



Planning Proposal 16

BELLINGHEN SHIRE COUNCIL

Rezone land at Endeavour Drive to E3
(Environmental Management) Zone and E4
(Environmental Living) Zone and permit Community
Title Subdivision on the land zoned as E4
(Environmental Living) Zone

Version 2: Post Council Resolution to Proceed on 28/4/2021
11/05/2021

Contents

1. Introduction	4
1.1 Background.....	4
1.2 Purpose	4
1.3 The Land.....	6
1.4 Ecological Values	9
1.5 Aboriginal Cultural Heritage Assessment	9
1.6 Bushfire Prone Land.....	10
2. Planning Proposal.....	12
2.1 Intended Outcomes	12
2.2 Explanation of Provisions	12
3. Justification	14
3.1 Justification	14
3.2 Relationship to Strategic Planning Framework.....	18
3.3 State and Commonwealth Interests.....	36
3.4 Mapping.....	37
3.5 Community Consultation.....	37
4. Conclusion.....	39
4.1 Recommendation.....	39
4.2 Indicative Project Timeline.....	40

Illustrations

Illustration 1.1 - Site Locality	5
Illustration 1.2 -Bellingen LEP 2010 Zone Map.....	7
Illustration 1.3 - Site Context	8
Illustration 1.4 -Bushfire Prone Land	10
Illustration 2.1 - Land Zoning Map.....	13
Illustration 3.1 - Structure Plan.....	15
Illustration 3.2 – Subdivision Plan.....	16
Illustration 3.3 - NCRP Bellingen Urban Growth Area	19
Illustration 3.4 – Heartwood Community Development Area	21
Illustration 3.5 - Regionally Significant Farmland.....	22
Illustration 3.6 GMS 2007 Bellingen Residential Land Release Areas	26
Illustration 3.7 Bellingen Local Housing Strategy	28

Tables

Table 1.1	Supporting Assessments.....	5
Table 4.1	Indicative Project Timeline	40

Appendices (Except for B,C & D – included as separate attachments to this document)

A. CONCEPT COMMUNITY TITLE SUBDIVISION	41
B. CONSISTENCY WITH SEPPs.....	42
C. CONSISTENCY WITH S9.1 DIRECTIONS	46
D. SITE IMAGES	56
E. BUSH FIRE RISK ASSESSMENT	61
F. BDAR - ECOLOGICAL	62
G. BIODIVERSITY STEWARDSHIP AGREEMENT	63
H. TRAFFIC ASSESSMENT	64
I. ENGINEERING REPORT	65
J. LANDSCAPE PLAN.....	66
K. HERITAGE ASSESSMENT	67
L. PRE LODGEMENT MEETING NOTES.....	68
M. CONTAMINATION ASSESSMENT.....	69
N. COUNCIL REPORT & RESOLUTION TO PROCEED 28 APRIL 2021	70

1. Introduction

1.1 Background

This Planning Proposal ('PP') has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and *A guide to preparing planning proposals* (NSW Department of Planning and Environment 2018) and *A guide to preparing local environmental plans* (NSW Department of Planning and Environment 2018).

This PP explains the intended effects of a proposed amendment to the Bellingen Local Environmental Plan 2010 ('LEP 2010') to enable a subdivision of part of Lot 456 DP 755557 ('the land'). The land is located on the southern periphery of the Bellingen urban area with access to Endeavour Drive. The southern part of the site will be conserved in perpetuity under a Biodiversity Stewardship Agreement.

The PP will enable a subdivision creating approximately 80 residential lots within the Heartwood Community development lot and the creation of a 57.9 ha Biodiversity Stewardship Agreement site to be known as the Heartwood Forest. A Concept Subdivision Plan is provided at **Appendix A**.

The land is identified in the Bellingen Shire Local Housing Strategy 2020-2040 that was adopted by Council at its meeting of 29 January 2020 and approved by the NSW Department of Planning, Industry & Environment (DPIE) on 15 April 2020.

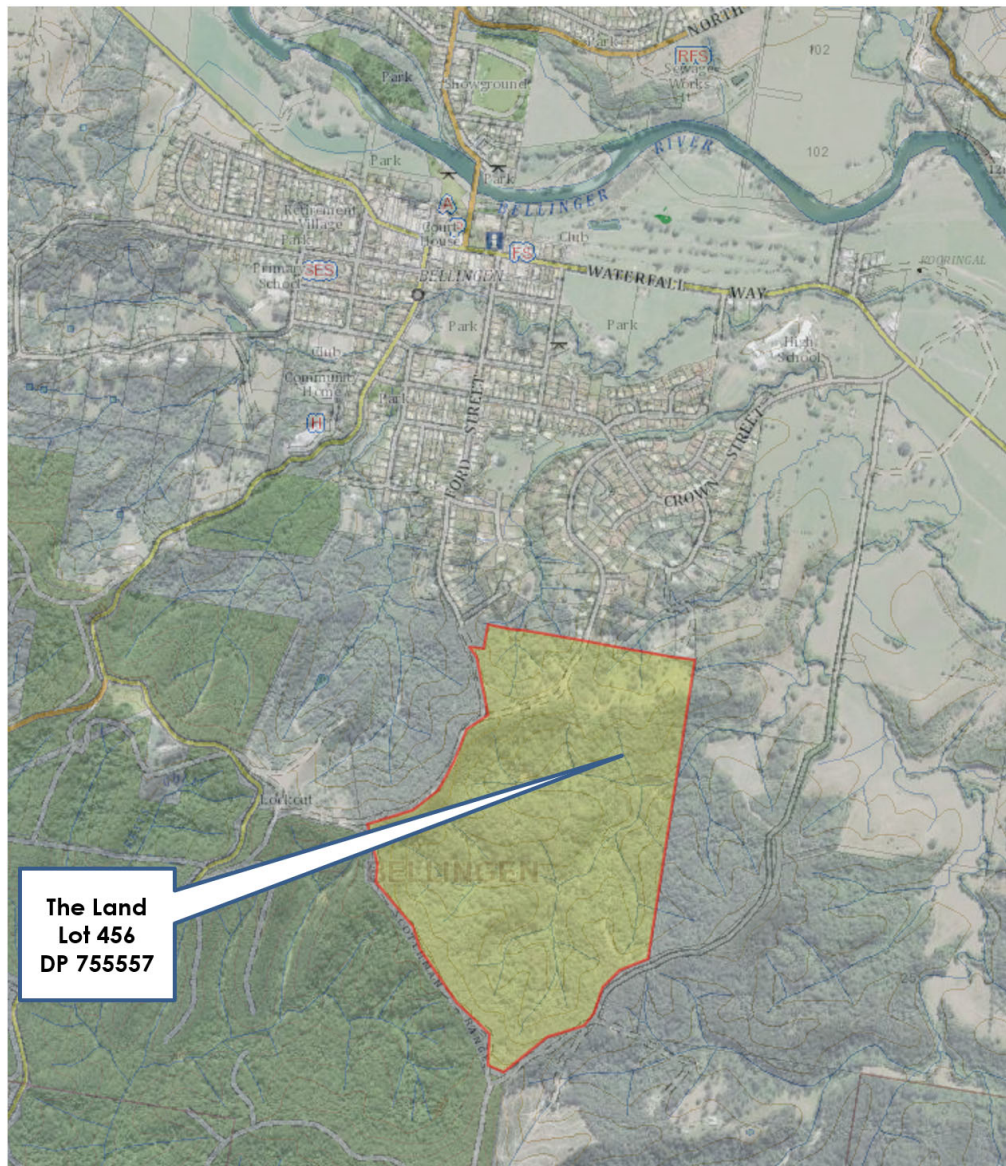
Council acknowledges that the majority of this Document has been prepared by Keiley Hunter Town Planning, however a series of amendments have been made by Council to reflect recommendations made to, and supported by the elected Council who resolved to prepare Planning Proposal 16 in these terms at its meeting of 28 April 2021. A copy of the Council Report & Resolution have been included as Appendix N to this Planning Proposal.

1.2 Purpose

The purpose of this PP is to amend LEP 2010, as it applies to Lot 456 DP 755557 located off Endeavour Drive, Bellingen. The intention of this PP is to:

- 1 Rezone the northern 17.13ha of the land from RU1 (Primary Production) to E4 (Environmental Living), and zone the rest of the land as E3 (Environmental Management).
- 2 Include a Schedule Amendment to provide that;
 - the subdivision of the land that is zoned E4 must be via Community Title Subdivision, with no "neighbourhood lot" created as part of the subdivision to be less than 600m² in area.
 - the erection of a dwelling is permitted on any "neighbourhood lot" created as part of the community title subdivision of the land
 - the land that is zoned E3 must be retained as "association property", managed in perpetuity for conservation purposes and a Biodiversity Stewardship Agreement shall be registered over that part of the land prior to the issue of any Subdivision Certificate for the creation of neighbourhood lots approved in accordance with this schedule.

Illustration 1.1 - Site Locality



Source: SixMaps 2018

The PP is informed, justified and supported by site assessment listed below and appended to this report:

Table 1.1 Supporting Assessments

Assessment	Consultant	Date	Appendix
Bushfire Constraints Strategic Study	Holiday Coast Bushfire Solutions Pty Ltd,	November 2020	E
Biodiversity Development Assessment Report	Ecosure	February 2021	F
Archaeological Assessment	Everick Heritage Consultants	February 2018	K

Assessment	Consultant	Date	Appendix
Concept Plan of Subdivision	Newnham Karl Weir & Partners	September 2020	A
Landscape Plan	Jackie Amos Landscape Architect	November 2020	J
Engineering Assessment	George Stulle Traffic Engineering	November 2020	H
Traffic Assessment	George Stulle Traffic Engineering	November 2020	I
Geotechnical Assessment	Regional Geotechnical Solutions	November 2020	I
Gosling Electrical	Electrical and Comms assessment	February 2020	I
Contamination Assessment	Regional Geotechnical Solutions	15 February 2021	M

The above documents are found in the **Appendices** of this report.

1.3 The Land

The land is identified as Lot 456 DP 755557 and has an area of 75.07 hectares. A locality plan is provided at **Illustration 1.1**.

The land is zoned RU1 Primary Production and E3 Environmental Management (**Illustration 1.2**) with a minimum lot size for dwellings and subdivision of 200 ha. The land is an existing holding with one dwelling entitlement. The land has frontage to Endeavour Drive to the north, Hill Street to the west and Nobles Lane to the south east.

The land is situated at the southern edge of the Bellingen residential area. The land adjoins land zoned R1 General Residential to the north west, R5 Large Lot Residential to the north and north east, RU1 Primary Production to the south and south east and E3 Environmental Management to the south west. An extract of the Bellingen Local Environment Plan 2010 Land Zoning Map is located at **Illustration 1.3**. Photographs of the site are found at **Appendix D**. A Site Context plan is provided at **Illustration 1.3**.

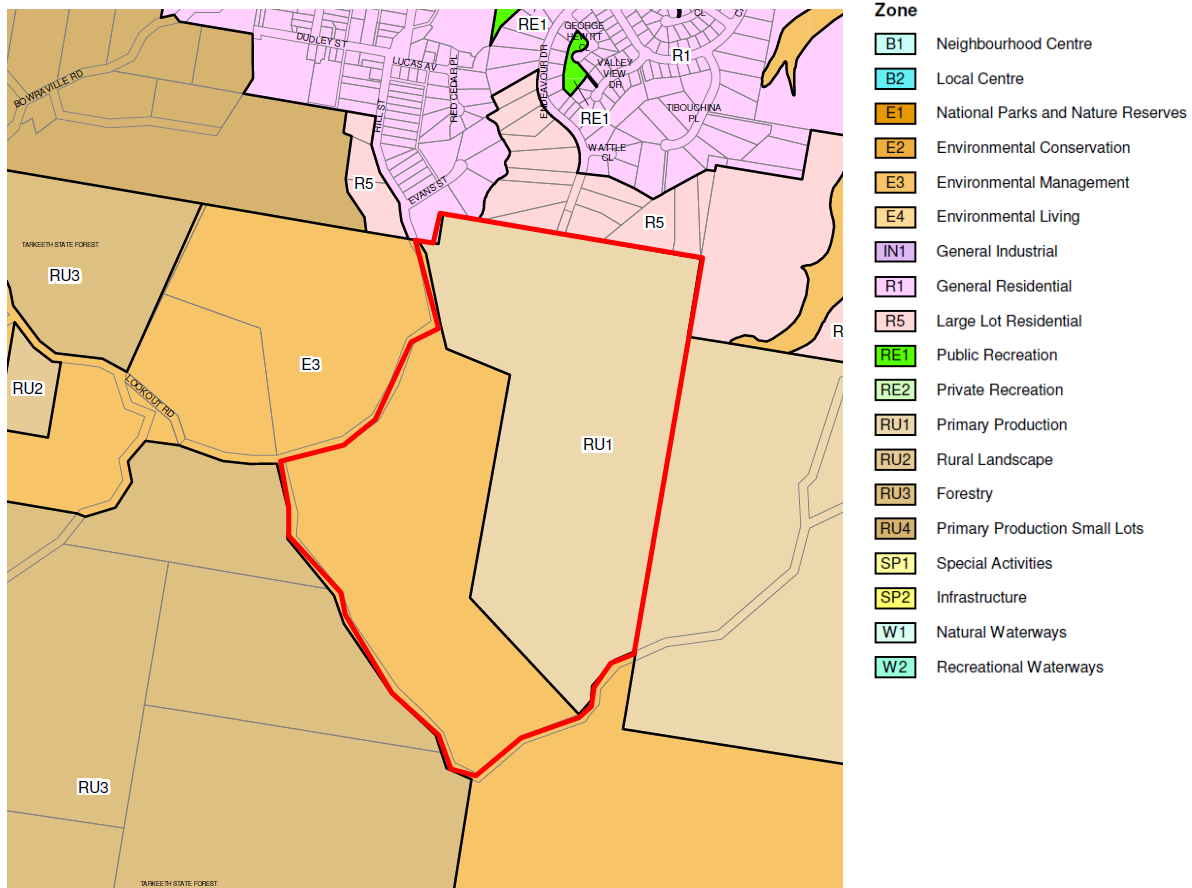
The land is densely vegetated, particularly in the southern area. The northern part of the site off Endeavour Drive is partially cleared. All of the land has been logged several times in the past. Parts of the land are mapped as preferred Koala habitat (Secondary A) under Bellingen Shire Council's adopted Koala Management Strategy. The land is mapped as bush fire prone land. The northern part of the land slopes between 5% and 30% and comprises a series of ridges and gullies with more open cleared land to the north east.

The northern area of the land is referred to as the Heartwood Community residential area (17.13 ha) and the southern area is referred to as the Heartwood Forest conservation area (57.9 ha).

Based on known environmental constraints arising from site assessments already carried out, Newnham Karl Weir & Partners, Surveyors designed a preliminary Community Title residential subdivision Concept Plan (**Appendix A**) of the residential area that is feasible in terms of:

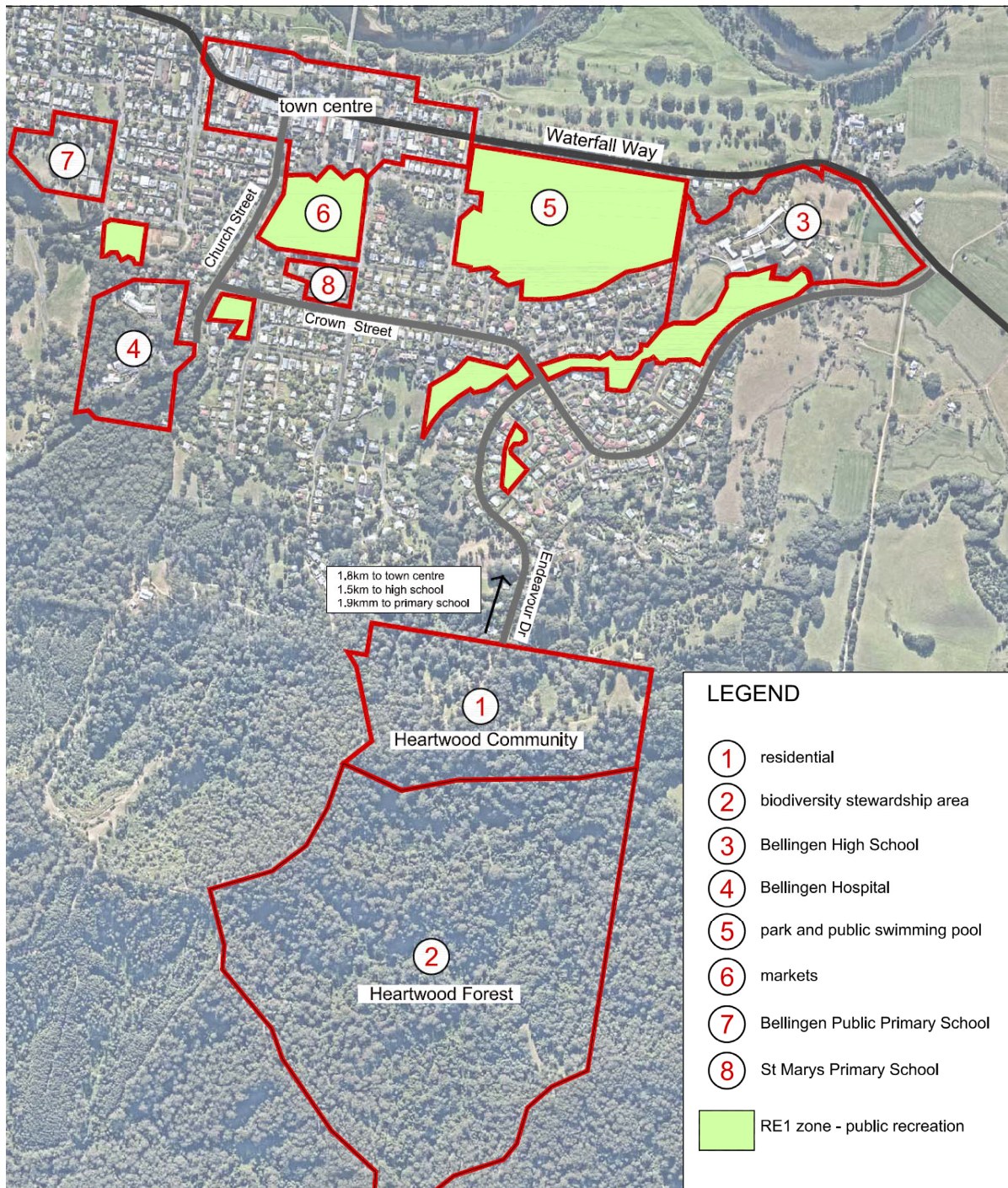
- Biodiversity offsets credits (Biodiversity Stewardship Agreement)
- Bushfire safety
- Servicing (reticulated water and sewer)
- Geotechnical capability for roads and dwellings
- Community Title internal road network
- Low potential for impacting Aboriginal heritage (objects and places)
- Integration with the surrounding urban area.

Illustration 1.2 -Bellinghen LEP 2010 Zone Map



Source: Bellinghen LEP 2010

Illustration 1.3 - Site Context



Source: Jackie Amos Landscape Architect, 2018

1.4 Ecological Values

Large areas of the site have been cleared as a result of historical logging and dairying. Currently most of these areas are maintained as open grassland by regular slashing. Many of the steeper slopes retain native vegetation and there are scattered trees throughout the larger precinct that have not been cleared. A prominent ridge, with an east-west orientation, borders the southern boundary of the proposed residential area. The ridge is a dominant feature of the immediate landscape and has been mostly cleared of its vegetation.

The original primary forest was axe cut as evidenced by the old 'spring-board' notches still present in several old stumps. Subsequent historical logging has removed the majority of remaining vegetation in the early 1900s. There are some older trees on site but they are not pre-European in age. Over the years, selective logging has removed many other trees and most vegetation across the site is now less than 100 years old and not of sufficient age to be hollow-bearing. There are approximately eight individual eucalypt trees across the proposed residential footprint that have a relatively large diameter (DBH >100cm) indicative of some age. These trees probably avoided being logged because they are either multi-stemmed or contain wood or stem defects.

There are good intact patches of remnant vegetation mostly confined to the gullies and steeper slopes and isolated large diameter trees. The intent is to retain these remnant patches within an E3 Zone. There are pioneer rainforest elements in the deeper gullies further to the north. A detailed Ecological Assessment by Ecosure is provided at **Appendix F**.

1.5 Aboriginal Cultural Heritage Assessment

A pedestrian survey for cultural heritage of the Project Area within the site was undertaken by CHDLALC Senior Aboriginal Sites Officer, Ian Brown, and Aboriginal Sites Officer, Luana Ferguson, and Everick Senior Archaeologists, Tim Hill and Morgan Disspain, on 20 December 2017, refer **Appendix K**.

As a result of the desktop study, field inspections, Aboriginal community consultation and archaeological investigation of the Project Area, the following was found:

- No artefacts were observed on the fire trail which crossed all ridge crests within the Project Area, which was identified as having the potential to contain Aboriginal sites.
- Having consideration for the low potential of the upper and steep slopes to contain artefacts, these landforms were not included within the archaeological survey. This sampling strategy was agreed to by sites officers from Coffs Harbour and District LALC.
- There is very little topsoil material on the upper slope; it is considered unlikely that the surrounding soils would contain Aboriginal objects, and as such the ridge crest was not identified as a Potential Archaeological Deposit.
- In consideration of the potential of the ridge crest to contain Aboriginal sites, it was noted that the foot slopes of the ridgeline to the north would have provided better access to resources along the river and floodplain, including swamps. The ridge crest which comprises the Project Area was not considered to be a 'pathway' as there was no obvious landscape feature which was identifiable as a destination to the south of Bellingen.

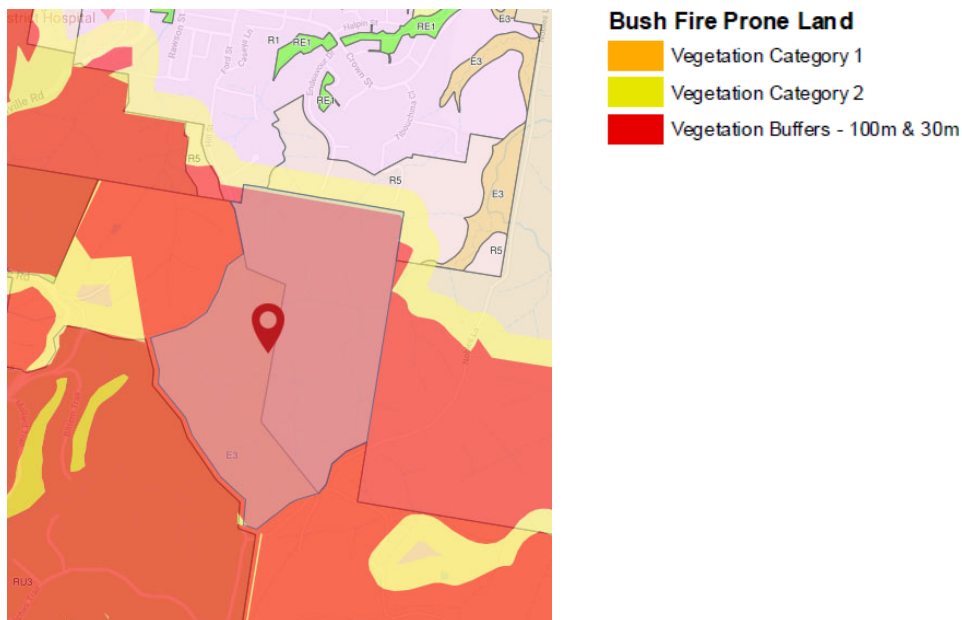
The assessment concluded with several recommendations including a find procedure to be followed throughout future development works.

1.6 Bushfire Prone Land

A Bushfire Strategic Study prepared by Steve Ellis of Holiday Coast Bushfire Solutions is provided at **Appendix E**. This PP was assessed against the requirements of *Planning for Bushfire Protection 2019 (PfBP 2019)* and *Section 9.1(2) Ministerial Direction 4.4 Planning for Bushfire Protection*. Key issues are identified as steep topography, length of potential fire run and fire access in difficult terrain. Potential bushfire benefits arising from the proposal are that the Heartwood Community subdivision will be more bushfire resilient than existing urban development in a similar threat interface area and the development site will create a buffer between the bushfire hazard and the existing urban area.

There are three potential access routes available to the property, with Endeavour Drive identified as the safest egress route in the event of a fire.

Illustration 1.4 -Bushfire Prone Land



Vehicle access is adequate for an emergency response to the site, each lot has ready-access to a reticulated water supply and buildings will be constructed to BAL-29 to withstand the adverse effects of wildfires. APZs have been properly calculated and will be maintained by the Community Associated in accordance with a Vegetation Management Plan.

All of the proposed bushfire protection measures will be provided within the boundaries of the land. The proposal was found to be consistent with PfBP 2019 and the Ministerial Directions. Management recommendations were provided.

2. Planning Proposal

2.1 Intended Outcomes

The objective of this planning proposal is to:

1. Amend LEP 2010 to permit a Community Title residential subdivision of the part of the land, having regard to the biodiversity value and environmental constraints affecting the land; and
2. Create and zone a Biodiversity Stewardship Site.

2.2 Explanation of Provisions

The intended outcome of this PP will be achieved by amending the LEP 2010 as follows:

1. **Bellingen Land Zoning Map (Sheet LZN_006B)**

Amend LZN_006B to rezone the northern 17.13ha of Lot 456 DP 755557 from RU1 (Primary Production) to E4 (Environmental Living), and zone the rest of the land as E3 (Environmental Management).

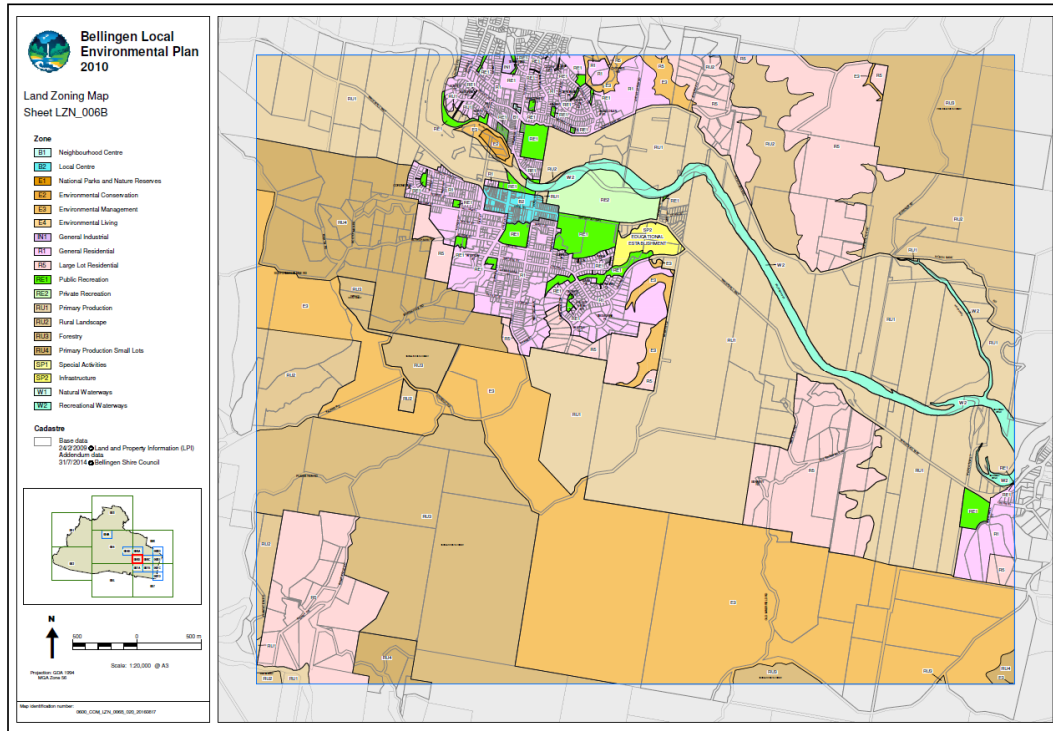
2 **Include an additional Item within Schedule 1 of the BLEP 2010 as follows;**

Use of certain land at Endeavour Drive, Bellingen

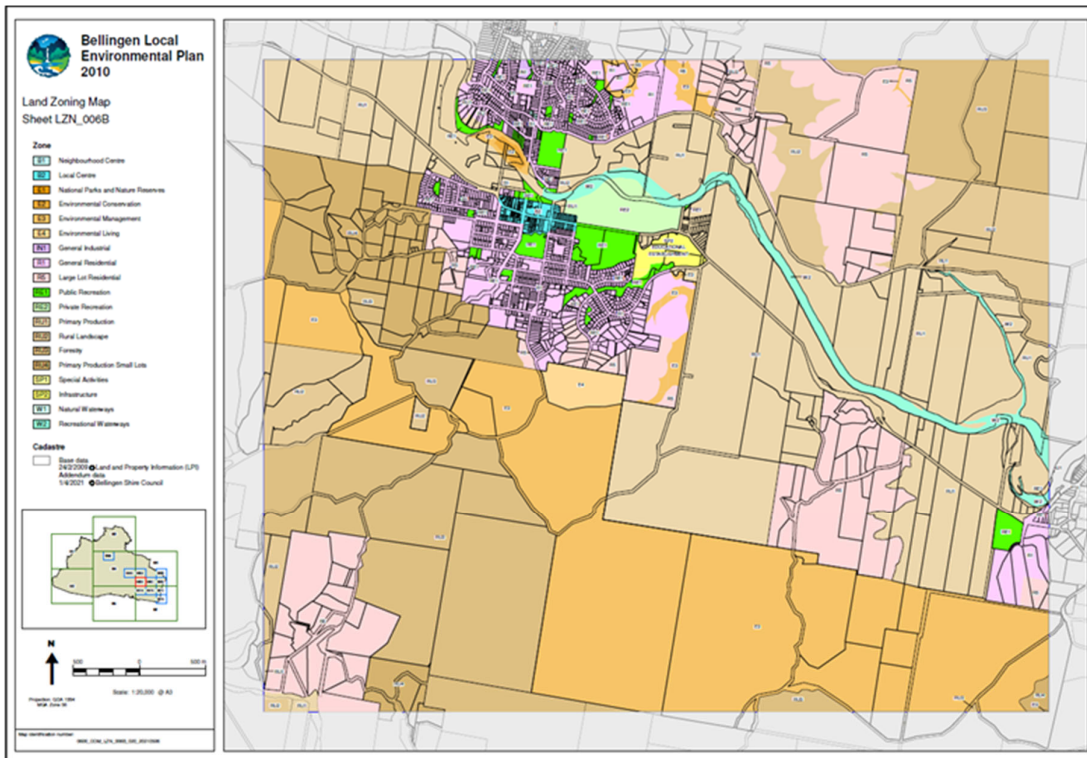
- (1) This clause applies to land at Endeavour Drive, Bellingen, being Lot 456 DP 755557.
- (2) Development for the purpose of a community title subdivision on that part of the land that is zoned E4 (Environmental Living) is permitted with consent provided that no "neighbourhood lot" created as part of the subdivision is less than 600m² in area.
- (3) The erection of a dwelling is permitted on any "neighbourhood lot" created as part of the community title subdivision of the land.
- (4) The land that is zoned E3 must be retained as "association property", managed in perpetuity for conservation purposes and a Biodiversity Stewardship Agreement shall be registered over that part of the land prior to the issue of any Subdivision Certificate for the creation of neighbourhood lots approved in accordance with this Schedule Amendment.

Illustration 2.1 - Land Zoning Map

Current LEP 2010 Land Zoning Map



Proposed LEP 2010 Land Zoning Map



3. Justification

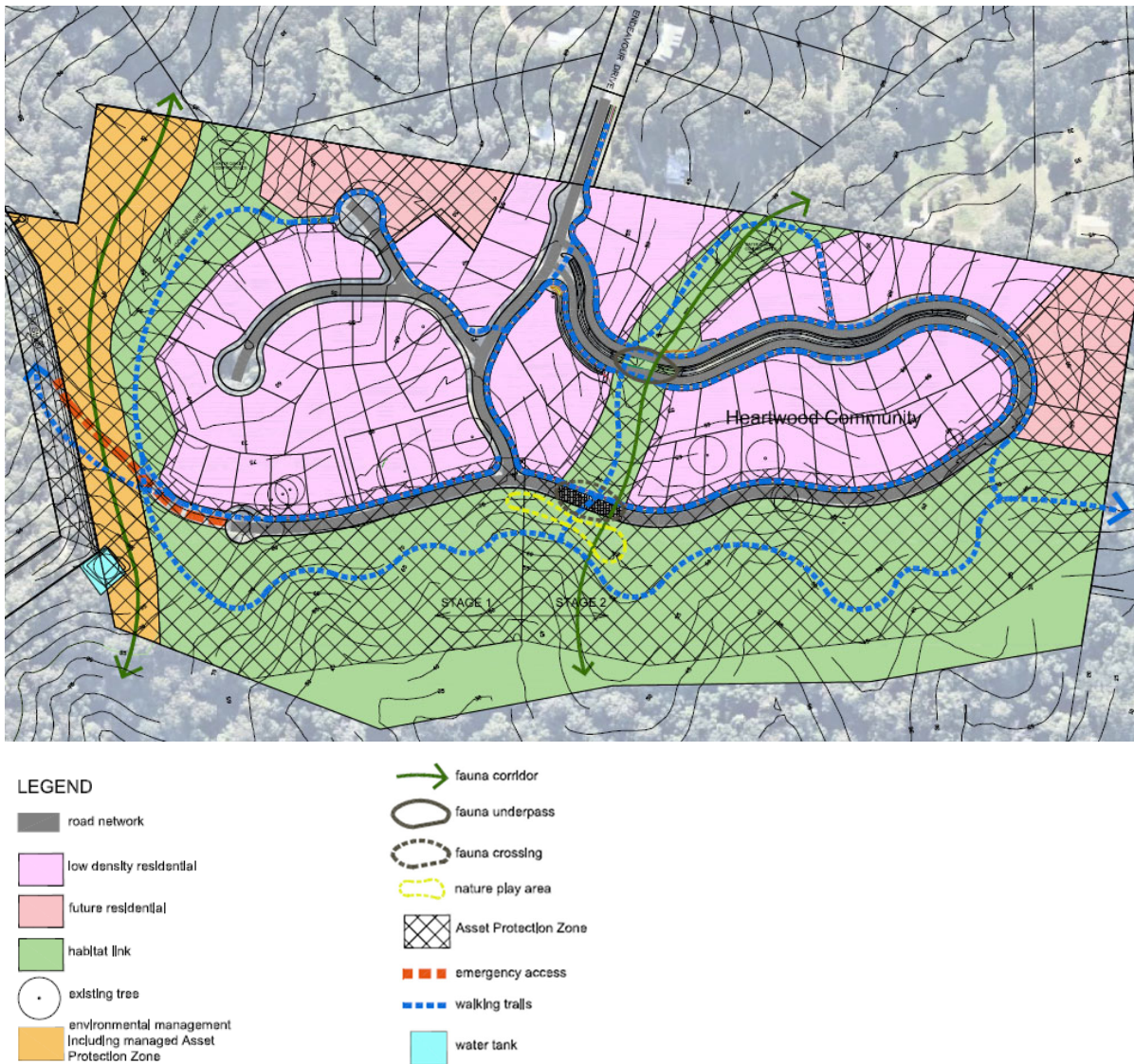
3.1 Justification

This part provides a response to the following matters in accordance with “*A guide to preparing planning proposals*” (NSW Department of Planning and Environment 2018):

- Section A: Need for the planning proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact

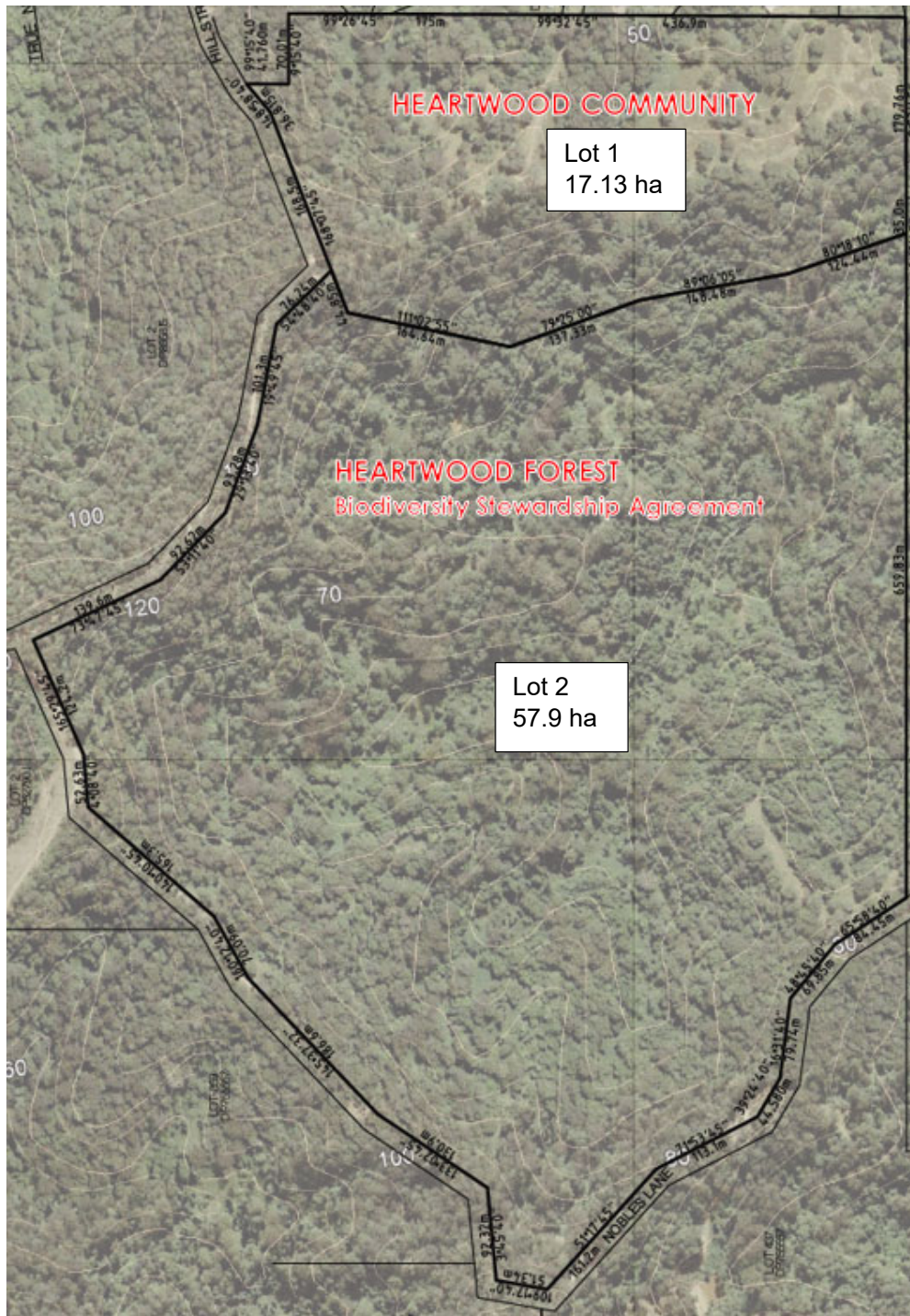
The PP will enable a Community Title subdivision creating eighty (80) “neighbourhood” lots within the E4 Environmental Living zone and one (1) residual E3 Environmental Management zoned lot that will be designated as “association property”, with a Biodiversity Stewardship Agreement registered over that part of the land.

Illustration 3.1 - Structure Plan



Source: Jackie Amos Landscape Architect, November 2020

Illustration 3.2 – Subdivision Plan



Source: NKWP Surveyors 2018

The proposed Community Title residential subdivision will occur within Proposed Lot 1. A Biodiversity Stewardship Agreement (BSA) will be registered to conserve and manage the retained native vegetation within proposed Lot 2.

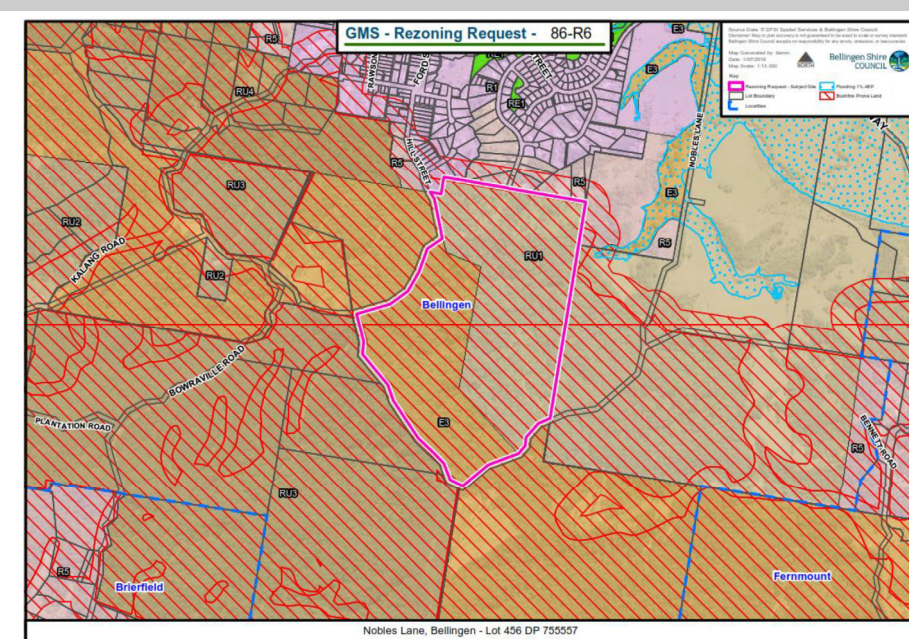
Is the planning proposal a result of any strategic study or report?

Yes. This PP has been prepared to support a proponent funded application to amend LEP 2010. The PP is consistent with the recommendations of Section 4.2 of the Bellingen Shire Local Housing Strategy 2020-2040 that was adopted by Council at its meeting of 29 January 2020 and approved by the NSW Department of Planning, Industry & Environment on 15 April 2020. The recommendation is copied below:

Rezoning Request – Land at end of Endeavour Drive Bellingen currently zoned RU1 (Primary Production) and E3 (Environmental Management).

Council received a request to rezone the subject land during the initial exhibition of the "Homes for Our Future" document in 2018. This request was carefully considered by Council at the time, and it was recommended that Council support the rezoning subject to the resolution of bushfire and sewer capacity issues.

The location of the land is shown in the map extract below.



The proposed rezoning would allow for a community title subdivision of the land to create approximately 80 lots, with most of the site being protected via the registration of a Biodiversity Stewardship Site over the property. The rezoning request is supported having regard to matters such as the environmental focus of the proposal, the community title status (which means key infrastructure such as roads are not owned or maintained by Council) and the potential to increase the variety of options for housing in the Shire.

Comments received from the NSW Department of Planning Industry & Environment have indicated that it would be appropriate to also stipulate that the land the subject of the community title subdivision should be designated as an E4 – Environmental Living Zone, in view of the proposed environmental focus of the development. The objectives of the E4 Zone seek to permit low-impact residential development in areas with special ecological, scientific or aesthetic values, and to ensure that residential development does not have an adverse effect on those values.

The application of the E4 zone is considered to have merit. It distinguishes the proposed development from the conventional "greenfield" offering that will remain available elsewhere within Bellingen and will assist in managing expectations regarding development in this area.

Accordingly, subject to the submission of an appropriately detailed and justified planning proposal request from the proponents, and registration of a Biodiversity Stewardship Agreement over the property, it is considered that the request is strategically consistent with the strategy and capable of support.

Source: Bellingen Shire Council Local Housing Strategy 2020-2040 Pages 83-84

The PP is informed, justified and supported by the assessments listed at Table 1.1 and appended to this report.

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

Yes. This planning proposal is the appropriate means of achieving the intended outcomes and is supported by relevant planning studies and adopted planning policies.

Is there a net community benefit?

The Net Community Benefit Criteria is identified in the NSW Government's publication *The Right Place for Business and Services*. This policy document has a focus on ensuring growth within existing centres and minimising dispersed trip generating development. It applies most appropriately to PPs that promote significant increased residential areas or densities, or significant increased employment areas or the like. The accompanying Concept Subdivision Plan shows that this PP will enable eighty (80) residential lots to be created under LEP 2010. The proposal does not involve business, industrial or employment land uses. The criteria in the Net Community Benefit test therefore cannot be properly applied to this planning proposal.

3.2 Relationship to Strategic Planning Framework

Is the PP consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The planning proposal is considered to be consistent with the relevant goals, directions and actions within the ***North Coast Regional Plan 2036***.

The North Coast Regional Plan (NCRP) identifies the following projections and priorities for Bellingen:

- ***Regional priorities***
 - *Identify additional urban and employment investigation areas for inclusion in the urban growth areas, to secure future housing and employment land supply in proximity to Bellingen and Urunga.*
- ***Housing***
 - *Deliver housing at North Bellingen, South Urunga and East Dorrigo.*
 - *Enhance the variety of housing options to cater for an ageing population in Bellingen and Dorrigo and support the distinctive character of Bellingen Shire's towns and villages.*
- ***Review land supply to identify proposed urban land for extra dwellings.***
 - *The review identified that Byron and Bellingen may not have sufficient capacity in their urban growth areas to achieve a 20 year supply of housing.*
 - *The NSW Government will work with the relevant councils to identify proposed urban land to help meet demand for housing and amend the relevant urban growth area maps to deliver a supply of housing.*

A significant proportion of the undeveloped land in the Bellingen urban growth area has been rezoned, however, has not been developed for residential purposes. The proponents for this PP are well advanced in the design and documentation of the Community Title residential subdivision and have already prepared the Biodiversity Stewardship Agreement for the residual land.

The following **North Coast Regional Plan 2036** directions are relevant to this proposal.

GOAL 1 – THE MOST STUNNING ENVIRONMENT IN NSW

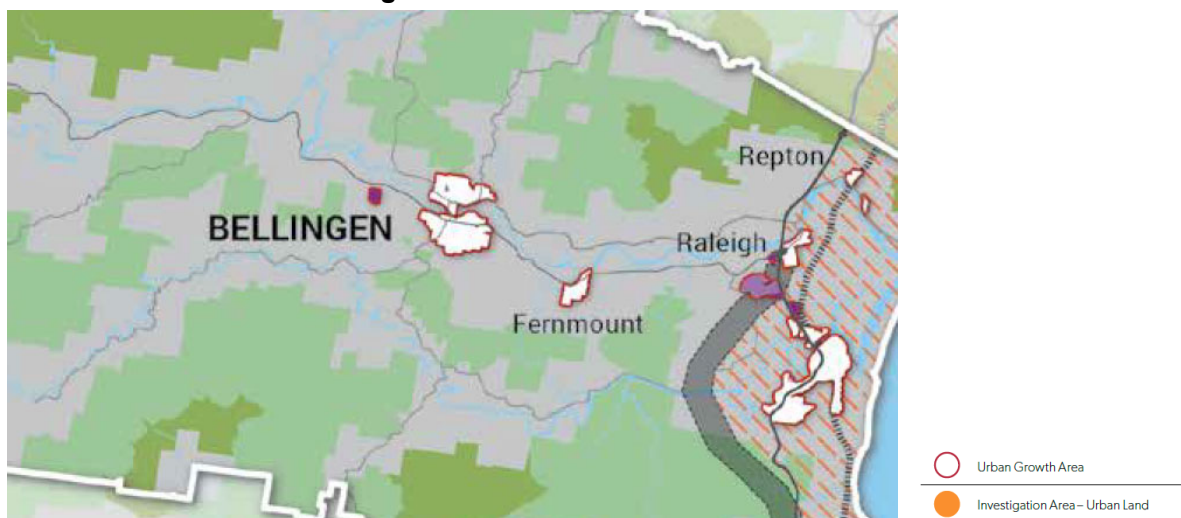
- **Direction 1 - Deliver environmentally sustainable growth**

Action 1.1 - Focus future urban development to mapped urban growth areas.

Comment: The land is on the periphery of the Urban Growth Area and is identified in the Bellingen Shire Council Housing Strategy as having merit for the application of the E4 Environmental Living zone. The E4 zone will distinguish future subdivision of the land from the typical greenfield offering by maximising the area of the land to be conserved under a Biodiversity Stewardship Agreement and limiting the types of residential accommodation options to 'dwellings'. The proposed average lot size is 750 m² and the number of dwellings per hectare is between 4 and 5. Typical low density dwelling yield per hectares is 15-20 dwellings (NSW Planning & Environmental, Housing Diversity, Sydney's Growth Areas, 2013).

Despite the land being outside of the growth area boundary, the land is identified in an endorsed Strategy that post-dates the NCRP and will deliver environmentally sustainable growth.

Illustration 3.3 - NCRP Bellingen Urban Growth Area



- **Direction 2 - Enhance biodiversity, coastal and aquatic habitats, and water catchments**

Comment: The land has a history of use for forestry and has been logged several times since the 1900's. Consequently, there are few trees greater than 100 years of age. Notwithstanding the past logging and dairying history of the property, there are good intact patches of remnant vegetation mostly confined to the gullies and steeper slopes and isolated large diameter trees. The PP aims to

conserve and enhance the remaining biodiversity value under an E3 Environmental Management zone and a Biodiversity Stewardship Agreement.

A Biodiversity Development Assessment Report (BDAR) has been prepared for the 17.13 ha Heartwood Community development area in the northern part of the site adjoining the Bellinghen urban area. The southern portion of land is proposed as a Biodiversity Stewardship Agreement (BSA) site of 57.9 ha, to be named the Heartwood Forest and will be conserved in perpetuity.

Action 2.1 - Focus development to areas of least biodiversity sensitivity in the region and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value.

Comment: The proposed E4 Environmental Living area has been identified as suitable for urban development as the land is already partially cleared, shares an interface with residential and rural residential land and is on the urban boundary of Bellinghen.

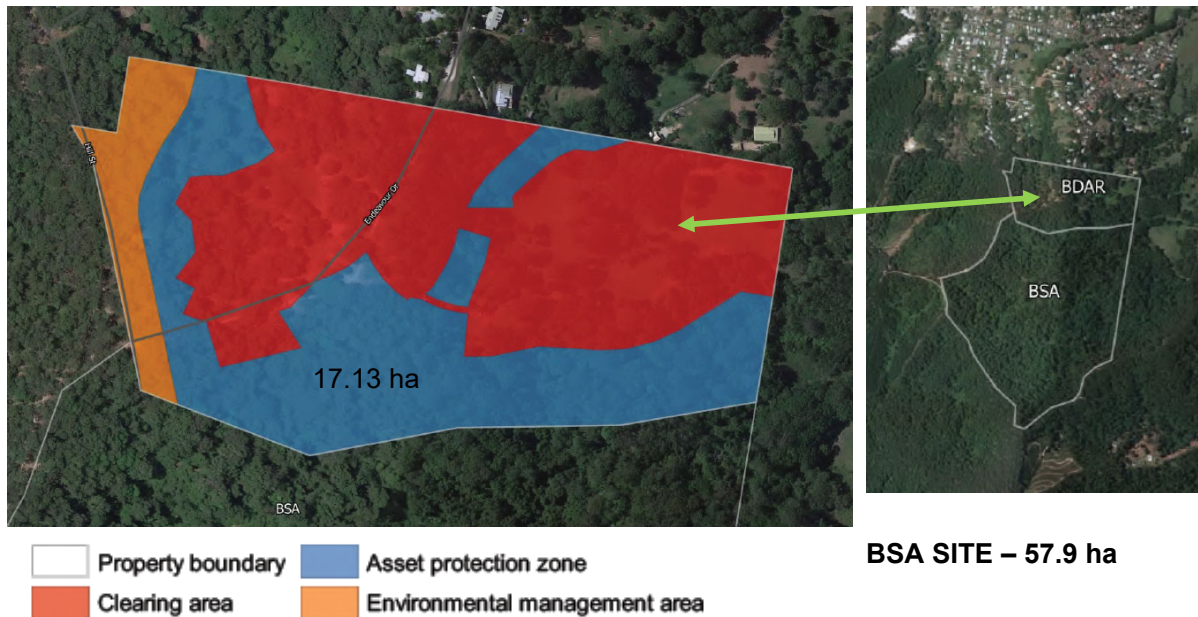
The Heartwood Community development area involves the retention of significant trees, an environmental management area, two fauna corridors and two fauna underpass crossing. The clearing area for the subdivision is focused within already cleared area of the 17.13 ha development area.

Avoiding and minimising impacts on native vegetation and habitat has been achieved during project planning by using the following principles to situate the development footprint in areas where:

- native vegetation has a low integrity score
- there are no threatened ecological communities (TECs)
- on-site connectivity corridors for species movement are maintained
- large, hollow-bearing trees are avoided.

In addition, impacts of the proposed development are minimised through offsetting 57.9 ha of adjoining land under a proposed Biodiversity Stewardship Agreement (BSA).

Illustration 3.4 – Heartwood Community Development Area



- Direction 3 - Manage natural hazards and climate change**

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

Comment: This PP manages and responds to the environmental attributes of the land in an appropriate manner. Bushfire APZs have been designed to separate the urban area from the conservation area, consequently the subdivision will be more bushfire-resilient than other urban areas with the same interface with threat vegetation.

The implementation of the bushfire protection measures recommended in the Bushfire Strategic Study will increase the level of bushfire protection to adjoining lands. An example of this is the proposed extinguishment of the narrow, arbitrary strategic fire advantage zone¹ (SFAZ) along the northern boundary of the site (providing limited protection to the existing urban development) and replacing it with an APZ that is 95 m wide in most instances and provided within the development site.

In other words, despite the potential creation of 80 new lots in a bushfire-prone area, those lots will be significantly more resilient than established residential areas and the development site will create a managed buffer between the bushfire hazard and the existing urban area.

GOAL 2 – A THRIVING, INTER-CONNECTED ECONOMY

¹ Strategic Fire Advantage Zone - To provide strategic areas of fire protection advantage which will reduce the speed and intensity of bush fires and reduce the potential spot fire development. To aid containment of wildfires to existing management boundaries.

- **Direction 11 – Protect and enhance productive agricultural lands**

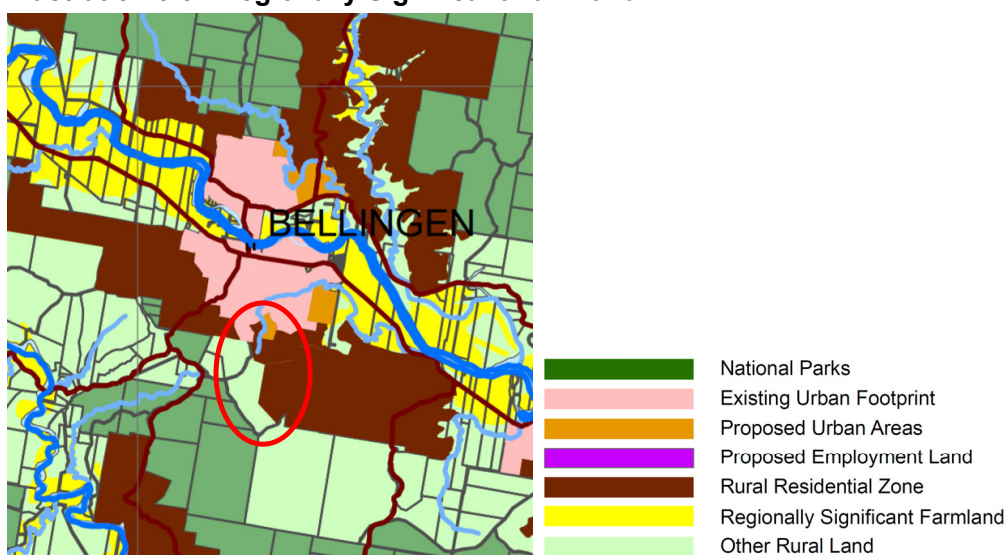
Action 11.1 - Enable the growth of the agricultural sector by directing urban and rural residential development away from important farmland and identifying locations to support existing and small-lot primary production, such as horticulture in Coffs Harbour.

Action 11.2 - Deliver a consistent management approach to important farmland across the region by updating the Northern Rivers Farmland Protection Project (2005) and Mid North Coast Farmland Mapping Project (2008).

Action 11.3 - Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.

Comment: As shown below, the subject land does not contain any mapped Regionally significant Farmland and will not affect any existing agricultural industries or enterprises.

Illustration 3.5 - Regionally Significant Farmland



Source:

<https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/North-Coast/Resources>,
September 2020

23

GOAL 3 – VIBRANT AND ENGAGED COMMUNITIES

- **Direction 15 - Develop healthy, safe, socially engaged and well-connected communities**

Action 15.1 - Deliver best-practice guidelines for planning, designing and developing healthy built environments that respond to the ageing demographic and subtropical climate.

Action 15.2 - Facilitate more recreational walking and cycling paths and expand inter-regional and intra-regional walking and cycling links, including the NSW Coastline Cycleway.

Comment: The resultant development facilitated by this Planning Proposal will be designed in compliance with the provisions of Bellingen Shire Development Control Plan 2017 and relevant strategic plans and policies. As discussed in the Landscape Plan (Appendix J), the development will provide a range of recreation uses and will be designed to include pedestrian and cycle links to the adjoining Bellingen township.

The Heartwood Community will include extensive retained natural areas. Whilst these areas will be managed to provide asset protection zones, they will also provide a beautiful setting for outdoor recreation. The undulating landscape, vegetation and opportunities for outlooks provides an ideal environment for nature based walking and cycling trails. The priority would be on providing a continuous walking/cycling link around the community. The trail would incorporate seating and could include trail signage to indicate links and routes. This trail could be as simple as a narrow track sited between existing trees and following the natural contours. It could be overlaid with a local gravel or left as leaf litter. The inclusion of these low key recreational elements in the estate could enhance the sense of community and provide opportunities for locals to get together and enjoy the outdoor environment. It could also promote an appreciation of and respect for the natural environment.

There is the potential for nature play areas to be sited within areas of the Asset Protection Zone. Nature play areas would be sited along the walking trail network. This play area may incorporate some seating and nature play elements. The focus of the nature play would be in encouraging children to explore and participate in the natural setting. Elements could include timber/stone climbing elements, adventure play elements, cubbies and informal spaces for meeting and gathering.

Landscape Design Principles, Jackie Amos.



- **Direction 16 – Collaborate and partner with Aboriginal communities**

Action 16.2 - Ensure Aboriginal communities are engaged throughout the preparation of local growth management strategies and local environmental plans.

Comment:

A pedestrian survey for cultural heritage of the Project Area within the site was undertaken by CHDLALC Senior Aboriginal Sites Officer, Ian Brown, and Aboriginal Sites Officer, Luana Ferguson, and Everick Senior Archaeologists, Tim Hill and Morgan Disspain, on 20 December 2017.

- **Direction 18 – Respect and protect the North Coast’s Aboriginal heritage**

Action 18.1 - Ensure Aboriginal objects and places are protected, managed and respected in accordance with legislative requirements and the wishes of local Aboriginal communities.

Action 18.2 - Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms are identified.

Comment: Recommendations concerning the protection and management of Aboriginal objects and places are described in the Aboriginal Cultural Heritage Assessment Report. They can be applied as Conditions of Development Consent, at the Development Application stage.

- **Direction 20 – Maintain the region’s distinctive built character**

Action 20.1 - Deliver new high-quality development that protects the distinct character of the North Coast, consistent with the North Coast Urban Design Guidelines (2009).

Comment: The resultant development facilitated by this Planning Proposal will be designed in compliance with the provisions of Bellingen Shire Development Control Plan 2017, which includes Design Controls and Development Criteria for appropriate residential design.

- **Direction 21 – Coordinate local infrastructure delivery**

Action 21.1 - Undertake detailed infrastructure service planning to support proposals for new major release areas.

Action 21.2 - Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.

Comment: The resultant development facilitated by this Planning Proposal will be serviced by the extension of existing infrastructure, which is an economically responsible approach. The Engineering Report and Concept Plan of Subdivision describe the proposed servicing designs for water, sewer, and traffic networks.

GOAL 4 – GREAT HOUSING CHOICE AND LIFESTYLE OPTIONS

- **Direction 22 - Deliver greater housing supply**

Action 22.1 - Deliver an appropriate supply of residential land within local growth management strategies and local plans to meet the region’s projected housing needs.

Comment

This PP will deliver land for residential housing within an area identified in Council’s Local Housing Strategy 2020-2040 as suitable for low density residential housing within an E4 Environmental Living zone subject to the resolution of the bushfire, sewer servicing and the registration of a Biodiversity Stewardship Agreement over the residual land (Lot 2).

Is the Planning Proposal consistent with the council's local strategy or local strategic plan?

Council's Community Strategic Plan (CSP) is known as the Shire of Bellingen 2030 Community Vision, and was originally adopted by Council in 2012. The Community Vision was reviewed and readopted in 2013. The CSP identifies the following issues and challenges facing Council:

- *Our changing climate and hotter weather, localised flooding, and greater bushfire risk*
- *Living in a safe and healthy community*
- *Our growing population*
- *The increasing cost of Housing*
- *Increasing cost of service provision*
- *Adopting sustainable technologies such as solar power, collecting rainwater, recycling, hydro and wind power*
- *Maintaining our vibrant lifestyle*
- *Enhancing the natural environment and its biodiversity*

The CSP advocates *eco-village and community living developments for mixed ages are encouraged*.

Comment: The objectives of this PP are considered to be consistent with the issues and challenges identified in the Shire of Bellingen 2030 Community Vision 2030. The PP will deliver land for housing and a biodiversity stewardship site where none exists today. All forms of housing in Bellingen are in short supply. Whilst the future subdivision will not deliver affordable housing per se, it will enable Bellingen residents to build family homes within a Community Title scheme in a connected and safe environment.

Bellingen Shire Growth Management Strategy (2007)

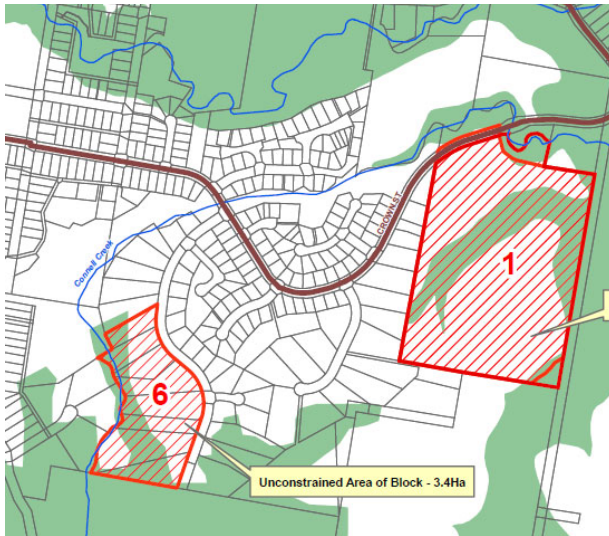
Chapter 7 Residential Land Release Strategy of the Bellingen Shire Growth Management Strategy 2007 (p.64) identifies the Endeavour Drive Investigation Area (Area 6) and the South Bellingen Investigation Area (Area 1) as shown at **Illustration 3.6**.

Comment:

It is evident that, despite residential zoning of Area 1, neither investigation area has yielded land for residential housing.

Illustration 3.6 GMS 2007 Bellingen Residential Land Release Areas

GMS



AERIAL



Area 1 rezoned R1 and E3

Area 6 remained zoned R5 Large Lot Residential

No new lots created in Areas 1 or 6.



Bellingen Local Housing Strategy

The *Bellingen Shire Local Housing Strategy 2020-2040* was adopted by Council at its meeting of 29 January 2020 and referred to the New South Wales Department of Planning, Industry & Environment for final approval. Section 1.6, Housing Vision, acknowledges that *few new homes are being built* and housing affordability is declining. The Bellingen Shire Housing Vision is:

- *Bellingen Shire offers **housing choices** by providing a variety of housing types in different sizes and configurations, with varied features and characteristics.*
- *New housing is located mostly **in and around existing town centres**. Shops, services, parks and community facilities are close by, encouraging walking and cycling.*
- *We strive for greater opportunity and **affordability** in the housing market. Our homes cater for a wide range of people and households, including for all incomes, people with a disability, and for our ageing population.*

- *High quality design of housing and public space encourages **community connections**, and enhances **neighbourhood character** whilst respecting our shared history and heritage.*
- *Our housing reflects the **environmental ethos** of the community, respecting our precious natural environment and supporting eco-conscious lifestyles and habits.*
- *The **farmland and rural character** of the Shire is protected, and offers **regenerative and innovative** farming opportunities, supporting our country towns and villages.*

Housing Demand

- *Currently, demand for housing is driven primarily by people aged 55 and over, particularly retirees near the coast. Near Bellingen town centre, families with young children and young people and couples are emerging groups seeking to live near the buzz of the town centre and close to schools and shops.*
- *Reduced housing construction over the past few years means demand for new housing appears low because the population is not growing rapidly. However, this does not reflect actual demand, as high prices and limited supply are leading people who would otherwise stay or move into the area to move elsewhere. Supply-side barriers are discussed later in this report. Bellingen Shire has relatively high house prices compared to neighbouring Coffs Harbour and Nambucca which affects demand - particularly in the younger age groups and for first-home buyers and renters, who struggle to obtain suitable and affordable housing within the Shire and will move elsewhere.*
- *Failing to provide for unmet demand through limiting new housing supply leads to competition for existing housing which pushes up prices. It also means many people miss out on living here, or have to move away to access cheaper housing. Affordability is relative, meaning Bellingen Shire's house prices are attractive to someone selling their home in an area such as Sydney (higher incomes and much higher house prices/equity) and looking for a tree change or retirement location.*
- *... the Shire is not experiencing natural increase, population growth is primarily being driven by in-migration from Greater Sydney and overseas.*

Final DPIE endorsement was issued for the Strategy on 15 April 2020.

Comment: The subject land is identified as a greenfield housing area for 80 additional lots (BG3 - Bellingen Growth Area) within the *Bellingen Shire Local Housing Strategy 2020-2040*, and as a DPIE-endorsed Candidate Area for investigation for residential development, investigation and progression of a Planning Proposal that is consistent with that Strategy.

The Heartwood Community Title residential subdivision that will follow the rezoning aligns with the housing vision by:

- Providing housing choice.
- Locating new housing adjacent to the town area and within walking distance of schools and urban services.
- High quality sustainable housing will be supported and incentivised by the proponents for the Heartwood Community subdivision.

- The Heartwood Forest biodiversity stewardship site will maintain and enhance the forested backdrop to the development.
- No 'farmland' is impacted by this proposal, however private forestry operations within the land have ceased under the present ownership.
- The Heartwood Community subdivision will have an indirect positive impact on housing affordability by increasing the supply of housing land within Bellingin.
- Meeting unmet demand for land for housing will encourage family households to settle in Bellingin.

Since the Housing Strategy was published, the Covid19 pandemic has further reduced housing supply as people return or relocate to Bellingin from the city and occupy dwellings formerly used for rentals.

Illustration 3.7 Bellingin Local Housing Strategy

Estimated Greenfield Housing to 2040 - Bellingin



Greenfield Locality	Land Area (ha)	Total estimated lot yield	% uptake projection over life of strategy	Projected additional lots over life of strategy 2040	Average lots per year 2020-2040
Dorrigo east (DG1)	32.7	240	30%	80	
Dorrigo south (DG2)	4.3	60	30%	20	
Dorrigo Total	37	300	30%	100	5
Urunga south (UG1)	75.8	508	80%	406	20
Bellingin north (BG1)	20.1	187	80%	150	
Bellingin south (BG2)	10.9	110	100%	110	
Bellingin E4 proposal (BG3)	15.2	80	100%	80	
Bellingin Total	46.2	377		340	17
Total Greenfield estimate	159	1185		846	42

Source: Bellingin Shire Local Houseing Strategy 2020-2040 (pages 58 and 75)

Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Yes. An assessment of consistency with State Environmental Planning Policies (SEPPs) considered relevant to the proposal is at **Appendix B**.

Is the PP consistent with applicable Ministerial Directions (section 9.1 Directions)?

Yes. The PP is consistent with the applicable s9.1 Ministerial Directions as shown in the table provided at **Appendix C**. In instances when an inconsistency has been identified, appropriate justification has been provided.

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

This PP will not alter any zones or development controls in a manner such that there could be adverse impacts on threatened species, populations, or ecological communities. An Ecological Assessment was carried out by Ecosure (see further information under *Biodiversity* below) for this PP (**Appendix F**), which supports the PP from an ecological perspective.

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

Yes. The most likely environmental effects which may result from the PP are associated with clearing and construction impacts, integration with the character of the surrounding residential area, bushfire safety and traffic generation. Detailed environmental assessments were carried out and are summarised below.

Bush Fire Risk Assessment

A Bushfire Constraints Strategic Study prepared by Holiday Coast Bushfire Solutions Pty Ltd, November 2020, (**Appendix E**), recommended that:

- 1. The LEP should prohibit the undesirable developments, listed in Table 6 of this Report, within the bushfire-prone areas (land within 100m of identified bushfire hazard vegetation) of the subject site.*
- 2. All of the land on the subject site other than the retained native vegetation should have no restriction placed on it that prohibits APZ maintenance. This will include restrictions such as "tree preservation orders" and the like.*
- 3. A Vegetation Management Plan should be prepared for the parts of the site where APZs are proposed to be created over land steeper than 20°. The Vegetation Management Plan should have regard for both Appendix 4 of PBP-2019 and the RFS document "Standards for Asset Protection Zones", as well as addressing the issues of soil stability and erosion, and sediment control.*
- 4. The Vegetation Management Plan should address temporary APZs for Staged development, ongoing management of non-vegetated areas to ensure bushfire hazard vegetation does not regenerate on the site.*
- 5. The LEP should provide a mechanism to ensure the Fire & Rescue NSW document "Fire Safety Guideline - Fire Hydrants for Minor Residential Development" is included as a policy for future development within the site.*
- 6. A Neighbourhood Management Plan for the Community Title development should address the recommendations 2-5 above.*

General Comment: The subject land is mapped as Bush Fire Prone Land. A Bushfire Strategic Study has been undertaken (**Appendix E**). The conclusions and recommendations of that Study are

supportive of this PP in terms of Bush Fire Risk, pending the implementation of the actions described above.

Biodiversity

A Biodiversity Development Assessment Report (BDAR) carried out by Ecosure for the proposal (Appendix F) supports the PP from an ecological perspective. Potential impacts identified within the BDAR are summarised as follows:

Direct impacts

The total area of native vegetation proposed to be impacted is 12.60 ha, of which 5.62 ha is proposed to be removed and 6.98 ha is proposed to be managed as an asset protection zone where ground layer vegetation (grasses and forbs) and approximately 30 percent of canopy vegetation will be retained. Direct impacts associated with vegetation clearing include:

- loss of habitat and reduced opportunities for fauna nesting, breeding and foraging
- reduced habitat connectivity and increased habitat fragmentation
- changes to hydrology.

The direct impacts associated with clearing of vegetation and associated threatened species habitat (12.6 ha) will require offsetting under the Biodiversity Offsets Scheme (BOS).

A total of 279 ecosystem credits and 61 species credits were generated by the Biodiversity Assessment Method (BAM) calculator. A decrease in vegetation integrity scores as a result of the proposed development is due to clearing of native vegetation and will require offsetting. These offsets will be credited against the adjoining Heartwood Forest Biodiversity Stewardship Agreement (BSA) site.

Indirect impacts

Approximately 1 ha of native vegetation surrounding the site may be affected by indirect impacts associated with:

- noise and light spill,
- changes to fire regimes including increased frequency and intensity
- weed incursion and damage to retained native vegetation,
- predation on native animals by domestic and/or feral cats and dogs
- increased traffic risks to fauna resulting in injury or death.

The BDAR provided a summary of recommendations regarding the implementation of the PP and subsequent development of the subject land to monitor and manage any potential environmental impacts:

Summary of recommendations

The development should manage potential impacts associated with habitat loss and water quality through:

- A Vegetation Management Plan that incorporates restoration and planting offsets, and
- Monitoring of connectivity corridors to ensure species movement is not impeded, and
- Ensuring storm water, sediment and erosion plans are effectively implemented.

The biodiversity values of the land are not adequately protected under the present rural zone. The land has been logged for private forestry by past owners. The present owners wish to conserve the remaining high value forested land.

The actions of this Planning Proposal will improve biodiversity protection despite the proposed clearing of the Heartwood Community development area. The registration and implementation of the Heartwood Forest BSA will protect and enhance the biodiversity values of the stewardship site in perpetuity. The BSA will include measures to prevent unlawful access to the stewardship site.

Traffic

A Traffic Impact Assessment (Appendix H) has been prepared to assess the impact of the Heartwood Community subdivision comprising approximately 80 residential lots. Key findings are summarised as follows:

- Primary access to the community title subdivision will be from Endeavour Drive.
- An emergency access path from the development to Hill street is also proposed.
- No additional daily vehicular traffic will impact on Hill Street as a result of the proposed rezoning.
- The proposed community title subdivision could generate an additional 600 vehicle trips per day on Endeavour Drive. The resulting daily volumes on Endeavour Drive, including traffic generated from the proposed development would be less than 1,000 v.p.d., well within the bounds of the environmental and amenity capacity of a two-lane 8.0 m wide local street.
- The proposed rezoning may generate approximately 72 additional peak hour trips to the road network.
- The community title subdivision will have no impact on traffic safety, level of service or amenity on the Waterfall Way - Crown Street intersection.
- Traffic volumes at the Crown Street / Endeavour Drive intersection will remain significantly below any warrants for intersection turn treatments as a result of the proposed rezoning.
- Endeavour Drive has well-spaced driveway access to low density residential development and two minor access street intersections (George Hewitt Close and Wattle Close) with good sight distance available at all conflict points.
- Endeavour Drive is characterised by large radius horizontal curves and minor undulations in vertical geometry. These characteristics aid in the control of vehicle speeds on Endeavour Drive.
- All roads within the proposed community title subdivision and providing access to the subdivision are capable of (or can be upgraded to) carrying fully loaded firefighting vehicles (up to 23 tonnes).

- Endeavour Drive is served by both town bus and school bus services with bus stops located on Crown Street adjacent the Endeavour Drive intersection. The majority of the proposed residential lots will be within 750 m of the bus stops located on Crown Street providing reasonably good access to public transport services and to the Shared Path link to the

Stormwater Drainage

A major/minor approach for conveyance of stormwater will be used in the management of stormwater on the development site. A piped stormwater system will be designed in accordance with Bellingen Shire Council Development Specifications. The development will be able to meet peak discharge requirements as specified in Councils DCP within the community title site, including stormwater quality requirements. Stormwater discharge will be directed appropriately to the existing mapped waterways downstream of the development site.

Construction

Slope Stability and Landslip assessment

Regional Geotechnical Solutions Pty Ltd (RGS) have undertaken a preliminary geotechnical assessment of the site and subsurface conditions and provided comments and recommendations regarding slope stability, earthworks, drainage and pavements. A slope stability risk assessment was carried out using the principles and procedures of the *Australian Geomechanics Society publication Practice Note Guidelines for Landslide Risk Management, 2007*.

The assessment indicates that there is a Moderate to High risk of slope instability within the natural slopes and within and future cuts and excavations. There is a High risk in areas of fill if not placed appropriately.

The risk of instability for all hazards however can be reduced to low by following good practice in design of earthworks and structures, with recommendations included in the RGS report. Providing the recommendations detailed in the RGS report are implemented, the risks associated with slope stability can be reduced to Low. A low risk level is normally be considered acceptable for hillside development in Australia.

Sediment

Future development of the site will be subject to controls in Bellingen Shire Council DCP in relation to management of soil and erosion. Construction impacts will be managed through implementation of a Construction Environmental Management Plan prepared in accordance with relevant industry guidelines. Post development impacts will be addressed in a Stormwater Management Plan developed during the development application process.

Landscape

Design Principles

The natural environment has provided the impetus for landscape design principles to the Heartwood Community. Large areas of remnant trees will be retained within the community. The landscape design principles are:

- to integrate the residential precincts with the natural setting;
- to promote appreciation and respect for the natural environment;
- to provide for passive and active recreation;

- to create a place with a high visual amenity;
- to create a tranquil sanctuary;
- to facilitate active outdoor recreation through a variety of linked walking and cycle trails;
- to provide opportunities for establishing a strong sense of community and pride and respect for the place;
- to use plant species with habitat value and that reflect local indigenous species;
- to integrate stormwater management into landscape approaches for the site;
- to maximise opportunities for views, outlooks and contemplation of the setting;
- to use materials and infrastructure that are relevant to the natural setting.

Landscape Strategies

The landscape design to the Heartwood Community will adopt a range of strategies including:

- street tree planting and planting to the road verge to integrate batters and retaining walls;
- the retention of landmark trees within reserves;
- the use of locally indigenous species across the site;
- design of an entry landscape that is reflective of the natural beauty of the site;
- incorporating infrastructure and materials that are suited to the natural beauty of the site;
- providing opportunities for passive and active recreation within the natural setting;
- encouraging exploration of the natural environment and nature play;
- providing recommendations for appropriate landscaping to individual lots.

Streetscape

The road network will meander through the community matching the topography. Due to the topography the road infrastructure will include batters and retaining walls and it is proposed this is achieved using a natural stone and with streetscape groundcover planting. Streetscapes will include mass planting to batters and street tree planting. The focus will be on using local indigenous species and integrating the constructed infrastructure with the natural setting. A fauna over and under pass will provide a continuous habitat link across the road network.

Materials & Infrastructure

An entry landscape will be created to reflect the character of the site and its location. The entry will provide long views up into the site. This view will take in the remnant bushland of the eastern habitat corridor. The entry landscape may incorporate natural materials such as timber and stone and will be low key in keeping with the nature of the site. Other infrastructure to be incorporated within the landscape design may include the nature play elements, walking trails, trail signage and entry points, seating locations and gathering spaces.

The emphasis will be on designing elements and selecting materials that are in keeping with the bushland character of the site. It will be important there is an appropriate interface between reserves and lots. It will be important the bushland corridors maintain a sense of being communal land and

that they are not to be used for rubbish dumping or for the storage of residential infrastructure. The design of the bushland reserves and corridors should facilitate good neighbourhood surveillance of the areas to ensure they are used in the way they were intended.

It is proposed fencing to the rear and sides of lots that are either adjacent to or back onto reserves adopt a 'permeable' character. For example, a timber fence with a top and bottom railing with mesh will define the lot boundary, will allow surveillance of the reserve and would be of a rural character suitable to the setting.

The intention would be to avoid solid fencing that will 'close off' the reserve areas visually and physically.

Permeable fencing and landscaping:



Source: Jackie Amos Landscape Architect

Cultural Heritage

An Aboriginal Cultural Heritage Assessment Report (February 2018) was prepared by Everick Heritage Consultants Pty Ltd (**Appendix K**). A desktop study and field inspections were undertaken. As a result of the desktop study, field inspections, Aboriginal community consultation and archaeological investigation of the Project Area, the following was found.

- No artefacts were observed on the fire trail which crossed all ridge crests within the Project Area, which was identified as having the potential to contain Aboriginal sites.
- Having consideration for the low potential of the upper and steep slopes to contain artefacts, these landforms were not included within the archaeological survey. This sampling strategy was agreed to by sites officers from Coffs Harbour and District LALC.
- There is very little topsoil material on the upper slope; it is considered unlikely that the surrounding soils would contain Aboriginal objects, and as such the ridge crest was not identified as a Potential Archaeological Deposit.
- In consideration of the potential of the ridge crest to contain Aboriginal sites, it was noted that the foot slopes of the ridgeline to the north would have provided better access to resources along the river and floodplain, including swamps. The ridge crest which comprises the Project Area was not considered to be a 'pathway' as there was no obvious landscape feature which was identifiable as a destination to the south of Bellingen.
- No items or relics of European heritage were identified during the assessment.

Recommendation 1: Cultural Heritage Induction

It is recommended that a cultural heritage induction is provided to all contractors who are engaged as site supervisors or act in senior operational roles. The purpose of the cultural heritage induction is to:

- make staff aware of the survey effort to date and potential for the Project Area to contain Aboriginal sites;
- provide sufficient training for staff to identify Aboriginal objects should they be impacted during construction works; and
- ensure that staff are aware of response procedures in the event of any harm to Aboriginal sites during construction works.

It is recommended that the cultural heritage induction is provided by a suitably experienced member of the Aboriginal community or a qualified archaeologist.

Recommendation 2: Find Procedure.

The following 'Find Procedure' should be put in place as a minimum response in the event of the identification of artefacts within the Development Area:

- Work in the surrounding area is to stop immediately;
- A temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
- In consultation with the RAPS for the project, an appropriately qualified archaeological consultant is to be engaged to identify the material; and
- Should the material be confirmed as an Aboriginal object or archaeological site a salvage program put in place (below).

Recommendation 3: Aboriginal Human Remains

Although it is unlikely that Human Remains will be located at any stage during earthworks within the Project Area, should this event arise it is recommended that all works must halt in the immediate area to prevent any further impacts to the remains. The Site should be cordoned off and the remains themselves should be left untouched.

The nearest police station (Bellingen), the Coffs Harbour Local Aboriginal Land Council, and the OEH Regional Office (Coffs Harbour) are all to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the Site for criminal activities, the Aboriginal community and the OEH should be consulted as to how the remains should be dealt with.

Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

It is also recommended that in all dealings with Aboriginal human remains, the Proponent should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.

Recommendation 4: Conservation Principles

It is recommended that all effort must be taken to avoid any impacts on Aboriginal Cultural Heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the Proponent, OEH and the Aboriginal community.

Comment: It is considered that Cultural Heritage aspects have been suitably addressed by the Everick Report.

Has the PP adequately addressed any social and economic effects?

Social and economic effects of this PP are summarised below.

Social

- Social benefits will arise from providing land for housing. The creation of residential lots will provide for new households, including families, and will have flow on benefits to the public schools, local shops and community facilities.
- The potential lot yield is around 80 very low density lots. Such a yield will not be socially detrimental or create excessive demands on existing community services.
- There is sufficient social infrastructure in the area to cater for the proposed increase in housing lots.
- The new lots will accommodate detached homes suitable for a range of household types, including families.
- New residential lots will be similar in land use and character to existing residential developments on the periphery of the Bellingen township, and will create a suitable, low impact interface with adjoining vegetated lands.
- The lots will be released on a staged basis as demand dictates.
- The land release has the potential to mitigate the current housing shortage in Bellingen.

Economic

- Positive economic benefits include the establishment and construction of the subdivision and future dwellings, and flow on benefits to local businesses in the Bellingen and the surrounding region.
- The PP and the proposed subdivision are fully funded by the proponent. Developer contributions will be levied for each new lot created.

3.3 State and Commonwealth Interests

Is there adequate public infrastructure for the PP?

Yes. Public infrastructure can be extended to service the subject land.

Water

A Bellingen Shire Council water main is located on Hill Street terminating at Wattle Close, and a 200mm diameter Council water main terminating adjacent the property boundary on Endeavour Drive. The Heartwood community title subdivision will include a reticulated water supply connected

to either or both existing mains with new mains within the subdivision accessible and reliable for firefighting operations. Fire hydrant spacing, design and sizing will comply with the relevant clauses of AS 2419.

Sewer

Options for the discharge of sewer from the proposed rezoning have been developed in consultation with Bellingen Shire Council. Two options have been assessed in concept to achieve sewer discharge connection from the site to the Ford Street pump station catchment. Option 1A proposes gravity sewer from the site to a new pump station in the vicinity of Red Cedar Place with a rising main transfer to the Ford Street system. Option 1B proposes a conventional pumps station and rising main on Hill Street to the Ford Street connection.

Council has identified that Option 1B is acceptable.

Electricity and NBN Services

As detailed in the assessment by Gosling Electrical (**Appendix I**), electricity and NBN can be supplied to the future subdivision.

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

This requirement of the PP will be addressed following consultation with any relevant State and Commonwealth Public Authorities, to be identified under the terms and conditions of the initial Gateway Determination. There does not appear to be any matters of interest to Commonwealth authorities in relation to the PP.

Council, in resolving to prepare Planning Proposal 16, is proposing to consult with the following agencies / organisations.

- NSW Rural Fire Service
- Biodiversity and Conservation section of the NSW Department of Planning, Industry and Environment
- Bowraville Local Aboriginal Land Council
- Coffs Harbour & District Local Aboriginal Land Council

3.4 Mapping

Existing mapping and proposed mapping amendments to *Bellingen Local Environmental Plan 2010* are described and illustrated in Part 2 of this PP.

3.5 Community Consultation

The community consultation requirements for strategic land use planning matters are stipulated within the Bellingen Shire Community Participation Plan, relevant parts of the NSW Environmental Planning & Assessment Act 1979 (the Act) and the NSW Environmental Planning & Assessment Regulation 2000 (the Regulation). Ultimately, consultation requirements are then confirmed within any Gateway determination issued in respect of the proposal, and these must be followed to ensure the legal validity of the planning process.

The Bellingen Shire Community Participation Plan makes provision for site specific amendments to the BLEP 2010 and the following community participation requirements will be observed in respect of this matter:

- * 28 day consultation period
- * Advertisement in local paper
- * Advertisement and provision of supporting documentation on "Create" website
- * Notify owners of site specific amendments
- * Notify adjoining owners of site specific amendments
- * Notify owners of land along Endeavour Drive, George Hewitt Close and Wattle Close
- * Plain English Version.

4. Conclusion

4.1 Recommendation

This PP has been prepared in accordance with the NSW Department of Planning document '*A Guide to Preparing Planning Proposals*'.

The PP is consistent with the *North Coast Regional Plan 2036* and is consistent with all relevant SEPPs. The PP is consistent with the applicable section 9.1 Ministerial Directions other than where indicated in this PP. Any inconsistencies are supported and appropriately justified by the provisions of the *North Coast Regional Plan 2036*, Chapter 6 of Bellingen City Council's adopted *Bellingen Shire Growth Management Strategy 2006-2026*, the *Bellingen Shire Local Housing Strategy 2020-2040* and the environmental assessments which inform and support this PP.

The PP has addressed the matters raised in the Bellingen Shire Local Housing Strategy 2020-2040 as detailed in this report and summarised below:

1. Bushfire

The concept Heartwood Community Title residential subdivision will meet the requirements of the NSW Rural Fire Service and *Planning for Bushfire Property 2019*. Once developed, the Heartwood Community will have greater bushfire resilience than other urban fringe developments and will create a buffer between bushfire hazard vegetation and the existing urban environment.

2. Community Title Status

The Heartwood residential subdivision has been planned and designed as a Community Title development to ensure that key infrastructure such as roads are not owned or maintained by Council. Infrastructure maintenance, including the parks, open space and bushfire APZ management will be the responsibility of the Community Association not the Council. Public access to the proposed road network, parks and open space areas will be created via S88B Right of Access arrangements.

3. E4 Environmental Living Zone

The Heartwood Community lot will be zoned E4 Environmental Living to distinguish this development from other 'greenfield' sites. Residential accommodation options within the E4 zone are limited to single dwellings. The E4 zone is a 'closed zone' meaning there is a limited range of permissible land uses available within the zone. More intensive residential accommodation types, including medium density housing, are not permitted in the E4 zone. The intention for the Heartwood Community is to encourage low impact, sustainable housing.

4. Sewer Capacity

Options for the discharge of sewer from the proposed rezoning have been developed in consultation with Council. Council advises that the system west of the site has capacity for growth. Two options have been assessed in concept to achieve sewer discharge connection from the site to the Ford Street pump station catchment. Option 1A proposes gravity sewer from the site to a new pump station in the vicinity of Red Cedar Place with a rising main transfer to the Ford Street system. Option 1B proposes a conventional pumps station and rising main on Hill Street to the Ford Street connection.

Option 1B has been identified as the option that is acceptable to Council.

Detailed option assessment and cost/benefit analysis will be carried out in conjunction with Council at Development Application stage.

5. Biodiversity Stewardship Agreement

The Heartwood Forest Biodiversity Stewardship Agreement assessment is under preparation and will be registered over the property prior to the creation of any neighbourhood lots approved in accordance with the rezoning process.

All relevant strategies, SEPPs and Section 9.1 Directions have been addressed in this PP and it is considered that the PP may be progressed to exhibition.

Pending endorsement by NSW DPIE, the PP will be exhibited in accordance with the provisions of the EP&A Act 1979. The outcome of the exhibition will be subsequently reported to Council for determination.

4.2 Indicative Project Timeline

Table 4.1 Indicative Project Timeline

Task	Anticipated timeframe for completion
Referral to Department of Planning and Industry for Gateway determination	14/5/2021
Anticipated commencement date (date of Gateway Determination)	11/6/2021
Complete technical information	Not anticipated
Government agency consultation (pre-exhibition)	23/7/ 2021
Public exhibition period	11/8/2021 – 13/9/2021
Consideration of submissions	2/10/2021
Report to Council to make the Plan	27/10/2021
Submit Planning Proposal to PCO for LEP drafting and publication	12/11/2021

A.
CONCEPT COMMUNITY TITLE
SUBDIVISION

B. CONSISTENCY WITH SEPPs

SEPPS and Key issues relevant to the PP	Consistent / Inconsistent
SEPP - Koala Habitat Protection 2020	
<p><i>This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline—</i></p> <p><i>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</i></p> <p><i>(b) by encouraging the identification of areas of core koala habitat, and</i></p> <p><i>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.</i></p>	<p>Consistent.</p> <p>The Bellingen LGA is listed in Schedule 1 of the SEPP.</p> <p>The land is proposed to be rezoned to an environmental protection zone.</p> <p>Preferred koala habitat (PKH) is identified by Bellingen Shire Council's Koala Strategy. Approximately 9.09 ha of PKH is expected to be impacted by the proposed development.</p> <p>A Koala Habitat Assessment Report has been prepared to address potential habitat and species impacts to koalas as per requirements in Chapter 16 – Koala Habitat Protection of BSCs Development Control Plan and is provided in Appendix 7 of the BDAR.</p>
<p>Clause 17 Preparation of local environmental studies</p> <p><i>(1) If, under a planning proposal, a council proposes to zone or rezone land that is a potential koala habitat or a core koala habitat otherwise than as an environment protection zone, the Minister may require the council to prepare an environmental study of the land.</i></p>	<p>Targeted koala surveys determined that while suitable habitat exists on the site, the species use of the area is low. Surveys conducted as part of the environmental assessment of the site included a SAT survey, nocturnal spotlighting surveys, remote camera trap surveys and opportunistic fauna surveys conducted during vegetation assessments. Low koala use at the site could be due to a range of factors such as proximity to the urban area or greater suitability of surrounding habitat.</p> <p>The impacted area will be offset within the proposed adjoining Heartwood Forest Biodiversity Stewardship Agreement (BSA) Site which will be conserved in perpetuity and will be managed subject to the BSSAR Management Plan that will protect, conserve and enhance the biodiversity values on the site including PKH and KFTs on the site.</p> <p>The Koala habitat offset outcome aligns with BSCs Habitat Compensation Policy that aims to achieve zero net loss of KFTs and PKH. Offsetting under the BOS will satisfy BSC's Habitat Compensation Policy through mitigation options where possible, protection of the same category of PKH, threatened species habitat enhancement, feral pest and weed management, and monitoring of the site. The offset site will also be protected in perpetuity under the <i>Biodiversity Conservation Act 2016</i>.</p>

SEPP No. 55 - Remediation of Land	
Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.	A preliminary assessment of the land has been prepared by Regional Geotechnical Solutions and this has confirmed that its past history is not indicative of contaminating land use.
State Environmental Planning Policy (Primary Production and Rural Development) 2019	
<p><i>The aims of this Policy are as follows—</i></p> <p><i>(a) to facilitate the orderly economic use and development of lands for primary production,</i></p> <p><i>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</i></p> <p><i>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</i></p> <p><i>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</i></p> <p><i>(e) to encourage sustainable agriculture, including sustainable aquaculture,</i></p> <p><i>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</i></p> <p><i>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors</i></p>	<p>The land is not identified in Schedule 1 of the SEPP as State significant agricultural land.</p> <p>Bellingen LEP 2010 is not listed in Part 6 of Schedule 4 of the SEPP.</p> <p>The proposed rezoning of rural land to environmental living and management has considered the loss of primary production, however, given the lands biodiversity value and location on the periphery of the town centre, the proposal is considered to be a balanced approach in terms of providing land for housing and biodiversity protection.</p>
SEPP (Affordable Rental Housing) 2009	

The aims of this Policy are as follows—

- (a) to provide a consistent planning regime for the provision of affordable rental housing,**
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,**
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,**
- (d) ...**
- (e) ...**
- (f) ...**
- (g) ...**

All forms of residential development, other than dwelling houses are prohibited in the E4 Environmental Living.

Neither the existing RU1 or the proposed E4 zones are prescribed zones for affordable accommodation types permitted by the SEPP.

The PP therefore has no effect on this SEPP.

SEPP (Vegetation in Non-Rural Areas) 2017

The aims of this Policy are—

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and**
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.**

Biodiversity is a significant issue in relation to the future planning for this site. Consequently, a Biodiversity Assessment Report (BDAR) has been prepared for the proposal. As indicated in the report, the Heartwood Community development area is situated within land that is already partially cleared and adjoins the urban area. The higher ecological value land will be retained within the Heartwood Forest BSA lot and conserved in perpetuity.

Further, under the present RU1 Primary Production zone, the land is subject to private forestry activities. Rezoning this land to E3 Environmental Management and registering the BSA will ensure ongoing protection and management of the land.

Planning Proposal is seeking to rezone the Heartwood Community development area from RU1 to E4 Environmental living with a 600m² minimum allotment size.

C. CONSISTENCY WITH S9.1 DIRECTIONS

SECTION 9.1 DIRECTION	CONSISTENCY OF THE PLANNING PROPOSAL
EMPLOYMENT AND RESOURCES	
Direction 1.1 Business and Industrial Zones	
<i>Applies when a relevant planning authority prepares a PP that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</i>	NOT APPLICABLE
Direction 1.2 Rural Zones	
<p><i>The objective of this direction is to protect the agricultural production value of rural land. A draft LEP shall:</i></p> <ul style="list-style-type: none"> <i>a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</i> <i>b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</i> 	NOT APPLICABLE
Direction 1.3 Mining, Petroleum Production and Extractive Industries	
<p><i>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</i></p> <ul style="list-style-type: none"> <i>a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</i> <i>b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</i> 	<p>CONSISTENT</p> <p>This PP does not affect either matter (a) or (b).</p>
Direction 1.4 Oyster Aquaculture	NOT APPLICABLE
Direction 1.5 Rural Lands	
<p><i>This direction applies when a relevant planning authority prepares a PP that:</i></p> <ul style="list-style-type: none"> <i>a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary), or</i> 	<p>CONSISTENT</p> <p>The PP affects land within an existing rural and a proposed environmental zone.</p> <p>The PP does not change the MLS of the part of the land proposed to be zoned E3 Environmental Management.</p> <p>The PP seeks to change the MLS of the part of the land to be zoned E4 Environmental Living. The</p>

<p>b) changes the existing minimum lot size on land within a rural or environment protection zone.</p>	<p>relevant sections of this Planning Proposal have provided justification for this increase, based on Bellingen Shire Council's strategic vision for the land, and the applicable environmental constraints.</p> <p>The subject land, under its existing zoning of RU1 Primary Production, is not state or regionally significant farmland. The area of cleared rural zoned land is of an insufficient area to be considered a viable rural holding.</p> <p>The land is identified as a greenfield housing area (BG3) in Bellingen Shire Council's Local Housing Strategy 2020-2040. This Strategy has been endorsed by Council and DPIE.</p>
<p>ENVIRONMENT AND HERITAGE</p>	
<p>Direction 2.1 Environment Protection Zones</p>	
<p><i>The direction requires that a draft LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i></p> <p><i>A draft LEP that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP shall not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).</i></p>	<p>CONSISTENT</p> <p>The environmental protection standards and development standards that apply to the subject land will be strengthened as a result of the proposed rezoning from RU1 Primary Production to E3 Environmental Management and E4 Environmental Living.</p>
<p>Direction 2.2 Coastal Management</p>	<p>N/A</p>
<p>Direction 2.3 Heritage Conservation</p>	
<p><i>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i></p> <p><i>A PP shall contain provisions that facilitate the conservation of:</i></p> <ul style="list-style-type: none"> <i>a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i> <i>b) Aboriginal objects or Aboriginal places that are protected under</i> 	<p>CONSISTENT</p> <p>An Aboriginal Cultural Heritage Assessment Report (February 2018) was prepared by Everick Heritage Consultants Pty Ltd (Appendix K). A desktop study and field inspections were undertaken. The Everick Report makes the following observations:</p> <p><i>No artefacts were observed on the fire trail which crossed all ridge crests within the Project Area, which was identified as having the potential to contain Aboriginal sites.</i></p> <p><i>Having consideration for the low potential of the upper and steep slopes to contain artefacts, these landforms were not included within the archaeological survey. This sampling strategy was agreed to by sites officers from Coffs Harbour and District LALC.</i></p> <p><i>There is very little topsoil material on the upper</i></p>

<p><i>the National Parks and Wildlife Act 1974, and</i></p> <p><i>c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the council, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i></p>	<p><i>slope; it is considered unlikely that the surrounding soils would contain Aboriginal objects, and as such the ridge crest was not identified as a Potential Archaeological Deposit.</i></p> <p><i>In consideration of the potential of the ridge crest to contain Aboriginal sites, it was noted that the foot slopes of the ridgeline to the north would have provided better access to resources along the river and floodplain, including swamps. The ridge crest which comprises the Project Area was not considered to be a 'pathway' as there was no obvious landscape feature which was identifiable as a destination to the south of Bellingen.</i></p> <p><i>No items or relics of European heritage were identified during the assessment.</i></p> <p>The PP does not impact any items currently listed in Schedule 5 Environmental Heritage of Bellingen LEP 2010.</p> <p>No items or relics of European heritage were identified during the assessment.</p>
<p>Direction 2.4 Recreation Vehicle Areas</p>	<p>NOT APPLICABLE</p>
<p>Direction 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</p>	<p>NOT APPLICABLE</p>
<p>Direction 2.6 Remediation of Contaminated Land</p>	
<p><i>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</i></p>	<p>A preliminary assessment of the land has been prepared by Regional Geotechnical Solutions. This has confirmed that its past history is not indicative of contaminating land uses (as listed in Table 1 of the Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land guidelines) having been carried out within the subject land.</p> <p><i>Table 1 Some activities that may Cause Contamination.</i></p> <ul style="list-style-type: none"> • <i>acid/alkali plant and formulation</i> • <i>agricultural/horticultural activities</i> • <i>airports</i> • <i>asbestos production and disposal</i> • <i>chemicals manufacture and formulation</i> • <i>defence works</i> • <i>drum re-conditioning works</i> • <i>dry cleaning establishments</i> • <i>electrical manufacturing (transformers)</i>

	<ul style="list-style-type: none"> • <i>electroplating and heat treatment premises</i> • <i>engine works</i> • <i>explosives industry</i> • <i>gas works</i> • <i>iron and steel works</i> • <i>landfill sites</i> • <i>metal treatment</i> • <i>mining and extractive industries</i> • <i>oil production and storage</i> • <i>paint formulation and manufacture</i> • <i>pesticide manufacture and formulation</i> • <i>power stations</i> • <i>railway yards</i> • <i>scrap yards</i> • <i>service stations</i> • <i>sheep and cattle dips</i> • <i>smelting and refining</i> • <i>tanning and associated trades</i> • <i>waste storage and treatment</i> • <i>wood preservation</i>
HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
Direction 3.1 Residential Zones	
<p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>A PP must include provisions that encourage the provision of housing that will:</p> <ol style="list-style-type: none"> 1. broaden the choice of building types and locations available in the housing market, and 2. make more efficient use of existing infrastructure and services, and 3. reduce the consumption of land for housing and associated urban development on the urban fringe, and 4. be of good design. 	<p>CONSISTENT</p> <p>This PP will:</p> <ol style="list-style-type: none"> a) Increase and broaden the choice of land for housing in the Bellingen urban area. b) Existing road, water and sewer infrastructure will be extended to the site at the cost of the proponent. c) The land adjoins residential zoned land at the urban fringe. d) The concept subdivision has been designed to retain high conservation value areas and has an internal road network that addresses the lands natural contours and minimised excessive excavations. Future housing will be of good design by virtue of proposed community title requirements and the controls of <i>Bellingen Shire Development Control Plan 2017</i>. <p>The PP seeks to rezone the land. Investigations and liaison with Council and Essential Energy indicates that the land can be adequately</p>

<p><i>A PP must, in relation to land to which this direction applies:</i></p> <ul style="list-style-type: none"> <i>a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i> <i>b) not contain provisions which will reduce the permissible residential density of land.</i> 	<p>served.</p> <p>The PP does not contain provisions which will reduce the permissible residential density of land. The proposed residential density of the E4 zoned land will be one dwelling per 600 m².</p>
Direction 3.2 Caravan Parks and Manufactured Home Estates	
<p><i>The objectives of this direction are:</i></p> <ul style="list-style-type: none"> <i>a) to provide for a variety of housing types, and</i> <i>b) to provide opportunities for caravan parks and manufactured home estates.</i> 	<p>CONSISTENT</p> <p>Caravan Parks and Manufactured Home Estates are not permissible land uses within the (existing) RU1 Primary Production zone, or the (proposed) E3 Environmental Management or E4 Environmental Living zones. This PP does not seek to facilitate the permissibility of Caravan Parks or Manufactured Home Estates within the land.</p>
Direction 3.3 Home Occupations	
<p><i>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</i></p> <p><i>PPs shall permit home occupations to be carried out in dwelling houses without the need for development consent.</i></p>	<p>CONSISTENT</p> <p>Home occupations are permitted without consent in the E3 Environmental Management and E4 Environmental Living zones. This PP does not seek to alter that provision.</p>
Direction 3.4 Integrating Land Use and Transport	NOT APPLICABLE
Direction 3.5 Development Near Regulated Airports and Defence Airfields	NOT APPLICABLE
Direction 3.6 Shooting Ranges	NOT APPLICABLE
Direction 3.7 Reduction in non-hosted short term rental accommodation period	NOT APPLICABLE
HAZARD AND RISK	
Direction 4.1 Acid Sulfate Soils	
<p><i>This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</i></p>	<p>CONSISTENT</p> <p>The site is partially mapped as Class 5 Acid Sulfate soils. The RGS test pit investigations did not encounter any groundwater. Acid Sulfate soil unlikely to pose any significant constraint to development.</p>
Direction 4.2 Mine Subsidence and Unstable Land	

The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

CONSISTENT

The PP is consistent with the Direction. There are no known areas of mine subsidence or unstable land on the land subject to this PP.

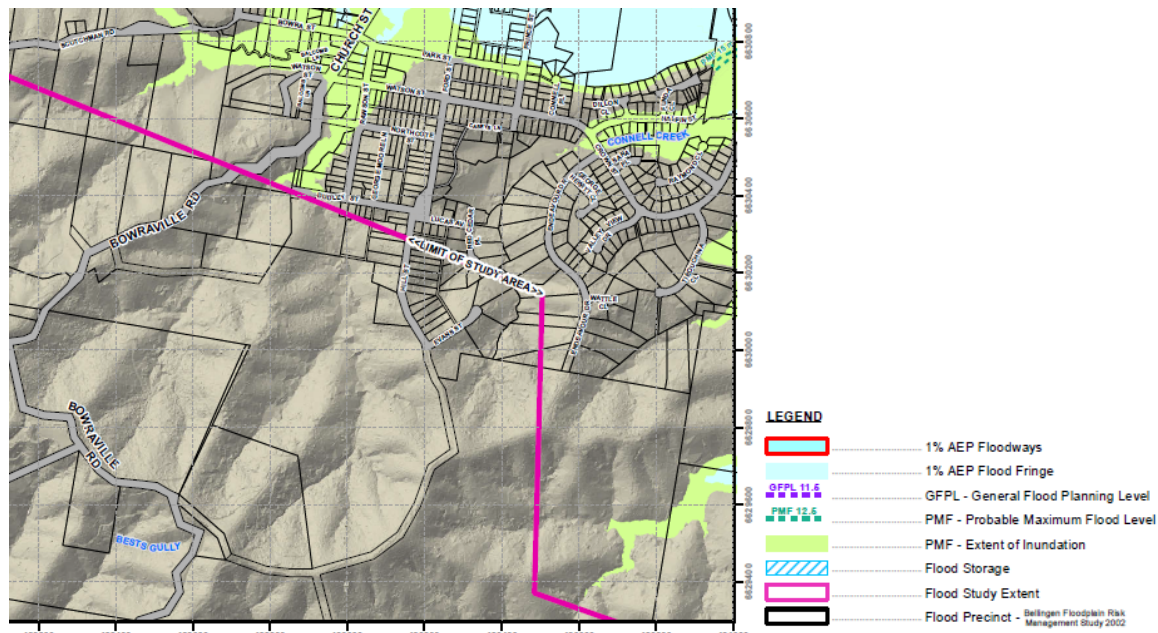
Direction 4.3 Flood Prone Land

***The objectives of this direction are:
to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.
This direction applies when a council prepares a draft LEP that creates, removes or alters a zone or a provision that affects flood prone land.***

CONSISTENT

The drainage line in the north east of the site is mapped on the Bellingen Floodplain Risk Management Study 2002 Map 07 as being affected by the Probable Maximum Flood (PMF) level. Otherwise, the subject land is not flood affected. On this basis, flooding is considered to be of minor significance, and that no further justification is required in respect of this Direction.

Flood Risk Map 07



Direction 4.4 Planning for Bushfire Protection

***This direction applies when a council prepares a draft LEP that affects, or is in proximity to land mapped as bushfire prone land.
A draft LEP shall have regard to Planning for Bushfire Protection 2019, introduce controls that avoid placing inappropriate***

CONSISTENT

The land is mapped as Bush Fire Prone Land. A Bushfire Strategic Study was prepared (**Appendix E**) for the PP. The assessment found that the concept subdivision meets Planning for Bushfire Protection 2019 requirements.

developments in hazardous areas, and ensure that bushfire hazard reduction is not prohibited within the APZ.

Additionally, recommendations were provided to enable the land to be developed with bush fire resilience and with benefits to adjacent urban development arising from improved APZs and fire management. Recommendations included:

1. The PP should prohibit the undesirable developments within the site. Undesirable developments are listed as:
 - ***Camping grounds***
 - ***Assembly buildings***
 - ***Land sharing communities***
 - ***Commercial and retail premises***
 - ***Education premises***
 - ***Prisons***
 - ***Premises for people with mental or physical incapacities***
 - ***Hospitals***
 - ***Flammable material bulk storage***
 - ***Stock / sale yards***
 - ***Timber yards***
 - ***Factories / warehouses***
 - ***Plantations***
 - ***Waste disposal / landfill depots***
 - ***Power generating works***
 - ***Sawmills***
 - ***Junk yards***
 - ***Liquid fuel depots***
 - ***Offensive and hazardous industries***
 - ***Chemical industries***
 - ***Service stations***
 - ***Ammunition storage/manufacture***
 - ***Fireworks manufacture/storage***
2. Restrictions such as "tree preservation orders" must not apply to the proposed APZ areas.
3. A Vegetation Management Plan (VMP) should be prepared for the parts of the site where APZs are proposed to be created over land steeper than 20 degrees. The VMP should have regard for both Appendix 4 of PBP-2019 and the RFS document "Standards for Asset Protection Zones", as well as addressing the issues of soil stability and erosion, and sediment control.
4. The VMP should address temporary APZs for Staged development, ongoing management of non-vegetated areas to ensure bushfire

	<p>hazard vegetation does not regenerate on the site.</p> <p>5. The LEP should provide a mechanism to ensure the Fire & Rescue NSW document "Fire Safety Guideline - Fire Hydrants for Minor Residential Development" is included as a policy for future development within the site.</p> <p>6. A Community Title Neighbourhood Management Plan for the Community Title development should address the recommendations 2-5 above.</p> <p>Future development applications within bushfire prone land will be referred to the NSW RFS as required under s100B of the <i>Rural Fires Act 1997</i> and s79BA of the EP&A Act 1979, and to ensure compliance with <i>Planning for Bushfire Protection 2019</i>.</p> <p>Any specific Bushfire Protection criteria should be addressed appropriately in a Development Application for subdivision or dwelling(s).</p>
REGIONAL PLANNING	
Direction 5.1 Implementation of Regional Strategies	Revoked 17 October 2017
Direction 5.2 Sydney Drinking Water Catchment	N/A
Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p>N/A</p> <p>This direction applies to:</p> <p>(a) Ballina Shire Council,</p> <p>(b) Byron Shire Council,</p> <p>(c) Kyogle Shire Council,</p> <p>(d) Lismore City Council,</p> <p>(e) Richmond Valley Council, and</p> <p>(f) Tweed Shire Council,</p>
Direction 5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
Direction 5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010
Direction 5.6 Sydney to Canberra Corridor	Revoked 10 July 2008)
Direction 5.7 Central Coast	Revoked 10 July 2008

Direction 5.8 Second Sydney Airport: Badgerys Creek	Revoked 20 August 2018
Direction 5.9 North West Rail Link Corridor Strategy	N/A
Direction 5.10 Implementation of Regional Plans	
<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>PPs must be consistent with a Regional Plan released by the Minister for Planning.</p>	<p>CONSISTENT</p> <p>Decreasing the Minimum Lot Size on the subject land is consistent with the objectives and directions contained within the North Coast Regional Plan 2036 to:</p> <ul style="list-style-type: none"> • Deliver greater housing supply. • Increase housing diversity and choice. • Deliver more opportunities for affordable housing.
Direction 5.11 Development of Aboriginal Land Council Land	NOT APPLICABLE
LOCAL PLAN MAKING	
Direction 6.1 Approval and Referral Requirements	
<i>This direction aims to minimise concurrence and referral application to Ministers and public authorities and not classify designated development unless significant impact is likely.</i>	<p>CONSISTENT</p> <p>The PP does not include any additional referral requirements.</p>
Direction 6.2 Reserving Land for Public Purposes	
<i>This direction requires land to be reserved for public purposes in accordance with the latest directions of the relevant authority.</i>	<p>CONSISTENT</p> <p>The PP does not create or reduce existing zonings or reservations of land for public purposes.</p>
Direction 6.3 Site Specific Provisions	
<i>This direction discourages unnecessarily restrictive site controls.</i>	<p>CONSISTENT</p> <p>The PP does not recommend any changes to existing provisions of the LEP, that would lead to restrictive site controls outside of current LEP/DCP provisions.</p>

D. SITE IMAGES



**Land at the end of
Endeavour Drive**



**Land at the end of
Endeavour Drive
looking north from the
site**



The residential area in the northern part of the site.



Existing tracks



**Existing tracks and old
logged timber.**



**Strangler fig and
cleared land in the
residential area**



**View north from a
ridgeline within the
community area of the
site.**



**Approximate location
of site when viewed
from North Bank Road**

E. BUSH FIRE RISK ASSESSMENT

F. BDAR - ECOLOGICAL

G.

**BIODIVERSITY STEWARDSHIP
AGREEMENT (Not submitted with Planning
Proposal Request)**

H. TRAFFIC ASSESSMENT

I. ENGINEERING REPORT

J. LANDSCAPE PLAN

K. HERITAGE ASSESSMENT

L. PRE LODGEMENT MEETING NOTES

M. CONTAMINATION ASSESSMENT

N.
COUNCIL REPORT & RESOLUTION TO
PROCEED 28 APRIL 2021