Planning Proposal Report

Rezoning and Reduction in Minimum Lot Size South Arm Road, Urunga

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| Report Title: | Planning Proposal Report |
|--|--------------------------------------|
| Project Name: Rezoning and Reduction in Minimum Lot Size | |
| Client: | Toothaches Pty Ltd and Robert Riddel |
| Project No. | 38340 |
| Report Reference | 38340-PR01_A |
| Date: | 14/6/2022 |

Prepared by: Reviewed by: Josh Eagleton Jack Massey B. Urb & Env. Planning B. Urb & Reg. Planning Senior Town Planner Senior Town Planner

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1 Introduction

1.1 Planning Proposal

Barnson Pty Ltd has been engaged by Toothaches Pty Ltd and Robert Riddel to prepare a Planning Proposal that seeks to amend the existing Land Zone and Minimum Lot Size Mapping within *Bellingen Local Environmental Plan 2010*.

The sites subject to this Planning Proposal are detailed below:

- Lot 200 in DP 1242996
- Lot 2 in DP 1232259
- Lot 124 in DP 755557

The Planning Proposal seeks to rezone the land (in portion) to R5 – Large Lot Residential and C2 – Environmental Conservation and subsequently amend the Minimum Lot Size to facilitate further land subdivision. The plans associated with the Planning Proposal are provided in **Appendix A** of this report.

Consistent with the NSW Government Planning & Environment's *Planning Proposals: Local Environmental Plan Making Guideline* (the Guide), this Planning Proposal has been prepared in the following format:

- Part 1 Objectives or intended outcomes
- Part 2 Explanation of Provisions
- Part 3 Justification and strategic and site-specific merit
- Part 4 Maps
- Part 5 Community Consultation
- Part 6 Project Timeline

1.2 Proponent

The proponent for this Toothaches Pty Ltd and Robert Riddel.

1.3 Consultant

Barnson Pty Ltd Josh Eagleton Suite 34/361 Harbour Drive Coffs Harbour NSW 24500

2 Planning Proposal Area

2.1 Location and Title

Subject Land

The properties "the site" subject to this Planning Proposal (PP) are legally described as

- Lot 2 in DP 1232259
- Lot 200 in DP 1242996
- Lot 124 in DP 755557

Lot 2 in DP 1232259 and Lot 200 in DP1242996 are commonly described as 201 South Arm Road, Urunga and Lot 124 in PD 755557 is commonly described as 261 South Arm Road, Urunga. Refer to **Figure 1** for the location of the sites (outlined in red). The Planning Proposal area boundary follows the extent of the existing RU4 – Primary Production Lots Small Land Zoning within the site.

Refer to **Figure 1** for the location of the Planning Proposal Area.



Figure 1: - The Sites and the Planning Proposal Area Source: Barnson Pty Ltd

2.2 Existing Land Use

The sites are located within the Local Government Area (LGA) of Bellingen and is therefore subject to the provisions of the *Bellingen Local Environmental Plan* (BLEP 2010). The BLEP 2010 establishes a policy framework for land use planning decisions and guides the community in terms of how land can and cannot be used within the Shire.

The sites are located in an area characterised by primary production and scattered rural-residential dwellings. The sites have been used for primary production purposes, predominately grazing and cropping, for an extended period of time.

The sites are generally zoned RU4 Primary Production Small Lots and RU1 Primary Production, with small pockets of R5 Large Lot Residential within proximity. Whilst the Planning Proposal Area, makes up the land zoned RU4 Primary Production. Refer to **Figure 2** below.



Figure 2: Existing Land Use Zones Source: Barnson Pty Ltd

Tables 1 and 2 provide a summary of each of the lots subject to this Planning Proposal.

| Table 1 Subject Land Details Summary | |
|--|---|
| Legal Description and Property Address | |
| Street Address: | 201 South Arm Road |
| Suburb: | Urunga |
| Subject Land Property Description: | Lot 2 in DP 1232259 and Lot 200 in DP1242996 |
| Land Zoning: | Lot 2 Land Zoning: |
| | W2: Recreational Waterways |
| | RU1: Primary Production |
| | RU4: Primary Production Small Lots |
| | C2: Environmental Conservation |
| | Lot 200 Land Zoning |
| | C3: Environmental Management |
| | C2: Environmental Conservation |
| | W2: Recreational Waterways |
| | RU2: Rural Landscape |
| | RU4: Primary Production Small Lots |
| | R5: Large Lot Residential |
| Name of Land Owner: | Robert Bruce Riddel (Lot 2) and Toothaches Pty Ltd (Lot 200). |
| Local Government Area: | Bellingen Local Government Area. |

| Table 2 Subject Land Details Summary | |
|--|------------------------------------|
| Legal Description and Property Address | |
| Street Address: | 261 South Arm Road |
| Suburb: | Urunga |
| Subject Land Property Description: | 124 DP755557 |
| Land Zoning: | W2: Recreational Waterways |
| | RU4: Primary Production Small Lots |
| | RU1: Primary Production |
| | C2: Environmental Conservation |
| | C3: Environmental Management |
| Name of Land Owner: | Robert Bruce Riddel |
| Local Government Area: | Bellingen Local Government Area. |

A copy of the titles and deposited plans have been provided at **Appendix B** of this report.

2.3 Existing Lot Size

The subject site is mapped to have a Minimum Allotment Size (Sheet LSZ_007) pursuant of BLEP 2010 of:

- AB3 40ha
- AE 200ha

Correlation to the Land Zoning:

- AB3 correlates with the existing RU4 Primary Production Small Lots of zoned land
- AE correlates with the existing RU1 Primary Production and E2 Environmental Conservation and E3 – Environmental Management zoned land. Note that the small slither of R5 – Large Lot land within Lot 200 also has an AE Minimum Allotment Size.

Figure 3 is an extract of BLEP 2010 Sheet LSZ_007, with the site outlined in red, AB3 land highlighted in purple and AE zoned land highlighted in brown.



Figure 3: Existing Minimum Allotment Size – BLEP 2010 Source: NSW Legislation – Edited by Barnson Pty td

2.4 Topography and Soils

Barnson have prepared **Figure 4** which illustrates the sites, the Planning Proposal area and topographic contours which have been exported from LiDAR Contours.

Figure 4 also demonstrates that the Planning Proposal area generally runs along the plateau of south arm road. The Planning Proposal area generally falls to the east and west to the low-lying land. These lands are mapped as either wetland or cleared rural lands subject to inundation. The Planning Proposal area includes several gullies, which represent water way tributaries which can be illustrates through the natural contours of the site.



Figure 4: Topography of the Planning Proposal Area. Source: LiDAR – Edited by Barnson Pty Ltd.

2.5 Heritage

<u>European Heritage</u>

The sites and immediate surrounding area (circled in red) have been identified on the existing *Bellingen Local Environmental Plan 2010* Heritage Map (Sheet HER_007) in **Figure 5**.

Figure 5 illustrates that the site does not accommodate any Heritage Items (General or Archaeological), nor does it fall within a Conservation Area – General. In addition, the site does not sit adjacent or in close proximity to any heritage item or conservation area.

A review of Schedule 5 of the BELP 2013 does not locate any items within proximity to the subject site.



Figure 5: Heritage Map Source: NSW Legislation - Edited Barnson Pty Ltd

Aboriginal Cultural Heritage

As part of the preparation of this Planning Proposal the applicant engaged ERM Pty Ltd to prepare a Cultural Heritage Due-Diligence Assessment Report (refer to **Appendix C** of this report). The report was prepared to identify Aboriginal Heritage constraints within the Project Area to inform the Planning Proposal for the project. The report includes:

- Review of the results of relevant heritage register and database searches;
- Review of the environmental, historical and archaeological background to inform predictive modelling across the Project Area;
- The result of visual inspection including mapping of identified Aboriginal sites and areas of sensitivity;
- Assessment of potential impact associated with the proposed rezoning sites and areas of sensitivity;
- Assessment of potential impact associated with the proposed rezoning and later residential development; and
- Recommendations for management and mitigation specific to any identified heritage values.

An extensive search of the AHIMS data was undertaken on the 17 August 2021. The search indicated that there are 35 sites located within the area (4km east west by 4km north south) which each site contains one or more Aboriginal site features. Aboriginal site features within the search area predominantly include Artefact Scatters and Potential Archaeological Deposits, three sites within the search are restricted on the AHIMS database.

A visual inspection of the Project Area was undertaken on Tuesday 1 June 2021 by ERM Senior Archaeologist Alyce Haast, who was accompanied by Coffs Harbour LALC site officers Ian Brown and Luana Ferguson. The Planning Proposal Area included large areas of heavily vegetated woodland as well as several areas dominated by steeply sloped landforms which could not be directly traversed. Lands within the Planning Proposal Area able to be inspected included areas of paddock land in which visibility was obscured by dense grass coverage. The inspected area focused on land which would be subject to rezoning as well as the surrounding landforms. Areas which were not subject to inspection is shown in Figure 5.1 of the report. The assessment confirmed that:

- No newly identified Aboriginal objects were identified during the inspection. Several areas of subsurface archaeological sensitivity were identified across the project area.
- One AHIMS sites is registered within the current Project Area. The recorded site location was inspected during the visual inspection. The Artefact (KRB-1 AHIMS 21-3-0175) is an open artefact site located on a raised bank adjacent to the Kalang River. The site was noted to have potentially been part of a former Bora Ground which was noted to have high significance to the local Aboriginal community.

Following the site inspection, a review of historical aerials and the site cars sketched location map undertaken to identify the likely site location of KRB-1 Coffs Harbour. The reassessed location placed the site to the south of the small housing development located on Acacia Drive Urunga.

Discussion held during the site inspection noted that the project area formally included a Bora Ground which was associated with make ceremonial activities. Feedback from Coffs Harbour LALC identified that any tangible remains of the Bora Ground were likely removed during construction of the current residence but noted that the site maintained cultural significance.

The report concluded that the proposed rezoning would not result in earthworks and subsequently would not result in harm to potential Aboriginal objects within the Project Area. The report did recommend that further investigation of the identified areas of archaeological sensitivity would be required prior to earthworks across the Project Area are undertaken. Area of archaeological sensitivity which may be subject to an impact as part of future earthworks will require further investigation to determine the nature and significance of any potential archaeological deposits, prior to the commencement of works.

2.6 Flora and Fauna

Eco-Logical Australia (ELA) were engaged by the applicant early in the process to assist with the preparation of the Planning Proposal and specifically determine the areas of Biodiversity Values as well as an understanding of the Plant Community Types within the area of interest – a copy of the report has been included at **Appendix D**.

The site contains a mix of cleared areas and native forests and wetlands. Cleared areas dominate the higher elevation areas and ridgelines and present low biodiversity constraints. Gullies and lower lying areas of the site generally contain native forest vegetation, with wetlands and swamp forests present on the periphery of the site associated with the coastal floodplain. Areas of native vegetation present moderate to very high biodiversity constraints depending on the condition and type of vegetation. Coastal floodplain areas contain Threatened Ecological Communities (TECs) which are considered a very high biodiversity constraint.

ELA within the report provided a constraints mapping consists of the following categories:

- Low includes cleared areas, exotic vegetation and mixed native/exotic pasture. Generally no habitat opportunities for threatened species.
- Moderate includes native vegetation in moderate or low condition. Limited habitat opportunities for some threatened species.
- High includes native vegetation in good condition. Potential habitat for a number of threatened species.

- Very high – includes native vegetation that is consistent with a listed threatened ecological community (TEC) and potential habitat for a number of threatened species.

Figure 6 has been extracted from ELA's Flora and Fauna Assessment report (4 May 2022) and illustrates the constraints over the area of interest.



Figure 6: **Biodiversity Constraints** Source: Flora and Fauna Assessment – prepared by Eco-Logical Australia (dated 4 May 2022)

Within the site, a total of six (6) Plant Community Types (PCTs) were recorded in the study area, three of which correspond to three different TECs associated with the coastal floodplain. **Figure 7** illustrates the PCT within the site. **Table 3** below clarifies the PCT and if any TECs are associated with the PCT.



Figure 7: Plant Community Types Source: Flora and Fauna Assessment – prepared by Eco-Logical Australia (dated 4 May 2022)

| Table 3 PCT and TEC | |
|---|---|
| Plant Community Type | Threatened Ecological Community |
| 686 - Blackbutt - Pink Bloodwood shrubby open forest of the coastal lowlands of the NSW North Coast Bioregion | Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion (NSW BC Act - Endangered) – Only where located on the coastal floodplain. |
| 690 - Blackbutt - Tallowwood dry grassy open forest of the central parts NSW North Coast Bioregion | No |
| 780 - Coastal floodplain sedgelands, rushlands, and forblands of the North Coast | Freshwater Wetlands on Coastal Floodplains (NSW BC Act - Endangered) |
| 1064 - Paperbark swamp forest of the coastal lowlands of the NSW North Coast Bioregion and Sydney Basin Bioregion | Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (NSW BC Act - Endangered) |
| 1230 - Swamp Mahogany swamp forest on | No. |
| coastal lowlands of the NSW North Coast Bioregion and northern Sydney Basin Bioregion | This PCT can correspond to Swamp Sclerophyll Forest on Coastal Floodplains, however areas of this community in the study area are not on the coastal floodplain on periodically inundated soils. |
| 1285 - Turpentine moist open forest of the coastal hills and ranges of the NSW North Coast Bioregion | No |

Images 1 – 4 were taken in August and September of 2021 and illustrates the existing managed lands within the site and the modified and diverse vegetation that sits within the gullies.



Image 1: Looking South West across the existing RU4 land.



Image 2: Looking South West across the existing RU4 land.



Image 3: Looking Southwest across the existing RU4 land.



Image 4: Looking South West across the existing RU4 land.

As part of ELA's assessment, other biodiversity values were identified to be within the sites and Planning Proposal Area. These include:

- 1. Key Fish Habitat Purple
- 2. Biodiversity Values Map Orange
- 3. Koala Habitat (Bellingen Koala Plan of Management)

Each of these have been mapped on Figure 8 below.



Figure 8: Koala Habitat, Key Fish Habitat and Biodiversity Values Source: Flora and Fauna Assessment – prepared by Eco-Logical Australia (dated 4 May 2022)

It is noted that *Biodiversity Values* and *Koala Habitat* are mapped to cover the existing remnant vegetation that sits within the peripheral of the Planning Proposal area or within the gullies. *Key Fish Habitat* on the other hand generally align with the mapped *coastal wetland*. However, in some areas the mapping of *key fish habitat* is located outside of the mapped *coastal wetland* and low lying areas and is mapped to be on the plateau.

2.7 Noise Environment

A noise assessment has not been undertaken as part of this Planning Proposal. The site is located within an area characterised by primary production and scattered residential activities. Noise levels are consistent with these land uses. The Pacific Highway is located approximately 700m to the west of the Planning Proposal site and is the dominant noise source in the area. Refer to **Figure 9** (the Pacific Highway is identified in orange).

Although necessary at the time of a subdivision (pursuant of the *State Environmental Planning Policy – Transport and Infrastructure 2021 clause 2.118 and clause 2.119*), the subject area is not believed to warrant acoustic reporting at this stage considering that there is a large separation between the Planning Proposal area and the potential noise source.



Figure 9: Planning Proposal Area and Existing Pacific Highway Source: Barnson Pty Ltd

2.8 Natural Hazards

Natural Resources Sensitivity - Water

The site area does not have any waterways classed as Watercourse - tidal within the cadastral boundaries, however the eastern boundary fronts the Kalang River which is mapped as Watercourse - tidal. The subject site does accommodate waterways that dissects both sites. The water ways generally sit within the Coastal Wetlands within the Environmental Zone Land. **Figure 11** is an extract of Sheet CL2_007 from the BELP 2010, the site area is identified in red and the Planning Proposal area in blue.

Natural Resources Sensitivity - Biodiversity

The subject site has been identified to accommodate sensitive lands. The sensitive lands generally correlate with the existing Conservation Land Zone or the land that accommodates native vegetation or forms part of a coastal wetland. **Figure 10** is an extract of Sheet CL2_007 from the BLEP 2010, the sites identified in red below and the Planning Proposal area in blue.



Figure 10: Natural Hazards Source: Barnson Pty Ltd



Bushfire Prone Land

The Planning Proposal site is located Bushfire Prone Land (refer to **Figure 11**). Thus has been assessed in accordance with the Direction issued by the Minister for Planning under Section 9.1.(2) of the *Environmental Planning and Assessment Act* 1979 and *Planning for Bushfire Protection 201*9.

Under these directions, planning proposals should follow the objectives:

- to protect life, property and the environment from bush fire, by discouraging the establishment of incompatible land uses in bush prone areas; and
- to encourage sound management of bush fire prone areas. Under Direction 4.4 a relevant authority is required to consult with the NSW Rural Fire Service (RFS) through the preparation of a bush fire assessment.

Discussion with NSW RFS was undertaken in 2021, by the landowner's representative Josh Eagleton of Barnson Pty Ltd. In this correspondence the RFS requested the identification of bushfire risk to the potential subdivision and the provision of suitable mitigation measures to minimise identified risks.

Barnson Pty Ltd were engaged by the proponents of this Planning Proposal to prepare a Bushfire Risk Assessment. A copy of the Bushfire Risk Assessment has been provided in **Appendix E** of this report. The report confirmed that the future subdivision of land would be required to adopt several Bushfire Protection Measures. These include:

| Asset Protection Zones | The future subdivision of land should include a proposed Asset Protection zone within each allotment, or a covenant should be placed on each title ensuring that residential allotments are managed to an Inner Protection Standard. The APZ provides a managed and well-maintained area to mitigate the potential spread of fire through the site and provides a defendable area for fire fighters in the protection of the existing infrastructure. |
|---------------------------|---|
| Access | The site sits adjacent to the existing public road known as South Arm Road, which runs from the north through the south, dissecting both property and providing public road access. |
| | South Arm Road is a sealed road, with a viable width of approximately 11m to 5.5m. The proposed road resembles a sealed rural road and does not consist of sealed kerb and guttering. South Arm Road in the north connects on Short Cut Road which provides a connection from the Old Pacific Highway that is in the eastern direction and the new Pacific Motorway to the west. |
| | The lots that back on to a bushfire hazard should ensure that suitable access is provided to NSW RFS at the time of subdivision. |
| Water Supplies | As the proposed development is for large lot residential (ie a rural residential style development), there will be no town water supply |

| | available to the site. it is proposed that the future dwellings on each lot will be required to meet the minimum water supply requirement for a Rural/Residential allotment as set out in Table 5.3d of the Planning for Bushfire Protection 2019 |
|--------------------|--|
| Electricity supply | Should the supply of electricity be required to the proposed subdivision, any required works are to comply with Table 7.4a of the Planning For Bushfire Protection 2019. |
| Gas | Should the supply of gas be required to the proposed subdivision, any required works are to comply with Table 7.4a of the Planning For Bushfire Protection 2019. |
| | |



Figure 11: Bushfire Prone Land – site area identified in blue Source: Bellingen Bushfire Prone Land Map – Edited by Barnson Pty Ltd

A copy of the Bushfire Risk Assessment has been provided at **Appendix E** of this report. The proposal confirms that:

- 1. The area subject to this planning proposal benefits from an existing through road which is capable of comply with Section 3.4 and Table 5.3b of the PfBP2019.
- 2. The area subject to this planning proposal is capable of being subdivided and provide for Asset Protection Zone in accordance with Section 3.2 and Table 5.3a of the PfBP2019.
- 3. The area subject to this planning proposal is capable of meeting the requirements called upon under Section 3.5 and Table 5.3c of the PfBP2019.

The Planning Proposal is found to be consistent with the Planning for Bushfire Protection 2019.

Coastal Wetland

An extract from Council's interactive mapping has been provided below (**Figures 12, 13 and 14**) and illustrates the site's location (yellow), and the mapped coastal wetlands (in blue) or an area in proximity to a coastal wetland (hatched blue).



Figure 12: Lot 2 in DP 1232259 (coastal wetland and proximity) Source: NSW Government - Coastal Management Mapping



Figure 13: Lot 124 in DP 755557 (coastal wetland and proximity) Source: NSW Government - Coastal Management Mapping



Figure 14: Lot 200 in DP 1242996 (coastal wetland and proximity) Source: NSW Government - Coastal Management Mapping

The wetland and associated native vegetation have been recognised as land with High Environmental Value by Eco-Logical Australia within their assessment (refer to **Appendix D**). The Planning Proposal seeks to further protect the mapped Coastal Wetlands by the recognition of them having High Environmental Value and therefore a conservation land zoning should be implemented in these areas.

<u>Flooding</u>

The Planning Proposal area has been identified to effected by 1% Annual Exceedance Probability (AEP) Floodways and therefore mapped Probable Maximum Flood – Extent of Inundation also impacts a portion of the Planning Proposal area (refer to **Figure 15**). It is noted that the flooding and associated inundation is associated with the low-lying part of the property, which is mostly associated with the land having an existing Conservation Land Zone.



Figure 15: Flood Inundation Source: Barnson Pty Ltd

Oyster Aquaculture

The subject site eastern boundary front Kalang River and this portion of the river and a 200m buffer places a portion of the site to be a Priority Oyster Aquaculture and fronts a water way that is 10km from Priority Oyster Aquaculture Area **Figure 16**. As a result, the proposal will need to consider the direct and indirect impact to Kallang River and potential impact on the Oyster Aqua Culture Area and existing leases (identified in red) within the area – identified in **Figure 17**.



Figure 16: Priority Oyster Aquaculture Referral Area Source: DPI



Figure 17: Existing aquaculture leases (9/5/2022) Source: DPI

As part of the preparation of the Planning Proposal an assessment was prepared to determine the appropriate Minimum Allotment Size to ensure that future lots are capable of sustainably managing wastewater on site and to ensure no indirect of such would be felt within nearby high environmental value areas and the Kalang River – Please refer to the Environmental Assessment prepared by Earthwater Consulting (refer to **Appendix F**).

Allowing for general buffers to boundaries and waterway, the general available areas for onsite wastewater applications for each future lots is shown in Figure 6 of the Environmental Assessment (refer to **Appendix F**). A minimum of 3000m² effluent management area is available per lot. As such, the Minimum Lot Size of 1ha is considered suitable and will ensure that potential impacts on Oyster Aquaculture Area from effluent disposal will not occur.

2.9 Contamination and Acid Sulphate Soils

Contamination

A Preliminary Environmental Site Assessment (PESA) was undertaken over the site and was prepared by Earth Water Consulting (refer to **Appendix F**). The objectives of the PESA were to:

- Investigate the site history and identify potentially contaminating activities that are currently being performed on site or that may have been performed on the site in the past; and
- Make a preliminary assessment of potential contamination issues for residential development based on the site history review.

Based on the site history and site inspection undertaken by Earth Water Consulting, no Areas of Environment Concern (AEC) and associated Contaminates of Concern were identified that would impact on the future land to be developed for residential purposes.

Potential for contamination due to agricultural grazing and associated activities was investigated with the collection of three check samples. Two check samples were collected on the northern site of the South Arm Road ridgeline and one check sample was collected from the southern side of South Arm Road on a ridgeline spur extending to the southern boundary of Lot 2. Refer to Figure 3 of the PESA report in **Appendix F** for the sample locations. The soil analytical results are summarised in the PESA Report. The results of the investigation indicated that

- Concentrations of OCP and OPP are below the laboratory Limit of Report (LOR) for all samples: and,
- Concentrations of Cadmium, Mercury and Nickel are below the laboratory LOR, and concentrations of Arsenic, Chromium, Copper, Lead and Zinc were reported above the LOR but below the Investigation Criteria for all samples analysed.

The analytical results confirm the opinion that there are no AECs at the sites that would impact the land to be subdivided for residential purposes.

Acid Sulphate Soils

A review of the BELP 2010 Acid Sulphate Soil Map (SHEET CL1_007B) and the Macksville 1:100,000 ASS Risk Map was undertaken. Both indicated that the crest and slopes of the site are mapped with legible ASS Risk (Class 5), the low lying alluvial area at 1-4m AHD mapped with a likely risk of occurrence 1m below ground level (Class 3), and the low lying backswamp wetland area 0-2m AHD to the south of the site and marginally intersecting the southern border of Lot 2 is mapped with likely occurrence below ground level (Class 2).

As part of the preparation of the Planning Proposal Earth Water Consulting were engaged to prepare an Environmental Assessment. This has been included at **Appendix F** of this report.

In the assessment, nine (9) soil samples were collected and selected for field screening tests to determine their likelihood of containing Potential or Actual ASS (Pass/Aass) and whether further laboratory analyses would be necessary. In summary:

- The pHf of analysed samples ranged from 6.0-6.1, with the samples from 0.3 0.5m depth recording a pHf of 6.0 6.1, above the investigation criteria of 4. This indicates that the near topsoil is naturally slightly acidic;
- The pHfox of all analysed samples ranged between 2.8-4.7, with one sample (ASS2-0.3-0.5) below the investigation criteria of 3. The results indicate that Pass may be present at Sample location ASS2; and
- Except for sample ASS2-0.3-0.5, the rate of reaction and pH change from Phf to pHfox suggested no ASS.

The results indicate that the soils are naturally acidic due to their coastal location and are not caused by the sulfur content (ASS), and the regional vegetation is adapted to acidic conditions. No further investigations or ASS management area required for the planning proposal to proceed.

2.10 Services

The site has electricity and telecommunications available within proximity. There are no other services such as reticulated water, sewer or gas located within the vicinity.

Electricity Services

Figure 18 below illustrates the location of the Ground Substation which is located within the existing South Arm Road Reserve, within the middle of the two portions of land referred to as Lot 2 in DP 1232259.



Figure 18: Planning Proposal Area (existing electricity services) Source: Essential Energy

Telecommunications

Figure 19 below illustrates the Planning Proposal area and existing Telstra lines and infrastructure. The Plan illustrates that the Planning Proposal area benefits from existing connection points within the Planning Proposal Area and also that it benefits from a line that runs along South Arm Road.



Figure 19: Planning Proposal Area (Telecommunication Services) Source: Telstra

A future Large Lot Residential (R5) development does not require reticulated water and sewerage services. Telecommunications and electricity services will extend to the subject site as part of the development application stage.

It is expected that as part of the Planning Proposals consideration that referral will be undertaken to relevant service providers for comment.

2.11 Access and Traffic

The site sits adjacent to the existing public road known as South Arm Road, which runs from the north through the south, dissecting both property and providing public road access.

South Arm Road is a sealed road, with viable width of approximately 11m to 5.5m (illustrated in blue at **Figure 20** below and **Images 5** and **6**). South Arm Road resembles a sealed rural road and does not consist of sealed kerb and guttering. South Arm Road in the north connects on Short Cut road which provides a connection from the Old Pacific Highway that is in the eastern direction and the new Pacific Highway to the west.

The "new" Pacific highway was part of the Nambucca Heads to Urunga \$780 million project that provided a 22-kilometre dual carriageway from Nambucca Heads interchange to Raleigh interchange and opened to traffic in July 2016 (illustrated in red in **Figure 20** below).



Figure 20: Lot 2, Lot 200 and Lot 124 (identified in yellow) Source: Sixmaps (Edited by Barnson 11/5/2022)



Image 5: South Arm Road looking north (in front of Lot 205 in DP1242996)



Image 6: South Arm Road looking south (in front of Lot 2 in DP1232259)

2.12 Past Development Application/Applications

1. Development Application 2021/DA-00062

A Development Application was determined and approved by Bellingen Shire Council on the 29th of July 2021 for the boundary change of Proposed Lot 2 in DP1232259 and Lot 200 in DP 1242996 (land subject to this planning proposal), to address the existing fragmentation of lots. The proposal sought to create two new allotments that would support the orderly and economic development of land into the future.

A copy of the Development Application Approval has been included at **Appendix G** of this report

2. Pending Secretary's Environmental Assessment Requirements (SEARS)

A scoping report is being prepared and SEARS will be lodged with the New South Wales Department of Planning, Industry and Environment for the staged boundary adjustment over Lots 1 in DP 1232259, Lot 124 in DP755557 and Lot 148 in DP755557.

The boundary adjustment application is to be executed as a result of contractual agreements between the landowners as a result of the acquisition of the Crown Road that current dissects Lot 2 in DP 1232259. It is noted that this approval has been lodged and approval is still pending at the time of lodgement of this Planning Proposal.

3. Crown Road Acquisition.

A Crown Road Acquisition application is being prepared and will be lodged the New South Wales Department of Planning, Industry and Environment for the acquisition of portions of Crown Road that dissect Lot 2 in DP 1232259. A copy of the acquisition plan has been provided at **Appendix H** of this Planning Proposal.

Initial discussion have been had with Crown Land representative – Lisa Armstrong and Derek Van Leest. – a copy of this correspondence has been attached at **Appendix H**. It is noted that as part of the Planning Proposal subdivision option have been included at **Appendix A** which demonstrates how the Planning Proposal area could be subdivide in the future if the proposal is gazetted and the Crown Road isn't purchased. Plan 20078-DA004-11 has been included and demonstrates a potential subdivision pattern without the incorporation of the Crown Road.

3 Planning Proposal Particulars

3.1 General

The Planning Proposal seeks Bellingen Shire Councils support to rezone approximately 36.65 hectares of land from RU4 Primary Production Small Lots to R5 Large Lot Residential, with a corresponding reduction to the minimum lot size from 40 hectares to 1 hectare.

The intention of rezoning the land is to permit the future subdivision of the site and its development for rural residential purposes consistent with the objectives of the R5 Large Lot Residential zone within the BLEP 2010.

3.2 The Need for the Rezoning

The need for the rezoning has resulted from a change in economic conditions which favour a more diverse housing market, particularly large lot residential blocks.

As detailed throughout this report, the site conditions support small scale agriculture, but the relatively small size of the existing lots does not support intensive or large scale agricultural or industries. As such, large lot residential development is considered more appropriate and a better use of the site.

3.3 Lot Yield

The Planning Proposal Area comprises a total area of approximately 36.65 hectares. Under the current RU4 Primary Production Small Lots zoning, the minimum lots size is 40 hectares, and a compliant subdivision would not allow for further subdivision of land. The land is predominately cleared with significant vegetation within the east and west extremities of the Planning Proposal area.

The site benefits from sealed main road frontage and is therefore well placed to support a new subdivision. The proposal is consistent with *North Coast Regional Plan* and *Bellingen Shire Housing Strategy 2020-2040* as the rezoning of land and future subdivision of the site is within proximity to both Bellingen and Urunga. The Planning Proposal will provide an additional residential opportunity area that will add diversity to the market and facilitate the delivery of new lots.

The proposed minimum lots size of 1 hectare is consistent with the recommendations of Council's strategies and reports accompanying this Planning Proposal/Based on the 1-hectare minimum lot size, the potential lot yield has been shown on the Planning Proposal Plans in **Appendix A** of this report – a copy has been provided in **Figure 21** below.

A lot yield of potentially 18 lots is achievable on the site with a 1-hectare minimum lot size, which includes consideration for internal roads, associated infrastructure and identified constraints. It is understood that the environmental lands and rural land will either be kept within one property (under a community title scheme) or appropriately
split in accordance with Clause 4.1 AC – Exception to minimum subdivision lots sizes for certain split zones objectives.



Figure 21: Potential Subdivision Source: Barnson Pty Ltd

4 Existing Legislative Framework

4.1 Introduction

Bellingen Local Environmental Plan 2010 was gazetted on 6th August 2010. BLEP 2010 adopts the Standard Instrument LEP Template required by the NSW Government.

4.2 RU4 Primary Production Small Lots Land Zone

The Planning Proposal area subject to the proposed rezoning is the existing RU4 – Primary Production Small Lots zone land with the site area. A copy of the existing Land Zoning Boundaries within the site has been illustrated in the below figure (refer to **Figure 22** below).



A full copy has been provided in **Appendix A** of this report.

Figure 22: Existing Land Zoning Source: Bellingen Local Environmental Plan 2010 – Edited by Barnson Pty Ltd.

A copy of the Landuse Table relating to RU4 – Primary Production Small Lots from Bellingen Local Environmental Plan 2010 has been included below:

Zone RU4 Primary Production Small Lots

1 Objectives of zone

 \cdot To enable sustainable primary industry and other compatible land uses.

• To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.

• To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Horticulture; Viticulture

3 Permitted with consent

Agricultural produce industries; Aquaculture; Building identification signs; Business identification signs; Cellar door premises; Dairies (pasture-based); Dual occupancies (attached); Dwelling houses; Farm buildings; Home industries; Intensive plant agriculture; Neighbourhood shops; Plant nurseries; Restaurants or cafes; Roads; Roadside stalls; Secondary dwellings; Any development not specified in item 2 or 4

4 Prohibited

Airstrips; Amusement centres; Backpackers' accommodation; Boarding houses; Boat building and repair facilities; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Marinas; Mooring pens; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Service stations; Serviced apartments; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies.

It is noted that the site is currently being managed however no significant sustainable primary industry is currently operating on the site.

4.3 Existing Minimum Allotment Size.

The subject site is mapped to have a Minimum Allotment Size (Sheet LSZ_007) of:

- AB3 40ha
- AE 200ha

Correlation:

- AB3 correlates with the existing RU4 Primary Production Small Lots of zoned land; and
- AE correlates with the existing RU1 Primary Production and E2 Environmental Conservation and E3 – Environmental Management zoned land. The small slither of R5 – Large Lot-land within Lot 200 also has an AE Minimum Allotment Size.



Figure 23 is an extract of Sheet LSZ_007, the site identified in red below.

Figure 23: Existing Land Zoning

Source: Bellingen Local Environmental Plan 2010 – Edited by Barnson Pty Ltd.

5 Proposed Legislative Framework

5.1 Introduction

The Planning Proposal is seeking to rezone a portion of the Planning Proposal area to have a Land Zoning of R5 Large Lot Residential and *C2 – Environmental Conservation* under the *Bellingen Local Environmental 2010.* The Planning Proposal also seeks to amend the existing minimum allotment size within the Planning Proposal area to correlate with the proposed land zone amendments.

5.2 Land Zoning R5 Large Lot Residential

The Planning Proposal is seeking to rezone land R5 – Large Lot Residential and C3 – Environmental Conservation. The proposed land zoning has been included below:

The objectives of the R5 zone are:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The land use table for the R5 zone is as follows:

2 Permitted without consent

Extensive agriculture; Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Bed and breakfast accommodation; Cellar door premises; Dual occupancies; Dwelling houses; Garden centres; Home industries; Intensive plant agriculture; Landscaping material supplies; Markets; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Pond-based aquaculture; Roadside stalls; Secondary dwellings; Serviced apartments; Tank-based aquaculture; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service

centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Water treatment facilities; Wharf or boating facilities

The objectives of the C2 zone are:

1 Objectives of zone

 $\cdot\,$ To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

The land use table for the C2 zone is as follows:

2 Permitted without consent

Nil

3 Permitted with consent

Environmental facilities; Environmental protection works; Oyster aquaculture

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

The Planning Proposal will require the revisions of Sheet LZN_007B of the Bellingen Local Environmental Plan 2010.

Figure 24 illustrates the proposed land zoning changes. A full copy of the amended Sheet LZN_007B has been included at **Appendix A** of this report.



Figure 24: Proposed Land Zoning Source: Barnson Pty Ltd

5.3 Minimum Allotment Size

No changes are proposed to Clause 4.1 of the LEP.

The Planning Proposal is seeking to reduce the Minimum Subdivision Size to 1ha and 200ha to correlate with the land zoning changes. Therefore, the Planning proposal will require modification to the Minimum Subdivision Lot Size Map (Sheet LSZ_007). Figure 25 illustrates the proposed Lot size changes. A full copy of the amended Sheet LSZ_007) has been included at Appendix A of this report.



Figure 25: Proposed Minimum Allotment Size Source: Barnson Ptd Ltd

6 Planning Proposal

6.1 Part 1 – Objectives or Intended Outcomes

The Intention of this Planning Proposal is:

To amend the Bellingen Local Environmental Plan to enable Large Lot (Rural) Residential development whilst also ensuring the protecting and ongoing conservation of land identified as High Conservation Values within the coastal strip of Urunga.

The key outcomes of the site investigation carried out for this Planning Proposal are:

- Mapping and rezoning of approximately 21ha of R5 Large Lot (Rural) Residential Land.
- Providing additional land to support the continuous growth of the area within proximity to Bellingen and Urunga.
- Provisions for alternative housing and land supply.
- Identification and protection of land that has High Conservation Values.

The Planning Proposal includes comprehensive supporting information to:

- Describe the subject land, its locality, the current zoning and justification to provide for additional large lot residential development on the subject land.
- Request an amendment to the LEP to permit large lot residential development.
- Address the 'Gateway Determination Assessment' Criteria under Part 3 of the EP&A Act 1979.
- Provide justification for the LEP amendment and demonstrate the net community benefits which follow.
- Demonstrate that the Planning Proposal is consistent with NSW Department of Planning, Industry and Environment and Council broad strategic direction for the locality.

6.2 Part 2 – Explanation of Provisions

The Principal Planning Instrument is Bellingen Local Environmental Plan 2010.

| Amendment applies to | Explanation of Provision |
|--|--|
| The land zoning on land along South Arm Road, Urunga. | Amending land governed by the Bellingen Local Environmental Plan 2010 that is zoned RU4 – Primary Production Small Lots to – R5 – Large Lot Residential and C2 – Environmental Conservation. Refer to Figures 26 and 27 . |

| The Minimum Allotment Size on land | Amending land governed by the |
|------------------------------------|---|
| along South Arm Road, Urunga. | Bellingen Local Environmental Plan 2010 |
| | that has a Minimum Allotment Size of |
| | 40ha to 1ha to correlate with the land |
| | proposed to be zoned R5 – Large Lot |
| | Residential and 200ha to correlate with |
| | the land proposed to be zoned C2 – |
| | Environmental Conservation |
| | |



Existing Land Zoning

All land within the Planning Proposal Area is currently zoned RU4 – Primary Production

Figure 26: Existing Land Zoning (Thumbnail)



Figure 27: Proposed Land Zoning (Thumbnail)

Proposed Land Zoning

The Planning Proposal seeks to make amendments to the current land zoning by altering the existing land zoning to either R5 or C2.



Existing Minimum Allotment Size

All land zoned RU4 and land within the Planning Proposal Area has a Minimum Allotment Size of 40ha.

Figure 28: Existing Minimum Allotment Size (Thumbnail)



Proposed Minimum Allotment Size

The Planning Proposal seeks to make amendments to the current Minimum Allotment Size by altering the current lot size map to correspond with the proposed Land Zone amendment and to facilitate future subdivision of land. "AE" – 200ha "Y" – 1ha

Figure 29: Proposed Minimum Allotment Size.

If the land was to retain its existing zone provisions, the result would be:

- Retention of the majority of land zoned RU4 with little or no agriculture potential.
- Inconsistency with Council adopted strategic document, including Growth Management Strategies; and,
- A potential shortfall in projected large lot residential housing stock in the LGA.

The proposed outcome for the PP will be achieved by:

- Rezoning of land would facilitate the use of land to be used for residential purposes and ultimately support the housing needs for the community of Urunga and the Bellingen Shire Local Government Area.

- Supporting the rezoning of land that will facilitate the release of additional large lot residential land in an appropriate location near both Bellingen and Urunga.
- Support the rezoning of land that has been identified to be of high environmental value and is worthy of conservation.

6.3 Part 3 – Justification

6.3.1 Section A – Need for the Planning Proposals

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal has been prepared in response to the commentary made within the following strategic planning statements:

- Bellingen Local Strategic Planning Statement (LSPS) 2020 2040.
- Bellingen Local Housing Strategy 2020 2040.

The LSPS does not identify the site as being Important Farmland and therefore *may* be a suitable R5 – Large Lot Residential candidate site to be investigated within the Bellingen Shire Rural Land Strategy.

The LHS identified that the Rural Land Strategy is to investigate existing land zoned RU4 – Rural Small Holding that may be suitable for R5 Large Lot Residential (rural residential development).

The LHS Rezoning Request Submissions – Background Report specifically identified the site as a potential RU4 candidate.

Therefore, the Planning Proposal is in direct response and consistent with the strategic direction of those strategic policies mentioned above.

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

Proposed Option 1: Planning Proposal seeking to rezone land having the land zoning of RU4 – Primary Production Small Lots to R5 – Large Lot Residential and C2 – Environmental Conservation and adjust the Minimum Allotment Size accordingly.

Option 1 (developer lead) seek to:

- Undertake an investigated into the Planning Proposal Area and determine the land appropriate to be rezoned to R5 – Large Lot Residential and that is suitable in the future to house rural residential development.

- Undertake an investigation in the PP Area and determine the land that has High Conservation Value and that is suitable to be zoned Conservation (C2 or C3).

Option 1 is this planning proposal and is found to be the most appropriate options as the Planning Proposal is not inconsistent with the objectives of several strategic planning policies that pertain to the shire.

6.3.2 Section B – Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies?

North Coast Regional Plan 2036

As mentioned previously, the North Coast Regional Plan 2036 is a 20-year blueprint for the future of the North Coast and includes four (4) overarching goals. The goals and the Planning Proposals consistency have been addressed below.

<u>Goal 1 – The most stunning environment in NSW</u>

The sites (identified in RED) has been identified within a Coastal Strip and not within one of the Urban Growth Areas as identified **Figure 30** of the North Coast Regional Plan – See **Figure 30** below:





Figure 30: North Coast Regional Plan

Source: North Coast Regional Plan 2036 (Edited by Barnson Pty Ltd)

Direction 1: Deliver Environmentally Sustainable Growth.

The Planning Proposal is believed to be consistent with Direction 1 as the proposal seeks to:

- rezone underutilised rural land to R5 Large Lot residential and land identified to have high environmental conservation values to C2 Environmental Conservation.
- The rezoning of land will result in a continuous strand of R5 Large Lot Residential Land along the frontage of South Arm Road, whilst implementing a conservation land zoning to ensure that future land uses do not impede on those high conservation values that have been identified to be within the Planning Proposal area.

As the Planning Proposal is not within an existing Urban Growth Area, a variation is required and therefore the Urban Growth Area Variation Principles within North Coast Regional Plan 2036 have been addressed in **Table 4** below.

| Table 4: Urban growth area variation principles | | | |
|---|--|--|--|
| Principles | Comment | | |
| Policy | The subject land is not within the NCRP 2036 urban growth area boundary. However, the LHS and Background report did: | | |
| | Identify that a Rural Land Strategy is to investigate existing land zoned RU4 – Rural Small Holding that may be suitable for R5 Large Lot Residential (rural residential development). LHS Rezoning Request Submissions – Background Report specifically identified the site as a potential RU4 candidate. | | |
| | The rezoning of the subject land for large lot residential purposes is considered appropriate in both scale and development as the Planning Proposal area sits adjacent to the existing Urunga R5 Large Lot Residential Land Release. | | |
| | This Planning Proposal is generally consistent with relevant Section 9.1 Ministerial Directions and SEPPS. | | |
| Infrastructure | Given that reticulated water and sewer services are generally not provided to lands zoned for large lot residential purposes, the necessary infrastructure works will be provided by the landowner at no cost to local government. | | |
| Environmental and Farmland protection | The Planning Proposal area has been recognised has having areas of High Environmental Value. This was identified using the Biodiversity Divisions Criteria and as a result the majority of those environmental values a proposed to be protected by the implementation of a Conservation Land Zoning. | | |
| Land Use Conflict | The Planning Proposal area is not within close proximity to incompatible land uses such as agricultural activities, sewage treatment plants, waste facilities and productive resource lands. Surrounding land uses are of a low key agricultural nature (ie grazing or agistment), hobby farms. | | |
| Avoiding Risk | The subject land is identified as containing indicative flood areas, bushfire prone land and a range of Acid Sulphate Soils. These risks have been adequately addressed in the preparation of this Planning Proposal and will be further investigated at the development application stage. The Planning Proposal area (in portion) does have severe slopes. However, the Planning Proposal seeks to alter the zoning of these areas to have a conservation land zoning and therefore restrict development in these areas. | | |

| Heritage | One AHIMS sites is registered within the current Planning Proposal area. The recorded site location was inspected during the visual inspection. The Artefact (KRB-1 – AHIMS 21-3-0175) is an open artefact site located on a raised bank adjacent to the Kalang River. The site was noted to have potentially been part of a former Bora Ground which was noted to have high significance to the local Aboriginal community. Following the site inspection, a review of historical aerials and the site cards sketched location map undertaken to identify the likely site location of KRB-1 Coffs Harbour. The reassessed location placed the site to the south of the small housing development located on Acacia Drive Urunga. |
|--------------|---|
| | Feedback from Coffs Harbour LALC identified that any tangible remains of the Bora Ground were likely removed during construction of the current residence but noted that the site maintained cultural significance. |
| | The Coffs Harbour & District Local Aboriginal Land Council have been consulted with during the preparation of this Planning Proposal and have advised that they would like to be involved in the future development of the site. Coffs Harbour & District Local Aboriginal Land Council Area of archaeological sensitivity which may be subject to an impact as part of future earthworks will require further investigation to determine the nature and significance of any potential archaeological deposits, prior to the commencement of works. |
| Coastal Area | The site is located within a Coastal Area – being land east of the Pacific Highway. The Planning Proposal has appropriately considered the environmental sensitivity and the range of land uses competing in this limited area. |

Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchment

The Planning Proposal is believed to be consistent with Direction 2 as the proposal seeks to:

- The Planning Proposal has engaged Eco-Logical Australia which has undertaken ground-truthing of the Planning Proposal Area and determined the landscape and vegetation that meet the Department of Planning, Industry and Environment Potential High Environmental Values criteria.
- The Planning Proposal has utilised this information and has proposed a conservation land zoning over this land.

- In doing so, the Planning Proposal seeks amendments to the LEP that would support future development which avoids and minimises impacts on potential areas of high environmental values whilst also proposing a conservation zone over this land to ensure that the high environmental lands a protected, managed and restored.

Direction 3: Manage natural hazards and climate change.

The Planning Proposal is believed to be consistent with Direction 3 as the proposal seeks to:

- The Planning Proposal amendments have adequately considered natural hazards within the property and surrounding it. These include ASS, Flooding, Wetlands and Bushfire.
- The Planning Proposal makes amendments to the Land Zone and Minimum Allotment Size that would support future rural residential subdivision that adequately addresses and considers those natural hazards.
- The Planning Proposal seeks to protect those identified and mapped coastal wetlands through the introduction of a conservation zone. Whilst also assure that there is sufficient land buffers to support residential development in the future.

Direction 4: Promote renewable energy opportunities

Although the subject land generally faces east/west, good solar access opportunities and effective lot orientation can be achieved by siting dwellings to face in an easterly aspect. This will ensure consistency with this direction.

<u>Goal 2 – A thriving, interconnected economy</u>

Direction 5: Strengthen communities of interest and cross-regional relationships

The Pacific Highway is identified as the key to providing greater connectivity. The Pacific Highway is accessed via an interchange with South Arm Road to the north of the site.

Direction 6: Develop successful centres of employment

The additional large lot residential areas are not detrimental to any centre for employment opportunities. It provides additional opportunities for housing choice in the LGA.

Direction 7: Coordinate the growth of regional cities

Although the proposed rezoning is inconsistent with the North Coast Regional Plan 2036 (as it's not in an identified urban growth area), it still supports the growth of Bellingen Shire and provides additional housing options to the area.

Direction 8: Promote the growth of tourism

The proposed large lot residential area will not be detrimental to the growth of tourism.

Direction 9: Strengthen regionally significant transport corridors

The subject land is accessible via the existing local road network.

Direction 10: Facilitate air, rail and public transport infrastructure

The subject land is in close proximity to Coffs Harbour Airport, and to railway stations, local bus school routes service the local road network.

Direction 11: Protect and enhance productive agricultural lands

Figure 31 illustrates the site and the Regional Significant Farmland within the area. The figure illustrates that the site does not contain any mapped regional significant farmland. The Planning Proposal is consistent with this direction by way of enabling urban growth away from important farmland.



Figure 31: Regional Significant Farm Land Source: Barnson Pty Ltd

Direction 12: Grow agribusiness across the region

The proposed rezoning will not adversely affect any existing agribusiness.

Direction 13: Sustainably manage natural resources

The expansion of the R5 Large Lot Residential zone in the Urunga area will not have any detrimental effect upon natural resource management.

<u>Goal 3 – Vibrant and engaged communities</u>

Direction 14: Provide great places to live and work

Existing provisions within Bellingen Development control Plan will assist in ensuring the expanded Large Lot Residential zone will integrate satisfactorily into the existing Urunga Large Lot Residential Area.

Direction 15: Develop healthy, safe, socially engaged and well-connected communities The existing DCP provisions will ensure that community values are promoted by maintaining and/or improving vehicular access throughout the Urunga locality. Opportunities to enhance connectivity between large lot residential areas will also be realised and promoted.

Direction 16: Collaborate and partner with Aboriginal communities

Input was sought from the Coffs Harbour and District Local Aboriginal Land Council (CH&DLALC) in relation to any specific issues that they would like addressed in the subject Planning Proposal. Consultation at this point was sufficient in progressing the subject Planning Proposal, it would like to be kept informed of future development in regard to cultural and heritage matters. The reason being that the subject land has likely cultural and heritage material due to its location, landform and waterways (refer to **Appendix C**).

Direction 17: Increase the economic self-determination of Aboriginal communities

Although this goal has a much wider scope than the framework of the subject Planning Proposal, the outcomes will not be inconsistent in achieving this direction.

Direction 18: Respect and protect the North Coast Aboriginal heritage

The Planning Proposal is believed to be consistent with Direction 18 as the proposed Planning Proposal was prepared through the engagement of the Coffs Harbour Local Aboriginal Council and their representatives who with ERM undertook an investigation and site walk over of the site to determine if there were any Aboriginal Places, Objectives or Artefacts within the Planning Proposal boundaries.

Discussion held during the site inspection noted that the project area formally included a Bora Ground which was associated with make ceremonial activities. Feedback from Coffs Harbour LALC identified that any tangible remains of the Bora Ground were likely removed during construction of the current residence but noted that the site maintained cultural significance.

The report concluded that the proposed rezoning would not result in earthworks and subsequently would not result in harm to potential Aboriginal objects within the Project Area. The report did recommend that further investigation of the identified areas of archaeological sensitivity would be required prior to earthworks across the Project Area are undertaken. Area of archaeological sensitivity which may be subject to impact as part of future earthworks will require further investigation to determine the nature and significance of any potential archaeological deposits, prior to the commencement of works.

Direction 19: Protect historic heritage

No historic heritage has been identified within the subject land to which this Planning Proposal applies.

Direction 20: Maintain the region's distinctive built character

Existing controls pursuant to the provisions of Bellingen Development control Plan assist in preserving the distinctive North Coast built character.

Direction 21: Coordinate local infrastructure delivery

Local infrastructure will be coordinated via the provisions of Bellingen Development Control Plan and associated Infrastructure Plan pertaining to development of the site.

<u>Goal 4 – Great Housing Choice and Lifestyle options</u>

The site is located within the Bellingen Shire and has been nominated that by 2036 an increase of 200 dwellings will be required. The Planning Proposal seeks to the rezoning of land and the reduction in minimum allotment size which will support the future subdivision of land in accordance with the proposed land zoning and minimum allotment size.

As part of the preparation of the Planning Proposal a potential subdivision plan was prepared which illustrates that an additional 18 lots/or dwellings would be created from the support of the PP. The new large lot residential area, though not specifically identified in the North Coast Regional Plan, will deliver additional housing options to the growing Bellingen Shire.

The Planning Proposal is found to be consistent with the Department of Planning, Industry and Environment Settlement Planning Guidelines by way of:

- Proposing the extension of the existing R5 Large Lot Residential zoned land that has considered all potential environmental impacts.
- Avoided areas of environmental significance and instead proposed to rezone land identified as having High Environmental Values.
- Provide additional allotments suitable to accommodate additional large lot residential dwellings.
- Considered and protected both Europe and aboriginal heritage.
- Considered existing infrastructure allowances and future infrastructure requirements.

The Planning Proposal is consistent with the actions under Goal 4 of the North Coast Regional Plan 2036.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Bellingen Local Strategic Planning Statement 2020-2040

The Bellingen Local Strategic Planning Statement 2020-2040 provides the basis for, and the delivery of, strategic planning in the local area and is a link to the NSW Government's North Coast Regional Plan 2036.

In particular, the Planning Proposal is consistent with *Planning Priority 1 – To support a vibrant and ecological sustainable rural economy that is transiting towards a regenerative model of rural land use.* The Planning Priority 1 calls up action for a Rural Lands Strategy to be undertaken which reviews the suitability of the existing planning control for all rural land within the shire (including E zone and R5 Zone). The Planning Proposal undertakes this investigation by of preparing this planning proposal that reviews the current RU4 zone land and the suitability of amending the land zone map and minimum lot size map to provide for a continues R5 – Large Lot development along south arm road.

Therefore, the Planning Proposal for land zoning and map amendments is consistent with the LSPS as:

- It aligns with the strategic directions of the LSPS.
- It is consistent with retaining the desired future character of the Urunga Area.

The proposed amendments will support the orderly and economic development of the land in the future and ensure environmental protection and management of those environmental sensitive areas.

Bellingen Local Housing Strategy 2020 – 2040.

The Housing Strategy is a plan to provide high-quality homes to all residents of Bellingen Shire and to make sure housing meets the needs and desires of our community. The Planning Proposal for land zoning and map amendments is consistent with the LHS:

- The LSPS does not identify the site as being Important Farmland and therefore *may* be a suitable R5 Large Lot Residential candidate site to be investigated within the Bellingen Shire Rural Land Strategy.
- The LHS identified that the Rural Land Strategy is to investigate existing land zoned RU4 Rural Small Holding that may be suitable for R5 Large Lot Residential (rural residential development).
- The LHS Rezoning Request Submissions Background Report specifically identified the site as a potential RU4 candidate.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The Planning Proposal is found to be consistent with the following policies:

- Bellingen Shire Local Strategic Planning Statement.
- Bellingen Shire Local Housing Statement.
- Bellingen Growth Management Statement.

Is the planning proposal consistent with applicable SEPPS

| Table 5 Application of SEPPS | | |
|---|---|---|
| SEPP | Relevance | Comments |
| SEPP (Housing) 2021 | Chapter 2 of this SEPP supports an increase in the supply and diversity of affordable rental and social housing in NSW. | The Planning Proposal is to create R5 and C2 zone land. The SEPP housing will then apply to the proposed R5 rezoned land. |
| SEPP (Resilience and Hazards) 2021 | Chapter 2 of the SEPP provisions development guidelines in relation to the development undertaking within a coastal area | The SEPP applies to the land. The provisions of the SEPP have been considered in the preparation of this Planning |

| Table 5 Applicat | tion of SEPPS | |
|--|---|---|
| SEPP | Relevance | Comments Proposal. The Planning Proposal is found to be consistent with the objectives of Chapter 2 of the SEPP (Resilience and Hazards). |
| SEPP (Transport and Infrastructure) 2021 | The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and support greater efficiency in the location of infrastructure and service facilities | |
| SEPP (Primary Production) 2021 | The aims of this Policy are as follows: (a) to facilitate the orderly economic use and development of lands for primary production, (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, (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, (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, (e) to encourage sustainable agriculture, including sustainable aquaculture, (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture, (g) to identify aquaculture that is to be treated as designated development using a well defined and concise development assessment regime based on | Nothing in this Planning Proposal impacts the operation of this SEPP. The Planning Proposal is found to be consistent with the objectives of the policy by ensuring the ongoing viability of agriculture on this land, having regard to special, economic and environmental considerations. |

| Table 5 Application of SEPPS | | | |
|--|---|--|--|
| SEPP | Relevance | Comments | |
| | environmental risks associated with the site and operational factors. | | |
| SEPP – Biodiversity and Conservation 2021 – Koala Habitat | Chapter 3 of this SEPP is dedicated to the conservation and protection of Koala Habitats. It encourages 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- | The Planning Proposal is found to be consistent with the operation of the SEPP. The study area contains potential Koala habitat, however, the area is not mapped to be core koala habitat. | |
| | (a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core Koala habitat, and (b) By encouraging the identification | The Planning Proposal seeks to place 75% of the native vegetation within the proposed C2 – Environmental Conservation zone. | |
| | of areas of core koala habitat, and (c) By encouraging the inclusion of areas of core koala habitat in environment protection zones. | Any future development application for subdivision following a rezoning of the study area would require a Koala Assessment Report prepared by a suitably qualified and experienced person to document the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts. | |

Is the planning proposal consistent with the applicable Ministerial Directions (Section 9.1)

| Table 6 Section 9.1 Directions | | | |
|---|-----------------------------------|---|--|
| Direction | Applicable | Comment | |
| 1. Focus Area 1: Plar | 1. Focus Area 1: Planning Systems | | |
| 1.1 Implementation of Ministers Planning Principles | Yes | Noted | |
| 1.2 Implementation of Regional Plans | Yes | The Planning Proposal is found to be consistent with the overall intent of the North Coast Regional Plan 2036 and the direction and actions within. The PP will result in the protection of high conservation value land whilst permitting the future developing or the land unconstrained and currently be underutilised. | |
| 1.3 Development of Aboriginal Land Council Land | No | The site has not been identified within the Land Application Map of the State Environmental Planning Policy (Aboriginal Land) 2019. | |
| 1.4 approval and Referral Requirements | Yes | Noted. | |
| 1.5 Site Specific Provisions | Yes | Noted | |
| 2. Focus Area 1: Plai | nning System - | - Place based | |
| 1.6 Parramatta Road Corridor Urban Transformation Strategy | No | N/A | |
| 1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan | No | N/A | |

| Table 6 Section 9.1 | Directions | |
|--|------------|-----|
| 1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | No | N/A |
| 1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | No | N/A |
| 1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor | No | N/A |
| 1.11 Implementation of the Western Sydney Aerotropolis Plan | No | N/A |
| 1.12 Implementation of Bayside West Precincts 2036 Plan | No | N/A |
| 1.13 Implementation of Planning Principles for the Cooks Cove Precinct | No | N/A |
| 1.14 Implementation of St Leonards | No | N/A |

| Table 6 Section 9.1 Directions | | |
|--------------------------------|---|--|
| | | |
| No | N/A | |
| No | N/A | |
| No | N/A | |
| ign and Place | | |
| | | |
| diversity and C | onservation | |
| Yes | The Planning Proposal seeks to retain the existing sensitive lands development standard as well as introduce a C2 Environmental Conservation Zone that aligns with the High Conservation Values that have been identified within the Planning Proposal Area and described in the Ecological Assessment prepared by Eco Logical Australia Pty. This includes land identified to be subject to Flooding, Coastal Wetlands, Koala Habitat, Key Fish Habitat and significant native vegetation. This is discussed in Section | |
| | 2.6 of this report. | |
| Yes | The Planning Proposal has sought to facilitate the conservation of Aboriginal objectives or Aboriginal Places that are protected under the <i>National Parks and Wildlife</i> <i>Act 1974</i> . As part of the preparation of the Planning Proposal, the applicant engaged ERM Pty Ltd to undertake a due-diligence over the site which included the consultation with the Aboriginal Land Council to confirm if any area, object, place or landscape as being of heritage significance to Aboriginal culture and people was located within the PP area. This is discussed in Section 2.5 of this report. It is concluded that the Planning Proposal is consistent with this direction as the does not destroy or impact on | |
| | No No No Ign and Place Ves | |

| Table 6 Section 9.1 Directions | | |
|--|----------------|---|
| | | areas, objects, places or landscapes as being of heritage significance e to Aboriginal culture and people. If at the time of subdivision earthworks is required, additional report, specific to the proposal, should be undertaken. |
| 3.3 Sydney Drinking Water Catchments | No | N/A |
| 3.4 Application of C3 and C3 Zones and Environmental Overlays in Far North Coast LEPs | No | N/A |
| 3.5 Recreation Vehicle Area | Yes | Noted |
| 5. Focus Area 4: Re | silience and H | azards |
| 4.1 Flooding | Yes | The site has been identified to fall within flood planning area, with parts of the site either being subject to: 1%AEP or PMF This hazard has been further discussed in Section X of this report. The majority of these hazard areas are proposed to be located within the extent of the C2 – Environmental Conservation Zone. Nonetheless, a small portion of the flood affected land will be located outside of the proposed C2 – Environmental Conservation Land Zoning and will form a constraint within the proposed R5 – Large Lot Residential rezoned land. Therefore, a minor inconsistency is of minor significance and should be supported by the planning authority. It is also noted that the indicative Subdivision Layout (refer to Appendix A) includes building envelopes outside of mapped indicative flood areas. |
| 4.2 Coastal Management | Yes | The site has been identified to be located within the coastal zone, as defined under the <i>Coastal Management Act 2016</i> - comprising the coastal wetlands and littoral rainforest area, coastal vulnerability area, coastal environment area and coastal use area. All three (3) |

| Table 6 Section 9.1 Directions | | |
|--|-----|--|
| | | properties are located in one of the areas mentioned above. |
| | | As mentioned in Section 2.9 of this report, the planning proposal seeks to preserve and conserve those land mapped as <i>Coastal Wetlands</i> by ensuring that the Planning Proposal does not promote the increased development or more intensive land-use on land identified as <i>Coastal Wetland</i> . Therefore, the Planning Proposal seeks to amend the land zoning over the property to apply a conservation zone over those land identified as a <i>Coastal Wetland</i> . |
| | | In doing so, the Planning Proposal ultimately alters the existing land zoning of the area to ensure the coastal wetland is protected from any future development or land use conflict that could potentially destroy or damage the ecological, scientific, cultural or aesthetic values and promote the restoration of the area into the future. |
| 4.3 Planning for Bushfire Protection | Yes | As discussed in Section 2.9 of this report, the site has been identified to be mapped Bushfire Prone Land under Section 10.3 of the EP&A Act. |
| | | Barnson Pty Ltd were engaged and prepared a Bushfire Risk Assessment which is located at Appendix E of this report. The reports identified the bushfire hazard surrounding the PP area and undertook an assessment against the provisions within the <i>Planning for Bushfire</i> <i>Protection 2019</i> . |
| | | It has been found that the Planning Proposal would support the preparation of a future subdivision application that is capable of comply with the provisions relating to Asset Protection Zones, Access, Services, Landscaping and Building Construction as outlined in the <i>Planning for Bushfire Protection 2019</i> policy. |
| 4.4 Remediation of contaminated land | Yes | A Preliminary Environmental Site Assessment (PESA) was undertaken over the site and was prepared by Earth Water Consulting – Appendix F. The analytical results confirm the opinion that there are no AECs at the Site that would impact the land to be subdivided for residential purposes inline with the findings of this Planning Proposal |

| Table 6 Section 9.1 Directions | | | | |
|--|-----------------|--|--|--|
| 4.5 Acid Sulfate Soils | Yes | A review of the Bellingen Local Environmental Plan 2010 Acid Sulphate Soil Map (SHEET CL1_007B) and the Macksville 1:100,000 ASS Risk Map was undertaken. Both indicated that the crest and slopes of the site are mapped with legible ASS Risk (Class 5), low lying alluvial area at 1- 4m AHD mapped with a likely risk of occurrence 1m below ground level (Class 3) and the low lying backswamp wetland area 0-2m AHD to the south of the site and marginally intersecting the southern border of Lot 2 is mapped with likely occurrence below ground level (Class 2). The Planning Proposal is found to be consistent with this direction as the proposal intensifies development on land that as Acid Sulfate Soil Level 5. A copy of the ASS assessment has been provided with the Environmental Assessment at Appendix F . | | |
| 4.6 Mine Subsidence and unstable land | No | N/A | | |
| 6. focus Area 5 – Tra | insport and Inf | rastructure | | |
| 5.1 Integrating land use and transport | Yes | This direction applies as the Planning Proposal creates additional R5 Large Lot Residential zoned land. Increasing Large Lot Residential development within an area served by an existing public road network will support the local school bus service and may potentially result in additional transport services in the area. | | |
| 5.2 Reserving land for public purposes | Yes | The Planning Proposal is consistent with this direction. | | |
| 5.3 Development near regulated airports and defence airfields | No | N/A | | |
| 5.4 shooting ranges | No | N/A | | |
| 6. Focus Area 6: Hou | using | | | |
| 6.1 Residential Zones | Yes | The Planning Proposal seeks to modify the existing LEP by altering the Land Zoning (in part) to R5 – Large Lot Residential and having a Minimum Allotment Size of 1ha (in part) which will facilitate the further | | |

| Table 6 Section 9.1 Directions | | | | | |
|---|--|---|--|--|--|
| | | development/subdivision of land. This will potentially allow the Planning Proposal area to be subdivided into 1ha lots which will add to the existing large lot residential land within the area. | | | |
| 6.2 Caravan Parks and Manufactured Home Estates | No | The PP would not impact on any zonings or reservations of land for public purposes. | | | |
| 7. Focus Area 7: Ind | 7. Focus Area 7: Industry and Employment | | | | |
| 7.1 Business and industrial Zones | No | N/A | | | |
| 7.2 Reduction in non-hosted short term rental accommodation period | (Revoked 18 November 2019) | N/A | | | |
| 7.3 Commercial and Retail Development along the Pacific Highway, North Coast | No | N/A – not within applicable LGAs. | | | |
| 8.Focus Area 8 Reso | ources and Ene | ergy | | | |
| 8.1 Mining, Petroleum Production and Extractive Industries | No | N/A – not within applicable precinct. | | | |
| 9. Focus Area 9: Prir | mary Productio | on | | | |
| 9.1 Rural Zones | Yes | This Planning Proposal is inconsistent with this direction in that the land is proposed to be rezoned from part RU4 Primary Production Small Lots to part R5 Large Lot Residential and part E2 Environmental Conservation. The land proposed to be rezoned R5 Large Lot Residential is not within an Urban Growth Area within the North Coast Regional Plan 2036. However, as discussed in The Bellingen Local Housing Strategy 2020 -2040 and background document as a candidate site for potential rezoning. | | | |

| Table 6 Section 9.1 Directions | | | | | |
|--|-----|--|--|--|--|
| | | likely be: inappropriately zoned parcel of land continuing to not be used for agricultural production. | | | |
| | | The R5 Large Lot Residential and E2 – Environmental Conservation zone is a more appropriate and logical land use zone than the existing RU4 Primary Production Land zone given that the site is located within proximity to the existing Urunga Large Lot Residential Land Zone | | | |
| 9.2 Rural Lands | Yes | As in the comments for Direction 9.1 (Rural Zones), this Planning Proposal is inconsistent with the direction as it applies to existing land zoned rural. | | | |
| | | The land proposed to be rezoned R5 Large Lot Residential is not within an Urban Growth Area within the North Coast Regional Plan 2036. However, as discussed in The Bellingen Local Housing Strategy 2020 -2040 and background document as a candidate site for potential rezoning. In addition, as the site is located outside of the growth area within the North Coast Regional Plan the Planning Proposal has addressed the Urban Growth Area Variation Principles of the North Coast Regional Plan 2036 in Section 6.3.2 of this Planning Proposal and found that the proposal is consistent with the principles. | | | |
| 9.3 Oyster Aquaculture | Yes | As discussed in Section 2.8 of the Planning Proposal the site is located within 10km of a Priority Oyster Aquaculture Area with a number of leases within proximity to the subject site. It is not believed that any adverse impact will arise from the Planning Proposal and it is understood that Department | | | |
| | | of Primary Industries. | | | |
| 9.4 Farmland of State Regional Significance on the NSW Far North Coast | No | N/A | | | |

6.3.1 Section C – Environmental, Social and Economic Impact

is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The Planning Proposal area does include land of High Environmental Value. The Planning Proposal has included a detail ecological assessment to determine the vegetation that has High Environmental Value in accordance with criteria provided by the Biodiversity Conservation Division.

The study area contains several portions of land consistent with the Hight Environmental Value criteria including:

- Coastal Wetlands listed under Chapter 2 Coastal Management of the SEPP (Resilience and Hazards) 2021
- Riparian zones
- Over-cleared vegetation types
- Threatened Ecological Communities
- known and potential threatened species habitat.

This High Environment Value area makes up 19.98ha of the Planning Proposal area. Of this, 15.27ha, or 75% of the site area is proposed to be protected and retained within the proposed Conservation Land Zone. It is important to note that the remaining portion of High Environmental Values land/native vegetation generally represents the lower condition portion of the site, such as scattered trees and regeneration. Though these area are not proposed to be included in the area to be rezoned C2 – Environmental Conservation, it is expected that a large portion of these areas of native vegetation can be retained within the future development of the site

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

The following is a summary of other likely environmental effects as result of the Planning Proposal or any other constraints within the Planning Area.

| Constraints | Comments |
|-----------------------------------|--|
| Bushfire | The subject land is identified as Bushfire Prone Land as discussed in Section 2.3 of this report. Appropriate consultation will be undertaken with the New South Wales Rural Fire Services as part of the LEP preparation process. In addition a Bushfire Risk Assessment was prepared and confirmed that the Planning Proposal and subsequent subdivision of land is consistent with the Planning for Bushfire Protection 2019. |
| | Future development applications for all development involving bush fire prone lands will be required to comply with either s4.14 of the EP&A Act 1979 or s100B of the Rural Fires Act 1997, depending on the nature of the proposed development, and the relevant provisions of Planning for Bush Fire Protection 2006 and draft Planning for Bush Fire Protection 2018. |
| Site Contamination | As part of the preparation of the Planning Proposal Earth Water Consulting were engaged and prepared and environmental Assessment, this was discussed in Section 2.9 of the Planning Proposal. No contamination issues were identified. |
| ASS | |
| ASS | As part of the preparation of the Planning Proposal Earth Water Consulting were engaged and prepared and environmental Assessment, this was discussed in Section 2.9 of the Planning Proposal. The environmental assessment has considered the ASS over the property and identified that the majority of the proposed R5 – Large Lot Residential land is identified to be Class 5, with some areas, in lower areas have a Class 3 rating. Nonetheless, considering the potential subdivision options provided it is unlikely that the site will be developed int eh future to disturb ASS soils. |
| Aboriginal Culture Heritage | As part of the preparation of the Planning Proposal ERM Pty Ltd. were engaged to prepare an Aboriginal Cultural Heritage Due- Diligence Assessment Report (Appendix C) where the local Coffs Harbour Local Aboriginal Land Council were engaged throughout the preparation of the Planning Proposal. This has been discussed in Section 2.5 of the Planning Proposal. It is noted that further assessments and engage of the LALC will be undertaken as part of a future Development Application. |

Has the planning proposal adequately addressed any social and economic effects?

Social and economic effects arising from the Planning Proposal will be positive in terms of the provision for additional Large Lot Residential Land for new housing in the locality for the following reasons:

- The potential yield is not high enough to be detrimental in a social sense or create excessive demands on existing services.
- Subdivision to create new allotments will be guided by existing small holdings and the location of existing rural dwellings.
- New large lot residential allotments will be similar in land use and character to surrounding properties.
- There is adequate social infrastructure in the area to cater for the proposed increase in large lot residential lots (potentially 18 additional lots) that will ultimately be created as a result of the Planning Proposal.

6.3.2 Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

The Planning Proposal is not expected to result in a noticeable increase in demand for public infrastructure. Existing service infrastructure would be augmented to support future development and onsite management services shall be utilised.

No limitations to existing services are known to exist.

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Crown Lands have been engaged throughout the preparation of the Planning Proposal as an existing portion of crown land dissects Lot 2 in Deposited Plan 1232259. This portion of the land is proposed to be acquired by the landowner form part of the future development of the site. Therefore, Crown Land have been engaged upfront prior to lodgment of the Planning Proposal to ensure transparency prior to lodge and inform the preparation of the Planning Proposal.

This correspondence has been included at **Appendix H** of this report.

In addition, earlier discussions were had via phone conversation with representatives at the New South Wales Rural Fire Services and the requirements of the Planning Proposal. As a result, a full Bushfire Risk Assessment has been prepared with the inclusion of a potential subdivision that demonstrates full compliance with the Planning for Bushfire Protection 2019 policy has been included with the Planning Proposal.

Should the proposal be supported, the Department of Planning, Industry and Environments Gateway Determination will specify consultation requirements.

6.4 Part 4 – Mapping

The plans provided in **Appendix A** clearly outline the PP and associated likely development requirements. The plans include:

- 20078-DA004-01 Site Plan
- 20078-DA004-02 Contour Plan
- 20078-DA004-03 Existing Minimum Lot Size
- 20078-DA004-03B Proposed Minimum Lot Size
- 20078-DA004-04 Existing Zoning Plan
- 20078-DA004-04B Proposed Zoning Pan
- 20078-DA004-05 Watercourse Plan and Terrestrial Biodiversity
- 20078-DA004-06 Flood Mapping
- 20078-DA004-07 APZ Plan
- 20078-DA004-08 Concept Subdivision (Option 1)
- 20078-DA004-09 Concept Subdivision (Option 2)
- 20078-DA004-10 Telstra Service Plan
- 20078-DA004-11 Concept Subdivision (Option 3) (without crown road)

Refer to **Appendix A** of this report.

6.5 Part 5 – Community Consultation

It is expected that the Planning Proposal would not be a Low Impact Proposal and therefore community consultation would be undertaken in accordance with the requirements set out in *Local Environmental Plan Making Guidelines – Complex Planning Proposal*

The consultation would include:

- Notification in a newspaper that circulates in the area affected by the planning proposal;
- Notification on the website of the RPA; and
- Notification in writing to affected and adjoining landowners, unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them.

6.6 Part 6 - Project Timeline

The following indicative project timeline is provided:

| Table 7 Indicative Project Timing | | | | |
|---|----------|--|--|--|
| Stage | Timing | | | |
| Consideration by Council | ТВА | | | |
| Council Decisions | ТВА | | | |
| Gateway Determination | 45 Days | | | |
| Pre-exhibition | ТВА | | | |
| Commencement and completion of public exhibition period | 115 Days | | | |
| Consideration of submission | ТВА | | | |
| Post-exhibition review and additional studies | ТВА | | | |
| Submission to Department for finalisation | 70 Days | | | |
| Gazettal of LEP amendments. | ТВА | | | |

7 Conclusion

This Planning Proposal applies to portions of land known as:

- Lot 200 in DP 1242996
- Lot 2 in DP 1232259
- Lot 124 in DP 755557

It has been prepared in accordance with the NSW Department of Planning, Industry and Environment's '*Local environmental Plan Making Guidelines* and is generally consistent with the North Coast Regional Plan 2036, relevant State Environmental Planning Policies, section 9.1 Ministerial Directions and Council's shire strategies.

Any inconsistencies have been appropriately justified by the inclusion of ameliorative measures or by acknowledging the need for further consultation with the relevant Minister to which the inconsistency applies. This is particularly the case with respect to the Urban Growth Area Variation Principles.

The Planning Proposal Area is currently zoned RU4 – Primary Production Small Lots under the provisions of *Bellingen Local Environmental Plan 2010*. One of the main objectives of this Planning Proposal is to amend Bellingen Local Environmental Plan 2010 and change the Land Zoning to R5 Large Lot Residential and E2 Environmental Conservation and subsequently Minimum Allotment Size. It is requested that Council:

(a) Support this preliminary Planning Proposal based on the information provided in this report; and

(b) Resolve to refer this Planning Proposal to NSW Planning, Industry and Environment (DPIE) for a Gateway Determination to endorse its public exhibition.

Pending endorsement by NSW DPIE, the Planning Proposal will be exhibited in accordance with the criteria outlined in the Gateway Determination. The outcome of the exhibition and referrals to various government departments will be subsequently reported to Council for determination

Appendix A – Plan Package



Appendix B – Titles and Deposited Plan

Appendix C – Cultural Heritage Due Diligence Assessment

Appendix D – Flora and Fauna Assessment



Appendix E – Bushfire Risk Assessment

Appendix F – Environmental Assessment

Appendix G – Development Application 2021/DA-00062