

NORTH COAST REGIONAL PLAN 2036

URBAN GROWTH AREA VARIATION PRINCIPLES

Urban Growth Area Variation Principles		Planning Proposal Response
Policy	<p>The variation needs to be consistent with the objectives and outcomes in the North Coast Regional Plan 2036 and any relevant Section 117 Directions and State Environmental Planning Policies, and should consider the intent of any applicable local growth management strategy.</p>	<p>The proposal is consistent with the relevant provisions of the NCRP 2036 as demonstrated within Question 3 of the Planning Proposal.</p> <p>The Planning Proposal is consistent with the following local strategic plans relevant to the site as addressed within Question 4 of the Planning Proposal including:</p> <ul style="list-style-type: none"> Kyogle Local Strategic Planning Statement (LSPS) 2020 Kyogle Community Strategic Plan 2016 – 2026 Kyogle Strategy for Closer Rural Settlement and Urban Expansion (2005) <p>The Planning Proposal is consistent with the provisions of applicable State Environmental Planning Policies. An assessment of the project against these policies is provided within Attachment 4.</p> <p>The Planning Proposal is consistent with the provisions of applicable S9.1 Ministerial Directions. An assessment of the project against these requirements is provided at Attachment 5.</p> <p>The following key information is also submitted to justify the variation:</p> <ul style="list-style-type: none"> Direction 1 of the NCRP 2036 provides guidelines to vary urban growth areas as new information becomes available or to fix anomalies. In this regard, the new information available is in the form of further site specific investigations that have been undertaken as part of this Planning Proposal and also for the approved subdivision development on the northern part of the subject land under DA2021/78 that is currently zoned R1 – General Residential. <p>In this regard, due to similar land characteristics such as topography and future dwelling sites located above the Flood Planning Level (FPL) of 59.75m AHD, PMF Level, and increases in flood levels due to climate change, and on land not</p>

		<p>constrained by vegetation, bushfire hazard, or regionally significant farmland, the rezoning of the nominated land area to R1 General Residential is considered reasonable and suitable. The proposed rezoning will offer a logical extension of the existing residential zone to enable further residential development on suitable land with similar characteristics as the current R1 zoned portion.</p> <ul style="list-style-type: none"> • The variation to the urban growth area is further justified given the site is adjacent to and directly adjoins existing residential development within an R1 General Residential zone. The area proposed for rezoning also directly adjoins a residential subdivision that has been approved by Kyogle Council under DA2021/78. • The proposal will provide for greater housing supply within the town of Kyogle to service the ageing population which is identified as a key challenge within Kyogle's Community Strategic Plan. • The proposal is consistent with the NCRP 2036 Local Government Narrative applicable to Kyogle. In this regard the proposal will facilitate the provision of additional opportunities for new housing to support the village lifestyle of Geneva located on the northern fringe of Kyogle. • The variation sought as per Direction 1 is warranted given the proximity of the site to existing urban infrastructure. • The area proposed for rezoning is not regionally or significant farmland and is not used for any intensive form of agricultural activity. • The proposed rezoning of the land to enable residential development is not considered to result in land use conflict with adjoining or surrounding land uses.
Infrastructure	<p>The variation needs to consider the use of committed and planned major transport, water and sewerage infrastructure, and have no cost to government.</p> <p>The variation should only be permitted if adequate and cost-effective infrastructure can be provided to match the expected population.</p>	<ul style="list-style-type: none"> • The Planning Proposal involves a relatively modest 'infill' development within the existing village of Geneva. No significant impacts are expected with respect to State and Commonwealth infrastructure services. • With respect to local service infrastructure, the subject land is located immediately adjoining an urban environment zoned for

		<p>residential purposes, and is in close proximity to reticulated water, sewer, telecommunications, electricity and stormwater drainage networks.</p> <ul style="list-style-type: none"> • Following rezoning, any future subdivision will need to secure connection to the reticulated water and sewer networks. Further investigations and designs will be completed with regard to water supply and sewer to service the development post Gateway determination and/or at the development application stage. Further investigation will also address the requirements of stormwater drainage for the development. • The proposal is consistent with Section 9.1 Ministerial Direction 6.1 (previously Direction 3.1) relating to Housing, Infrastructure, and Urban Development. • The proposal is consistent with Section 9.1 Ministerial Direction 5.1 (previously Direction 3.4) relating to Integrating Land Use and Transport. • Given the above availability of services, the land is able to be readily serviced without the need for cost prohibitive infrastructure extensions.
Environmental and farmland protection	<p>The variation should avoid areas:</p> <ul style="list-style-type: none"> • of high environmental or heritage value; • mapped as important farmland, unless consistent with the interim variation criteria prior to finalising the farmland mapping review. 	<ul style="list-style-type: none"> • The area proposed to be rezoned to R1 is not mapped as High Environmental Value Land within the North Coast Regional Plan 2036. • An AHIMS database search identifies no record of an Aboriginal site or places within a 50 metre radius of the subject site. The AHIMS search is contained within Attachment 2 of the Planning Proposal report. • The subject land is not identified as containing an item of heritage or as being located within a heritage conservation area pursuant to Schedule 5 of the Kyogle Local Environmental Plan 2012 and associated mapping (004CA). • The Planning Proposal does not propose to rezone State or Regionally Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005. The rezoning will involve 'Other Rural Land' with the regionally significant farmland contained within the residue lot. • The proposal does not involve rezoning land identified as Important Farmland under the North Coast Regional Plan 2036.

<p>Land use conflict</p>	<p>The variation must be appropriately separated from incompatible land uses, including agricultural activities, sewage treatment plants, waste facilities and productive resource lands.</p>	<ul style="list-style-type: none"> • The northern portion of the land is zoned R1 – General Residential pursuant to the Kyogle Local Environmental Plan 2012. Accordingly, the area proposed for rezoning is directly adjoining the R1 zone. • Grazing lands adjoin and partly surround the subject site and will also potentially be undertaken on the balance of the land to be zoned RU1 Primary Production albeit at a low scale given the size of the land. A development application has been approved by Kyogle Council under DA2021/78 to subdivide the R1 zoned portion of the subject land for residential purposes as outlined within the Planning Proposal report. <p>The proposed rezoning will offer a logical extension of the residential zone to enable further residential development on suitable land with similar characteristics as the current R1 zoned portion. Based on the land use conflict risk assessment submitted with the aforementioned approved development application, NDC are of the view that future residential development on the proposed rezoned land can co-exist with surrounding land uses in a compatible manner <u>without</u> the need to implement a vegetated buffer.</p> <ul style="list-style-type: none"> • There are no incompatible land uses in close proximity to the site.
<p>Avoiding risk</p>	<p>The variation must avoid physically constrained land identified as:</p> <ul style="list-style-type: none"> • flood prone; • bushfire-prone; • highly erodible; • having a severe slope; and • having acid sulfate soils. 	<ul style="list-style-type: none"> • The subject land is mapped as being flood prone on Kyogle LEP 2012 flood mapping. Council have advised that the Flood Planning Level of the site is RL 59.75m AHD. With reference to the Kyogle Floodplain Risk Management Plan 2009, using Figure A-7 (FPL3 for residential building floor level) the 1% AEP + 0.5m freeboard appears to be 59.75m AHD which accords with advice from Council. Accordingly the 1 in 100 year flood level is derived at RL 59.25m AHD, which has been confirmed by Council. <p>The proposed R1 zoning line is proposed to reflect the 1 in 100 year flood line of RL 59.25m AHD, with the exception of a small area [1,000m²] retained above the 1 in 100 year flood line to provide for a future livestock refuge in the event of a flood.</p>

		<p>All future dwelling sites within the proposed R1 zone will be located above the Flood Planning Level, PMF Level, and increases in flood levels due to climate change. The internal road system will also be above these flood levels.</p> <p>Flood warnings, evacuation, and access routes have been addressed earlier in this report, and will be available for future development of the site in the event of a flood.</p> <ul style="list-style-type: none"> • The subject land is not mapped as bushfire prone land. • The area proposed for rezoning is not significantly constrained by severe sloping land that would typically be subject to being highly erodible. <p>Geotechnical assessment can be completed post gateway if conditioned as part of the Gateway Determination, or alternatively at the development application stage.</p> <ul style="list-style-type: none"> • The subject land is not identified on any Council LEP mapping as containing Acid Sulfate Soils.
Heritage	The variation must protect and manage Aboriginal and non-Aboriginal heritage.	<ul style="list-style-type: none"> • An AHIMS database search identifies no record of an Aboriginal site or places within a 50 metre radius of the subject site. The AHIMS search is contained within Attachment 2 of the Planning Proposal report. • The subject land is not identified as containing an item of heritage or as being located within a heritage conservation area pursuant to Schedule 5 of the Kyogle Local Environmental Plan 2012 and associated mapping [004CA].
Coastal area	Only minor and contiguous variations to urban growth areas in the coastal area will be considered due to its environmental sensitivity and the range of land uses competing for this limited area.	<ul style="list-style-type: none"> • The land is not located within the coastal area.