

## Assessment Against S9.1 Ministerial Directions

Section 9.1 Direction	Applies?	Comments
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	N/A	-
1.2 Rural Zones	Applies	<p><b>Justified Inconsistency</b></p> <p>In addressing Clause 4(a) of the Direction:</p> <ul style="list-style-type: none"> <li>The Planning Proposal seeks to rezone land zoned RU1 Primary Production to an R5 Large Lot Residential Zone.</li> </ul> <p>To address the inconsistency of Clause 4(a) in rezoning land from rural to residential, the following is submitted.</p> <ul style="list-style-type: none"> <li>The Planning Proposal is consistent with the Richmond River Shire Council Rural Residential Development Strategy as demonstrated within Question 4 of this Planning Proposal;</li> <li>The Planning Proposal is consistent with the North Coast Regional Plan 2036 as identified within Question 3 of this Planning proposal, and therefore consistent with <i>Direction 24: Deliver well-planned rural residential housing areas</i>.</li> </ul> <p>The initial Planning Proposal lodged with Council in 2015 was for a total of 77 lots. As outlined in Section 1.4 of this Planning Proposal a number of issues were raised by NSW DPI which have now been addressed through direct consultation between NDC and the DPI. This has resulted in a significant reduction in the proposed lot yield down to 43 lots as identified on the conceptual subdivision layout presented at <b>NDC Plan 4</b>.</p> <p>Agricultural land class in regards to the subdivision has been addressed earlier under Direction 11 of the NCRP 2036. In this regard the following points are provided:</p> <ul style="list-style-type: none"> <li>The Planning Proposal does not propose to rezone State Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005.</li> <li>As illustrated on <b>NDC Plan 4</b>, the Planning Proposal does not propose to rezone Regionally Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005, with the exception of a small area extending into proposed Lots 33, 34, 41, 42, &amp; 43 on the northern edge of the estate. However this area of land has not historically been planted out with sugar cane and therefore is proposed to be utilised as part of the rural</li> </ul>

		<p>residential footprint. The sugar cane farm will be preserved within the area to be retained as RU1 Primary Production.</p> <ul style="list-style-type: none"> <li>The estate has also been configured to preserve the areas of mapped Class 3 prime agricultural land within RU1 zoned portion of land as shown on <b>NDC Plan 4</b>, with the exception of part of the cul-de-sac head extending adjacent to Lots 31 &amp; 32, and areas of vegetation buffer on the perimeter of the estate. This vegetation buffer provides a buffer in accordance with the attached LUCRA report to the sugar cane farm to be retained within the RU1 zoned land which adjoins the estate.</li> </ul>
1.3 Mining, Petroleum Production and Extractive industries	N/A	<p>The subject land is not located adjoining or adjacent to a regionally significant quarry.</p> <p>Moonimba Quarry (previously Robinsons Quarry) was approved by Richmond Valley Council under DA2015.0069 for an 'Extractive Industry to 90,000m<sup>3</sup> per annum and Importation of Fill to 30,000m<sup>3</sup> per annum'. The quarry site is located on Lot 193 DP 755603 – Bungawalbin Whiporie Road, Bungawalbin which is located to the west of the land subject to this Planning Proposal.</p> <p>A review of the Noise Impact Assessment completed by Greg Alderson &amp; Associates (Report No. 06193_NIA_Rev D) identified a range of best management practices with respect to operational noise to minimise noise emissions of the quarry expansion, and also various mitigation measures to reduce impacts of road traffic noise in respect to properties along Reardons Lane.</p>
1.4 Oyster Aquaculture	N/A	-
1.5 Rural Lands	Applies	<p>Refer to justification above under Direction 1.2 Rural Zones.</p> <p>The following comments are submitted to satisfy the objectives of the Direction and also clauses (4) and (5):</p> <ul style="list-style-type: none"> <li>The Planning Proposal is consistent with the Richmond River Shire Council Rural Residential Development Strategy as demonstrated within Question 4 of this Planning Proposal.</li> <li>The subject land proposed for rezoning is situated within an area identified within the RRDS for closer rural settlement, and therefore contains inherent qualities rendering the land suitable for rural residential purposes. Accordingly, it are these qualities which have resulted in Council identifying the land for future rural residential development.</li> </ul> <p>This Planning Proposal is consistent with the intent of the allotment supply provisions applicable to the western</p>

		<p>sector of the Woodburn catchment. The Western Sector of the Woodburn Catchment District is a <b>Stage 1</b> release area within the Strategy.</p> <p>As addressed under Question 4 of the Planning Proposal, Based on Council's e-mail of 10 November 2016, the supply and demand matter previously raised by Council has now been adequately addressed. Council's email response was as follows:</p> <p><i>"Concerning the proposal to rezone land for Rural Residential development off Darke Land – (Newman's) – having had discussions internally and following additional conversation with the Department (of 'Planning and Environment'), we see there is no reason to delay the processing of the Planning Proposal provided it can satisfy the other criteria outlined within the most recent correspondence."</i></p> <ul style="list-style-type: none"> <li>• The Planning Proposal is consistent with the Outcomes and Actions applicable within the NCRP 2036 as identified within Question 3 of this Planning Proposal.</li> <li>• The Planning Proposal is consistent with the Richmond Valley LSPS as identified within Question 4 of this Planning Proposal.</li> <li>• With regards to agricultural land, the initial Planning Proposal lodged with Council in 2015 was for a total of 77 lots. As outlined in Section 1.4 of this Planning Proposal a number of issues were raised by NSW DPI which have now been addressed through direct consultation between NDC and the DPI. This has resulted in a significant reduction in the proposed lot yield down to 43 lots as identified on the conceptual subdivision layout presented at <b>NDC Plan 4</b>.</li> </ul> <p>Agricultural land class in regards to the subdivision has been addressed earlier under Direction 11 of the NCRP 2036. In this regard the following points are provided:</p> <ul style="list-style-type: none"> <li>○ The Planning Proposal does not propose to rezone State Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005.</li> <li>○ As illustrated on <b>NDC Plan 4</b>, the Planning Proposal does not propose to rezone Regionally Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005, with the exception of a small area extending into proposed Lots 33, 34, 41, 42, &amp; 43 on the northern edge of the estate. However this area of land has not historically been planted out with sugar cane and therefore is proposed to be utilised as part of the</li> </ul>
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		<p>Regional Plan further to meeting the desired 60/40 target of single to medium density housing.</p> <ul style="list-style-type: none"> <li>As provided within the Planning Proposal, the development site is readily accessible and proximate to Casino, Woodburn, and Evans Head that contain a diverse range of community facilities as well as retail, administrative, education, health, sporting, open space and transport services.</li> <li>Services to the development have been considered and addressed within Question 10 of this Planning Proposal.</li> <li>As submitted above, the lot supply and demand matter previously raised by Council has now been resolved.</li> </ul>
<b>2. Environment and Heritage</b>		
2.1 Environmental Protection Zones	N/A	-
2.2 Coastal Protection	N/A	-
2.3 Heritage Conservation	N/A	No issues are raised concerning cultural heritage matters having regard to the information provided above within this Planning Proposal under Question 8.
2.4 Recreation Vehicle Areas	N/A	-
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	-
2.6 Remediation of Contaminated Land	N/A	Contaminated land has been addressed under Question 8 of the Planning Proposal. A preliminary site contamination report has been prepared by Tim Fitzroy & Associates and is contained within <b>Attachment 10</b> .
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	N/A	-
3.2 Caravan Parks and Manufactured Home Estates	N/A	-
3.3 Home Occupations	Revoked	-
3.4 Integrated Land Use and Transport	N/A	-
3.5 Development Near Regulated Airports and Defence Airfields	N/A	-

3.6 Shooting Ranges	N/A	
3.7 Reduction in non-hosted short term rental accommodation period	N/A	
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	Applies	<p>The site is mapped as containing Acid Sulfate Soils in accordance with the Richmond Valley LEP 2012 mapping.</p> <p>Reference should be made to the Acid Sulfate Soil Assessment prepared by Tim Fitzroy &amp; Associates as contained within <b>Attachment 9</b>. The assessment concludes the following:</p> <p><i>"The revised development footprint has been reduced to elevated portions of the subject site such that the proposed works will not disturb acid sulfate soils (see Attachment A ASS Risk Map and Conceptual Site Plan). As a consequence, ASS has not been identified as an impediment to the Planning Proposal to be submitted to Richmond Valley Council (RVC) for the establishment of a 43 Lot Rural Residential Subdivision at the subject site."</i></p>
4.2 Mine Subsidence and Unstable Land	N/A	-
4.3 Flooding	Applies	<p>The site is mapped as being flood prone.</p> <p>Clause (6) of the s9.1 direction states that a planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> <li>(a) Permit development in floodway areas;</li> <li>(b) Permit development that will result in significant flood impacts to other properties</li> <li>(c) Permit a significant increase in the development of that land</li> <li>(d) Are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</li> <li>(e) Permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</li> </ul> <p>The 1 in 100 year flood level for the site is 5.4 metres AHD as confirmed by Council. All indicative dwelling sites within the lots are located above this flood level as illustrated on <b>NDC Plan 4</b>.</p> <p>Habitable floor levels within the lots will be required to comply with Richmond Valley Council's adopted 'Mid Richmond Flood Planning Matrix – Rural' provision FL2c which states that <i>'All habitable floor levels to be greater than or equal to the 100 year flood level plus 0.5m'</i>.</p>

		Future development on the lots will be required to address Council's Mid-Richmond Flood Planning Matrix which establishes controls for habitable floor levels, fill levels, building components etc.
4.4 Planning for Bushfire Protection	Applies	A bushfire assessment report has been completed by Bushfire Certifiers and is contained within <b>Attachment 3</b> .
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies	Revoked	-
5.2 Sydney Drinking Water Catchments	N/A	-
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Applies	<p>The subject land is mapped as containing both "Other Rural Lands" and also "Regionally Significant Farmland" under the Northern Rivers Farmland Protection Project.</p> <p>Agricultural land class in regards to the subdivision has been addressed earlier under Direction 11 of the NCRP 2036. In this regard the following points are provided:</p> <ul style="list-style-type: none"> <li>○ The Planning Proposal does not propose to rezone State Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005.</li> </ul> <p><b>Justified Inconsistency</b></p> <ul style="list-style-type: none"> <li>○ As illustrated on <b>NDC Plan 4</b>, the Planning Proposal does not propose to rezone Regionally Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005, with the exception of a small area extending into proposed Lots 33, 34, 41, 42, &amp; 43 on the northern edge of the estate. However this area of land has not historically been planted out with sugar cane and therefore is proposed to be utilised as part of the rural residential footprint. The sugar cane farm will be preserved within the area to be retained as RU1 Primary Production.</li> <li>○ The estate has also been configured to preserve the areas of mapped Class 3 prime agricultural land within RU1 zoned portion of land as shown on <b>NDC Plan 4</b>, with the exception of part of the cul-de-sac head extending adjacent to Lots 31 &amp; 32, and areas of vegetation buffer on the perimeter of the estate. This vegetation buffer provides a buffer in accordance with the attached LUCRA report to the sugar cane farm to be retained within the RU1 zoned land which adjoins the estate.</li> <li>○ The Planning Proposal is consistent with Direction 11 of the NCRP 2036 as addressed within the Planning Proposal.</li> </ul>

5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	-
5.5 Development in the Vicinity of Ellalong, Paxton and Milfield [Cessnock LGA].	Revoked	-
5.6 Sydney to Canberra Corridor	Revoked	-
5.7 Central Coast	Revoked	-
5.8 Second Sydney Airport: Badgerys Creek	Revoked	-
5.9 North West Rail Link Corridor Strategy	N/A	-
5.10 Implementation of Regional Plans	Applies	The Planning Proposal is consistent with the North Coast Regional Plan 2036 as identified within Question 3 of this Planning Proposal. As such, the proposal is consistent with <i>Direction 24: Deliver well-planned rural residential housing areas</i> of the North Coast Regional Plan 2036.
5.11 Development of Aboriginal Land Council land	N/A	-
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	Applies	No referral or concurrence requirements are proposed within the Planning Proposal.
6.2 Reserving Land for Public Purposes	N/A	-
6.3 Site Specific Provisions	N/A	-
<b>7. Metropolitan Planning</b>		
7.1 Implementation of A Plan for Growing Sydney	Revoked	-
7.2 Implementation of Greater Macarthur Land Release Investigation	Revoked	-
7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A	-
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	-



7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	-
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	-
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	-
7.8 Implementation of the Western Sydney Aerotropolis Plan	N/A	-
7.9 Implementation of Bayside West Precincts 2036 Plan	N/A	-
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	-
7.11 Implementation of St. Leonards and Crows Nest 2036 Plan	N/A	-
7.12 Implementation of Greater Macarthur 2040	N/A	-
7.13 Implementation of the Pyrmont Peninsula Place Strategy	N/A	-