

## Assessment Against S9.1 Ministerial Directions

Section 9.1 Direction	Applies?	Comments
<b>Focus area 1: Planning Systems</b>		
1.1 Implementation of Regional Plans	Applies	The Planning Proposal is consistent with the North Coast Regional Plan 2041 as addressed within Question 3 of this Planning Proposal.
1.2 Development of Aboriginal Land Council land	N/A	-
1.3 Approval and Referral Requirements	Applies	<p>No referral or concurrence requirements are proposed within the Planning Proposal.</p> <p>The Gateway Determination contained within <b>Attachment 14</b> specifies the duration and extent of public exhibition for the Planning Proposal. Pursuant to the NSW DPIE Local Plan Making Guidelines (August 2023), the Planning Proposal will be publicly exhibited for 20 working days in line with a 'standard application'.</p>
1.4 Site Specific Provisions	N/A	-
1.4A Exclusion of Development Standards from Variation	N/A	-
<b>Focus area 1: Planning Systems – Place-based</b>		
1.5 Parramatta Road Corridor Urban Transformation Strategy	N/A	-
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	-
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	-
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	-

1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	-
1.10 Implementation of the Western Sydney Aerotropolis Plan	N/A	-
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A	-
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	-
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A	-
1.14 Implementation of Greater Macarthur 2040	N/A	-
1.15 Implementation of the Pymont Peninsula Place Strategy	N/A	-
1.16 North West Rail Link Corridor Strategy	N/A	-
1.17 Implementation of the Bays West Place Strategy	N/A	-
1.18 Implementation of the Macquarie Park Innovation Precinct	N/A	-
1.19 Implementation of the Westmead Place Strategy	N/A	-
1.20 Implementation of the Camellia-Rosehill Place Strategy	N/A	-
1.21 Implementation of South West Growth Area Structure Plan		
1.22 Implementation of the Cherrybrook Station Place Strategy		

Focus area 2: Design and Place		
-	-	This Focus Area was blank when the Directions were made
Focus area 3: Biodiversity and Conservation		
3.1 Conservation Zones	N/A	-
3.2 Heritage Conservation	Applies	<p>The following comments are provided:</p> <ul style="list-style-type: none"> <li>○ Previous Consultants working on the project (Harrison Shepherd Pty Ltd) engaged Bogal Local Aboriginal Land Council to be involved in an Aboriginal Heritage Assessment for the proposed rezoning. The correspondence from Bogal Aboriginal Land Council to Harrison Shepherd Pty Ltd is contained within <b>Attachment 5</b>.</li> <li>○ The assessment concluded that due to disturbance caused from past and present land activities such as slashing, ploughing and cane farming, the area assessed didn't offer much hope of finding anything of cultural significance at ground level, and therefore Bogal LALC has no objections to the proposed rezoning.</li> <li>○ A more recent search of AHIMS by NDC (<b>Attachment 5</b>) did not identify any Aboriginal sites or places within 50 metres of the subject lands.</li> <li>○ The Richmond Valley LEP 2012 mapping does not identify the subject lands as containing a heritage item.</li> </ul>
3.3 Sydney Drinking Water Catchments	N/A	-
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	-
3.5 Recreation Vehicle Areas	N/A	-
3.6 Strategic Conservation Planning	N/A	-
3.7 Public Bushland	N/A	-
3.8 Willandra Lakes Region	N/A	-
3.9 Sydney Harbour Foreshores and Waterways Area	N/A	-

3.10 Water Catchment Protection	N/A	-
<b>Focus area 4: Resilience and Hazards</b>		
4.1 Flooding	Applies	<p>As addressed in Section 1.4, BMT have completed a Qualitative Flood Impact and Risk Assessment (FIRA) which is contained within <b>Attachment 12</b>. The Report concludes that <i>“the FIRA was based on the simple assessment approach in accordance with the FIRA guideline LU01 (DPE, 2023). The assessment was conducted based on an understanding of existing flood behaviour from the recently completed Richmond River Flood Study (RVFS) (BMT, September 2023).”</i></p> <p>Whilst Section 5 summarises the key findings of the FIRA, the report concludes that <i>“Overall, the proposed concept subdivision plan (incorporating the proposed flood risk treatment options) is considered to be compatible with the flood hazard.”</i></p> <p>In accordance with the Gateway Determination conditions, the Planning Proposal has removed those parts of the land affected by a high flood hazard (H5 and H6) in the Probable Maximum Flood event.</p>
4.2 Coastal Management	N/A	-
4.3 Planning for Bushfire Protection	Applies	<p>Current mapping obtained from Richmond Valley Council indicates that the north western and south western portions of the land are mapped as being bushfire prone. A bushfire assessment report prepared by Bushfire Certifiers is contained within <b>Attachment 3</b>.</p>
4.4 Remediation of Contaminated Land	Applies	<p>A preliminary site contamination report has been prepared by Tim Fitzroy &amp; Associates and is contained within <b>Attachment 10</b>. The report concludes that <i>“Based on the outcomes of this PSI there is no impediment to approval of Planning Proposal for the proposed rezoning from RU1 Primary Production to R5 Large Lot Residential. Further investigation in accordance with the EPA sampling guidelines is required prior to the issue of a subdivision certificate for large lot residential use.”</i></p>
4.5 Acid Sulfate Soils	Applies	<p>The subject lands are identified as containing a combination of Class 3 &amp; 5 Acid Sulfate Soils on RVLEP 2012 Acid Sulfate Soils mapping.</p> <p>Reference should be made to the Acid Sulfate Soil Assessment prepared by Tim Fitzroy &amp; Associates as contained within <b>Attachment 9</b>. The assessment concludes the following:</p> <p><i>“The revised development footprint has been reduced to elevated portions of the subject site such that the proposed works will not</i></p>

		<i>disturb acid sulfate soils (see Attachment A ASS Risk Map and Conceptual Site Plan). As a consequence, ASS has not been identified as an impediment to the Planning Proposal to be submitted to Richmond Valley Council (RVC) for the establishment of a 43 Lot Rural Residential Subdivision at the subject site.”</i>
4.6 Mine Subsidence and Unstable Land	N/A	-
<b>Focus area 5: Transport and Infrastructure</b>		
5.1 Integrating Land Use and Transport	Applies	<p><u>Improving Transport Choice</u> Access to the public road network to and from the site will be achieved from the adjoining public road network.</p> <p>The proposal relates to a form of rural residential subdivision, and is not a typical urban residential style development in an urban area to which the Improving Transport Choice document relates. In this regard, the proposal is not inconsistent with the relevant location and design guidelines (Part 3) contained within the document ‘Improving Transport Choice’ with regard to housing.</p> <p><u>The Right Place for Business and Services</u> ‘The Right Place for Business and Services’ document relates to business and services and does not directly apply to the current Planning Proposal for rural residential development.</p>
5.2 Reserving Land for Public Purposes	N/A	-
5.3 Development Near Regulated Airports and Defence Airfields	N/A	-
5.4 Shooting Ranges	N/A	-
<b>Focus area 6: Housing</b>		
6.1 Residential Zones	Applies	<p>The following comment are provided:</p> <ul style="list-style-type: none"> <li>○ The Planning Proposal involves the application of a zoning framework consistent with large lot residential zoning already existing within the immediate Reardons Lane locality;</li> <li>○ The subject land is nearby land that has been rezoned for rural residential purposes within the Reardons Lane, Swan Bay precinct. Following rezoning, the subdivision will deliver housing within the Reardons Lane precinct that will support the delivery of housing diversity on lots with minimum lot sizes of 7,000m<sup>2</sup>.</li> <li>○ The site’s location and attributes are consistent with the southerly expansion of the Reardons Lane rural residential precinct.</li> </ul>

		<ul style="list-style-type: none"> <li>○ The rezoning of the land for rural residential purposes will have positive social and economic effects. In particular the development of the land for housing will assist in meeting housing supply goals identified in the Richmond Valley Growth Management Strategy. Significant community benefit associated with the proposed development will be found in the provision of additional housing to service the population needs of the Richmond Valley LGA.</li> <li>○ The proposal is responsive to and consistent with the Richmond Valley LSPS as addressed within the Planning Proposal report with regards to the provision of residential development.</li> <li>○ The proposal is consistent with NCRP 2041 with regards to the provision of rural residential development. The current proposal accords with the Richmond Valley Local Government Narrative under the North Coast Regional Plan 2041.</li> <li>○ The lots will be required to be serviced by all necessary utility infrastructure that will be addressed at the development application stage. The lots will be self sufficient with regards to water supply for potable and fire-fighting purposes (via rainwater storage tanks), and on-site wastewater systems for the disposal of wastewaters.</li> <li>○ The proposal will enable residents to have access to Casino, Woodburn, and Evans Head which provide services and facilities including retail services, financial services, Council offices, recreational opportunities, educational and childcare services, health services, industrial services, and good transport infrastructure.</li> </ul>
6.2 Caravan Parks and Manufactured Home Estates	N/A	-
<b>Focus area 7: Industry and Employment</b>		
7.1 Employment Zones	N/A	-
7.2 Reduction in non-hosted short-term rental accommodation period	N/A	-
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	-
<b>Focus area 8: Resources and Energy</b>		
8.1 Mining, Petroleum Production and Extractive Industries	Applies	<p><b>Justified Inconsistency</b></p> <p>Direction 8.1 applies to the Planning Proposal as it will have the effect of prohibiting extractive industries on the subject land once zoned R5.</p>

		<p>Considering the fact that the proposal will enable a subdivision within an established rural residential area identified within Council’s strategic planning framework, the inconsistency is considered to be of minor significance. Consultation with NSW Mining, Exploration and Geoscience is expected to occur as part of the Planning Proposal assessment process.</p>
<p><b>Focus area 9: Primary Production</b></p>		
<p>9.1 Rural Zones</p>	<p>Applies</p>	<p><b>Justified Inconsistency</b></p> <p>In addressing Clause 1(a) of the Direction:</p> <ul style="list-style-type: none"> <li>• The Planning Proposal seeks to rezone land zoned RU1 Primary Production to an R5 Large Lot Residential Zone.</li> </ul> <p>To address the inconsistency of Clause 1(a) in rezoning land from rural to residential, the following is submitted.</p> <ul style="list-style-type: none"> <li>• The Planning Proposal is consistent with the relevant local Planning strategies as demonstrated within Question 4 of this Planning Proposal;</li> <li>• The Planning Proposal is consistent with the North Coast Regional Plan 2041 as identified within Question 3 of this Planning proposal.</li> </ul> <p>As outlined in Section 1.4 of this Planning Proposal a number of issues were raised by NSW DPI which have now been addressed through direct consultation between NDC and the DPI.</p> <p>Agricultural land class in regards to the subdivision has been addressed earlier. In this regard the following points are provided:</p> <ul style="list-style-type: none"> <li>• The Planning Proposal does not propose to rezone State Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005.</li> <li>• The Planning Proposal does not propose to rezone Regionally Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005.</li> <li>• The Planning Proposal does not propose to rezone areas of mapped Class 3 prime agricultural land.</li> <li>• Further discussion regarding the development footprint and the agricultural land can be found in Section 1.4 of this report which discusses the consultation that has been undertaken with the NSW DPI.</li> <li>• To address land use conflict and the proposed development, reference should be made to the LUCRA report prepared by Tim Fitzroy &amp; Associates contained within <b>Attachment 4</b>. Recommendations with regard to vegetation buffers can be implemented into a future subdivision lot layout at the Development Application stage.</li> </ul>

9.2 Rural Lands	Applies	<p>The Planning Proposal seeks to rezone land currently zoned RU1 Primary Production to a R5 Large Lot Residential Zone. The Planning Proposal also seeks to amend the minimum lot size to 7,000m<sup>2</sup> for that part of the land proposed to be rezoned to R5.</p> <p>To address the requirements of sub-clauses 1 &amp; 2 in regards to rezoning land from rural to residential, and amending the minimum lot size, the following is submitted:</p> <ul style="list-style-type: none"> <li>• The Planning Proposal is consistent with the Richmond Valley Growth Management Strategy, and Richmond Valley 2040 Community Strategic Plan as demonstrated within Question 4 of this Planning Proposal.</li> <li>• The Planning Proposal is consistent with the NCRP 2041 as identified within Question 3 of this Planning Proposal.</li> <li>• The Planning Proposal is consistent with the Richmond Valley LSPS as identified within Question 4 of this Planning Proposal.</li> <li>• As outlined in Section 1.4 of this Planning Proposal a number of issues were raised by NSW DPI which have now been addressed through direct consultation between NDC and the DPI.</li> <li>• The Planning Proposal does not propose to rezone State Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005.</li> <li>• The Planning Proposal does not propose to rezone Regionally Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005.</li> <li>• The Planning Proposal does not propose to rezone areas of mapped Class 3 prime agricultural land.</li> <li>• The relevant site and surrounding environmental aspects, natural and physical constraints have been identified within this report and attached technical reports.</li> <li>• To address land use conflict and the proposed development, reference should be made to the LUCRA report prepared by Tim Fitzroy &amp; Associates contained within <b>Attachment 4</b>. Recommendations with regard to vegetation buffers can be implemented into a future subdivision lot layout at the Development Application stage.</li> <li>• As discussed under Section 1.4 of the Planning Proposal with regard to the agricultural landscape, previous information has been submitted to the NSW DPI illustrating that the subject land is located on the eastern side of Reardons Lane where a number of rural residential estates have been approved and developed. The proposal maintains consistency with the already developed land within the rural residential precinct and does not fragment the surrounding agricultural landscape.</li> <li>• Given the above, the future subdivision is not considered likely to adversely affect the operation and viability of</li> </ul>
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		<p>existing and future rural land uses and related enterprises. Similarly, the proposal is considered to be able to satisfactorily address the provisions of Clause 5.16 of the Richmond Valley LEP 2012.</p> <ul style="list-style-type: none"> <li>• Social and economic impacts have been identified within this Planning Proposal.</li> <li>• No issues have been identified concerning cultural heritage impacts as addressed within the Planning Proposal.</li> <li>• With respect to biodiversity and vegetation, reference should be made to the information provided under Question 7 of the Planning Proposal.</li> <li>• The rezoning of the land for rural residential purposes will have positive social and economic effects. In particular the development of the land for housing will assist in meeting housing supply goals identified in the Richmond Valley Growth Management Strategy. Significant community benefit associated with the proposed development will be found in the provision of additional housing to service the population needs of the Richmond Valley LGA.</li> <li>• As provided within the Planning Proposal, the development site is readily accessible and proximate to Casino, Woodburn, and Evans Head that contain a diverse range of community facilities as well as retail, administrative, education, health, sporting, open space and transport services.</li> <li>• Services to the development have been considered and addressed within Question 11 of this Planning Proposal.</li> <li>• As submitted in Section 1.4 of the Planning Proposal, the lot supply and demand matter previously raised by Council has now been resolved.</li> </ul>
9.3 Oyster Aquaculture	N/A	-
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Applies	<p>The Planning Proposal does not propose to rezone State Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005.</p> <p>The Planning Proposal does not propose to rezone Regionally Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005.</p> <p>The Planning Proposal does not propose to rezone areas of mapped Class 3 prime agricultural land.</p> <p>To address land use conflict and the proposed development, reference should be made to the LUCRA report prepared by Tim Fitzroy &amp; Associates contained within <b>Attachment 4</b>. Recommendations with regard to vegetation buffers can be implemented into a future subdivision lot layout at the Development Application stage.</p>

		<p>As outlined in Section 1.4 of this Planning Proposal a number of issues were raised by NSW DPI which have now been addressed through direct consultation between NDC and the DPI.</p> <p>The Planning Proposal is consistent with the NCRP 2041.</p>
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