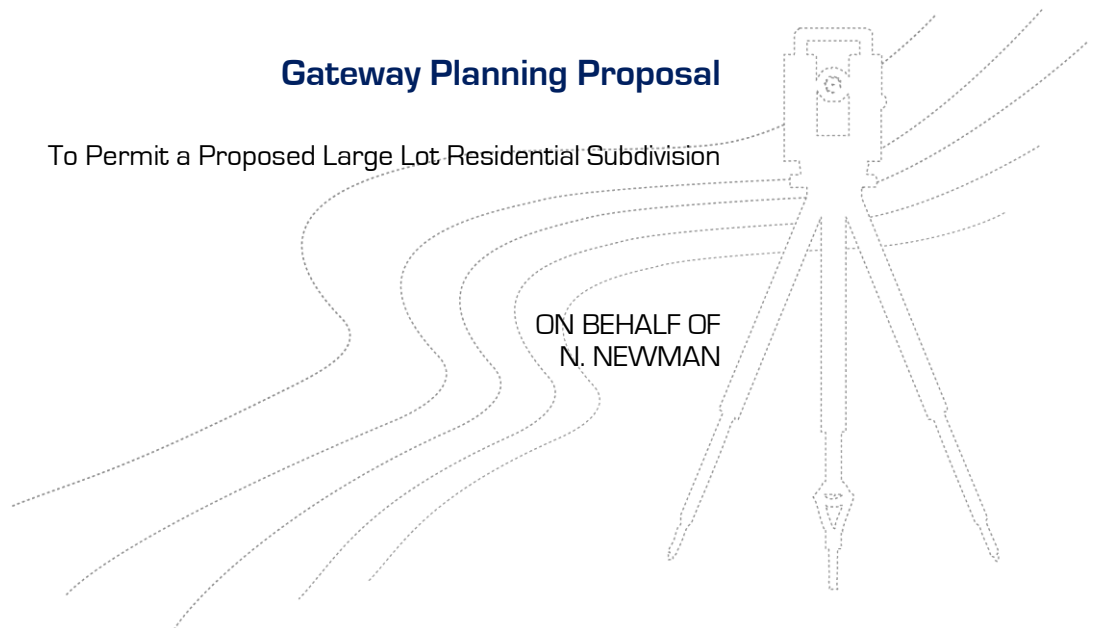


Gateway Planning Proposal

To Permit a Proposed Large Lot Residential Subdivision

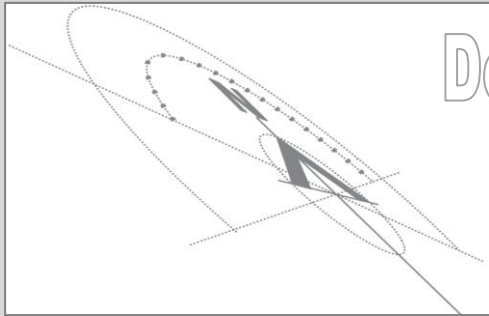
ON BEHALF OF
N. NEWMAN



Site: Lots 831, 832, 833 DP 847683
Cnr Reardons Lane & Darke Lane, Swan Bay

Our Ref: 14/227
Date: February 2022


Newton Denny Chapelle
SURVEYORS PLANNERS ENGINEERS



Document Control Sheet

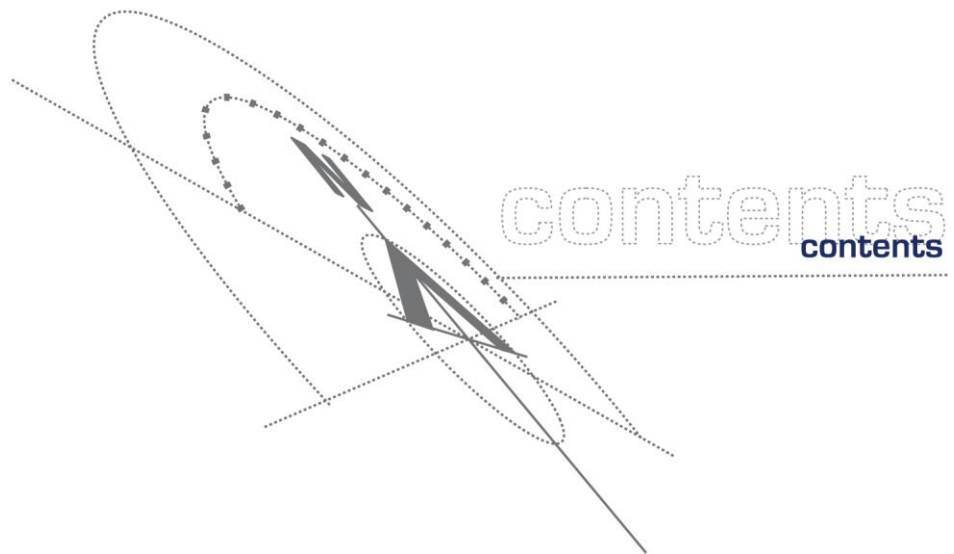
Document and Project Details				
Document Title:		Gateway Planning Proposal		
Author:		Luke Fittock		
Project Manager:		Damian Chapelle		
Date of Issue:		8 February 2022		
Job Reference:		14/227		
Project Outline:		This document presents a Planning Proposal to rezone part of the land to R5 Large Lot Residential in accordance with the RVLEP 2012.		
Document Distribution				
Date	Status	Distribution – Number of Copies		
		Client	Council	Other
08/02/2022	Final	1	1	0
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Checked by:	L Fittock			

USAGE NOTE:

This document was prepared for the exclusive use of N Newman for the development of land described herein and is not to be used for any other purpose or by any other person or corporation. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

The maps, development plans and exhibits shown in this report are suitable only for the purposes of this report. No reliance should be placed on this information for any purpose other than for the purposes of this report. All dimensions, number, size and shape of lots/buildings as shown on plans in this document are subject to detailed engineering design plans and final survey and may vary subject to conditions of consent issued by the Consent Authority.

The information contained in this report is based on independent research undertaken by NDC. To the best of our knowledge, it does not contain any false, misleading or incomplete information. No extract of text from this document may be reproduced, stored or transmitted in any form without the prior consent of NDC. NDC declares that it does not have, nor expects to have, a beneficial interest in the subject project. Nor does it have any reportable political donations within the meaning of Section 10.4(3) of the Environmental Planning and Assessment Act 1979 to declare.



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ATTACHMENTS

Attachment 1	Deposited Plan 847683
Attachment 2	Onsite Wastewater Land Capability Assessment <i>Tim Fitzroy & Associates</i>
Attachment 3	Bushfire Assessment Report <i>Bushfire Certifiers</i>
Attachment 4	Land Use Conflict Risk Assessment <i>Tim Fitzroy & Associates</i>
Attachment 5	Bogal Aboriginal Land Council Correspondence AHIMS

Attachment 6	NDC Lot Supply & Demand Response
Attachment 7	Assessment against State Environmental Planning Policies
Attachment 8	Assessment against S9.1 Ministerial Directions
Attachment 9	Acid Sulfate Soil Assessment <i>Tim Fitzroy & Associates</i>
Attachment 10	Preliminary Site Contamination Report <i>Tim Fitzroy & Associates</i>
Attachment 11	Agricultural Assessment <i>Allen & Associates</i>

PLANS

Plan 1 – Location

Plan 2 – Detail Survey

Plan 3 – Site Analysis

Plan 4 – Conceptual Subdivision Plan

Plan 5 – LEP Mapping

1. Background

1.1 Summary of Project

Newton Denny Chapelle has been engaged by *Mr N Newman* to prepare a Planning Proposal for land identified in the below **Table 1**, being located on the corner of Reardons Lane & Darke Lane, Swan Bay.

This Planning Proposal has been completed in accordance with the Department of Planning & Infrastructure's guide to preparing Planning Proposals. A Gateway Determination under Section 56 of the Environmental Planning and Assessment Act is sought.

The purpose of the Planning Proposal is to change the town planning provisions applying to Lots 831, 832, 833 DP 847683 to rezone part of the land presently zoned RU1 – Primary Production to R5 – Large Lot Residential in accordance with the provisions of the Richmond Valley Local Environmental Plan 2012. The Planning Proposal also seeks to amend the minimum lot size map to permit the creation of lots with minimum lot sizes of 7,500m² within the area to be rezoned.

As shown in **Plate 1**, the subject lands are currently zoned RU1 – Primary Production under the Richmond Valley Local Environmental Plan 2012.

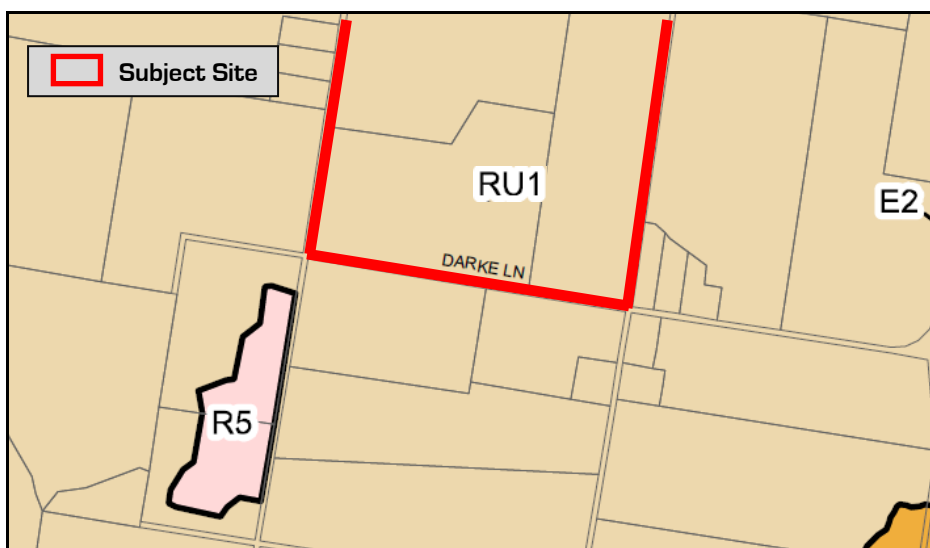


Plate 1: Current land zoning under the Richmond Valley LEP 2012
[Source Richmond Valley LEP 2012]

1.2 Location of Subject Lands and the Nature of Surrounding Rural Area

The subject lands are located on the corner of Reardons Lane and Darke Lane, Swan Bay as identified on **Plan 1** – Location and also within the below **Plate 2**. **Plate 3** provides a visual illustration of the subject lands in the context of an aerial photo.

The lands subject to this Planning Proposal are as follows in **Table 1**:

Table 1: Lands Subject to the Planning Proposal

Property Address	Property Description
Corner of Reardons Lane & Darke Lane, Swan Bay	Lot 831 DP 847683 Lot 832 DP 847683 Lot 833 DP 847683

The Deposited Plan (DP 847683) can be found within **Attachment 1** of this report.

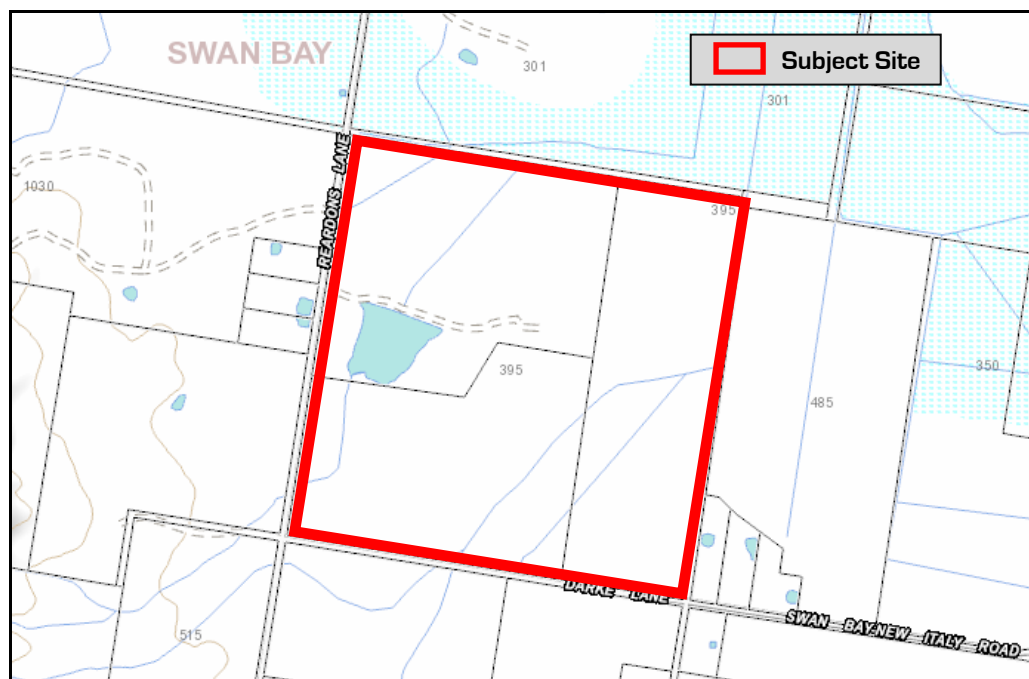


Plate 2: Subject lands located on corner of the Reardons Lane & Darke Lane, Swan Bay
(Source LPMA Six Viewer)



Plate 3: Aerial photo of the subject lands [Source LPMA Six Viewer]

The subject land itself is currently utilised for cane farming and contains existing dwelling houses, farm outbuildings, cane drains and dam. The physical features of the site, and topographical details are illustrated within **Plan 2 – Detail Survey**. Contours typically range between RL 2 metres AHD within the north eastern corner of the property to RL 16 metres AHD centrally within the site. The 1 in 100 year flood level advised by Council is RL 5.4m AHD and all indicative dwelling sites are located above this level.

The property gains access from Reardons Lane through an existing driveway connection.

The subject site is located within a precinct that is characterised by a mixture of the following land uses:

- Rural residential development within R5 Large Lot Residential zones;
- Rural dwellings within RU1 Primary Production zoned allotments;
- Farming activities comprising cattle grazing and sugar cane cropping;
- Forest vegetation;
- Quarry (Moonimba Quarry on Lot 193 DP 755603).

1.3 Site Analysis

Plan 3 - Site Analysis contained within this Planning Proposal document has been prepared to identify opportunities and constraints relating to the subdivision potential of the land which include:

- Existing lot boundary;
- Existing dwellings and farm building;
- Waterways (dam)[taken from NDC detail survey]
- Cane drains;
- Vegetation locations and cane farming land (taken from Google Earth);
- Flood prone land (5.4 metres AHD 1:100 year flood line);
- Mapped bushfire hazard vegetation (RVC mapping);
- Existing access point into the property from Reardons Lane;
- Acid Sulfate Soil class line (between Classes 3 & 5);
- Surrounding land uses;
- Ground water bore (NSW Government – Department of Primary Industries: Office of Water <http://allwaterdata.water.nsw.gov.au/water.stm>);
- Electricity powerlines (identified from CMA Topographic Map 1:25,000 Woodburn 9539-1-N Second Edition).

The conceptual subdivision layout presented at **Plan 4** has had regard to the above constraints.

Under the Richmond Valley LEP 2012, the subject land is **not** mapped as:

- containing a heritage item;
- being located within a drinking water catchment; or
- containing land identified as a landslide risk.

1.4 Government Agency Consultation

The Planning Proposal was lodged with Richmond Valley Council together with Newton Denny Chapelle cover letter dated 21 December 2015. To date, consultation has been undertaken with various Government agencies. A summary of the chronology of events is as follows:

Issues Raised by Richmond Valley Council (RVC) & Their Status

- To date the lot supply and demand matter has been resolved which was initially raised by Council;
- An amended split zoning plan (R5 & RU1) was required to be submitted to Council which aligns with the 1 in 100 year flood level. The R5 zoning line will not extend beyond the 1 in 100 year flood line;

- The agricultural matters have now been resolved (see below);
- On-site wastewater and Minimum Lot Size (MLS) issues were raised by RVC. The application now proposes a minimum lot size of 7,500m², which is the minimum lot size that could be supported by Council as advised by Mr Andy Edwards via e-mail to NDC dated 4/8/2020. An on-site wastewater land capability assessment has been prepared by Tim Fitzroy & Associates which is contained within **Attachment 2** of this report and identifies the feasibility of the subdivision being serviced with on-site wastewater for future dwellings.
- Council have accepted that an updated cultural heritage assessment can be provided post gateway determination.

Outstanding Issue Relating to Agriculture

- **8 April 2016** - RVC initially raised the issue that the agricultural report needs to demonstrate why areas of prime agricultural land should be removed from the designation. As the site was still under sugar cane production Council were of the opinion that the land was still agriculturally/economically viable. They noted that based on s117 direction, the land identified as Regionally Significant Farmland cannot be rezoned for rural residential purposes until they are demonstrated to be unsuitable for agricultural purposes.
- **15 November 2016** - John Allen & Associates prepared an agricultural report that concluded that the land mapped as regionally significant should be more appropriately zoned as 'other rural land'. The land in question is not good quality or valuable agricultural land.
- **9 August 2017** - NSW DPI provided a response that the site has been used for sugar cane production consistently for many years and is identified as regionally significant farmland. The site forms part of a large agricultural landscape and should be considered in this context.

NSW DPI does acknowledge that the subject land is within the Richmond River Rural Residential Strategy 1999 however due consideration of the potential impact of the site in agriculture is required.

NSW DPI not supporting the loss of this land for agricultural production and the proposal will cause fragmentation of the agricultural landscape. Fragmentation increases land use conflict risk which can impact on agricultural operations surrounding the proposal.

NSW DPI have concerns about industry mass for the continue supply of product to the region's sugar mills and that Council are to consider the cumulative impact of agricultural land loss in the LGA and the impact this has on the available supply of product for secondary industries, in this case sugar mill production.

- **12 September 2017** - RVC again still not supporting the Planning Proposal due to the NSW DPI not supporting it. They state that identification of the site within the Richmond River Rural Residential Strategy 1999 does not assure appropriateness for this form of development, and that the Strategy outlines and requires that Prime Agricultural Land must not be rezoned for rural residential purposes.

Council believes that the land is prime agricultural as evidenced through the recent and present day use of the properties for sugar cane.

Council states they are unlikely to support this proposal in this, or amended form due to the contrary feedback from the NSW DPI and other agricultural interests (i.e. sugar mill).

Council advise that a review can be lodged with the Department of Planning and Environment

- **30 November 2017** – John Allen & Associates prepared a response to address the NSW DPI concerns to justify the land is not prime agricultural land.

The response provided additional justification with low sugar cane yield figures showing that the farm performed in the bottom 11%, 18%, and 10% of all farms in the particular zone. The production figures demonstrates the poor productivity of the site in comparison to the average achieved for the associated harvesting zone.

John Allen also addressed the matter of the agricultural landscape issue raised by the NSW DPI and concluded the land was not surrounded by sugar cane land. The proposal will not cause fragmentation of the sugar cane production landscape and is situated on the edge of sugar cane land.

John Allen also addressed the issue of critical mass in that the rezoning being approved will surely not affect the Industry's critical mass requirement.

NDC also stated that, based on communication from Noel Newman, the sugar cane planting on the proposed area to be rezoned ceased in 2014 due to being unproductive, and the ratoon cane on the property when cut is being ploughed out.

- **30 January 2018** – NDC issued e-mail to NSW DPI regarding:
 - Agricultural land and issued John Allen's response of 30th November 2017;
 - Land use conflict – attached Tim Fitzroy LUCRA which concludes the subject site is suitable for the proposed development;
 - Agricultural landscape. Diagram sent illustrating that the subject land is located on the eastern side of Reardons Lane where a number of rural residential estates have been approved and developed. The proposal maintains consistency with the already developed land within the rural residential precinct and does not fragment the surrounding agricultural landscape.

- **5 June 2018** – NSW DPI still not supporting the application given:
 - The scale of the proposal and lot density due to land use conflict;
 - Loss of agricultural land;
 - Cumulative impact on critical mass;
 - They acknowledge that sugar cane is being removed from the site. However note other alternative crops could be investigated;
 - Impacts on the broader agricultural landscape.

- **5 September 2018** – Following a meeting held on 4 September 2018 between the NSW DPI and NDC, NDC issued an e-mail response to the NSW DPI to address the two primary matters raised by the NSW DPI relating to:
 - Change landscape (housing/ density);
 - Interface of the site with sugar cane land to the east.

In this respect, the proposal is located within an area which already contains rezoning approval for some 120 lots, with the eastern approved lots (50 in total) already constructed. The lots all border land under sugar cane production on their eastern boundary.

The information and plan provided, provides an effective illustration as to how the landscape for this area has already progressed for rural residential housing consistent with Council's strategic planning for this locality. Land use conflict risk assessment implements appropriate vegetative buffers to the sugar cane.

- **1 November 2018** – Following NDC meeting with RVC (16 October 2018) and Dept. of Planning (30.10.18), a modification was submitted to Council to remove all proposed land to be rezoned from the mapped 'Regionally Significant Farmland' as identified within the Northern Rivers Farmland Protection Final Map.

It was noted that the previous agricultural assessment and land use conflict risk assessment previously submitted, identified the suitability of the land for the project and the ability to maintain agricultural land uses on adjoining lands.

- **25 January 2019** – Dept. of Planning provided a response to Council which identifies a mapping anomaly between 'Regionally Significant Farmland' and DPI mapping which identifies 'prime crop and pastureland'. The Dept. of Planning considered that the development (based on the written intent behind the mapping of potential release areas, the assessment principles, and considering the sites current use for sugar cane production), particularly on the mapped prime crop and pasture land, would be difficult to justify as being consistent with the Strategy. It would also be difficult to justify against the North Coast Regional Plan (NCRP).

The Dept. of Planning also identified that the planning proposal must justify the need for the proposal in relation to supply and demand for rural residential development in the LGA.

- **13 February 2019** – NDC issued a response to the Dept. of Planning (which was also sent to the NSW DPI via email 20 February 2020) to address their concerns raised on 25 January 2019 addressing planning and design principles, preservation of prime agricultural land, provision of buffers to intensive agricultural uses, viability of large agricultural holdings, and the impact of cane land within the Woodburn catchment.

The Planning Proposal was updated to remove all proposed land to be rezoned from land mapped as "class 3 prime crop and pastureland" and also "regionally significant farmland". Based on the reduced footprint, the previously proposed layout of 77 lots would likely be reduced to around approximately 35 – 40 lots, however is subject to the minimum lot size matter being resolved with Council and further detailed lot layout design.

The response further identified that Newton Denny Chapelle previously submitted written justification to Richmond Valley Council dated 29 August 2016 with regard to lot supply and demand. This matter has already been satisfactorily addressed following e-mail confirmation received from Richmond Valley Council on 10 November 2016 following Council's consultation with the Department of Planning.

- **24 September 2020** – NSW DPI issued a response which again raised concerns with regard to the viability of large landholdings, potential conflicts with agricultural operations in the locality, and impacts on cane land.

To resolve the issues raised, the NSW DPI required consultation with the NSW Rural Fire Service (RFS) on a recommended distance between the residual cane land and vegetative buffer within the subdivision if such a buffer is to be considered appropriate by the RFS. A further consideration could be greater lot attention at the interface boundary and a restricted building envelope.

- **22 May 2020** – A response was provided to the NSW DPI advising that consultation has been undertaken with the NSW RFS regarding a recommended distance between the residual cane land and vegetative buffer. In response the RFS have advised that there does not need to be any APZ between the cane and vegetation buffer, as the separation distance to achieve 29k/W will be to the built form.

It was also advised to the NSW DPI that lot attenuation and provision of building envelopes within the lots will be further investigated and implemented where appropriate, however this would occur at the detailed design stage of the subdivision for the Development Application following the rezoning process.

- **23 June 2020** – Tamara Prentice (NSW DPI) provided emailed confirmation that the NSW DPI is satisfied in relation to the bushfire attenuation matters.
- **9 July 2020** – Luke Fittock from NDC spoke with Tamara Prentice via telephone who advised that the NSW DPI is now satisfied as the only outstanding requirement of the RFS has now been resolved.

- **9 July 2020** – NDC e-mailed Craig Rideout from Richmond Valley Council to advise that we have received confirmation from Tamara Prentice (DPI - Manager of Land Use Planning) both via e-mail and verbally that the outstanding agricultural matters relating to the Planning Proposal have now been resolved.
- **9 July 2020** – RVC (Angela Jones) responded via email to advise that they look forward to receiving the amended Planning Proposal.

2. Planning Proposal

Part 1 Objectives and Intended Outcomes

The objective of the Gateway Planning Proposal is to change the town planning provisions applying to Lots 831, 832, 833 DP 847683 to rezone part of the land presently zoned RU1 – Primary Production to R5 – Large Lot Residential in accordance with the provisions of the Richmond Valley Local Environmental Plan 2012.

The Planning Proposal also seeks to amend the Richmond Valley Local Environmental Plan 2012 minimum lot size map to enable the creation of lots with a minimum lot size of 7,500m² within the area to be rezoned.

Intended Outcomes of the Planning Proposal

The aims of the Planning Proposal are outlined below:

1. To increase the rural residential lot yield by enabling a mix of lot size densities within the Western Sector of the Woodburn Catchment District (as identified within the Richmond River Rural Residential Development Strategy) of the Richmond Valley LGA;
2. To enable suitable land to be developed for rural residential housing through making efficient use of the land for rural residential purposes and land uses permissible within the R5 Large Lot Residential Zone;
3. To provide for the retention of agricultural farming activities within the residual land which will retain the current RU1 – Primary Production zone.

For the purpose of this Planning Proposal, a conceptual subdivision lot layout has been presented in **Plan 4 – Conceptual Subdivision Plan**.

Part 2 Explanation of Provisions

2.1 Proposed Changes to the Richmond Valley LEP 2012

The subject lands forming this Planning Proposal are currently zoned RU1 – Primary Production under the Richmond Valley Local Environmental Plan (RVLEP) 2012, and contains a minimum lot size requirement of 40 hectares.

The following amendments are required to the Richmond Valley LEP 2012 to enable the subdivision and development of the land for rural residential purposes.

- **Acid Sulphate Soils Map** – No change.
- **Wetlands Map, Riparian Land and Waterways Map** – No change.
- **Drinking Water Catchment Map** – No change.
- **Dwelling Opportunity Map** – Remove proposed R5 zoned land.
- **Heritage Map** – No change.
- **Height of Buildings Map** – No change.
- **Key Sites Map** – No change.
- **Land Application Map** – No change.
- **Land Reservation Acquisition Map** – No change.
- **Lot Size Map (Sheet LSZ-009 & LSZ-010)** – Application of a 7,500m² minimum lot size for the area of land proposed to be rezoned in accordance with NDC Plan 5.
- **Land Zoning Map (Sheet LZN-009 & LZN-010)** – Application of an R5 – Large Lot Residential Zone in accordance with NDC Plan 5.
- **Terrestrial Biodiversity Map** – No change.
- **Landslide Risk Map** – No change.
- **Schedule 1 Additional Permitted Uses** – No change.

Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The Richmond River Shire Council 'Rural Residential Development Strategy (March 1999)' identifies the subject lands within Figure 2.5b being a 'Detailed Plan of Suitable Rural Residential Land in the Western Sector of the Woodburn Catchment District' of which is reproduced below in **Plate 4**.

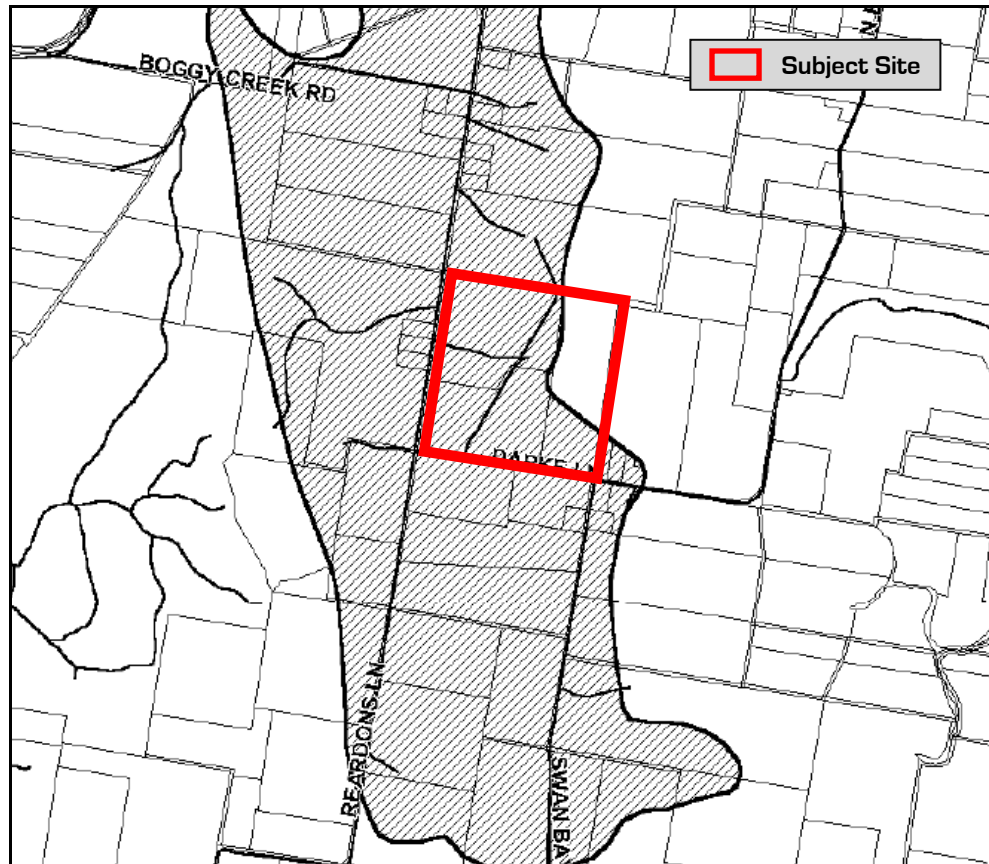


Plate 4: The subject land identified within the Richmond River Shire Council 'Rural Residential Development Strategy' (March 1999) (Source: Richmond River Shire Council Rural Residential Development Strategy (March 1999))

The Rural Residential Development Strategy is discussed further under Question 4 of this Planning Proposal.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. In order for a Development Application to be considered for the subdivision and development of the land for large lot (i.e. rural residential) purposes it is necessary to first amend the planning framework applying to the land – being those elements of the Richmond Valley Local Environmental Plan 2012 relating to land zoning and subdivision (minimum lot size).

Section B – Relationship to Strategic Planning Framework

3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including and exhibited draft plans or strategies)?

The North Coast Regional Plan 2036 has been prepared by the Department of Planning and Environment to manage expected growth in a sustainable manner. The Regional Plan applies to the Far North Coast and Mid North Coast of NSW (being an area which stretches from Port Macquarie in the south to Tweed Heads in the north). The Plan includes Richmond Valley Council and is therefore applicable to the current proposal.

The Regional Plan has a number of Directions of relevance and can be satisfied by the current Planning Proposal:

Direction 2: Enhance biodiversity coastal and aquatic habitats and water catchments

Actions:

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

2.2 Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.

Comment: The subject land is not mapped as containing areas of biodiversity on the NSW Government Biodiversity Values Map and Threshold Tool (accessed 3/2/21).

High Environmental Value land identified within the North Coast Regional Plan 2036 is located adjacent to the edge of Darke Lane being the southern border of the property. Future dwelling development within the lots will be clear of the HEV mapped land.

Direction 3: Manage Natural Hazards and Climate Change

Actions:

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

3.2 Review and update floodplain risk, bushfire and coastal management mapping to manage risk, particularly where urban growth is being investigated.

3.3 Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development.

Comment: The 1 in 100 year flood level for the site is 5.4 metres AHD as confirmed by Council which is illustrated on **NDC Plan 3 and NDC Plan 4**. All indicative house sites within the lots are located above the 1 in 100 year flood level.

As identified below under Question 8, current mapping obtained from Richmond Valley Council indicates that the south eastern and south western portions of the land are mapped as being bushfire prone. A bushfire assessment report prepared by Bushfire Certifies is contained within **Attachment 3**.

Direction 11: Protect and enhance productive agricultural lands

Actions:

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

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

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

11.4 Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.

11.5 Address sector-specific considerations for agricultural industries through local plans

Comment: The Planning Proposal does not propose to rezone State Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005.

As illustrated on **NDC Plan 4**, 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, & 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.

The estate has also been configured to preserve the areas of mapped Class 3 prime agricultural land within the RU1 zoned portion of land as shown on **NDC Plan 4**, with the exception of part of the cul-de-sac head extending adjacent to Lots 31 & 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.

Further discussion regarding the development footprint and the agricultural land can be found in Section 1.4 of this report which discusses the consultation that has been undertaken with the NSW DPI.

To address land use conflict and the proposed development, reference should be made to the LUCRA report prepared by Tim Fitzroy & Associates contained within **Attachment 4**. Recommendations with regard to vegetation buffers have been illustrated on **NDC Plan 4**.

Direction 18: Respect and protect the North Coast's Aboriginal Heritage

Actions:

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

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

18.3 Develop local heritage studies in consultation with the local Aboriginal community, and adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.

18.4 Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas, where culturally appropriate, to inform planning strategies and local plans to protect Aboriginal heritage.

Comment: Aboriginal Cultural Heritage has been addressed in Section C Question 8(d) of this Planning Proposal which demonstrates consistency with Actions 18.1 and 18.2.

We note that this is a revised Planning Proposal report that was initially lodged with Richmond Valley Council in 2015. Council correspondence issued to Newton Denny Chapelle dated 8 April 2016 provided that *"An updated cultural heritage assessment of the site is required, including an updated AHIMS search to satisfy the area is devoid of any Aboriginal or European artefacts etc. over the site and adjoining land. The attachment 2 refers to Bogal LALC Representatives accessing the site almost 10 years ago. It is acknowledged, however this is a lower priority for the submitted proposal – and may be updated and provided post gateway."*

In response to the AHIMS component above, revised AHIMS searches have been completed and are contained within **Attachment 5**. The searches indicate that no Aboriginal sites or places are located within 50 metres of the subject land. The previous Bogal LALC correspondence is also contained within **Attachment 5**.

Direction 24: Deliver well-planned rural residential housing areas

This direction states that “Rural residential development has the potential to conflict with valuable agricultural or environmental land, and it requires access to service and facilities. As such, it needs to be planned strategically.

The Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies (2007) can assist with planning for rural residential development and highlight the issues that need to be considered when identifying additional areas for rural residential housing through a local growth management strategy (or rural residential land release strategy). The guidelines will apply on an interim basis until new land release criteria are finalised.

New rural residential housing will not be permitted in the coastal strip, unless the land is already zoned for this purpose, or is identified in a Department endorsed current or future local growth management strategy (or rural residential land release strategy).”

Actions:

24.1 Facilitate the delivery of well-planned rural residential housing areas by:

- identifying new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment; and
- ensure that such proposals are consistent with the Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies (2007) or land release criteria (once finalised).

24.2 Enable sustainable use of the region’s sensitive coastal strip by ensuring new rural residential areas are located outside the coastal strip, unless already identified in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment.

Comment: Section 7 Settlement and Housing of the Far North Coast Strategy has been reviewed which consolidated and built on previous planning work, including the Northern Rivers Regional Strategy and local council settlement strategies.

Section 7 of the Far North Coast Regional Strategy (FNCRS) identifies that rural residential development will continue as a housing choice for people in the region. The document provides that for land in the non-coastal area, rural residential land release will occur in accordance with existing local rural residential strategies. In this regard and in accordance

with the Strategy, the subject site is identified within the Stage 1 release area of the Richmond River Shire Council Rural Residential Development Strategy 1999.

The proposal is also consistent with the FNCRS Chapter 7 'Settlement and Housing' Rural Residential development outcomes. To this end, rezoning the subject land in the manner proposed within this Planning Proposal will:

- generate a net community benefit in so far as contributing to both the State Government and Local Council housing targets set by the Far North Coast Regional Strategy, as well as contributing to the desired 60/40 target of single to medium density housing;
- enable residents to have access to Casino, Woodburn, and Evans Head which provide services and facilities including retail services, financial services, Council offices, recreational opportunities, educational and childcare services, health services, industrial services, and good transport infrastructure.
- create residual land outside of the rural residential footprint that will retain the cane farming activities;
- not adversely impact on agricultural land mapped as State, Regional, or Class 3 Prime Agricultural as addressed above under Direction 11.

The community benefit of the rezoning will be realised through the increased lot density and the associated provision of additional housing to service the future population needs of the Richmond Valley LGA. The suitability of the site in respect to land constraints identified in Section 1.3 Site Analysis, together with the conceptual lot layout presented in **NDC Plan 4** will enable a variety of housing designs to be adopted at the Development Application and construction stage.

It is considered that the planning proposal is consistent with the FNCRS Chapter 7 'Settlement and Housing' Rural Residential development actions in the following way:

- Future rural residential land will be released in accordance with the Richmond River Shire Council Rural Residential Development Strategy 1999;
- The proposed rural residential development is not located within a coastal zone defined by the Coastal Management SEPP 2018.

The proposal has also been reviewed against the *Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies* (2007) with the consistency of the proposal demonstrated as follows:

Land Release:

- The subject site is identified within the Stage 1 release area of the Richmond River Shire Council Rural Residential Development Strategy 1999.
- The proposal will assist in contributing to the desired 60/40 target of single to medium density housing.

Settlement Form and Hierarchy:

- The development is located close to the existing centres of Casino, Woodburn, and Evans Head that provide a large range of services.
- The subject site is located away from areas identified for urban expansion.
- The proposal strengthens, builds on and is clustered with the existing R5 Large Lot Residential Precinct already approved and established within the Reardons Lane.

Local Government Narrative – Richmond Valley

Comment: The Regional Plan identifies the following as a priority:

- *Deliver new housing in Rileys Hill, Evans Head, Woodburn and Casino.*
- *Enhance the variety of housing options available in Casino, Evans Head and Coraki and support the unique character of local towns and villages.*

The current proposal is consistent with this approach as it provides for the provision of additional opportunities for new rural residential style housing within the Reardons Lane locality, which is part of the Western Sector of the Woodburn Catchment District contained within the RRDS.

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Richmond River Council Rural Residential Development Strategy 1999

Yes. The Planning Proposal is consistent with the Richmond River Shire Council Rural Residential Development Strategy in the following way.

The Richmond River Shire Council Rural Residential Development Strategy 1999 (RRDS) identifies preferred lands that are suitable for rural residential housing which:

- (a) are physically capable of supporting rural housing, and*
- (b) are close to existing settlements which already have services and community facilities, or can otherwise be efficiently and economically serviced, and*

- (c) are physically suitable for septic effluent disposal, and*
- (d) are not required or likely to be required for future urban expansion of existing settlements, and*
- (e) do not comprise prime crop or pasture land, and*
- (f) are not subject to significant environmental hazards, and*
- (g) are not of significant value for the conservation of wildlife.*

The Western Sector of the Woodburn Catchment District contained within the RRDS identifies the subject land as being available rural residential land based on the required selection criteria for the identification of such land.

The Conclusion of Section 2.4.3i. of the RRDS provides the following commentary concerning the Western Sector of the Woodburn Catchment District relevant to this application.

Woodburn currently has a population of some 496 persons and therefore has a limited range in social infrastructure needs. Whilst Woodburn has a limited range in relation to social infrastructure, it does provide the fundamental social services essential to the establishment of a community. As the Village is largely central to both surrounding district centres and three regional centres, it has good access to a broad range of social facilities and services. It therefore considered that a Woodburn would be able to cope with an incremental development of identified rural residential lands.

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.

i. Allotment Supply and Take up Justification to Proceed with the Western Sector of Woodburn Catchment District

The Western Sector of the Woodburn Catchment District is a **Stage 1** release area within the Strategy as illustrated in Figure 6.2 of the RRDS and reproduced below in **Plate 5**.

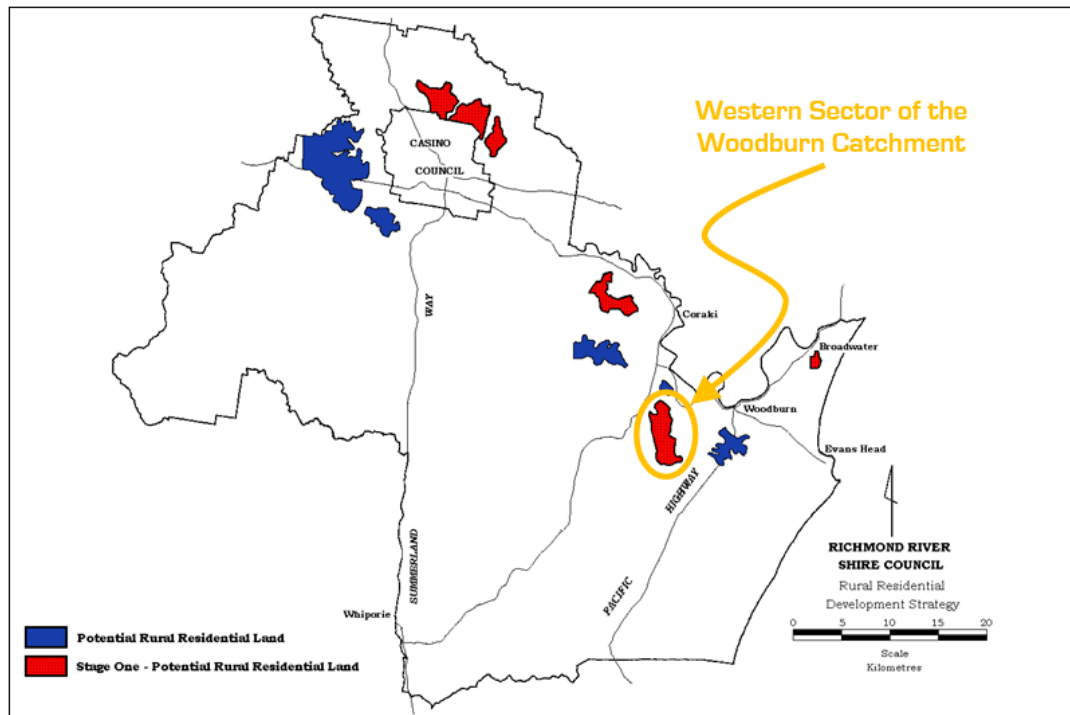


Plate 5 - RRDS Staging Plan

Source: Figure 6.2 of RRDS (March 1999)

Concerning supply and demand and take up rates, Section 3.3.2 of the RRDS provides the following commentary in respect to supporting the release of rural residential allotments within the subject catchment:

"Many parts of Woodburn are constrained by flooding and include prime horticultural and cane growing areas. Some rural residential lots can be purchased in the \$40,000 to \$50,000 range that has helped to increase the popularity of the area. The demand appears to be relatively strong which may reflect the lack of land availability closer to Evans Head. The demand for land includes one hectare and 1 – 10 hectare parcels.

Although there is good demand for rural residential lots there is little supply. It can therefore be assumed that latent demand is likely to be high in this area."

Section 3.4 of the Strategy further provides

"The supply of rural residential lots in the Woodburn catchment district is limited, however discussions with real estate agents indicate that real demand for such real estate is buoyant. The catchment analysis identified some potential development areas and it is recommended that development of such areas be encouraged to enable the supply of rural residential

development within reasonable distance from the coast. It is recommended that 20% of the total allowed lots (8 lots) be provided per annum. All these lots should be 1-10 hectares.

Note that the Department of Urban Affairs and Planning have placed restrictions on the release of land for residential or rural residential which would require accessing the Pacific Highway to reach the service centre (Woodburn) of the catchment. Until a decision is made by the Roads and Traffic Authority to re-route the Pacific Highway and by-pass Woodburn, commitment to such areas identified south of the village at this point in time would only have long term potential"

In response to the restrictions placed by the previously known DUAP, the proposed lots would access Woodburn-Coraki Road and in-turn River Street to access Woodburn and will not require accessing the Pacific Highway for such purposes.

The timing of this Planning Proposal is justified upon review of Section 6 (section 6.1.3iii) of the RRDS in respect to 'Site Specific Issues' which states that *"The area to the west of Woodburn, on Reardons Lane, has the potential to be developed immediately"*

It is considered that this Planning Proposal is consistent with the objectives of the RRDS.

ii. Richmond Valley Council Correspondence dated 8 April 2016

We note that this is a revised Planning Proposal report that was initially lodged with Richmond Valley Council in 2015. Council correspondence issued to Newton Denny Chapelle dated 8 April 2016 raised issue with the supply and demand aspect of the development as follows:

"The proposal is over lots which are contained within the Richmond River Rural Residential Strategy 1999 (RRRS 1999). Council's policy for acceptance of Planning Proposals for rezonings of Rural Residential nature must consider whether supply meets an appropriate demand. The (then) Department of Planning's endorsement of the Strategy was on the basis of having a maximum of a five (5) year supply available at any time. This equates to 18 lots demand per year or approximately 90 lots.

The Swan Bay Area has a number of rural residential development areas marketing lots for sale which presently satisfies demand beyond the required 5 year future demand. Council will accept and progress this Planning Proposal for Newman's Darke Lane property when demand has increased and supply has dwindled to under the 5 year supply."

In response to the above matter, NDC responded to RVC on 29 August 2016 which is contained within **Attachment 6** of this Planning Proposal. Based on Council's e-mail of 10 November 2016, the supply and demand matter has now been adequately addressed. Council's email response was as follows:

"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."

Richmond Valley Council Local Strategic Planning Statement (LSPS)

The LSPS outlines the Richmond Valley Local Government Area's (LGA) town planning priorities and strategic direction to address planning and development issues of importance to a vibrant and sustainable future. This LSPS gives effect to the North Coast Regional Plan 2036, by implementing the relevant directions and actions at a local level.

The LSPS identifies priorities for the Richmond Valley LGA, and short, medium and long-term actions to help deliver on these priorities and vision for the future.

In summary, 8 Planning Priorities are identified within the LSPS, with those relevant to the Planning Proposal addressed below:

Planning Priority 1 – Have Well Planned and Designed Space to Grow

The proposal is consistent with Directions 2.1, 3.1, 24.1, and 24.2 of the NCRP as submitted above, and therefore is consistent with Planning Priority 1.

Planning Priority 2 – Align Development, Growth and Infrastructure

The proposal is consistent with Directions 11.1, and 11.3 of the NCRP as submitted above, and therefore is consistent with Planning Priority 2.

Planning Priority 5 – Create Resilient Communities

The proposal is consistent with Direction 3.1 of the NCRP as submitted above, and therefore is consistent with Planning Priority 5.

Planning Priority 6 – Celebrate our Heritage

The proposal is consistent with Directions 18.1 and 18.2 of the NCRP as submitted above, and therefore is consistent with Planning Priority 6.

Planning Priority 7 – Protect Productive Agricultural Land & Significant Resources

The proposal is consistent with Directions 11.1, and 11.3 of the NCRP as submitted above, and therefore is consistent with Planning Priority 7.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

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 7**.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?

Comment: 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 8**.

Section C – Environmental, Social and Economic Impact

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

A draft flora and fauna assessment was prepared for the site by James Warren & Associates Pty Ltd (November 2008) which was based upon the initial preliminary subdivision and road layout. However an updated Biodiversity Assessment may be prepared and submitted if required as a Gateway Determination condition or alternatively at the Development Application stage.

The previous draft assessment that was completed involved the following components:

- Mapping and ground truthing vegetation units and determining their conservation status;
- Searching for and recording Threatened and Regionally significant plant species;
- Determining the suite of Threatened fauna that occurs in the locality;

- Assessing habitat provided by the site in relation to adjacent habitat and making an assessment of the corridor value of the site;
- Addressing statutory requirements including State Environmental Planning Policy No. 44 [SEPP 44 – Koala Habitat Protection], Section 5A of the Environmental Planning & Assessment Act (1979) and the Commonwealth EPBC Act (1999).

The study area within the assessment was defined as the subject site and any proximate areas that may be affected by the proposed development. For the purpose of the assessment the study area included surrounding sugar cane farms to the east, and adjoining forested land to the south, west, and north.

With respect to site survey, the report found that five vegetation communities were identified and eighty-five (85) plant species were recorded. However no Threatened species or Endangered Ecological Communities were identified. No Rare or Threatened Australian Plants (ROTAP – Briggs & Leigh 1995) or Significant (Sheringham & Westaway 1995) species were recorded.

The following key conclusions were reached within the draft report:

- No threatened flora species were identified.
- Fauna surveys recorded two (2) species of amphibian, six (6) reptile species, sixty-two (62) bird species and five (5) mammal species. One Threatened species was recorded, the Comb-crested jacana.
- The proposed rezone will result in minor impacts on native flora and fauna on the Subject site as most of the land to be utilised by the Proposed future development is on land that has already been cleared and is currently used for agriculture.
- A Section 5A assessment was completed for twenty (20) Threatened fauna species considered possible occurrences in the Study area over time. The assessment concluded that the impacts of the Proposed rezone and any future development of the site would be unlikely to result in the local extinction of any of these species. A Species Impact Statement is not required.
- A SEPP 44 assessment concluded that the site does not contain core Koala habitat. A Koala Plan of Management is not required.
- An assessment under the Commonwealth Environment Protection and Biodiversity Act (1999) concluded that the Proposed rezone and any future development of the site will not have a significant impact on any matters of National Environmental Significance. Commonwealth assessment of the proposal is therefore not required.

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

A range of environmental assessment reports have been completed for the Planning Proposal and form attachments to this report. Potential impacts are identified and discussed as follows:

a. Soils - Acid Sulfate Soils & Contamination

Acid Sulfate Soils

The subject lands are identified as containing a combination of Class 3 & 5 Acid Sulfate Soils on RVLEP 2012 Acid Sulfate Soils mapping as illustrated in the below **Plate 6**, and has been overlaid onto **NDC Plan 4** Conceptual Subdivision Plan.

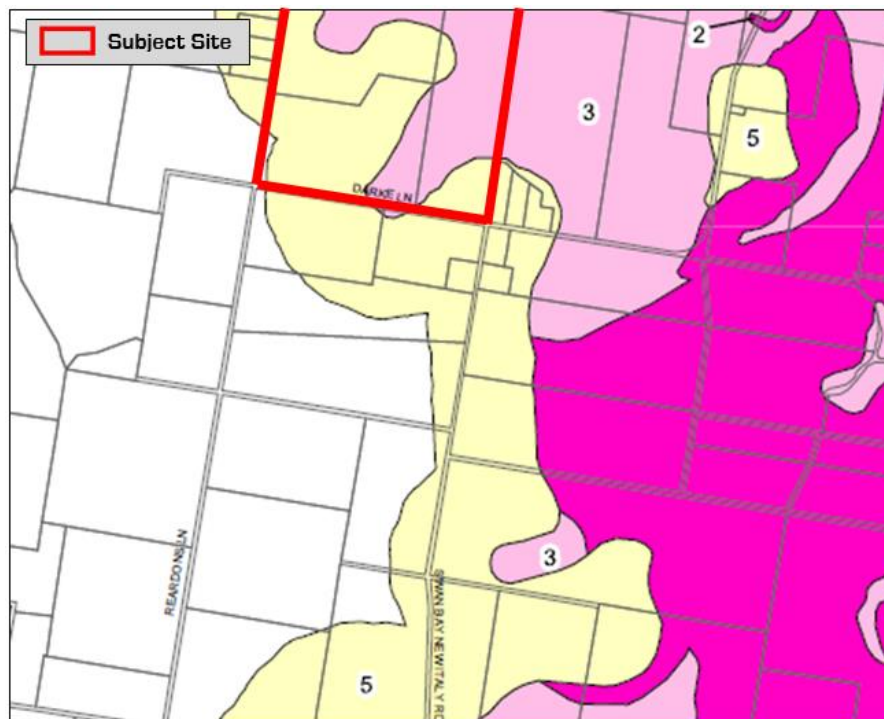


Plate 6: RVLEP 2012 Acid Sulfate Soils Mapping
(Source: RVLEP 2012)

Reference should be made to the Acid Sulfate Soil Assessment prepared by Tim Fitzroy & Associates as contained within **Attachment 9**. The assessment concludes the following:

"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 4/3 Lot Rural Residential Subdivision at the subject site."

Contamination

A preliminary site contamination report has been prepared by Tim Fitzroy & Associates and is contained within **Attachment 10**. The report concludes that *"Based on the outcomes of this PSI there is no impediment to approval of Planning Proposal for the proposed rezoning from RU1 Primary Production to R5 Large Lot Residential. Further investigation in accordance with the EPA sampling guidelines is required prior to the issue of a subdivision certificate for large lot residential use."*

b. Bushfire

Current mapping obtained from Richmond Valley Council indicates that the land is mapped as being bushfire prone [see **Plate 7**].

A bushfire assessment report has been completed by Bushfire Certifiers and is contained within **Attachment 3**.

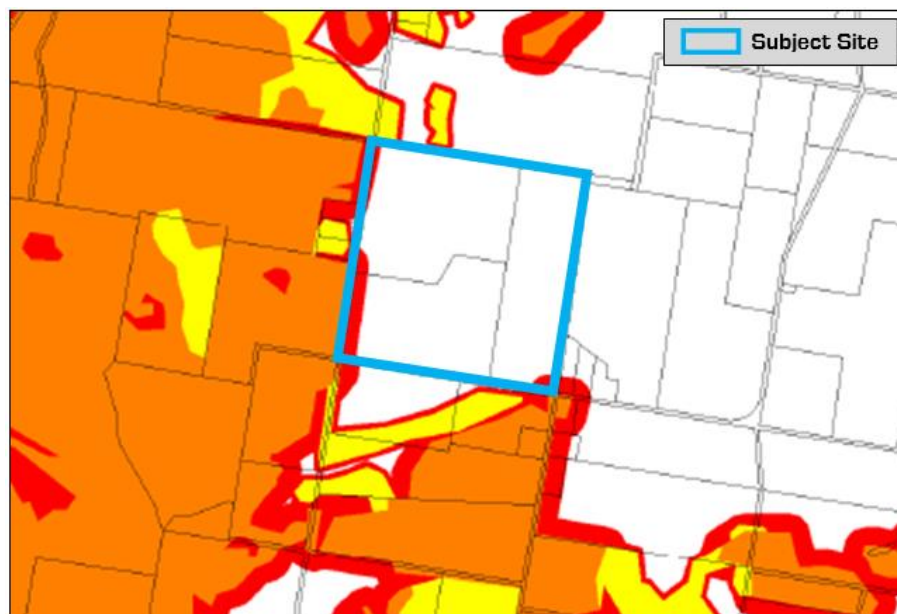


Plate 7: Richmond Valley Council Bushfire Mapping

[Source: Richmond Valley Council website]

c. Buffer Areas (Land Use Conflict)

The introduction of rural residential land uses within a rural area interface may contribute to the creation of conflicting land use issues.

To assess the potential of land use conflict from the proposed rural residential development with surrounding land uses, a Land Use Conflict Risk Assessment has been prepared by Tim Fitzroy & Associates and can be found within **Attachment 4**.

The LUCRA assessed the risk from the proposed development and buffers required to reduce the risk of future land use conflict impacts. The LUCRA concluded that the subject site was suitable for the proposed development subject to the recommendations provided within Section 5 of the report. Recommendations with regard to vegetation buffers have been illustrated on **NDC Plan 4**.

Moonimba Quarry (previously Robinsons Quarry) was approved by Richmond Valley Council under DA2015.0069 for an 'Extractive Industry to 90,000m³ per annum and Importation of Fill to 30,000m³ 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.

A review of the Noise Impact Assessment completed by Greg Alderson & 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.

d. Cultural Heritage

Previous Consultants working on the project (Harrison Shepherd Pty Ltd) engaged Bogal Local Aboriginal Land Council to be involved in an Aboriginal Heritage Assessment for the proposed rezoning. The correspondence from Bogal Aboriginal Land Council to Harrison Shepherd Pty Ltd is contained within **Attachment 5**.

The assessment concluded that due to disturbance caused from past and present land activities such as slashing, ploughing and cane farming, the area assessed didn't offer much hope of finding anything of cultural significance at ground level, and therefore Bogal LALC has no objections to the proposed rezoning.

A more recent search of AHIMS by NDC (**Attachment 5**) did not identify any Aboriginal sites or places within 50 metres of the subject lands.

The Richmond Valley LEP 2012 mapping does not identify the subject lands as containing a heritage item.

e. Soil Landscapes & Effluent Disposal

An on-site wastewater land capability assessment has been prepared by Tim Fitzroy & Associates which is contained within **Attachment 2** of this report and identifies the feasibility

of the subdivision being serviced with on-site wastewater for future dwellings. The report concludes the following:

Based on the site and soil assessment and in consideration of

- *Australian/New Zealand Standard 1547:2012;*
- *Richmond Valley Council's Onsite Sewage and Wastewater Management Strategy (2017);*
and
- *Environment & Health Protection Guidelines On-Site Sewage Management for Single Households (1998)*

it is our view that the proposed smaller allotments (7,500m² to 10,000m²) at the subject site has the capacity to effectively assimilate low tech secondary effluent generated from 3, 4 and 5 bedroom dwellings.

f. Landscape and Visual Value

The landscape and visual character of the locality is rural and rural residential. The predominant land uses comprise cattle grazing activities, sugar cane cropping, rural residential development, rural dwellings, forest vegetation, rural industry and a quarry.

Due to the fact that the area is identified as being potentially available rural residential land within the RRDS, the landscape and visual character of the Reardons Lane locality is being substantially transformed and developed for rural residential purposes. Farming land has been transformed and characterised by dwelling houses and associated domestic buildings/structures on rural residential lots with domestic type landscaping.

As provided earlier, the proposal strengthens, builds on and is clustered with the existing R5 Large Lot Residential Precinct already approved and established within the Reardons Lane locality.

The subject land is not considered to be highly sensitive or significant in the local visual context.

The size of the conceptual lots are such that there is substantial land available for site landscaping (including domestic gardens and planting of larger trees) in a similar manner to other rural residential estates within the LGA.

g. Stormwater Drainage and Water Quality

A stormwater management plan will be required to be submitted with the Development Application.

The SMP will identify the implementation of the stormwater management measures to achieve the stormwater and sensitive urban design objective of minimising impacts of development on the natural water cycle i.e. WSUD. Measures to be adopted will typically include:

- Installation of rainwater tanks;
- Provision of grass buffers to main gully flow paths;
- Swales in road reserves where grades permit;
- Utilisation of existing farm dam;
- Utilisation of water saving devices within dwellings;
- Implement erosion and sediment controls during construction.

h. Flooding

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 **NDC Plan 4**.

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 *'All habitable floor levels to be greater than or equal to the 100 year flood level plus 0.5m'*.

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.

i. Coastal Hazards

The proposed rural residential development is not located within a coastal zone defined by the Coastal Management SEPP 2018.

j. Agriculture

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 **NDC Plan 4**.

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:

- The Planning Proposal does not propose to rezone State Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005.
- As illustrated on **NDC Plan 4**, 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, & 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.
- The estate has also been configured to preserve the areas of mapped Class 3 prime agricultural land within the RU1 zoned portion of land as shown on NDC Plan 4, with the exception of part of the cul-de-sac head extending adjacent to Lots 31 & 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.

To address land use conflict and the proposed development, reference should be made to the LUCRA report prepared by Tim Fitzroy & Associates contained within **Attachment 4**. Recommendations with regard to vegetation buffers have been illustrated on **NDC Plan 4**.

An Agricultural Assessment was previously completed by John Allen & Associates with the most recent assessment dated 30/11/2017 contained within **Attachment 11** of this report. This assessment is included within this Planning Proposal for reference purposes, noting that further consultation has since been completed between NDC and the NSW DPI to resolve the concerns raised by the DPI.

k. Geotechnical Assessment

Geotechnical assessment can be completed post gateway if conditioned as part of the Gateway Determination, or alternatively at the development application stage. This assessment should be completed to confirm the suitability of the land for future residential development within the area proposed to be rezoned to R5 Large Lot Residential. The assessment will need to take into consideration the areas around the farm dam that have been subject to previous filling.

9. How has the Planning Proposal adequately addressed any social and economic effects?

The rezoning of the land for rural residential purposes will have positive social and economic effects, and in particular the development of the land for housing will assist in meeting regional dwelling targets identified within the FNCRS. The community benefit associated with the proposed development will be found in the provision of additional housing to service the future population needs of the Richmond Valley LGA.

The additional following social and economic benefits will be provided:

- **Creation of local employment opportunities through new jobs and multiplier effect on the local economy** – The construction of the subdivision and future dwelling houses will provide an increase in local employment opportunities that will have flow-through effects through tradespeople to suppliers and capacity for increased retail expenditure.
- **Increase in housing supply and choice** – The creation of additional lots will permit the construction of additional dwellings which may be either owner occupied or leased thereby contributing to the housing stock within the western sector of the Woodburn catchment.
- **Demand for community services in the locality** – It is envisaged that the future residential occupation of any lots created will increase the demand for services in the locality by virtue of the resultant increase in population. However, 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. Services are also discussed within Question 10 of this Planning Proposal report.

No social impacts are envisaged in regard to cultural heritage matters having regard to the information provided above within this Planning Proposal under Question 8 – d. Cultural Heritage.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the Planning Proposal?

a. Sewer

The subject site does not have connection to Council's reticulated sewer supply. As identified above, a wastewater feasibility assessment has been prepared by Tim Fitzroy & Associates which is contained within **Attachment 2** of this report which identifies the feasibility of the subdivision being serviced by on-site wastewater systems.

b. Water

Reticulated water services are not available in the locality. Under the circumstances, water storage tanks will be provided to each future dwelling house in order to harvest roof water as the primary means of providing a domestic potable water supply and also water for fire-fighting purposes.

c. Electricity Supply

Consultation will be required to be undertaken with the relevant authority to ensure power supply is adequate to meet the needs of the development at cost to the proponent.

d. Telecommunications

Consultation will be required to be undertaken with the relevant authority to ensure telecommunication capacity is adequate to meet the needs of the development at cost to the proponent.

e. Roads

The conceptual subdivision layout provided at **Plan 4** identifies road connections to Reardons Lane to service the lots. A traffic and access report may be prepared and submitted if required as a Gateway Determination condition or alternatively at the Development Application stage.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

To be completed following receipt of the Gateway Determination.

Part 4 Mapping

The following changes are proposed to the mapping within the Richmond Valley Local Environmental Plan 2012.

- i. **Lot Size Map (Sheet LSZ-009 & LSZ-010)** – Application of a 7,500m² minimum lot size for the area of land proposed to be rezoned in accordance with **NDC Plan 5**;
- ii. **Land Zoning Map (Sheet LZN-009 & LZN-010)** – Application of an R5 – Large Lot Residential Zone in accordance with NDC Plan 5.
- iii. **Dwelling Opportunity Map** – Remove proposed R5 zoned land.

This Planning Proposal includes a locality plan and aerial photo which clearly identifies the subject site.

Part 5 Consultation

The Gateway Determination specifies the community consultation that must be undertaken on the Planning Proposal. In this regard, the Planning Proposal must be made publicly available for a minimum of 14 days.

Part 6 Project Timeline

Plan Making Step	Estimated Completion
Council Resolution	TBC
Gateway Determination	TBC
Government Agency Consultation	TBC
Public Exhibition	TBC
Submissions Assessment	TBC
Council adopt Planning Proposal	TBC
Submission of Endorsed LEP to DPIE for finalisation	TBC
Anticipated date plan is made (if delegated)	TBC
Forwarding of LEP Amendment to DPIE for notification (if delegated)	TBC

REFERENCES

- A Guide to Preparing Planning Proposals: NSW Planning and Environment 2018.
- North Coast Regional Plan 2036.
- Richmond River Shire Council Rural Residential Development Strategy (March 1999).
- Richmond Valley Council Local Strategic Planning Statement