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# PLANNING PROPOSAL 25 - PP-2024-1209 BELLINGEN SHIRE COUNCIL

Version 4 – Public Exhibition Version To facilitate large lot residential development and environmental conservation Lot 148 DP 755557, South Arm Road, Urunga

> V1 - October 2022 V2 – April 2024 V3 – August 2024 V4 – January 2025

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	Document History and Version Control			
Version	Prepared by	Approved by	Date Approved	Brief Description
1.0	MH	DA	11 October 2022	Preliminary Planning Proposal
2.0	DA	DA	21 April 2024	Revised Document
3.0	MH, DA and amended by Daniel Bennett (BSC)	Bellingen Shire Council	16 August 2024	Incorporate Amendments as per Council Resolution 26/6/24 and as required by Gateway Determination 13/8/24
4.0	MH, DA and amended by Daniel Bennett (BSC)	Bellingen Shire Council	16 January 2025	Incorporate additional commentary in response to agency consultation

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\* See Separate Attachments

# 1. INTRODUCTION

#### 1.1 Planning Proposals

A planning proposal is a report explaining the intended effect of a request to either create a new Local Environmental Plan or to amend an existing one. It sets out the justification for making a proposed change by identifying and assessing the potential impacts arising and describing the strategic and site-specific planning outcomes. Essentially, the preparation of a planning proposal is the first step in making an amendment to the Bellingen Local Environmental Plan 2010 (BLEP). It is a document inclusive of supporting information that assists Council as the planning proposal authority to decide whether a change should proceed to be prepared and submitted to the Department of Planning and Environment for Gateway Determination.

#### 1.2 Executive Summary

Proposal	Map-only BLEP amendment to Land Zoning Map Sheet LZN_007B and Lot Size Map Sheet LSZ 007	
Proposal Category	Standard	
Property Details	Lot 148 DP 755557, South Arm Road, Urunga	
Current Land Use Zones	<ul> <li>RU1 Primary Production</li> <li>RU4 Primary Production Small Lots</li> <li>C2 Environmental Conservation</li> <li>C3 Environmental Management</li> <li>W2 Recreational Waterways</li> </ul>	
Proponent	Shane Wood	
Landowner(s)	Colin Mervyn Wood, Elaine Joy Wood and Shane Anthony Wood	
Location	See Image 3.1 Locality Map	

#### Table 1.1 Summary

Denis Atkinson has been engaged by the Landowners to prepare a planning proposal relating to Lot 148 DP 755557, 261 South Arm Road, Urunga (the land).

The land is located to the west of the settlement of Urunga and east of the Pacific Highway between South Arm Road and the Kalang River, some 2.4 kilometres from the Urunga central business district. Its 31.81-hectare area is under numerous land use zones, being Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots, Zone C2 Environmental Conservation, Zone C3 Environmental Management, and Zone W2 Recreational Waterways.

The proponent is ultimately seeking to subdivide the land to create seven (7) large lot residential allotments in line with Council's adopted *Growth Management Strategy*. To further this objective and Council's delivery of rural residential housing within the 'South Arm Road Investigation Area' of the *Growth Management Strategy*, a planning proposal is required.

Pre-lodgement advice from Bellingen Shire Council (Council) dated 28 January 2020 identified the breadth of professional reports to accompany the planning

proposal and confirmed the currency of the 2007 *Growth Management Strategy* (see Appendix H).

This planning proposal seeks to change the planning controls relating to the land to include Zone R5 Large Lot Residential along parts of its northwest extent as adjoining road and outside the ecologically sensitive wetland. In line with the new Zone, amended minimum subdivision lot sizes of 1 hectare and 200 hectares are proposed. The Planning Proposal is site-specific and has been prepared in accordance with the statutory requirements of the *Environmental Planning and Assessment Act 1979* (the Act) and the NSW Department of Planning and Environment's *Local Environmental Plan Making Guideline*, December 2021.

Planning Proposal 25 was supported for progression by Council at it's meeting of 26 June 2024 where it resolved as follows.

ltem	14.4
Subject	Planning Proposals 23 and 25 – Rezone land at 261 South Arm Road, Urunga, from RU4 (Primary Production Small Lots) to R5 (Large Lot Residential) and Reduce Minimum Lot Size to 1ha on land zoned R5
Presented by	Daniel Bennett, Senior Strategic Planner

# RESOLVED (Mayor Allan / Cr Cook)

That Council:

- 1. Resolves to withdraw Planning Proposal 23.
- 2. Resolves to amend the zone and lot size boundary as proposed to provide an orderly point of transition between the C2 Environmental Conservation Zone on the subject property, and the adjoining property to the north.
- Resolves, subject to the amendment described in Point 2, to request the issuing of a Gateway Determination from the New South Wales Department of Planning & Environment in respect of <u>Planning Proposal 25 - Rezone land at 261 South Arm Road, Urunga, from RU4</u> (Primary Production Small Lots) to R5 (Large Lot Residential) and Reduce Minimum Lot Size to1ha on land zoned R5.
- 4. Endorses the proposed engagement strategy for Planning Proposal 25 as documented within this report.

#### For Cr Allan, Cr Tree, Cr Brotherton, Cr Cook, Cr Glyde Against Cr King, Cr Fenton Motion has been carried

Planning Proposal 25 was subsequently referred to the NSW Department of Planning Housing & Infrastructure who issued Council with a Gateway Determination on 13 August 2024 to allow the proposal to proceed to the preexhibition agency consultation stage. Pre-exhibition agency consultation has been completed and this version of the Planning Proposal incorporates both a series of minor amendments that were required by the DPHI before commencing that process, in addition to commentary in response to matters raised by the various agencies consulted.

#### **1.3 Purpose of this Document**

This planning proposal seeks to change the planning controls relating to Lot 148 DP 755557, South Arm Road, Urunga, by amending the BLEP:

- Land Zoning Map Sheet LZN\_007B from part Zone RU4 Primary Production Small Lots to part Zone R5 Large Lot Residential; and
- Lot Size Map Sheet LSZ\_007 from 40 hectares to 1 hectare.

It aims to furnish both Council and the Department of Planning and Environment with the information necessary for the assessment of the planning proposal and for the Minister to make a Gateway Determination under section 3.34 of the Act. It explains the intended effects of the proposed amendment to the BLEP to facilitate the subdivision of the land for large lot residential purposes and sets out the strategic merit for making the proposed alterations by giving a proportionate assessment against the applicable planning framework.

#### 1.4 Source Material

This document has been prepared based on information referred to herein and/or appended to this report. Specialist advice and design input has been provided by the consultants listed in Table 1.2 below.

Consultant	Service	Appendix
Steve Russell Surveying	Concept Plans	С
Earth Water Consulting	Environmental Investigations	D
Everick Heritage	Aboriginal Cultural Heritage Assessment	E
BJM Environmental	Ecological Assessment	F
Holiday Coast Bushfire Solutions	Bushfire Strategic Study	G

#### Table 1.2 Specialist Technical Advice

## 2. BACKGROUND

#### 2.1 Growth Management Strategy 2006 – 2026

Council has adopted the GHD *Growth Management Strategy* (GMS), August 2007, to guide and inform its planning decisions up to 2026, inclusive of planning decisions for rural-residential land releases. The GMS recommends that part of the land be 'Maintained as Large Lot Residential' and part of the land 'be Backzoned to Environmental Protection'. It identifies the northwest extent of the land as an area proximate to existing rural residential development and suitable for that purpose, inclusive of subdivision to a one (1) hectare minimum subdivision lot size. This area is characterised as the 'South Arm Road Investigation Area'

and is recommended by the GMS to be the subject of a Local Environmental Study to ascertain the extent of the area to be developed.

The recommendations of the GMS inform this planning proposal.

#### 2.2 **Pre-lodgement Consultation**

Discussions with Council occurred in 2020, with Council emailing Denis Atkinson on 28 January 2020 to advise the applicable fees at the time and the breadth of professional reports to accompany the planning proposal (see Appendix H). It further confirmed, through liaison with the Department of Planning, Industry and Environment, that 'the enabling provisions of the 2007 [Growth Management] Strategy as they are relevant to this matter could continue to be acted upon'.

With part of the land gaining legal access via a Crown road reserve, Council requested that the proponent liaise with the Crown as part of the planning proposal process. To satisfy this Council requirement, comments from the Department of Planning and Environment (DPE) - Crown Lands were sought on 18 May 2022 and obtained on 15 June 2022:

DPE – Crown Lands would have no objection in-principle to a proposed re-zoning provided that the proposal doesn't impact upon the public right of access which exists in respect of the road. However the department's position would be that the ... road corridor itself must not be considered as part of any sub-division plans. Until such time as the road is closed and purchased, the status of the land as a Crown public road must continue to be reflected throughout any re-zoning and / or sub-division processes.

The department would welcome the opportunity to confirm it's position via a submission should the proposal be progressed to exhibition.

# 3. SITE CONTEXT

#### 3.1 Location

The land is located at 261 South Arm Road, Urunga, approximately 5.9 kilometres by road from the Urunga central business district, in the local government area of Bellingen Shire Council. Situated on the eastern seaboard side of the Pacific Highway and to the west of the settlement of Urunga and Newry Island, the land is bound by the Kalang River in the east and South Arm Road in the west (see Image 3.1). Access to the land from the north is obtained via Short Cut Road and South Arm Road respectively.

#### Image 3.1 Locality Map



Source: Six Maps 2022

#### 3.2 Site Description

The subject freehold land is described as Lot 148 DP 755557 with an area of 31.81 hectares. The land is irregularly shaped and in two (2) parts, with one part having a 40m frontage to South Arm Road and the other a 486m frontage to South Arm Road. The two (2) parts are separated by an unformed Council road which traverses the length of the land in the southwest. An unformed Crown road fronts the land in the north and the Kalang River forms the eastern property boundary.

The land is developed with an open shed on its southern ridge line and property fencing. Essential Energy's electrical network traverses the land in the east by way of 11kV overhead conductors with substation. There are no Council water or sewer services in the vicinity of the land, with water reticulation mains terminating almost one (1) kilometre to the northeast at the intersection of South Arm Road and Riverside Drive, and the nearest sewerage network being situated on Newry Island.

Vehicular access to the land is afforded by an unsealed gravel driveway off South Arm Road in the west which traverses Lot 139 DP 755557 via a right of carriageway and extends through to the shed in the east. South Arm Road itself is developed with a bitumen formation for the full frontage of the land with bitumen connectivity extending to Urunga and beyond.

The land drains from South Arm Road at around 29m AHD to the south and southeast via intermittent drainage lines mapped as Strahler order 1 and 2 watercourses to a central wetland at around 3m AHD. A ridge south thereof divides the wetland and Kalang River and rises to South Arm Road in the northwest. The land drains from this ridgeline to both the Kalang River in the south at around 1m AHD and the internal drainage and wetland ecosystem.

The land is partially cleared and managed as pasture grasses and contains woodlots and paddock trees dominated by Tallowwood and Blackbutt species and, bordering the Kalang River, Pink Bloodwood. The density of vegetation on the land increases in the gullies and in the wetland ecosystem which is likely the Endangered Ecological Community *Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and SE Corner Bioregions.* 

The vegetation is underlain by the Pine Creek soil landscape over the hills and slopes and the Charlmont soil landscape over the lower lying wetland and flood basin. The Raleigh soil landscape occurs in the south of the land adjoining the River channel.

#### Image 3.2 Aerial Photography



Source: Coffs Harbour City Council 2022

#### 3.3 Surrounding Development

Adjoining development is characterised by the extensive grazing of cattle, with paddocks of open pasture interspersed by wetland and regrowth vegetation to the

north and south. Rural residential type allotments are situated further afield to both the west and northeast of the land.

3.4 Planning Controls

Lot 148 DP 755557, South Arm Road, Urunga (the land), is a split zoned allotment containing the following suite of land use zones:

- Zone RU1 Primary Production;
- Zone RU4 Primary Production Small Lots;
- Zone C2 Environmental Conservation;
- Zone C3 Environmental Management; and
- Zone W2 Recreational Waterways.

These zones are applied under the BLEP and are distributed in accordance with Image 3.3.

Image 3.3 Land Zoning



Source: BLEP 2010 Excerpt from Land Zoning Map Sheet LZN\_007B

The land is subject to two (2) minimum subdivision lot sizes as shown on the BLEP Lot Size Map, being 40 hectares for that part of the land that is Zone RU4 Primary Production Small Lots and 200 hectares thereafter (see Image 3.4). Part 4 *Principle Development Standards* of the BLEP binds the size of lots resulting from the subdivision of the land to these development standards, excluding:

- boundary changes;
- community title schemes and strata subdivisions in Zone C2 Environmental Conservation and Zone W2 Recreational Waterways; and
- strata subdivisions for any purpose other than residential or tourist and visitor accommodation.

Image 3.4 Lot Size Map



Source: BLEP 2010 Excerpt from Lot Size Map Sheet LSZ\_007

### 4. CONCEPT DESIGN

#### 4.1 Concept Subdivision

The intended future development of the land is a subdivision to achieve seven (7) large lot residential allotments, each with frontage to South Arm Road (see Appendix C and Image 4.1). Proposed lot 7 will contain the existing shed, access track and powerlines and incorporates the wetland plus the full frontage of the land to the Kalang River. Each resulting lot is proposed to contain a dwelling entitlement by virtue of the Zone or minimum subdivision lot size.



Image 4.1 Proposed Subdivision Layout

Source: Steve Russell Surveying

This planning proposal does not incorporate the making of a development application under section 3.39 of the Act. Accordingly, development consent is not sought herein for subdivision. Rather, the preliminary subdivision design details as prepared by Steve Russell Surveying are provided to assist in enunciating the suitability the site for the proposed land use. While final design details are subject to a future development application, the concept plans show a general intent to develop:

- Lot 1 with an area of 1.4 hectares and frontage to the Crown road;
- Lot 2 with an area of 9,000m<sup>2</sup> and frontage to South Arm Road;
- Lot 3 with an area of 1 hectare and frontage to South Arm Road;
- Lot 4 with an area of 1.1 hectares and frontage to South Arm Road;
- Lot 5 with an area of 1.4 hectares and frontage to South Arm Road;
- Lot 6 with an area of 1 hectare and frontage to South Arm Road;
- Lot 7 with an area of approximately 1.5 hectares within proposed zone R5 and the residue lands of approximately 23.5 hectares providing an overall lot size of 25 hectares and frontage to South Arm Road.

A potential boundary change with the adjoining Lot 2 DP 1232259 to acquire the triangular portion of that land as bound by South Arm Road in the northwest, Crown road in the northeast and the land in the south will further impact designs should it and the planning proposal be realised.

#### 5. PLANNING PROPOSAL

#### 5.1 Requirement for a Planning Proposal

The land is identified in the GMS as being suitable for rural residential development and subdivision to a one (1) hectare minimum subdivision lot size along its frontage to South Arm Road. This cannot be achieved under the current provisions of the BLEP due to extant zone and subdivision controls.

The land is under multiple zones addressing rural, conservation and waterways land. In each zone, the BLEP Land Use Table specifies what development may be undertaken without development consent, what development may only proceed with development consent and what development is prohibited.

For the purposes of residential accommodation, Zone C3 Environmental Management permits dwelling houses with consent, and both Zone RU1 Primary Production and Zone RU4 Primary Production Small Lots permit dual occupancies (attached), dwelling houses and secondary dwellings with consent. The development of a dwelling house in these zones is further controlled by clause 4.2A of the BLEP which requires the land to benefit from the colloquial 'dwelling entitlement'.

Residential accommodation is prohibited in Zone C2 Environmental Conservation and Zone W2 Recreational Waterways

With a dwelling entitlement, residential development on the land cannot exceed two (2) dwellings, being either a dwelling house and secondary dwelling or a dual occupancy (detached). This potential does not realise rural residential development at one (1) hectare densities as envisioned by the GMS.

The minimum subdivision lot size assigned to the land under the Lot Size Map is 40 hectares for Zone RU4 Primary Production Small Lots and 200 hectares thereafter. The land, with an area of 31.81 hectares, cannot therefore be subdivided to create an additional allotment as per the Lot Size Map and clauses 4.1, 4.1AA and 4.2B of the BLEP. Accordingly, subdivision to create one (1) hectare allotments as envisioned by the GMS cannot be realised under the current BLEP provisions.

Because of the planning controls identified above, it is necessary to amend the BLEP to enable part of the land to be developed for rural residential purposes including one (1) hectare allotments.

This planning proposal has been prepared to advance the intent of the GMS with respect to the 'South Arm Road Investigation Area' as it applies to the land.

#### 5.2 Planning Proposal Category

In accordance with the NSW Government's *Local Environmental Plan Making Guideline*, December 2021 (the Guideline), the planning proposal is to be categorised by Council into one (1) of four (4) categories when submitted to the Department for Gateway determination. Based on the strategic consistency and complexity of the planning proposal, it is relevantly categorised as a 'standard' planning proposal for this administrative purpose (see Image 5.1).

#### Image 5.1Planning Proposal Category

A standard planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:

- To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that
  proposed zone
- That relates to altering the principal development standards of the LEP
- That relates to the addition of a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP
- That is consistent with an endorsed District/Regional Strategic Plan and/or LSPS
- Relating to classification or reclassification of public land through the LEP

#### 5.3 The Act

Standard

Section 3.33 of the Act applies to planning proposals and establishes that an explanation of and justification for the proposed Local Environmental Plan or amendments thereto is to be firstly prepared:

- (1) Before an environmental planning instrument is made under this Division, the planning proposal authority is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the **planning proposal**).
- (2) The planning proposal is to include the following—
  - (a) a statement of the objectives or intended outcomes of the proposed instrument,
  - (b) an explanation of the provisions that are to be included in the proposed instrument,
  - (c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),
  - (d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the

maps containing sufficient detail to indicate the substantive effect of the proposed instrument,

- (e) details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.
- (3) The Planning Secretary may issue requirements with respect to the preparation of a planning proposal.

Subsequent components of this planning proposal address the abovementioned criteria in the format established by the NSW Department of Planning and Environment in its *Local Environmental Plan Making Guideline*, December 2021.

#### 6. OBJECTIVES AND INTENDED OUTCOMES

#### 6.1 Objectives of the Planning Proposal

The objective of this planning proposal is to enable part of the land, Lot 148 DP 755557, South Arm Road, Urunga, to be developed for large lot residential purposes.

#### 6.2 Intent of the Planning Proposal

The intended outcomes of the planning proposal are to:

- validate the land's identified strategic role;
- facilitate the delivery of residential housing in a rural setting while preserving, and minimising impacts on, the environmentally sensitive wetland and Kalang River;
- assist in the provision of housing in a Shire where 'considerable demand exists, and lack of housing supply is checking growth' (*Bellingen Shire Local Housing Strategy 2020-2040*); and
- permit the subdivision of the land for freehold large lot residential purposes as an extension of existing rural residential type development in the area.

#### 7. EXPLANATION OF PROVISIONS

#### 7.1 Means of Delivery

The objective and intended outcome of this planning proposal will be achieved by amending the BLEP mapping associated with the land as follows:

- a. modify Land Zoning Map Sheet LZN\_007B from part Zone RU4 Primary Production Small Lots to part Zone R5 Large Lot Residential; and
- b. modify Lot Size Map Sheet LSZ\_007 from 40 hectares to 1 hectare and retain the existing 200 hectare lot size.

Amendments to the maps under this planning proposal are documented in the following series of images, showing both existing & proposed zoning boundaries, and existing and proposed lot size categories.





## 8. JUSTIFICATION

## 8.1 Introduction

This section provides a detailed assessment of the proposal's strategic and sitespecific merit to determine whether the planning proposal should be supported. It integrates findings from supporting studies and investigations and provides justification for the proposed amendments to the BLEP, inclusive of considering the interaction between the findings and whether the proposal will align with the strategic planning framework and have any environmental, social, or economic impacts.

#### 8.2 Strategic Merit

The proposal is aligned with the NSW strategic planning framework as demonstrated in the Table below.

#### Table 8.1Matters for Consideration

	Question	Considerations		
SE	SECTION A – Need for the planning proposal			
1	Is the planning proposal a result of an endorsed LSPS, strategic study or report?	The land is included in the GMS under its Chapter 8 Rural-Residential Land Release Strategy as being 'suitable for some additional rural residential development' subject to a Local Environmental Study to ascertain the extent of the area to be developed.		
2	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The planning proposal is the best means of achieving the intended outcomes. It is limited to alterations to two (2) BLEP maps, with each alteration neither introducing a new Zone to the environmental planning instrument or a new minimum subdivision lot size. This approach is consistent with the GMS and the <i>North Coast Regional Plan 2041</i> and ensures a consistent and clear connection between the strategic intent for the land and the BLEP's land use and subdivision controls. By adopting a known and transparent planning formula to achieve the outcome, the planning proposal avoids complications attributable to amending other planning controls or instruments while delivering site-specific and discrete change with clear outcomes and assessed impacts.		
SE	CTION B – Relationshi	not offer 'a better way' in the planning climate. p to the strategic planning framework		
3	Will the planning	The applicable regional plan is the <i>North Coast Regional Plan 2041</i> (Regional Plan).		
	proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft	The Regional Plan provides an overarching framework to guide planning priorities, future land use plans, development proposals and infrastructure funding decisions at the local level. It encompasses a vision, goals and objectives that aim to deliver a future of increased prosperity for residents and visitors of the region. The Regional Plan sets three (3) goals which concern the environment, economy,		
	plans or strategies)?	communities, and housing/lifestyle. Various principles and objectives seek to inform and deliver these goals and the consistency of the planning proposal with these is discussed below. <b>Goal 1 – Liveable, sustainable and resilient</b>		

Goal 1 of the Regional Plan sets out objectives to achieve liveable, sustainable, and resilient development on the North Coast. The objectives of this goal identifies 10 objectives relating to the siting of development to not only meet demand but also to protect areas of high environmental value, areas of Aboriginal culture, improve resilience to natural hazards and climate change along with managing agricultural land, water resources and our natural resources.

Figure 13 of the Reginal Plan shows the land in question to be within the coastal strip. The planning proposal maps sites of potentially high environmental value on the land and limits new rural residential development to appropriate locations which align with the GMS and are contiguous with planned rural residential development along South Arm Road. In this regard, the planning proposal is consistent with the Regional Plan.

The revised BJM Environmental Ecological Assessment addresses the protection of areas of high environmental value and the enhancement of these areas.

#### Image 8.1 Growth Area Map



#### Source: Regional Plan

To ensure that the planning proposal gives effect to Objective 4, Everick Heritage has undertaken an *Aboriginal Cultural Heritage Assessment* for the planning proposal (see Appendix E). The methodology used in the Assessment conforms to legislative requirements and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* and includes both consultation with the Coffs Harbour and District Local Aboriginal Land Council and archaeological survey with its representatives.

The Assessment identifies that there are no Aboriginal sites or sites of cultural significance, including archaeological sites, known to occur on the land, and that there is not a high potential for the land to contain Aboriginal sites. Accordingly:

The assessment has concluded that the proposed rezoning of the Project Area is unlikely to impact on Aboriginal objects and will not impact on any known places or sites of cultural significance to the Aboriginal community. As such additional consultation and archaeological investigation is not required.

The planning proposal is sited to ensure that impacts to Aboriginal cultural heritage are minimised in line with Action 18.2 of the Regional Plan.

Appropriate heritage management regimes identified in the Aboriginal Cultural Heritage Assessment involve finds protocols, inclusive of the recommended



b. the Zone R5 Large Lot Residential being sited principally above the 8.5m and 8.6m AHD probable maximum flood extent and rising to South Arm Road.

Although the potential building sites are above the PMF level, South Arm Road itself is subject to temporary inundation during major flood events. This proposal will not facilitate development within the floodplain area. The proposal also complies with it having access to a "community of support" as required by Council. We also note the adjoining properties planning proposal identified a flood free access to the Pacific Highway Corridor from South Arm Road on publicly owned land that could possibly be utilised in an emergency situation. Although Transport for NSW have not formally endorsed this scenario at this stage, it is considered highly unlikely that use in an emergency situation by emergency services organisations would be restricted by the landowners. An additional suite of measures to respond in a proportionate manner to the risk of isolation are discussed further in this planning proposal.





**Source:** Bellingen Shire Council online mapping portal

c. Climate Change – The subject area for rezoning to R5 is not impacted by coastal hazards and is not within the floodplain.

The planning proposal has no adverse impact on the productivity of agricultural land, nor does it impact on the management and conservation of water resources.

The suitability of the land was considered in the GMS under the "South Arm Road Investigation Area". The land does not adjoin State Forest or identified mineral resource areas.

#### Goal 2 – Productive and Connected.

Goal 2 of the Regional Plan relates to a productive and connected locality. This planning proposal in itself, does not have the ability in relation to the stated Objectives to achieve them but the proposal is not inconsistent with them.

Goal 3 – Growth, Change and Opportunity

Goal 3 of the Regional Plan relates to the growth of the North Coast as a vibrant and diverse region needing to accommodate and service its growing population. The subject land was identified in Council's GMS as part of the "South Arm Road Investigation Area" and as such this planning proposal reflects the aims and strategies of the GMS.

Clause 8.5 of the GMS provides that an additional 300 lots of rural-residential land will be required around Urunga over the 20-year life of the Strategy (i.e., through to 2026) to accommodate future demand and that a maximum of only 50% of those lots could be realised due to various constraints. To address this shortfall, the GMS goes on to identify areas 'likely to accommodate the majority of the future rural-residential development within the Shire', including the 'South Arm Road Investigation Area (LR5)' (see Image 8.7).

#### Image 8.4 South Arm Road Investigation Area (LR5)



#### Source: GMS

The planning proposal aims to rezone 8.3 hectares of the land to Zone R5 Large Lot Residential with a one (1) hectare minimum subdivision lot size. Environmental assessments and draft subdivision designs indicate that this can yield seven (7) additional allotments. This is consistent with the expected lot yield of between 20 and 35 lots for the South Arm Road Investigation Area as forecast by the GMS and is line with the housing needs pursuant to the Regional Plan.

The Regional Plan aims to increase housing diversity and choice and provides that:

The strategic direction established through local growth management strategies will then be implemented through local planning controls to provide housing choice and diversity, and liveable homes that are responsive to the changing needs of occupants.

		This planning proposal fundamentally intends to implement the strategic direction established for the land by the GMS through the local planning controls, specifically the BLEP. A one (1) hectare minimum subdivision lot size as proposed and nominated by the GMS can provide for more homes that, when coupled with Council's planning controls (notably Chapter 13 of the <i>Bellingen Shire Development Control Plan 2013</i> ), are responsive to the changing needs of occupants.
		The land that is proposed to be Zone R5 Large Lot Residential is identified in the GMS, the purpose of which being:
		To provide an integrated framework for Council decisions relating to planning and services for the future development of the Bellingen Shire up to 2026.
		To provide a mechanism for community input into the vision of the future urban development for the Bellingen Shire and communicate to the local community the outline of expected future urban development in the Shire and how this development will occur up to 2026.
		To analyse the supply and demand for land for residential, rural-residential and associated urban purposes.
		To satisfy State Government requirements for residential and rural-residential land release strategies prior to any significant land releases.
		A comparison of the GMS as relevant to the land and the <i>Settlement Planning Guidelines</i> provides that there is broad consistency in the narratives of the two (2) documents.
		It is concluded that the planning proposal is consistent with the Regional Plan and can give effect to a range of key objectives and actions contained therein.
4	Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another	On 26 August 2020 Council adopted the <i>Bellingen Shire Local Strategic Planning Statement 2020-2040</i> (LSPS), being a document that outlines its strategic planning priorities over a 20-year horizon. These priorities are in the form of actions that Council is committed to undertake in the immediate and short terms and as ongoing projects.
	endorsed local strategy or strategic plan?	The LSPS identifies no increase in population by 2040 but seeks to alter this projection through the provision of additional housing to accommodate decreasing household size; address housing supply issues; and deliver its <i>Bellingen Shire Local Housing Strategy 2020-2040</i> . Amongst other matters, it sets an action to develop a Rural Lands Strategy as required to replace the GMS come 2026.
		With respect to the GMS, the LSPS provides that:
		Much of the predicted growth that was expected to result from new greenfield development has not occurred, however rural residential development has continued particularly around Bellingen.
		There is evidently strong demand for rural residential development in the Shire, likely fostered by the sentiment that residents 'derive their connection to place from the environment'. Notably, a connection of environment and home is invariably offered by the large lot context; a type of development that comprised 'an average of 46% of the total housing approved in the Bellingen Shire in the ten (10) years preceding the GMS.

The planning proposal is a proponent funded application to amend the BLEP and there is no inconsistency between it and the themes and planning priorities contained within the LSPS, particularly the clear intent of Council to provide additional housing to foster population growth.

Another local strategy is the GMS, on which this planning proposal is founded. Endorsed by Council in August 2007, the GMS is to guide and inform its planning decisions up to 2026, inclusive of planning decisions for rural-residential land releases. The GMS is predicated on a growth management philosophy and planning strategies that are 'dedicated to providing environmentally, socially, and economically sustainable development and prosperity for the Shire whilst maintaining the existing character of the Shire's settlements'. This includes providing 'for new rural residential development only where appropriate services can be provided and where environmental impacts can be minimised'.

Clause 4.3.2 of the GMS provides that an additional 300 lots of rural-residential land will be required around Urunga over the 20-year life of the Strategy to accommodate future demand and that a maximum of only 50% of these could be realised under the planning controls due to environmental constraints attributable to native vegetation, bushfire and flood hazards, and acid sulphate soils (additional environmental constraints identified at Table 6-4 of the GMS are wetlands and proximity to the Kalang River).

To provide for this 'legitimate form of development that must be catered for in local government areas' experiencing or desiring growth, the GMS nominates investigation areas considered strategically suitable for rural residential development, subject to a Local Environmental Study to ascertain the extent of the area to be developed. These areas include the 'South Arm Road Investigation Area', of which the subject land is a part (see Image 8.7 above).

The 'South Arm Road Investigation Area' is nominated in the GMS due to adherence to specific identification and location criteria which give preference to the northwest part of the land because it:

- is physically capable of supporting rural residential housing;
- is close to the settlement of Urunga, thereby ensuring 'appropriate access to services and facilities';
- is unlikely to be required for future urban expansion of existing settlements;
- does not comprise prime crop and pasture land;
- is not subject to significant environmental hazard;
- is not of significant conservation value;
- lies adjacent to existing rural residential development; and
- contains some cleared land.

Clause 6.6.2 of the GMS seeks to establish a cost recovery program for providing services and facilities to new rural residential development and solely references developer contributions to achieve this. Council has since adopted the *Bellingen Shire Council s7.12 Contributions Plan 2021* which levies developer contributions as a percentage of the cost of development and would apply to any subdivision of the land and subsequent development requiring approval (excepting secondary

dwellings). The relevant program to progress the planning proposal is therefore in place.

Clause 8.3 of the GMS concerns minimum lot size and proposes 'to adopt a 1ha minimum lot size over land deemed appropriate for rural-residential development' on the basis that it is 'an appropriate size for adequate separation of dwellings and for the disposal of effluent'. The planning proposal is consistent with this minimum subdivision lot size and is supported by Earth Water Consulting's *Environmental Investigations – Lot 148 DP755557 South Arm Road, Urunga*, which 'consider that there is the opportunity for the sustainable application of wastewater following subdivision of the existing properties into smaller lots' (see Appendix D).

The planning proposal aligns with the geographical extent of the 'South Arm Road Investigation Area' as it applies to the land and is supported by the relevant local environmental assessments as required by the GMS (see Table 1.2 and Appendices). The environmental assessments validate the extent of the investigation area's footprint that is suitable for development under both the provisions of Zone R5 Large Lot Residential and a one (1) hectare minimum subdivision lot size. Consequently, it is concluded that the planning proposal is consistent with the Council's GMS.

The *Bellingen Shire Community Vision 2035* is based on five (5) key themes: Resilient Economy; Community Wellbeing; Places for People; Our Living Environment; and Civic Leadership. Each theme has a statement of aspiration which is to be furthered by a series of strategic objectives and performance measures to assist in achieving those objectives. The planning proposal is generally consistent with the following relevant objectives and strategies within the plan:

Theme	Objective	Performance Measure
Resilient Economy	1.1 Create a supportive environment for business to invest and grow	<ul> <li>The proportion of people that live and work within the Shire is increasing</li> </ul>
Community Wellbeing	2.1 Actively engage with and include the perspectives and knowledge of our Gumbaynggirr community	
Places for People	2.1 Manage local planning to encourage and support affordable and diverse housing options	
Our Living Environment	1.1 Protect water catchments to sustain high quality and dependable water supplies across the region	
	3.1 Protect and enhance bushland biodiversity and identify and mitigate threats with guidance of the custodial people	
	3.4 Optimise land use to meet the social, environmental and economic needs of the Shire	
Civic Leadership	1.2 Influence decisions that impact our region	
	2.1 Facilitate inclusive community consultation and stakeholder engagement	

5	Is the planning proposal consistent with any other applicable State and regional studies or strategies? Is the planning	The State has developed the NSW coastal Design Guidelines 2023 to provide a framework for a thriving and resilient coast. This updated version includes planning proposals in the coastal zone. (Chapter 3) to ensure the NSW coastline is protected and remains a spectacular natural resource and a place of cultural significance. A review of the consistency of this planning proposal with the NSW Coastal Design Guidelines 2023 is given in Appendix <b>B</b> .	
0	proposal consistent with applicable SEPPs?	Planning Policies as detailed in Appendix <b>A</b> .	
7	Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	The Planning Proposal is consistent with the applicable section 9.1 Ministerial Directions as detailed in Appendix <b>B</b> .	
SE	CTION C – Environmer	ntal, social and economic impact	
8	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	<ul> <li>The planning proposal is accompanied by an updated <i>Ecological Assessment</i> and updated <i>Environmental Investigations – Lot 148 DP755557 South Arm Road, Urunga</i> as prepared by BJM Environmental and Earth Water Consulting respectively (see Appendices D and F). These reports evaluate the: <ul> <li>likelihood of critical habitat or threatened species, populations or ecological communities, or their habitats, occurring on the land;</li> <li>risk of acid sulfate soils being present; and</li> <li>suitability of a one (1) hectare minimum subdivision lot size for the sustainable disposal of effluent by land application.</li> </ul> </li> </ul>	
		The <i>Ecological Assessment</i> did not identify any threatened flora or fauna species at the subject site but considered the wetland to be potentially classified as the Endangered Ecological Community <i>Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and SE Corner Bioregions</i> .	
		The wetland is mapped under both <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and the Biodiversity Values Map (see Images 8.5 and 8.6). The distribution of each is identical and marginally different from the Zone C2 Environmental Conservation and totally outside the proposed Zone R5 Large Lot Residential (see Image 7.1). Any works or new rights to undertake works that are conferred by subdivision within the Biodiversity Values Map wetland polygon require assessment under the provisions of the Biodiversity Offsets Scheme. This has been considered in the planning proposal, with the boundary of Zone R5 Large Lot Residential offset from the Biodiversity Values Map to accommodate outside the mapped value the six (6) metre lineal boundary clearing right/imperative bestowed by section 76 (1) of the <i>Rural Fires Act 1993</i> :	
		An adjoining owner who has cleared land on the adjoining owner's side of a dividing fence of all combustible matter for a distance of 6 metres from the fence may, by notice in writing, require the adjoining owner on the other side of the fence to repair or restore the dividing fence if it is damaged or destroyed by a bush fire caused by the failure of the other adjoining owner to clear the adjoining owner's side of the fence of all combustible matter for the same distance.	



<b>Source:</b> NSW Department of Planning and Environment <i>State Environmental Planning</i> <i>Policy (Coastal Management) 2018 - Maps</i>
The <i>Ecological Assessment</i> identifies that 'the proposed change of zoning does not require any impacts on the wetland by way of land clearing or intrusion by roads or other mechanical action' and concludes that the planning proposal 'will not necessarily inflict any long term impacts on the wetland'.
This conclusion is elaborated on in the <i>Environmental Investigations</i> – Lot 148 DP755557 South Arm Road, Urunga, via a potential acid sulfate soils investigation and a wastewater capability assessment which confirms that there is:
• mapped low probability acid sulfate soils risk only present in the low-lying wetland portion of the land well away from potential building envelopes within the proposed Zone R5 Large Lot Residential and that field screening and biophysical indicators confirm no acid sulfate soils; and
<ul> <li>the opportunity for the sustainable application of wastewater following subdivision of the existing property into smaller lots.</li> </ul>
The potential for biodiversity impacts are minimised by the proposed distribution of the Zone R5 Large Lot Residential and associated one (1) hectare minimum subdivision lot size over the land. Indeed, the <i>Ecological Assessment</i> entertains positive externalities arising.

# 9. MAPPING

The planning proposal constitutes a map-only amendment to the BLEP. The *Local Environmental Plan Making Guideline* identifies that 'the Department is responsible for the legal drafting of all map-only LEP amendments'. Accordingly, the mapping will be consistent with the Department's *Standard Technical Requirements for Spatial Datasets and Maps* and use the same format, symbology, labelling and appropriate map scale.

# **10.COMMUNITY & AGENCY CONSULTATION**

The Department of Planning and Environment have endorsed the planning proposal to proceed via a Gateway Determination, subject to undertaking pre-exhibition consultation with arrange of NSW Government Agencies. Public exhibition is to occur in accordance with he terms of the Gateway Determination and the *Bellingen Shire Community Participation Plan* under clause 6.2 (see Table 10.1). The means of exhibition is contained at clause 7.2.

Strategic Planning Project	Minimum timeframe
Strategy Documents Phase 1 – Issues Paper	42 days
Exhibition & Key Stakeholder Consultation	
Strategy Documents Phase 2 – Draft	28 days
Strategy	
Comprehensive LEP Review	42 days
Comprehensive DCP Review	42 days
Housekeeping LEP or DCP Review	28 days
Draft Contributions Plan	28 days
Draft Community Participation Plan	28 days
Draft Local Strategic Planning Statements	28 days
Site specific planning proposals for LEP	14 days or 28 days – depending upon
amendment	Gateway Determination
Planning Agreements	Exhibited concurrently with Development
	Application or Planning Proposal where
	relevant and possible.
	When separate to Development Application
	or Planning Proposal – 21 days.

#### Table 10.1 – Minimum Timeframes for Community Participation

Source: Bellingen Shire Community Participation Plan

The planning proposal will be publicly exhibited for a minimum period of 28 days.

The outcomes of the pre-exhibition agency consultation are discussed below.

#### **Transport for NSW**

- TfNSW supports need to provide low hazard access in flood events however does not support use of TfNSW land for this purpose.
- 2022 Flood Inquiry endorses proactive & risk based approach to flooding & planning decisions about land use Council should consider alternative flood risk mitigation measures and evacuation capacity for the proposal.

#### Comment:

This advice is discussed below as part of the response to SES comments.

#### SES

- PP should be considered against relevant Direction, Flood Prone Land Policy and supporting Guidelines including "Support for Emergency Management Planning".
- Note that 7 lots are located outside the floodprone land of the floodplain and above the PMF.
- Support rezoning of floodprone areas to C2
- Advise that the site will become isolated along South Arm Rd to the north and south of the site and along Pacific Highway. Note and support that Council is investigating alternative emergency access route to M1 Motorway.

 Note that BLEP 2010 and DCP 2017 contain provisions allowing flooding to be adequately addressed at DA stage.

#### Comment:

The Planning Proposal incorporates a discussion regarding compliance with Direction 4.1 Appendix B of the report.

Additional commentary is provided below having regard to compliance with relevant sections (reprinted below) of the Flood Risk Management Manual 2023, Planning Circular PS 24-001 – Update on addressing flood risk in planning decisions, and principles outlined in the Support for Emergency Planning Guideline as raised by the NSW SES.

#### Flood Risk Management Manual 2023

#### Policy statement

The primary objective of the policy is to reduce the impacts of flooding and flood liability on communities and individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible. In doing so, community resilience to flooding is improved. Achieving this involves:

• using a merit-based approach in preparing and implementing flood risk management (FRM) plans to address riverine and local overland flooding

• reducing the impact of flooding and flood liability on existing developed areas identified in FRM plans through flood mitigation works and measures including ongoing emergency management (EM) measures, the raising of houses where appropriate and by development controls

• adopting a merit-based approach for all development decisions in the floodplain, taking into account social, economic and ecological factors, as well as flooding considerations

• limiting the potential for flood losses in all areas proposed for development or redevelopment by the application of ecologically sensitive planning and development controls.

The policy recognises that flood prone land is a valuable resource and that development applications and proposals for rezoning of flood prone land should be the subject of careful assessment which incorporates consideration of local circumstances.

#### PS 24-001 – Update on addressing flood risk in planning decisions

The Department recommends planning authorities adopt a risk-based approach to the assessment of planning proposals, local and regional DAs, and SSD and SSI applications. This should include taking into account the flood risk profile of each proposal. Matters to consider include:

- whether the proposal is in a high-risk catchment
- the location of the proposal in relation to flood behaviour and constraints including:
- o floodway, flood storage area or flood fringe area
- o the hazard vulnerability classification of the land
- o frequency of inundation

• whether the proposal provides for safe occupation and efficient and effective evacuation in flood events and how it is to be achieved

• any known evacuation constraints such as the flood emergency response classification for the area and available warning times (including rate of rise and when the evacuation route is cut by floodwater)

• whether the proposal is for a sensitive or hazardous land use, or other higher risk uses and what controls (if any) are proposed to reduce any identified risks

- whether there may be adverse flooding impacts on surrounding properties
- potential impacts of cut and fill and other building works on flood behaviour
- ability of proposed development to withstand flood impacts.

These matters should be considered across a range of flood events such as the 10% AEP, 5% AEP, 1% AEP, 0.5 or 0.2% AEP, the PMF event, and the FPL (if available), as well as 0.02% or 0.05% AEP events for higher risk proposals. Climate change to also be considered.

#### **Support for Emergency Planning Guideline**

*Principle 1 Any proposed Emergency Management strategy should be compatible with any existing community Emergency Management strategy.* 

*Principle 2 Decisions should be informed by understanding the full range of risks to the community.* 

Principle 3 Development of the floodplain does not impact on the ability of the existing community to safely and effectively respond to a flood.

*Principle 4 Decisions on development within the floodplain does not increase risk to life from flooding.* 

Principle 5 Risks faced by the itinerant population need to be managed.

Principle 6 Recognise the need for effective flood warning and associated limitations.

Principle 7 Ongoing community awareness of flooding is critical to assist effective emergency response.

#### Commentary

The flood planning framework in NSW continues to grow in complexity, with myriad documents requiring consideration in the process of making land use planning decisions.

Recurring elements of the decision making framework include understanding the nature of the flood risk in an area, understanding the characteristics of the community likely to be exposed to that risk, and using a merit and risk based approach to the consideration of land use planning matters taking into account local circumstances.

Much of the planning framework centers around the consideration of development proposals that will occur on flood liable land. It is important to emphasise that the Planning Proposal does not facilitate development on flood liable land or on the floodplain. All building work can take place well clear of the Probable Maximum Flood Level and will not be subject to the immediate impacts of floodwaters. The determination of flood levels in the locality is

informed by a recently adopted flood study, that models a range of flood events and also considers the impact of certain climate change scenarios.

The principle risk that exists in terms of flood planning therefore relates to the isolation of the area from major services when South Arm Road is subject to inundation by flooding. Isolation during a flood event is an issue of concern because access to normal infrastructure can be adversely impacted in flood events (eg: electricity and public utilities such as water & sewerage), access to supplies such as food and medicine can become depleted, vehicular access can be impeded to an area in the event of secondary risks such as fire and medical emergencies, and humans can make unsafe decisions to enter floodwater in attempts to leave or get to their residences.

The flood study identifies that the lowest point of South Arm Road, which is the only constructed public access road, would be inundated with at least 0.1m of water for between 60-70 hrs in a 1% AEP event. The access road inundation point in a 5% AEP event is categorised as flood storage with a flood risk level of H4 (unsafe for people and vehicles). In a PMF event, the South Arm Road inundation area is categorised as a floodway with a risk level of H6 (unsafe for people and vehicles). South Arm Road has been historically considered by Council in terms of an upgrade to improve the level of flood immunity to the locality, noting that there are numerous existing rural residential lots already in this area that are impacted by isolation during flooding such as those around Riverside Drive. At present, there are no warning signs at either the northern or southern end of the section inundated in flooding.

A review of Volume 3 of The Bellingen Shire Flood Emergency Sub Plan 2023 to determine response arrangements for the Urunga sector (covering the area the subject of this proposal) indicates that evacuation of this area during flood events is not identified as a high priority, however a targeted "Watch & Act Prepare to Isolate" warning will be considered for this area when certain predictions are reached for the Urunga gauge. The plan observes that "large scale evacuations would be unlikely in this sector..." and that South Arm Rd residents may require resupply during larger floods. The flood emergency response classification of the Urunga West sector is "Rising Road Access", however it is considered that the more accurate description for this particular part of the Urunga sector should be "Not Flooded, with Indirect Consequences", the characteristics of which are described below.

"Not Flooded, with Indirect Consequences (NIC). These are areas which are outside the limit of flooding and therefore will not be inundated nor will they lose road access. However, they may be indirectly affected as a result of flood damaged infrastructure or due to the loss of transport links, electricity supply, water supply, sewage or telecommunications services and they may therefore require resupply or in the worst case, evacuation."

A review of the recently adopted Lower Bellinger & Kalang Rivers Floodplain Risk Management Study 2021 in terms of any recommended updates or changes to flood management planning identifies no recommendations to amend Councils existing planning controls to alter requirements for flood free access to major services as a result of subdivision proposals, and no specific recommendations to pursue road raising outcomes in this locality. In discussing evacuation planning options it is however recommended that " *Signs advising of the risk of driving through floodwaters should be placed on inundated roads to reduce the number of people driving through flood waters.*" It is noted that there is no such signage currently in place at the inundated section of South Arm Road, and that the placement of appropriate warning signage would be of benefit for the existing community in this area, in addition to any new residents that would benefit from this rezoning proposal. It is noted that Council identified an alternative potential emergency access scenario to the locality that would involve traversing a rough track across public land owned by Transport for NSW (TfNSW) to access the M1 Motorway Corridor, however for reasons unstated TfNSW have advised Council that they will not support this proposal. Whilst this option will not be further promoted, it is suggested that this option that utilises publicly owned land may still present as an option for vehicular access by local emergency services organisations acting in an emergency situation (Note: the Local Emergency Management Committee have been made aware of this option), and that pedestrian access to the motorway could also potentially be achieved by isolated residents. In this respect, notwithstanding the frustrating position of TfNSW it is considered that as part of a merit based assessment of local circumstances, this physically achievable point of access should not be completely discounted in terms of decision making surrounding this proposal.

Other relevant factors in terms of the nature of the development proposed, and local circumstances, are documented below.

- The land is not serviced by reticulated water or sewerage and would not be adversely impacted by any disruption to those services during flood events. It is noted that electric pumps may be impacted by power outages though.
- The land is not a major greenfield release likely to accommodate significant increases in population. The proposed changes would facilitate 6 additional lots, and there is no potential for any further rezonings of land in this locality within an adopted land release strategy of Council. This is unlikely to place any additional unreasonable burden upon evacuation routes should people elect to evacuate.
- The Bellingen Shire Development Control Plan 2017 expresses the outcomes of the Bellingen Shire Floodplain Risk Management Study & Plan 2003. This document, adopted following the principles of the Floodplain Manual at the time, postulates a suite of development controls that were considered appropriate for local circumstances. The DCP does not require new subdivisions (where no development of flood liable land is proposed) to provide vehicular access back to major services. The DCP requires access to a "community of support", which already exists in the locality.

Considering the abovementioned factors, it is proposed that the following additional flood planning measures should be pursued by Council to help lower the level of risk associated with development in this locality. These would be subject to public consultation as part of this planning proposal, and recommended as specific resolutions of Council should the proposal be supported following public exhibition.

- That Councils Development Control Plan is amended to include an additional criteria for new rural residential subdivisions that where flood free access is not available back to major services, then any development must be able to demonstrate self sufficiency in power supply for the duration of inundation of the access route in a 1% AEP flood event.
- 2. That Councils Development Control Plan is amended to include an additional criteria for new rural residential subdivisions that where flood free access is not available back to major services, then an appropriate Notation shall be attached to the property in perpetuity advising of the expected duration of inundation in a 1% AEP flood event and recommending that as a minimum, suitable supplies should be maintained at all times to provide for any isolation during this time frame.

- 3. That Council places additional appropriate signage at either end of the inundated section of South Arm Rd advising of the risk of driving through floodwaters to help reduce the likelihood of people driving through flood waters.
- 4. That Council resolves to place the upgrading of South Arm Road to improve its flood immunity in its Long Term Financial Plan and to actively seek grant opportunities to assist with this project.

#### NSW Biodiversity, Conservation & Science Section – DECCEW

- Biodiversity assessment should confirm ecological significance of native vegetation with High Environmental Value (HEV) land to justify zone allocation.
- Bushfire strategic study should be amended to map APZ areas to confirm does not impact upon HEV land
- Appropriate OSMS buffers should be applied to wetland area and any necessary zoning adjustments made
- Flood free access should be further investigated and resolved.

#### Comment:

Additional investigations and mapping have been undertaken and it is considered that land within the proposed R5 zoning does not contain HEV land likely to be impacted by the subsequent development of the land. An amended Ecological Assessment and Bushfire Strategic Study are attached for public exhibition purposes.

OSMS buffers are discussed below in response to NSW Fisheries comments.

Flooding issues have been discussed above in response to SES comments.

# Department of Primary Industries & Regional Development – Agriculture & Biosecurity

- Rezoning includes potential for residential development in proximity to Coastal Wetlands. DPIR Fisheries have long established buffer policy recommending a 50-100m buffer between developments and Coastal Wetlands. DPIRD recommends C2 zone is applied consistent with buffer policy.
- Rezoning will allow for increase in dwelling density which will result in potential for increased pressures on fish habitats and oyster aquaculture. Should it proceed it will be critical for Council to ensure future development includes sufficient stormwater & sewer treatment to avoid adverse impacts.

#### Comment:

The OSMS assessment proposes secondary level treatment for all lots and nominates an approximately 890m2 disposal field as being necessary to accommodate effluent generated by a 4 bd household, also incorporating the ability to duplicate the disposal field in the event of failure. Although referencing a minimum 40m setback to the wetland area as being sufficient based upon certain guidelines, it is noted that there will be ample capacity to observe a 50m setback to the wetland given that the available wastewater envelopes mapped in the OSMS assessment that are closest to the wetland are significantly larger than the minimum area considered necessary, such that disposal fields could be further contracted to increase buffer distances to the wetland as part of any subsequent DA assessment. On this basis, it is not considered that the application of any additional C2 zoning is warranted in the circumstances.

The importance of careful assessment of stormwater & OSMS at DA stage is noted.

# Department of Primary Industries & Regional Development – Agriculture & Biosecurity

 Some evidence of agricultural production on northern side of South Arm Rd. Recommended that a suitably qualified person undertake a Land Use Conflict Risk Assessment (LUCRA) to determine potential conflicts between existing land uses and proposed development. Agent of change principle to be considered in context of applying any necessary buffers.

#### Comment:

The proponent has completed a LUCRA in respect of the proposal and this is included as an Attachment. The LUCRA concludes that the proposal is unlikely to adversely impact upon the conduct of agricultural operations on adjoining land.

#### **Rural Fire Service**

• Given that South Arm Rd is an accessible sealed council maintained public road then this planning proposal is accepted. Future upgrades to South Arm Rd should be considered if other lands in this locality are proposed for rural residential development.

#### Comment:

Noted. There is no intention to permit any further rural residential development in the locality.

## **11.PROJECT TIMELINE**

The indicative project timeline is shown below.

#### Table 11.1Indicative Project Timeline

Stage	ESTIMATED TIMEFRAME
Preparation and submission of planning proposal to Council	June 2024
Consideration by Council and Council decision	June 2024
Gateway determination	August 2024
Pre-exhibition	September 2024
Commencement and completion of public exhibition period	January - February 2025
Consideration of submissions	March 2025
Post-exhibition review and make LEP	April 2025
Submission to the Department for finalisation (where applicable)	April 2025
Gazettal of LEP amendment	May 2025
### 12. CONCLUSION

#### 12.1 Recommendation

This planning proposal has been prepared on behalf of the Landowners in respect of the land at South Arm Road, Urunga, and seeks to rezone part of the land from Zone RU4 Primary Production Small Lots to Zone R5 Large Lot Residential and modify the minimum subdivision lot size from 40 hectares to 1 hectare and retain the 200 hectares respectively. The planning proposal will progress the delivery of Council's GMS and provide an approval pathway for the redevelopment of the land for rural residential purposes as necessary to meet consumer demand and the Council's goals.

The planning proposal has been prepared in accordance with the statutory requirements of the Act and the Department of Planning and Environment's *Local Environmental Plan Making Guideline* and it is concluded that the proposal to rezone part of the land to Zone R5 Large Lot Residential and to change the minimum subdivision lot size to one (1) hectare and retain the 200 hectares respectively:

- is consistent with relevant regional and local planning strategies;
- is not inconsistent with relevant environmental planning instruments and section 9.1 Ministerial Directions; and
- can exert positive social and economic benefits on individuals and the local community.

It is accordingly recommended that a planning proposal to amend the BLEP Land Zoning Map Sheet LZN\_007B from part Zone RU4 Primary Production Small Lots to part Zone R5 Large Lot Residential and Lot Size Map Sheet LSZ\_007 from 40 hectares to 1 hectare and retain the 200 hectares at South Arm Road, Urunga, be supported by Council on the basis of the information contained in this report and forwarded to the Department of Planning and Environment for Gateway Determination. Council can contribute to the provision of a new housing in the Urunga hinterland, and it is submitted that it is responsible land use planning to support the planning proposal.

# **APPENDIX A -**

## CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES

SEPPS and Key issues relevant to the Planning Proposal	Consistency Assessment
State Environmental Planning Policy (Bio	diversity and Conservation) 2021
Chapter 3: Koala Habitat Protection 2020	
This Chapter aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse	In accordance with clause 3.3 of the SEPP, this Chapter applies to the Bellingen Shire and, by virtue of the Zone RU1 Primary Production, the land.
<ul> <li>the current trend of koala population decline—</li> <li>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</li> </ul>	The planning proposal does not seek to zone or rezone land to which this clause applies (i.e. the approximately 3,000m <sup>2</sup> area of Zone RU1 Primary Production in the easternmost extent of the land) and there are adequate provisions under the development application process with respect to the conservation of koala habitat.
<ul> <li>(b) by encouraging the identification of areas of core koala habitat, and</li> <li>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.</li> </ul>	While the land has an area of more than one (1) hectare, the surveys undertaken by BJM Environmental in its <i>Ecological Assessment</i> establish that it does not contain core koala habitat within the meaning of the SEPP.
Chapter 4: Koala Habitat Protection 2021	
This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	In accordance with clause 4.4 of the SEPP, this Chapter applies to the Bellingen Shire and, by virtue of the Zones RU4 Primary Production Small Lots, C2 Environmental Conservation, C3 Environmental Management and W2 Recreational Waterways, the land.
	The land is within the ambit of the <i>Bellingen Shire Council</i> <i>Coastal Area Koala Management Strategy</i> , January 2017, which includes the <i>Core Koala Habitat Comprehensive Koala</i> <i>Plan of Management</i> (CKPoM). The Koala Habitat map therein identifies that the land is bereft of 'Core Koala Habitat' but contains 'Secondary B' preferred koala habitat adjoining the Kalang River, outside the proposed Zone R5 Large Lot Residential (see Image A.1).
	Image A.1 Koala Habitat Mapping
	Core Koala Habitat Core Koala Habitat Core Koala Habitat Perered Koala Habitat Primary Secondary A Secondary B 

		The <i>Ecological Assessment</i> undertaken for the land identified that the canopy of the 'Secondary B' preferred koala habitat compartment comprised Blackbutt, Pink Bloodwood and Turpentine species. These species do not constitute either primary or secondary koala food trees as identified in Table 2 of the CKPoM. However, Blackbutt and Pink Bloodwood are each koala use tree species as per Schedule 3 of <i>State</i> <i>Environmental Planning Policy (Biodiversity and</i> <i>Conservation) 2021.</i> Site survey and subsequent fauna surveys undertaken as part of the <i>Ecological Assessment</i> detected no scats or other signs of Koala activity on the land.
		The planning proposal has regard to the environmental study prepared for the land by BJM Environmental and it is concluded that there are adequate provisions under the development application process with respect to the conservation of koala habitat.
Sta	te Environmental Planning Policy (Bu	ilding Sustainability Index: BASIX) 2004
The in t	aim of this Policy is to ensure consistency he implementation of the BASIX scheme ughout the State.	The planning proposal will facilitate future residential applications for a development consent, complying development certificate or construction certificate to which this Policy applies. At such time, an application must be accompanied by the relevant list of commitments to deliver sustainable residential development.
Sta	te Environmental Planning Policy (Pri	imary Production) 2021
Cha	apter 2: Primary production and rural	development
The	aims of this Chapter are as follows—	The planning proposal concerns land that is:
(a)	to facilitate the orderly economic use and development of lands for primary production,	<ul> <li>in part Zone RU1 Primary Production and Zone RU4 Primary Production Small Lots;</li> </ul>
(b)	to reduce land use conflict and sterilisation	<ul> <li>used for the extensive grazing of cattle; and</li> </ul>
	of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,	<ul> <li>situated in the catchment of priority oyster aquaculture areas within the Kalang River.</li> </ul>
(C)	to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and	The likely impacts of the planning proposal on these are considered in the Ministerial Planning Directions (see Appendix B).
(d)	environmental considerations, to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,	The SEPP does provide criteria to be considered before determining a development application that could adversely affect oyster aquaculture development or a priority oyster aquaculture area, inclusive of consultation comments from the Secretary of the Department of Industry as relevant. Any proposed development on the land requiring development consent would be assessed against these Part 2.5 Division 4
(e)	to encourage sustainable agriculture, including sustainable aquaculture,	standards.
(f)	to require consideration of the effects of all proposed development in the State on oyster aquaculture,	The land is not identified in Schedule 1 of the SEPP as State significant agricultural land. It has limited agricultural capacity fostered by natural and physical constraints and forms part of
(g)	to identify aquaculture that is to be treated as designated development using a well-	the 'South Arm Road Investigation Area' nominated by the <i>Bellingen Shire Growth Management Strategy</i> . In this context,

risks associated with site and operational factors.	to facilitate orderly primary production development and to minimise both land use conflict and the sterilisation of agricultural land.
	The proponent has completed a Land Use Conflict Risk Assessment (LUCRA) in respect of the proposal and this is included as an Attachment. The LUCRA concludes that the proposal is unlikely to adversely impact upon the conduct of agricultural operations on adjoining land.
State Environmental Planning Policy (Re	silience and Hazards) 2021
Chapter 2: Coastal management	
Chapter 2 of this Policy aims to promote 'an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i> ', being to manage the State's coastal environment in a manner consistent with the principles of ecologically sustainable development.	The land is identified in the <i>Coastal Wetlands and Littoral</i> <i>Rainforests Area Map</i> of this SEPP as containing 'coastal wetlands'. The planning proposal does not seek to amend the land use zones applicable to coastal wetlands under the BLEP and offsets the proposed Zone R5 Large Lot Residential boundary from the wetlands to facilitate future fencing and lineal clearing outside of that land. There are no works proposed or enabled to be carried out in the coastal wetlands by virtue of the planning proposal and the wetland is to be retained in a single allotment.
	Subdivision of the land via a future development application will be captured by clause 2.7 (1) (d) of the SEPP and declared at clause 2.7 (2) to be designated development for the purposes of the <i>Environmental Planning and Assessment Act</i> <i>1979</i> . Such a development application could not be consented to 'unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest'. It is noted in this regard that the <i>Ecological Assessment</i> nominates that the cessation of cattle grazing on the land will enhance the coastal wetland:
	The proposed change of zoning does not require any impacts on the wetland by way of land clearing or intrusion by roads or other mechanical action. The rezoning of the RU4 land from rural to residential will help to facilitate the termination of cattle grazing on the property and will lead to an improved outcome for the wetland environment. A change of use to residential development will not necessarily inflict any long term impacts on the wetland.
	In this context, a future development application may be supported by the consent authority.
	Clause 2.8 of the SEPP concerns the 'proximity area for coastal wetlands', being a mapped buffer that surrounds the coastal wetland. A significant portion of the proposed Zone R5 Large Lot Residential and connected one (1) hectare minimum subdivision lot size is situated in this proximity area. Future

developr	ment on this land under the SEPP is not to significantly
impact o	
(a)	the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
(b)	the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.
Assessn DP75555 planning achieve Health ( effluent of manner,	regard to the findings of an updated <i>Ecological</i> <i>nent</i> and the <i>Environmental Investigations</i> – <i>Lot 148</i> <i>57 South Arm Road, Urunga</i> , which accompany this proposal, a future development application is likely to these standards. Councils Environment & Public Officer has reviewed the relevant report and that disposal can occur in an environmentally satisfactory noting that secondary treatment will need to be I in view of the proximity of water features.
environn Image A and is pr and sut	nd is additionally part situated in the 'coastal nent area' and 'coastal use area' under this SEPP (see a.2). The 'coastal use area' flanks the Kalang River roposed to be retained under existing land use zones oject to a two hundred (200) hectare minimum ion lot size to preclude the creation of additional lots at area.
Image A	A. Coastal Environment and Use Area Maps
Source:	ePlanning Spatial Viewer
Any de developr 2.11, 2.1 application subject to technica	velopment application lodged on the land for ment in the 'coastal use area' is to address clauses 2 and 2.13 of the SEPP. Similarly, any development on lodged in the 'coastal environment area' will be o clauses 2.10, 2.12 and 2.13 of the SEPP. Specialist I advice accompanying this planning proposal g the Everick Heritage <i>Aboriginal Cultural Heritage</i>

	Assessment, BJM Environmental <i>Ecological Assessment</i> and Earth Water Consulting <i>Environmental Investigations</i> indicate that future development can be designed to achieve these standards (see Table 1.4).
Chapter 4: Remediation of land	
Chapter 4 of this Policy seeks to provide a State-wide planning approach to the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. It aims to ensure that the contamination risk of land is compatible with the proposed land use.	The land has historically been used for agricultural activities (which includes extensive agriculture). Such activities may cause contamination as per Table 1 of the Department of Urban Affairs and Planning and Environment Protection Authority's <i>Managing Land Contamination Planning</i> <i>Guidelines: SEPP 55–Remediation of Land</i> (1998).
	The planning proposal seeks to introduce Zone R5 Large Lot Residential into this landscape and facilitate, through a reduction in subdivision lot sizes, the conduct of sensitive residential activities on the land. The planning proposal is therefore accompanied by an <i>Environmental Investigations</i> – <i>Lot 148 DP755557 South Arm Road, Urunga</i> report prepared by Earth Water Consulting to address the potential for site contamination from previous land uses.
	The Investigation incorporates a preliminary environmental site assessment (PESA) 'undertaken in reference to the relevant sections in the <i>Consultants Reporting on Contaminated Land</i> (NSW EPA 2020), and Department of Urban Affairs and Planning <i>Managing Land Contamination – Planning Guidelines SEPP55 – Remediation of Land</i> (DUAP & EPA 1998)' (see Appendix D). The PESA comprises an assessment of site history and check sampling for the land, and:
	has identified that the Site has no significant Areas of Environmental Concern or Contaminants of Concern that would impact the proposed residential subdivision. Check sampling confirmed that shallow soil concentrations of heavy metals are very low and within expected background ranges, and no pesticide contamination is present.
	The property is generally unimpacted by historic land uses and is suitable in its current state for the planning proposal to progress.
State Environmental Planning Policy (Re Chapter 2: Mining, petroleum production	
	Clause 2.19 of the SEPP seeks to ensure the compatibility of
Chapter 2 of this Policy recognises the importance of mining, petroleum production and extractive industries to the State and aims:	proposed development with an existing or identified mine, petroleum production facility or extractive industry.
<ul> <li>(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic</li> </ul>	The nearest resource to the land as identified in the BLEP is Lot 124 DP 755552, some 2.7 kilometres to the south- southeast. The planning proposal is unlikely to promote development that is incompatible with, or will have a significant

	welfare of the State, and	impact on, the current or future extraction or recovery of this
	(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and	significant resource.
	(c) to promote the development of significant mineral resources, and	
	(d) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and	
	(e) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development	
Sta	te Environmental Planning Policy (Tra	ansport and Infrastructure) 2021
Cha	apter 2: Infrastructure	
effe Stat	aim of this Chapter is to facilitate the ctive delivery of infrastructure across the te by—	Part 2.3 Division 5 of the Chapter concerns electricity transmission or distribution and provides relevant assessment matters for development applications at clause 2.48.
(a)	improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and	The planning proposal seeks to amend the BLEP Land Zoning Map Sheet LZN_007B and Lot Size Map Sheet LSZ_007. This
(b)	providing greater flexibility in the location of infrastructure and service facilities, and	provides an approval pathway for the subdivision of the land and its use under the BLEP Land Use Table for Zone R5 Large
(c)	allowing for the efficient development, redevelopment or disposal of surplus government owned land, and	Lot Residential purposes, and renders it subject to all development standards and controls applying under this SEPP at the time.
(d)	identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and	
(e)	identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and	
(f)	providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and	
(g)	providing opportunities for infrastructure to demonstrate good design outcomes.	

# **APPENDIX B -**

### CONSIDERATION OF MINISTERIAL PLANNING DIRECTIONS

S9.1 Direction	Applicable	Consistent	Comment
Focus area 1: Plann 1.1 Implementation of Regional Plans	ing Systems Yes	Yes	Table 8.1 of this planning proposal contains a review of the proposal against the <i>North Coast Regional Plan</i> <i>2041</i> and concludes that 'the planning proposal is consistent with the Regional Plan and can give effect to a range of key objectives and actions contained therein'.
1.2 Development of Aboriginal Land Council Land	No	N/A	This Direction applies when preparing a planning proposal for land shown on the Land Application Map of chapter 3 of the <i>State Environmental Planning</i> <i>Policy (Planning Systems) 2021.</i> The land is not land specified on the 'Land Application Map' under <i>State Environmental Planning Policy</i> <i>(Planning Systems) 2021</i> and is not the subject of a development delivery plan under Chapter 3. Accordingly, Direction 1.2 is not applicable to the planning proposal.
1.3 Approval and Referral Requirements	No	N/A	The planning proposal will not result in any additional concurrence or referral requirements for future development. It is limited to amendments to the BLEP Land Zoning Map Sheet LZN_007B and Lot Size Map Sheet LSZ_007 and does not contain new provisions with respect to concurrence, consultation or referral requirements or designated development thresholds.
1.4 Site Specific Provisions	Yes	Yes	<ul> <li>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls. It establishes preferred means to amend an environmental planning instrument, including the preference to:</li> <li>rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</li> <li>The planning proposal seeks to rezone part of the site to Zone R5 Large Lot Residential in accordance with Direction 1.4 (1) (b) above.</li> <li>It is further consistent with Direction 1.4 (2) as references to drawings that show details of the conceptual development are included in the planning proposal for context only and do not form part of the proposed change to the environmental planning instrument.</li> </ul>
	do not apply to		_ocal Government Area.
Focus area 2: Desig There are no Direction		lopted by the M	inister under this focus area.
Focus area 3: Biodi	versity and Co	onservation	
3.1 Conservation Zones	Yes	Yes	The objective of this Direction to protect and conserve environmentally sensitive areas is achieved by the following Directions:

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			(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
			<ul> <li>(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands".</li> </ul>
			The planning proposal retains all land that is Zone C2 Environmental Conservation, Zone C3 Environmental Management and Zone W2 Recreational Waterways, along with land that contains biodiversity values in the Biodiversity Values Map, under existing BLEP zone controls. It proposes to place this land, which contains the coastal wetland, under a two hundred (200) hectare minimum subdivision lot size to preclude the capacity to subdivide it into additional lots with associated clearing and water rights. This provision will assist in the protection and conservation of the environmentally sensitive areas, being the wetland and the adjoining Kalang River.
			The proposed one (1) hectare minimum subdivision lot size is additionally offset from the Biodiversity Values Map wetland polygon to provide for lineal boundary clearing rights associated with any subdivision of the Zone R5 Large Lot Residential to fall outside the mapped biodiversity value.
			Proposed Zone R5 Large Lot Residential is on land that is suitable for the onsite disposal of effluent derived from residential accommodation (see Appendix D) and is accordingly suitably sited to facilitate the protection and conservation of the wetland.
3.2 Heritage Conservation	Yes	Yes	The objective of this Direction to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance is achieved by facilitating the conservation of:
			<ul> <li>a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</li> </ul>
			<ul> <li>b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</li> </ul>
			c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public

			authority and provided to the council, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.
			The land is not identified in a study as containing environmental heritage and does not contain or adjoin a heritage item or heritage conservation area identified in Schedule 5 of the BLEP. The site selection is therefore the relevant provision to facilitate the conservation of environmental heritage and its settings in accordance with Direction 3.2 (1) (a).
			Everick Heritage has undertaken an <i>Aboriginal</i> <i>Cultural Heritage Assessment</i> for the planning proposal which identifies that there are no Aboriginal sites or sites of cultural significance, including archaeological sites, known to occur on the land, and that there is not a high potential for the land to contain Aboriginal sites (see Appendix E). Accordingly:
			The assessment has concluded that the proposed rezoning of the Project Area is unlikely to impact on Aboriginal objects and will not impact on any known places or sites of cultural significance to the Aboriginal community. As such additional consultation and archaeological investigation is not required.
			Appropriate heritage management regimes identified in the <i>Aboriginal Cultural Heritage Assessment</i> involve finds protocols, inclusive of the recommended engagement of Aboriginal sites officers from the Coffs Harbour and District Local Aboriginal Land Council for future earthworks along the eastern spur. These are relevantly development application matters.
			The planning proposal is on land that contains no known Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i> and is therefore sited to achieve the heritage conservation objectives of this Direction.
			The proponent is not aware of any Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes that have been identified by an Aboriginal heritage survey for the land and provided to Council.
3.3 Sydney Drinking Water Catchments	No	N/A	This Direction applies to the local government areas of Blue Mountains, Kiama, Sutherland, Campbelltown, Lithgow, Upper Lachlan, Cooma, Monaro, Oberon, Wingecarribee, Eurobodalla, Palerang, Wollondilly, Goulburn, Mulwaree, Shoalhaven and Wollongong. The planning proposal is in the Bellingen local government area and Direction 3.3 is therefore not applicable.

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3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	N/A	This Direction applies to the Ballina, Byron, Kyogle, Lismore and Tweed local government areas. The planning proposal is in the Bellingen local government area and Direction 3.4 is therefore not applicable.
3.5 Recreation Vehicle Areas	No	N/A	The planning proposal does not enable land to be developed for the purpose of a recreational vehicle area.
3.6 Strategic Conservation Planning	No	N/A	This Direction applies to all planning proposals concerning 'avoided land' or a 'strategic conservation area' as identified under the <i>State Environmental</i> <i>Planning Policy (Biodiversity and Conservation) 2021.</i> 'Avoided land' is shown on the Avoided Land Map and a 'strategic conservation area' is shown on the Strategic Conservation Area Map of <i>State</i> <i>Environmental Planning Policy (Biodiversity and</i> <i>Conservation) 2021.</i> These are geographically limited to the Sydney basin and do not extend to the Bellingen local government area. Accordingly, the land does not contain 'avoided land' or a 'strategic conservation area' and Direction 3.6 is not applicable to the planning proposal.
3.7 Public Bushland	No	N/A	This direction does not apply to the Bellingen local government area.
3.8 Willandra Lakes Region	No	N/A	This direction does not apply to the Bellingen local government area.
3.9 Sydney Harbour Foreshores and Waterways Area	No	N/A	This direction does not apply to the Bellingen local government area.
3.10 Water Catchment Protection	Yes	Yes	This Direction contains Objectives (a) – (d) and the issues raised are considered in the Ecological Assessment and Environmental Investigations reports at appendices <b>D</b> and <b>F</b> of this document. It is considered this planning proposal is consistent with Direction 3.10 (1) (a) to (f) and 3.10 (2) does not apply.
Focus area 4: Resili	ence and Haz	ards	
4.1 Flooding	Yes	Yes	The objectives of this Direction are to:
			<ul> <li>(a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</li> <li>(b) ensure that the provisions of an LEP that apply to</li> </ul>
			flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.
			These objectives are achieved through the following Directions:
			<ul> <li>(1) A planning proposal must include provisions that give effect to and are consistent with:</li> <li>(a) the NSW Flood Prone Land Policy,</li> </ul>

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(b) the principles of the Floodplain Development Manual 2005,
(c) the Considering flooding in land use planning guideline 2021, and
(d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.
(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.
(3) A planning proposal must not contain provisions that apply to the flood planning area which:
(a) permit development in floodway areas,
<i>(b) permit development that will result in significant flood impacts to other properties,</i>
(c) permit development for the purposes of residential accommodation in high hazard areas,
(d) permit a significant increase in the development and/or dwelling density of that land,
(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,
(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or
(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.
(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:
(a) permit development in floodway areas,
(b) permit development that will result in significant flood impacts to other properties,
(c) permit a significant increase in the dwelling density of that land,

<ul> <li>(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</li> </ul>
<ul> <li>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</li> </ul>
(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.
(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.
The State's <i>Flood Prone Land Policy</i> is incorporated in the <i>Flood Risk Management Manual 2023</i> , and the Policy Statement is reprinted below.
<b>Policy statement</b> The primary objective of the policy is to reduce the impacts of flooding and flood liability on communities and individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible. In doing so, community resilience to flooding is improved. Achieving this involves:
<ul> <li>using a merit-based approach in preparing and implementing flood risk management (FRM) plans to address riverine and local overland flooding</li> <li>reducing the impact of flooding and flood liability on existing developed areas identified in FRM plans through flood mitigation works and measures including ongoing emergency management (EM) measures, the raising of houses where appropriate and by development controls</li> <li>adopting a merit-based approach for all development decisions in the floodplain, taking into account social, economic and ecological factors, as well as flooding considerations</li> <li>limiting the potential for flood losses in all areas proposed for development or redevelopment by the application of ecologically sensitive planning and development controls.</li> </ul>
The policy recognises that flood prone land is a valuable resource and that development applications and proposals for rezoning of flood prone land should be the subject of careful assessment which incorporates consideration of local circumstances.

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	Council has adopted the <i>Lower Bellinger and Kalang</i> <i>Rivers Floodplain Risk Management Study</i> and the <i>Lower Bellinger and Kalang Rivers Floodplain Risk</i> <i>Management Plan</i> as prepared by WMA Water and dated November 2021. These provide the basis for the future management of flood prone lands in the Lower Bellinger and Kalang Rivers and encompass the land within its study area. Flood levels and flood hazard and hydraulic categorisations utilised in this planning proposal derive from the updated modelling undertaken by WMA Water, as available on Council's website.
	The principles of the Floodplain Development Manual 2005 have been incorporated into the Lower Bellinger and Kalang Rivers Floodplain Risk Management Study and the Lower Bellinger and Kalang Rivers Floodplain Risk Management Plan.
	Development on the land that is subject to a development application is to address clause 5.21 'Flood planning' of the BLEP and Chapter 8 of the <i>Bellingen Shire Development Control Plan 2017</i> . The <i>Lower Bellinger and Kalang Rivers Floodplain Risk</i> <i>Management Study</i> makes minimal recommendations with respect to these planning controls at clause 10.4.4.3. Similarly, with respect to roads that become cut by floodwaters (as per South Arm Road), recommendations therein concern SES flood planning, future flood monitoring for improved intelligence, and that:
	Signs advising of the risk of driving through floodwaters should be placed on inundated roads to reduce the number of people driving through flood waters.
	The planning proposal is consistent with the relevant planning controls and Council adopted plans and study.
	The NSW Government's guideline <i>Considering</i> <i>flooding in land use planning</i> , July 2021, provides advice 'on flood-related land use planning and the areas where flood-related development controls should apply'. It requires planning proposals to consider the full range of flooding up to and including the probable maximum flood. The planning proposal sites proposed Zone R5 Large Lot Residential principally above the 8.5m and 8.6m Australian Height Datum (AHD) probable maximum flood extent and is not considered to contradict or hinder the application of this guideline.
	The flood planning area on the land is 4.4m AHD adjoining the western extent of the Kalang River and 4.3m AHD along both the eastern extent of the Kalang River and the wetland. The planning proposal does not rezone land within the flood planning area along the Kalang River and the Steve Russell Surveying

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	<i>Proposed Subdivision Layout</i> plan indicates that the land that is proposed to be Zone R5 Large Lot Residential is situated above the flood planning area (see Appendix C). An exception may be the southeast corner of the part with a 1.4-hectare area. This may be clarified and rectified when drafting the maps to preclude land at and below the flood planning area (4.3m AHD) or accepted as being of minor significance. The planning proposal is therefore consistent with Direction 4.1 (2).
	Hydraulic categories are shown below and confirm that the planning proposal does not:
	<ul> <li>facilitate development in floodway areas;</li> <li>permit development that will result in significant flood impacts to other properties;</li> <li>permit development for the purposes of residential accommodation in high hazard areas; or</li> <li>permit a significant increase in the development and/or dwelling density of that land in the flood planning area (see image B.1).</li> </ul>
	Development for the purposes of centre-based childcare facilities, hostels, boarding houses, group homes, residential care facilities, respite day care centres and seniors housing are prohibited in the Zone R5 Large Lot Residential by the BLEP Land Use Table. Accordingly, the planning proposal does not permit development for these purposes. Furthermore, the permissibility of hospitals is unaltered by the proposed change in zone, being permitted with consent in both Zone RU4 Primary Production Small Lots and Zone R5 Large Lot Residential.
	Development that is permitted to be carried out without consent in Zone R5 Large Lot Residential is limited to environmental protection works, home-based child care and home occupations. This is a reduction from the land uses permitted without consent under the current Zone RU4 Primary Production Small Lots.
	The planning proposal is unlikely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures. South Arm Road to the north and south of the land does become flooded during events inclusive of the 5% AEP event. This currently isolates fifty (50) existing allotments along Riverside Drive and South Arm Road and is identified in the <i>Growth Management Strategy</i> as a limitation on lot yield in the South Arm Road Investigation Area:
	South Arm Road is inundated at times of flood near the intersection of Short Cut Road, which places

some constraints on the number of lots that can be developed in the area.
The planning proposal complies with it having access to a 'community of support" as required by Council's DCP. It has also been identified on the adjoining properties planning proposal that a flood free access to the Pacific Highway Corridor form South Arem road on publicly owned land could possibly be utilised in an emergency situation.
The planning proposal may add an additional seven (7) allotments into this area, which is anticipated to yield 'between 20 and 35 lots subject to environmental investigations'. In this context, the planning proposal is consistent with Direction 4.1 (3) (g) and benefits from an existing community of support. Council is additionally not averse to increasing the number of lots in this area, with a boundary change under the BLEP to realise dwelling potential resulting in Lots 201-206 DP 1242996.
Development for the purposes of both hazardous industries and hazardous storage establishments are prohibited in the proposed Zone R5 Large Lot Residential. The planning proposal therefore does not permit the storage of hazardous materials on a flood control lot.
Having regard to the items above, the planning proposal is consistent with Direction 4.1 (3).
The planning proposal is not subject to Special Flood Considerations as defined in the NSW Government's 2021 guideline <i>Considering flooding in land use</i> <i>planning</i> . The planning proposal is accordingly consistent with Direction 4.1 (4).
The flood planning area utilised by the planning proposal is derived from the Council adopted WMA Water Lower Bellinger and Kalang Rivers Floodplain Risk Management Study, November 2021, and the WMA Water Lower Bellinger and Kalang Rivers Floodplain Risk Management Plan, November 2021. The flood planning area is defined therein as:
The area of land below the flood planning level and thus subject to flood related development controls. The concept of flood planning area generally supersedes the flood liable land concept in the 1986 Manual.
Associated mapping is available on Council's website and is consistent with Direction 4.1 (5) as it is 'determined by a Floodplain Risk Management Study or Plan adopted by the relevant council'.
Note: Additional commentary on flooding is included in the discussion of agency comments received prior to exhibition and contained within Section 10 of this proposal.



to the Coastal Management Act 2016, that
applies to the land. (2) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:
(a) within a coastal vulnerability area identified by chapter 2 of the State Environmental Planning Policy
(Resilience and Hazards) 2021; or (b) that has been identified as land affected by a current or future coastal hazard in a
local environmental plan or development control plan, or a study or assessment undertaken:
i. by or on behalf of the relevant planning authority and the planning proposal authority, or ii. by or on behalf of a public
authority and provided to the relevant planning authority and the planning proposal authority.
<ul> <li>(3) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a</li> </ul>
coastal wetlands and littoral rainforests area identified by chapter 2 of the State Environmental Planning Policy (Resilience
and Hazards) 2021. (4) A planning proposal for a local environmental plan may propose to amend the following
maps, including increasing or decreasing the land within these maps, under chapter 2 of the State Environmental Planning Policy
<ul> <li>(Resilience and Hazards) 2021:</li> <li>(a) Coastal wetlands and littoral rainforests area map;</li> <li>(b) Coastal vulnarability area map;</li> </ul>
<ul> <li>(b) Coastal vulnerability area map;</li> <li>(c) Coastal environment area map; and</li> <li>(d) Coastal use area map.</li> </ul>
(1). Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection
Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.
Section 3 of the <i>Coastal Management Act 2016</i> establishes its objects 'to manage the coastal
environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State'. In this regard, the planning proposal:
<ul> <li>seeks to protect the coastal wetland and Kalang River by retaining these coastal assets within existing land use zones and</li> </ul>

<ul> <li>under a two hundred (200) hectare minimum subdivision lot size;</li> <li>recognises the importance of Aboriginal peoples in the planning process as per the Everick Heritage Aboriginal Cultural Heritage Assessment (see Appendix E);</li> <li>fosters sustainable land use planning decision-making by aligning site specific environmental assessments with local, regional and State policies;</li> <li>mitigates current and future risks from coastal hazards by responding to the contemporary WMA Water modelling adopted by Council under the Lower Bellinger and Kalang Rivers Floodplain Risk Management Study and the Lower Bellinger and Kalang Rivers Floodplain Risk Management Plan;</li> <li>is sited to not be subject to projected coastal inundation along the shoreline; and</li> <li>is responsive to the coastal management areas on the land, being the coastal wetlands area, the coastal environment area and the coastal environment area and the coastal environment area and the coastal environment</li> </ul>
The NSW Coastal Management Manual provides requirements and guidance for the preparation, development, adoption, implementation, amendment and review of coastal management programs, inclusive of their integration with Council's strategic and land-use planning processes. The coastal management toolkit provides additional framework and technical information for Council to consider in preparing and implementing a coastal management
program. According to Council's website, the Bellingen Coastal Management Program is yet to be completed.
The NSW Coastal Design Guideline 2023, under Direction 4.2 (Coastal Management) planning proposals that seek to amend a local environmental plan in the coastal zone must be consistent with the NSW Coastal Design Guidelines. The assessment checklist applicable to the subject document has been provided at Appendix I of this planning proposal. (2). This planning proposal does not propose to rezone land as identified in (2) (a) and (b) in accordance with Direction 4.2 (2)
<ul> <li>(3). Direction 4.2(3) is satisfied as the planning proposal limits the rezoning of land to areas outside the mapped extent of coastal wetlands.</li> <li>(4). Direction 4.2 (4) – This planning proposal does not</li> </ul>

4.3 Planning for Bushfire Protection	Yes	Yes	This Direction applies to a planning proposal that will affect, or is in proximity to, land mapped as bush fire prone land. Mapped bush fire prone land is identified by Council and certified by the Commissioner of the NSW Rural Fire Service as land which can support a bush fire or is subject to bush fire attack. The land is part mapped as bush fire prone land and Direction 4.3 applies to the planning proposal.
			The objectives of the Direction to protect life, property and the environment from bush fire hazards (by discouraging the establishment of incompatible land uses in bush fire prone areas) and to encourage sound management of bush fire prone areas are achieved as follows:
			<ul> <li>(1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&amp;A Act, and take into account any comments so made.</li> <li>(2) A planning proposal must: <ul> <li>(a) have regard to Planning for Bushfire Protection 2019,</li> <li>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</li> <li>(c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).</li> </ul> </li> <li>(3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: <ul> <li>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</li> <li>i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</li> <li>ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</li> <li>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire</li> </ul> </li> </ul>
			Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,

		(c) contain provisions for two-way a	access
		<ul> <li>(c) contain provisions for the way encoded which links to perimeter and/or to fire trail networks,</li> <li>(d) contain provisions for adequate supply for firefighting purposes,</li> <li>(e) minimise the perimeter of the area of interfacing the hazard which madeveloped,</li> <li>(f) introduce controls on the placem combustible materials in the Protection Area.</li> </ul>	roads water of land ay be ent of
		Direction 4.3 (1) is an administrative matter Council is to undertake where a gate determination is issued for this planning propose	teway
		The planning proposal is otherwise supported by updated <i>Bushfire Strategic Study</i> prepared by He Coast Bushfire Solutions which assesses the int the planning proposal against the criteria set of <i>Planning for Bush Fire Protection 2019</i> and Minis Planning Direction 4.3 (see Appendix G).	oliday ent of out in sterial
4.4 Remediation of Contaminated Land	Yes	Yes The land has historically been used for agriculativities (which includes extensive agriculture). activities may cause contamination as per Table the Department of Urban Affairs and Planning Environment Protection Authority's Managing Contamination Planning Guidelines: SEPP Remediation of Land (1998). Direction 4.4 the applies to the planning proposal as it concerns on which development for a purpose referred Table 1 to the contaminated land planning guide is being, or is known to have been, carried out'.	Such e 1 of g and <i>Land</i> 55– refore 'land to in
		The objective of this Direction 'to reduce the r harm to human health and the environmen ensuring that contamination and remediation considered by planning proposal authorities achieved as follows:	nt by n are
		<ul> <li>(1) A planning proposal authority must not in in a particular zone (within the meaning local environmental plan) any land to this direction applies if the inclusion of th in that zone would permit a change of the land, unless: <ul> <li>(a) the planning proposal authority considered whether the land contaminated, and</li> <li>(b) if the land is contaminated, the plaproposal authority is satisfied that the is suitable in its contaminated state be suitable, after remediation) for purposes for which land in the concerned is permitted to be used,</li> <li>(c) if the land requires remediation made suitable for any purpose for land in that zone is permitted to be the planning proposal authority is satisfied that the land will be so remediated the land is used for that purpose. In order to satisfy itself as to para 1(c), the planning proposal authority</li> </ul> </li> </ul>	of the which e land use of / has d is anning te land (or will all the zone and to be which used, ttisfied before agraph

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			need to include certain provisions in the local environmental plan. (2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings
			of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.
			The planning proposal seeks to introduce Zone R5 Large Lot Residential into this landscape and facilitate, through a reduction in subdivision lot sizes, the conduct of sensitive residential activities on the land. The planning proposal is therefore accompanied by an <i>Environmental Investigations – Lot 148 DP755557</i> <i>South Arm Road, Urunga</i> report prepared by Earth Water Consulting to address the potential for site contamination from previous land uses (see Appendix D).
			The report incorporates a preliminary environmental site assessment (PESA) 'undertaken in reference to the relevant sections in the <i>Consultants Reporting on Contaminated Land</i> (NSW EPA 2020), and Department of Urban Affairs and Planning <i>Managing Land Contamination – Planning Guidelines SEPP55 – Remediation of Land</i> (DUAP & EPA 1998)'. The PESA comprises an assessment of site history and check sampling for the land, and:
			has identified that the Site has no significant Areas of Environmental Concern or Contaminants of Concern that would impact the proposed residential subdivision. Check sampling confirmed that shallow soil concentrations of heavy metals are very low and within expected background ranges, and no pesticide contamination is present.
			The property is generally unimpacted by historic land uses and is suitable in its current state for the planning proposal to progress under Direction 4.4.
4.5 Acid Sulfate Soils	Yes	Yes	This Direction applies to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment. The land contains acid sulfate soils, and this Direction is accordingly relevant to the planning proposal (see Image B.2).
			The objective to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils is achieved by the following Directions:
			(1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils

Planning Maps as having a probability of acid sulfate soils being present.
(2) When a relevant planning authority is
preparing a planning proposal to introduce
provisions to regulate works in acid sulfate soils, those provisions must be consistent with:
(a) the Acid Sulfate Soils Model LEP in the
Acid Sulfate Soils Planning Guidelines
adopted by the Planning Secretary, or (b) other such provisions provided by the
Planning Secretary that are consistent
with the Acid Sulfate Soils Planning
Guidelines. (3) A relevant planning authority must not prepare
a planning proposal that proposes an
intensification of land uses on land identified
as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning
Maps unless the relevant planning authority
has considered an acid sulfate soils study
assessing the appropriateness of the change of land use given the presence of acid sulfate
soils. The relevant planning authority must
provide a copy of any such study to the
Planning Secretary prior to undertaking community consultation in satisfaction of
clause 4 of Schedule 1 to the Act.
(4) Where provisions referred to under 2(a) and
2(b) above of this direction have not been introduced and the relevant planning authority
is preparing a planning proposal that proposes
an intensification of land uses on land
identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps,
the planning proposal must contain provisions
consistent with 2(a) and 2(b).
The planning proposal:
<ul> <li>principally avoids land containing acid sulfate</li> </ul>
soils class 1, 2, 3 and 4 in the siting of the
proposed Zone R5 Large Lot Residential (see
Figure 4 of the Earth Water Consulting Environmental Investigations – Lot 148
DP755557 South Arm Road, Urunga); and
• is accompanied by a potential acid sulfate
soils investigation undertaken in reference to
the Acid Sulfate Soil Manual which confirms
that there is 'mapped low probability acid sulfate soils risk only present in the low-lying
wetland portion of the land well away from
potential building envelopes within the
proposed Zone R5 Large Lot Residential'
(see Appendix D).
The Earth Water Consulting potential acid sulfate soils
investigation incorporated the following scope of work:
<ul> <li>A desktop review of surface, geology, hydrogeology, geomorphic and ASS risk</li> </ul>
conditions;
• A site inspection and walkover to assess for
indicative ASS biomes and features;
Drilling of four (4) boreholes;

	<ul> <li>Collection of nine (9) soil samples at various soil profiles present and screening for ASS; and</li> <li>Preparation of this report [Environmental Investigations – Lot 148 DP755557 South Arm Road, Urunga] which describes the results of our investigation.</li> <li>The BLEP contains clause 7.1 Acid sulfate soils which aims 'to ensure that development does not disturb,</li> </ul>
	expose or drain acid sulfate soils and cause environmental damage'. This clause and its associated Acid Sulfate Soils Map are unaltered by the planning proposal and will apply to any current or subsequent development application made on the land.
	It is concluded that the planning proposal is consistent with Direction 4.5.
Image B.2 – Acid Sulfate Soils	
	Acid Sulfate Soils          1       Class 1         2       Class 2         3       Class 3         4       Class 4         5       Class 5

Source: ePlanning Spatial Viewer

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4.6 Mi Subsidence a Unstable Land	ne No nd	N/A	This Direction applies to a planning proposal that permits development on land that is within a declared mine subsidence district in the <i>Coal Mine subsidence</i> <i>Compensation Regulation 2017</i> pursuant to section 20 of the <i>Coal Mine Subsidence Compensation Act 2017</i> , or has been identified as unstable in a study, strategy or other assessment undertaken by or on behalf of the relevant planning authority or by or on behalf of a public authority and provided to the relevant planning authority.

A review of the land via the Planning Portal establishes
that the land is not in a Mine Subsidence District (see
Image B.3), or in an area with underground coal
mining, or classified as Landslide Risk Land.



#### Source: <u>Subsidence Advisory NSW</u>

Focus area 5: Transport and Infrastructure				
			This Dissuits and the termination of the first state	
5.1 Integrating Land Use and Transport	Yes	No	This Direction applies to a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	
			The planning proposal creates a residential zone and is therefore subject to Direction 5.1:	
			<ul> <li>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</li> <li>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</li> </ul>	
			The Department of Urban Affairs and Planning Guideline <i>Improving Transport Choice</i> contains ten (10) principles for the provision of accessible development. These seek to:	
			<ul> <li>concentrate and encourage a mix of development in centres along major public</li> </ul>	

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	<ul> <li>transport corridors and within one (1) kilometre of major public transport nodes;</li> <li>coordinate public transport infrastructure and services with land use strategies;</li> <li>interconnect road networks;</li> <li>discourage car use and provide pedestrian, cycle and public transport user friendly environments.</li> </ul>
	The planning proposal is inconsistent with the <i>Improving Transport Choice – Guidelines for planning and development</i> and may be inconsistent if:
	<ul> <li>(a) justified by a strategy approved by the Planning Secretary which: <ol> <li>gives consideration to the objective of this direction, and</li> <li>identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li> <li>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</li> <li>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or</li> </ol> </li> </ul>
	The planning proposal is justified by the Council adopted GHD <i>Growth Management Strategy</i> , August 2007. This Strategy establishes the land as part of the 'South Arm Road Investigation Area', being a site that is proximate to and suitable for rural residential development, inclusive of subdivision to a one (1) hectare minimum subdivision lot size.
	The <i>Growth Management Strategy</i> is to guide and inform Council's planning decisions up to 2026, inclusive of planning decisions for rural-residential land releases, and its recommendations justify the planning proposal's inconsistency with the terms of this Direction.
	It is additionally submitted that the inconsistency of the planning proposal with Direction 5.1 (1) (a) is of minor significance as the lot yield from the planning proposal is anticipated to be an additional seven (7) large lot residential allotments in line with Council's adopted Growth Management Strategy.
	The Department of Urban Affairs and Planning Guideline <i>The Right Place for Business and Services</i> – <i>Planning Policy</i> applies to developments that:
	<ul> <li>generate many trips from employees, customers or visitors</li> </ul>

		1	
			<ul> <li>provide important services, and generally have a gross floorspace of 1,000 m<sup>2</sup> or more</li> </ul>
			This guideline is not applicable to the planning proposal.
5.2 Reserving Land for Public Purposes	No	N/A	The planning proposal does not:
			<ul> <li>(a) create, alter or reduce existing zonings or reservations of land for public purposes;</li> </ul>
			(b) seek to reserve land for a public purpose;
			<ul><li>(c) request new provisions relating to the use of land reserved for a public purpose; or</li></ul>
			(d) propose to rezone and/or remove a reservation of any land that is reserved for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	No	N/A	This Direction applies to a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.
			Coffs Harbour Airport is situated to the north of the land off Hogbin Drive, Coffs Harbour, some 28 kilometres by road. The planning proposal therefore does not relate to land on or near a regulated airport and Direction 5.3 is not applicable.
5.4 Shooting Ranges	No	N/A	This Direction applies to a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
			The planning proposal concerns land that is not adjacent to or adjoining an existing shooting range. The Bellingen local government area contains two (2) shooting ranges and these are both situated in Dorrigo. Accordingly, Direction 5.4 is not applicable to the planning proposal.
Focus area 6: Hous		Vee	
6.1 Residential Zones	Yes	Yes	This Direction applies to a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.
			This Direction is applicable to the planning proposal as it concerns a proposed residential zone: Zone R5 Large Lot Residential.
			The objectives of this Direction are to:
			<ul> <li>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and</li> </ul>
			services, and

(c) minimise the impact of residential development on the environment and resource lands.
These objectives are achieved by the following Directions:
<ul> <li>(1) A planning proposal must include provisions that encourage the provision of housing that will:</li> <li>(e) broaden the choice of building types and locations available in the housing market, and</li> <li>(f) make more efficient use of existing infrastructure and services, and</li> <li>(g) reduce the consumption of land for housing and associated urban</li> </ul>
(d) be of good design.
<ul> <li>(2) A planning proposal must, in relation to land to which this direction applies:</li> <li>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</li> <li>(b) not contain provisions which will reduce the permissible residential density of land.</li> </ul>
The change of zone advocated by the planning proposal from Zone RU4 Primary Production Small Lots to Zone R5 Large Lot Residential does not alter the types of residential accommodation that are permitted with consent on the land. The associated one (1) hectare minimum subdivision lot size does broaden the choice of building locations available in the housing market and makes more efficient use of existing infrastructure and services, including the electrical network, wireless telecommunication services and South Arm Road.
The planning proposal facilitates the consumption of land for housing within the 'South Arm Road Investigation Area'. This land does not currently adjoin the urban fringe of Urunga and is justified by the Council's <i>Growth Management Strategy</i> .
Housing design does not form part of the planning proposal and any such measures would be contrary to Direction 1.4 (1).
The servicing of the land prior to undertaking residential development is adequately addressed under clause 7.9 'Public utility infrastructure' of the BLEP and the <i>Bellingen Shire Development Control Plan 2017</i> . Additional provisions are not required to deliver this Direction.
The planning proposal does not contain provisions which will reduce the permissible residential density of

			land and is therefore consistent with Direction 6.1 (2) (b).
6.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	The objectives of this Direction to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates are sought to be delivered by the following Directions:
			<ul> <li>(1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</li> <li>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</li> <li>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</li> </ul>
			<ul> <li>(2) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</li> <li>(a) take into account the categories of land set out in Schedule 6 of State Environmental Planning Policy (Housing) 2021 as to where MHEs should not be located,</li> <li>(b) take into account the principles listed in clause 125 of State Environmental Planning Policy (Housing) 2021 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</li> <li>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.</li> </ul>
			The land does not contain an existing caravan park and 'caravan park' is a land use that is prohibited in Zone RU4 Primary Production Small Lots. The planning proposal is therefore consistent with Directions 6.2 (1) (a) and (b).
			Development for the purposes of manufactured home estates is controlled by <i>State Environmental Planning</i> <i>policy</i> ( <i>Housing</i> ) 2021. Clause 122 of <i>State</i> <i>Environmental Planning policy</i> ( <i>Housing</i> ) 2021

			provides that development for the purposes of a manufactured home estate 'may be carried out pursuant to this Part on any land on which development for the purposes of a caravan park may be carried out' While the planning proposal does not seek to identify zones, locations and provisions that are suitable for manufactured home estates, it does seek to change from part Zone RU4 Primary Production Small Lots (in which development for the purposes of a caravan park is prohibited) to part Zone R5 Large Lot Residential (where development for the purposes of a caravan park, and accordingly a manufactured home estate, is permitted with consent). In this regard, the planning proposal to introduce Zone R5 Large Lot Residential to the land furthers the objectives of this Direction.
			<i>(Housing) 2021</i> and it is accordingly submitted that existing planning controls governing their development are adequate should consent be sought for such in the future.
Focus area 7: Indus 7.1 Business and	No	N/A	This Direction applies to a planning proposal that will
Industrial Zones			affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).
			The planning proposal concerns land that is Zone RU1 Primary Production, RU4 Primary Production Small Lots, C2 Environmental Conservation, C3
			Environmental Management and W2 Recreational Waterways and does not apply to Business or Industrial zones. Direction 7.1 is not applicable to the planning proposal.
7.2 Reduction in non-hosted short- term rental accommodation period	No	N/A	This Direction applies to Byron Shire Council when the council prepares a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area.
			The planning proposal is relevant to Bellingen Shire and therefore Direction 7.2 is not applicable.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	This Direction applies to a planning proposal in the North Coast council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive of the Bellingen Shire Council, that is in the vicinity of the existing and/or proposed alignment of the Pacific Highway.

			The Direction seeks to manage commercial and retail development along the Pacific Highway and is not applicable to the planning proposal as it does not involve new commercial or retail development, does not have frontage to the Pacific Highway, and does not involve the establishment of a highway service centre.
Focus area 8: Reso			
8.1 Mining, Petroleum Production and Extractive Industries	Νο	N/A	This Direction applies when preparing a planning proposal that would have the effect of: (a) prohibiting the mining of coal or other
			minerals, production of petroleum, or winning or obtaining of extractive materials, or
			(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.
Focus area 9: Prima			The Planning Proposal does not affect either matter (a) or (b).
9.1 Rural Zones	Yes	No	The objective of this Direction is to protect the agricultural production value of rural land. To achieve this objective in the Bellingen local government area, a planning proposal must:
			a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
			The planning proposal seeks to rezone land from Zone RU4 Primary Production Small Lots to Zone R5 Large Lot Residential. The planning proposal is therefore not consistent with Direction 9.1 (1) (a).
			The planning proposal may be inconsistent with the Direction where the inconsistency is:
			<ul> <li>(a) justified by a strategy approved by the Planning Secretary which:</li> <li>i. gives consideration to the objectives of this direction, and</li> </ul>
			<li>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li>

			<ul> <li>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</li> <li>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or</li> <li>(d) is of minor significance.</li> </ul>
			The planning proposal is justified by the Council adopted GHD <i>Growth Management Strategy</i> , August 2007. This Strategy establishes the land as part of the 'South Arm Road Investigation Area', being a site that is proximate to and suitable for rural residential development, inclusive of subdivision to a one (1) hectare minimum subdivision lot size.
			The <i>Growth Management Strategy</i> advocates the preparation of a Local Environmental Study to ascertain the extent of the area to be developed. This planning proposal and its appendices constitutes the relevant Local Environmental Study and nominates 8.3 hectares of the land within the 'South Arm Road Investigation Area' be rezoned from a rural zone to a residential zone.
			The <i>Growth Management Strategy</i> is to guide and inform Council's planning decisions up to 2026, inclusive of planning decisions for rural-residential land releases, and its recommendations justify the planning proposal's inconsistency with the terms of this Direction.
9.2 Rural Lands	Yes	Yes	This Direction applies to the planning proposal as it affects land in the Bellingen Shire that is within existing rural and conservation zones and proposes to change the minimum lot size within these zones.
			The objectives of this Direction are to:
			<ul> <li>(a) protect the agricultural production value of rural land,</li> <li>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</li> </ul>

	<ul> <li>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</li> <li>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between</li> </ul>
	residential and other rural land uses,
	(e) encourage sustainable land use practices and
	ensure the ongoing viability of agriculture on rural land,
	(f) support the delivery of the actions outlined in the
	NSW Right to Farm Policy.
	These objectives are to be achieved through the
	following Directions:
	(1) A planning proposal must:
	(a) be consistent with any applicable strategic
	plan, including regional and district plans
	endorsed by the Planning Secretary, and
	any applicable local strategic planning statement
	(b) consider the significance of agriculture
	and primary production to the State and
	rural communities
	(c) identify and protect environmental values,
	including but not limited to, maintaining
	biodiversity, the protection of native
	vegetation, cultural heritage, and the
	importance of water resources (d) consider the natural and physical
	(d) consider the natural and physical constraints of the land, including but not
	limited to, topography, size, location,
	water availability and ground and soil conditions
	(e) promote opportunities for investment in
	productive, diversified, innovative and
	sustainable rural economic activities
	(f) support farmers in exercising their right to
	farm
	(g) prioritise efforts and consider measures to
	minimise the fragmentation of rural land
	and reduce the risk of land use conflict,
	particularly between residential land uses
	and other rural land use
	(h) consider State significant agricultural land identified in chapter 2 of the State
	Environmental Planning Policy (Primary
	Production) 2021 for the purpose of
	ensuring the ongoing viability of this land
I	
(i) consider the social, economic and	
--	
environmental interests of the community.	
(2) A planning proposal that changes the existing	
minimum lot size on land within a rural or	
conservation zone must demonstrate that it:	
(a) is consistent with the priority of	
minimising rural land fragmentation	
and land use conflict, particularly	
between residential and other rural	
land uses	
(b) will not adversely affect the operation	
and viability of existing and future	
rural land uses and related	
enterprises, including supporting	
infrastructure and facilities that are	
essential to rural industries or supply	
chains	
(c) where it is for rural residential	
purposes:	
i. is appropriately located taking	
account of the availability of	
human services, utility	
infrastructure, transport and	
proximity to existing centres	
ii. is necessary taking account of	
existing and future demand and	
supply of rural residential land.	
The consistency of the planning proposal with any	
applicable strategic plan, including the North Coast	
Regional Plan 2041 as endorsed by the Planning	
Secretary and the Council endorsed Bellingen Shire	
Local Strategic Planning Statement 2020-2040, is	
discussed in the body of the planning proposal under	
Table 8.1 Matters for consideration. The planning	
proposal is consistent with these strategic plans and	
conforms to Direction 9.2 (1) (a).	
8.3 hectares of the land is proposed to be amended	
from Zone RU4 Primary Production Small Lots to Zone	
R5 Large Lot Residential. This land aligns with the	
Pine Creek soil landscape and is characterised by the	
following rural land use qualities and limitations:	
Rural Land Capability Class V-VI. High limitations	
for cultivation due to slope, stoniness, erosion risk	
and risk of topsoil structure decline. Low limitations	

for grazing and perennial horticulture. Moderate to low limitations for forestry activities due to slope, erosion hazard and low topsoil wet bearing strength. Topsoils are moderately fertile when managed to conserve structure and organic matter, but phosphorus sorption is high. Topsoils are susceptible to structure decline by cattle and machinery, reducing infiltration and increasing runoff, thus increasing susceptibility to rill and gully erosion. Subsoils are moderately well-structured but have low cation exchange capacity, are strongly acidic and deficient in calcium. Runoff should be controlled to minimise soil erosion.

The moderate to low capability of the soil has historically restricted the land use to the extensive grazing of cattle.

By reference to the NSW Department of Primary Industries guide *Beef stocking rates and farm size* – *Hunter Region*, it can be estimated that the 8.3 hectares the subject of the rezoning has a carrying capacity of one (1) breeding cow and follower turned off within a year. This low level is highly unlikely to justify pasture improvement, or to cover basic operating costs, and demonstrates that the site, and the land, cannot support a functional cattle unit:

> Properties that comprise mostly Class 4 Agricultural Suitability have relatively low levels of pasture productivity and a larger area is required to sustain the year round feed requirements of each animal or breeding unit. Hence, smaller properties of less than 60 ha are only capable of supporting small numbers of cattle. Such properties, however, may require the same level of effort and costs as a larger property and are unlikely to ever be capable of covering the costs of running and selling the livestock.

The site is not significant for agriculture and primary production and is limited by natural and physical constraints.

Biodiversity values on the land have been identified in accordance with Direction 9.2 (1) (c) and are protected

by the planning proposal through the constrained distribution of proposed Zone R5 Large Lot Residential and the application of the two hundred (200) hectare minimum subdivision lot size over the wetland and along the full frontage to the Kalang River. The planning proposal may lead to the discontinuation of stock on the land, and this is contemplated in the <i>Ecological Assessment</i> to 'greatly benefit the long- term viability of the native vegetation at the site'.
The identification of the land within Council's <i>Growth Management Strategy</i> was a consequence of catchment-based investigations that preference areas which:
<ul> <li>are physically capable of supporting rural housing;</li> <li>are close to existing settlements (within 5-6km) which already have services and community facilities, or can otherwise be efficiently and economically serviced;</li> <li>are not required or likely to be required for future urban expansion of existing settlements;</li> <li>do not comprise prime crop and pasture land;</li> <li>are not subject to significant environmental hazard; and</li> <li>are not of significant conservation value.</li> </ul>
The nominated 'South Arm Road Investigation Area' incorporates rural residential type allotments fronting South Arm Road some 325m to the northeast of the land and is proximate to rural residential type allotments situated some 155m to the west. The land is part of this coherent fabric which serves to minimise the fragmentation of rural land and reduce the risk of land use conflict by directing rural residential development away from important farmland and clustering sensitive land uses. The proponent has completed a Land Use Conflict Risk Assessment (LUCRA) in respect of the proposal and this is included as an Attachment. The LUCRA concludes that the proposal is unlikely to adversely impact upon the conduct of agricultural operations on adjoining land.
For the purposes of Direction 9.2 (1) (h), there is no state significant agricultural land listed in Schedule 1 of <i>State Environmental Planning Policy (Primary Production) 2021</i> .

			1
			<ul> <li>The planning proposal is consistent with Direction 9.2 (1) (i) as it aligns with a series of social, economic and environmental interests of the community, including: <ul> <li>its capacity to assist in the provision of housing in a Shire where 'considerable demand exists, and lack of housing supply is checking growth' (<i>Bellingen Shire Local Housing Strategy 2020-2040</i>);</li> <li>the four (4) goals of the <i>North Coast Regional Plan 2036</i>; and</li> <li>the Council's <i>Growth Management Strategy</i>.</li> </ul> </li> </ul>
			The planning proposal is additionally consistent with Direction 9.2 (2) as per the considerations above. Future demand identified in the <i>Growth Management</i> <i>Strategy</i> under clause 4.3.2 is for an additional 300 lots of rural-residential land around Urunga over the 20-year life of the Strategy. A maximum of only 50% of these were to be realised under the planning controls and consequently the Strategy identifies investigation areas believed strategically suitable for rural residential development, inclusive of the land, by virtue of matters such as the availability of human services, utility infrastructure, transport and proximity to the existing centre of Urunga.
9.3 Oyster Aquaculture	No	N/A	This Direction applies when preparing a planning proposal in 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006) that facilitates a change in land use which could result in:
		<ul> <li>(a) adverse impacts on a 'Priority Oyster Aquaculture Area' or a "current oyster aquaculture lease in the national parks estate", or</li> <li>(b) incompatible use of land between oyster aquaculture in a 'Priority Oyster Aquaculture Area' or a "current oyster aquaculture lease in the national parks estate" and other land uses.</li> </ul>	
			The NSW Oyster Industry Sustainable Aquaculture Strategy (2021) identifies that the Kalang River is approved for the commercial cultivation of Sydney rock oysters on oyster aquaculture leases. The distribution of these leases is shown in Image B.4 below.

While the planning proposal is situated in the catchment of these priority oyster aquaculture areas, the Earth Water Consulting <i>Environmental Investigations – Lot 148 DP755557 South Arm Road, Urunga</i> , finds 'that there is the opportunity for the sustainable application of wastewater following subdivision of the existing properties into smaller lots' (see Appendix D). Furthermore, the proposed Zone R5 Large Lot Residential and associated one (1) hectare minimum subdivision lot size is sited upstream of the wetland which is identified in the BJM <i>Environmental Ecological Assessment</i> as serving the 'primary function to capture and treat contaminants in incoming flows and improve water quality'.
The assessed capacity for the land to sustainably treat effluent onsite, coupled with the wetland buffer between a potential change in land use and the Kalang River, establishes that it is unlikely that the planning proposal could result in an adverse impact on, or an incompatible use with, a 'Priority Oyster Aquaculture Area'. Consequently, Direction 9.3 is not applicable.

Image B.4 – Aquaculture leases / Priority Oyster Aquaculture Areas

NŠW Far North

Coast



# **APPENDIX C -**

## **CONCEPT PLANS**





# **APPENDIX D** -

## **ENVIRONMENTAL INVESTIGATIONS**



### ABORIGINAL CULTURAL HERITAGE ASSESSMENT

# **APPENDIX F** -

## **ECOLOGICAL ASSESSMENT**

# **APPENDIX G -**

## **BUSHFIRE STRATEGIC STUDY**

# **APPENDIX H -**

## **COUNCIL CORRESPONDENCE**

### denisatkinson@bigpond.com

From:	Daniel Bennett <dbennett@bellingen.nsw.gov.au></dbennett@bellingen.nsw.gov.au>	
Sent:	Tuesday, 28 January 2020 11:29 AM	
To:	'denisatkinson@bigpond.com'	
Cc:	Luke Perry	
Subject:	Riddel land - South Arm Rd Rezoning Proposal	

#### Hi Denis

I refer to our discussions regarding this matter and confirm the following.

### Fee Structure for Planning Proposal not scheduled in DP/OP

- Stage 1 To Gateway Determination \$1918
- Stage 2 Advertising Fee \$68
- Stage 3 To publication \$ 5619

### Requisite Studies to support rezoning request

- Flora & Fauna Assessment
- Bushfire Assessment
- On site effluent Disposal Assessment
- Aboriginal Archaeological Assessment

I have discussed with Craig Diss from the Department of Planning, Industry & Environment and we are both of the view that until such time as a newly adopted strategy adopts any contrary position to the existing GMS 2007, then the enabling provisions of the 2007 Strategy as they are relevant to this matter could continue to be acted upon.

On this basis, it is recommended that rather than submitting an incomplete planning proposal request, it would be preferable to assemble all of the relevant sub-consultant reports and then submit.

Happy to discuss further if necessary.

Regards, Dan

Daniel Bennett Senior Strategic Planner Planning Services Bellingen Shire Council Ph: 6655 7352

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# **APPENDIX I -**

## ASSESSMENT CHECKLIST NSW COASTAL DESIGN GUIDELINES 2023

# **APPENDIX J -**

## LAND USE CONFLICT RISK ASSESSMENT