wilton Priority Growth Area Interim Land Uses and Infrastructure Implementation Plan | Does not apply to the Planning Proposal. |
| 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor | Does not apply to the Planning Proposal. |
| 7.8 Implementation of Western Sydney Aerotropolis Plan | Does not apply to the Planning Proposal. |
| 7.9 Implementation of Bayside West Precincts 2036 Plan | Does not apply to the Planning Proposal. |
| 7.10 Implementation of Planning Principle for the Cooks Cove Project | Does not apply to the Planning Proposal. |
| 7.11 Implementation of St Leonards and Crows Nest 2036 Plan | Does not apply to the Planning Proposal. |
| 7.12 Implementation of Greater Macarthur 2040 | Does not apply to the Planning Proposal. |

5.3 Section C – Environmental, social and economic impact

- 8. *Is there any likelihood of critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

As evidenced from the aerial photograph at **Appendix A**, the subject land is vacant and is largely cleared grassland that is being grazed. There are some smaller trees and scrubby type vegetation adjacent to the south-eastern boundary on the lower lying section of the property.

An ecological assessment was undertaken over the site in accordance with the Dept. of Planning, Industry and Environment conditional gateway determination of 16th February 2018. From this advice the report determined that the proposed RU5 Village zone was to be reduced in area, with the balance of the lot having an E2 zone applied or retained as RU1. The provided Ecological Assessment Report dated October 2020 addresses the amended Planning Proposal. As a direct result of this ecological assessment, the proposed area of RU5 land has been significantly reduced and part of the remnant RU1- Primary Production zone is now proposed as E2 – Environmental Conservation.

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

There are a number of constraints applying to the subject land however, these constraints have informed the current planning proposal. Specifically:

- the vast bulk of the land is mapped as Class 5 acid sulfate soils, with only a small section being Class 2 (being the lower lying section along the south-eastern boundary of the lot) – acid sulfate soils can be readily managed (via an acid sulfate soils management plan) and/or any future subdivision or development will be confined to elevated land and not mapped Class 2 land
- A portion of the subject site is flood prone. However, the proposed RU5 zoned land will be located above the 5m AHD contour, being the level of a 1 in 100year flood event.
- the majority of the subject land is mapped as being bushfire prone, with the vast bulk of the property being mapped as “vegetation buffer” and some very small sections being mapped as “Vegetation Category 1” vegetation – as a consequence of such, a Bushfire Threat Assessment under PBP 2019 has been prepared– it should be noted that the vast bulk of the land is devoid of any bushfire source vegetation – any future subdivision or development is able to be designed and constructed in a manner that will achieve compliance with PBP 2019.
- Any future subdivision and development will increase impervious areas/surfaces on the subject land and thus there will be an increase in the type and quantum of stormwater generated at/by the site. The Flood Study commissioned in conjunction with this Planning

Proposal included assessment of stormwater impacts associated with the Planning Proposal. This assessment concluded that stormwater collection and treatment will be required onsite prior to discharge under the adjoining Council Road Reserve through a possibly upgraded culvert.

The Flood Study as amended to reflect the amended Planning Proposal and proposed zoning changes is provided as part of the exhibition documents.

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

The proposed rezoning (and construction of future houses) may have impacts on the landscape and scenic character of the locality but would not have any significant amenity impacts on adjacent dwellings and residents.

The reticulated public infrastructure services are available in the immediate locality and there are no significant economic issues with the servicing of any future lots.

5.4 Section D – State and Commonwealth interests

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

The existing locality is connected to and serviced by all necessary reticulated public infrastructure services. There is sufficient capacity for any proposed new lots to be efficiently and economically connected to and serviced by such services.

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

The Gateway Determination requires consultation with the following agencies

- NSW Rural Fire Service (RFS)
- NSW Roads and Maritime Services
- Biodiversity and Conservation Division

- NSW Division of Resources and Geosciences, and
- The Local Aboriginal Land Council

As part of preparing this Planning Proposal the Jali LALC were consulted along with registered Aboriginal parties. No archaeological sites were recorded. Protocols have been proposed to manage the site should items be discovered during the development.

RFS have supported the proposed development subject to changes (to the original 70 Lot layout) including demonstrated asset protection zones to achieve a Max BAL 29 construction standard, having trafficable interfaces between lots and unmanaged vegetation, and no cul-de-sacs.

Biodiversity and Conservation Division comments efforts to avoid and minimise impacts on the natural environment, particularly biodiversity, flood risks and NPWS Estate.

6. Community Consultation

There has not been any community consultation undertaken in respect of this Planning Proposal at this point in time.

Community Consultation is required under Sections 3.34(2) (c) and 3.35 of the Environmental Planning and Assessment Act as follows:

- (a) The planning proposal must be made publicly available for a minimum of 28 days: and
- (b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for materials must be made publicly available along with Planning Proposals as identified under Section 2.5 Part 5 – Community Consultation of *Planning Proposals: A Guide to Preparing Planning Proposals December 2018*.

Consultation is also required with the following public authorities and/or organisations under Section 3.34(2) (d) of the Act and/or comply with the requirements of the relevant Section 9.1 Directions

- NSW Rural Fire Service.
- NSW Roads and Maritime Service.
- NSW Office of Environment and Heritage.
- NSW Division of Resources and Geoscience; and
- The Local Aboriginal Land Council.

Each public authority/organisation is to be provided within a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal

It is noted a Public Hearing is not required to be held into the matter by any person or body under section 3.34(2) (e) of the EP & A Act.

7. Scope of Engagement

This Planning Proposal has been prepared by Ardill Payne & Partners (APP) on behalf of Alan Cardy (Director – Monal Pty Ltd) for lodgement with Richmond Valley Council and is not to be used for any other purpose or by any other person or corporation.

This report has been prepared from the information provided to us and from other information obtained because of enquiries made by us. APP accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

No part of this report may be reproduced, stored or transmitted in any form without the prior consent of APP.

APP declares that it does not have, nor expects to have, a beneficial interest in the subject project.

To avoid this advice being used inappropriately it is recommended that you consult with APP before conveying the information to another who may not fully understand the objectives of the report. This report is meant only for the subject site/project and should not be applied to any other.

8. Appendices

| | |
|-------------------|--|
| Appendix A | Aerial photograph of subject and adjoining land |
| Appendix B | Copy of deposited plan |
| Appendix C | Contour and detail survey |
| Appendix D | Acid Sulfate Soils Assessment and Management Plan (October 2020) |
| Appendix E | Ecological Assessment (October 2020) |
| Appendix F | Bushfire Assessment Amended (November 2020) |
| Appendix G | Flood Study – V3 (September 2021) |
| Appendix H | Land-use Conflict Resolution Assessment (October 2020) |
| Appendix I | Preliminary Contaminated Site investigation (October 2020) |
| Appendix J | Aboriginal Cultural Heritage Assessment (October 2020) |
| Appendix K | Traffic Impact Assessment (October 2020) |
| Appendix L | Water and Sewer Infrastructure Report V3 (September 2021) |

Appendix A

Appendix A: Aerial photograph of subject and adjoining land

Appendix B

Appendix B: Copy of deposited plan

Appendix C

Appendix C: Contour and detail survey

Appendix D

Appendix D: Acid Sulfate Soils Assessment and Management Plan (October 2020)

Appendix E

Appendix F

Appendix G

Appendix H

Appendix I

Appendix I: Preliminary Contaminated Site
investigation (October 2020)

Appendix J

Appendix J: Aboriginal Cultural Heritage Assessment
(October 2020)

Appendix K

Appendix L
