

Appendix J

Urban Growth Area Variation Principles

Policy	The variation needs to be consistent with the objectives and outcomes in the North Coast Regional Plan 2036 and any relevant Section 117 Directions and State Environmental Planning Policies, and should consider the intent of any applicable local growth management strategy
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Comment:

While the proposal does not rely on a variation to the Urban Growth Area Principles, this SCC seeks to demonstrate that this site is suitable for more intensive development.

The proposal would provide new seniors housing supply and diversity on land which adjoins an existing urban settlement and in an area particularly suited for affordable and seniors housing opportunity. Development of the land would not impact significant environmental, aboriginal or farmland resources and result in the logical rounding off of the developable area of Bray Park. Development of the site is aligned with existing infrastructure. Extensions to existing services would not generate additional cost to Government.

The proposal in this regard, and as discussed throughout this SCC request is consistent with the objectives and outcomes in the North Coast Regional Plan, is justified against the relevant section 9.1 (former 117) Directions and SEPPs and meets the intent of the Tweed Urban and Employment Lands Release Strategy 2009.

Infrastructure	<p>The variation needs to consider the use of committed and planned major transport, water and sewerage infrastructure, and have no cost to government.</p> <p>The variation should only be permitted if adequate and cost-effective infrastructure can be provided to match the expected population.</p>
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Comment:

The site is located on the periphery of the Bray Park residential area. Power, water, sewer and telecommunication services are currently available to the property.

Preliminary engineering assessments have been undertaken to determine various civil matters including traffic and access, water and sewer reticulation, stormwater drainage, electricity and communications.

Environmental and Farmland Protection	<p>The variation should avoid areas:</p> <ul style="list-style-type: none">• of high environmental or heritage value; and• mapped as important farmland, unless consistent with the interim variation criteria prior to finalising the farmland mapping review.
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Comment:

Environmental or heritage value

The site is predominantly clear of vegetation and used for low scale grazing purposes. The likelihood of the land containing high environmental or heritage value is low.

With that said, measures to protect areas of vegetation and cultural significance can be determined under any future DA that seeks to undertake works onsite.

Important farmland

The site is mapped as important farmland. The use of the land as seniors housing is consistent with the Important Farmland Interim Variation Criteria as discussed further below.

The proposal is supported by an agricultural land use capability assessment which also confirms that the land is not capable of supporting sustainable agricultural production.

Land Use Conflict

The variation must be appropriately separated from incompatible land uses, including agricultural activities, sewage treatment plants, waste facilities and productive resource lands.

Comment:

The site is located at the periphery of developable land of Bray Park and will provide appropriate separation and interface between the seniors housing and rural operations. Initial site investigations and discussion with Tim Fitzroy (Environmental Health) has outlined preliminary buffer and transition considerations which will continue to develop as part of future DA processes.

The proposal is also supported by an agricultural land use capability assessment which confirms that seniors housing on the land would not increase the likelihood of conflict and does not impact on current or future agricultural activities of the site or in the locality.

The site is close to a water treatment facility due north east, however this provides appropriate separation in excess of 200m, dense vegetation buffering and developed residential land (including roadway and dwellings). The proposal is therefore appropriately separated from incompatible land uses.

Avoiding Risks

The variation must avoid physically constrained land identified as:

- flood prone;
- bushfire-prone;
- highly erodible;
- having a severe slope; and
- having acid sulfate soils

Comment:

The site contains mapped high flow and flood prone land, development is not proposed within any such areas. The site is mapped as containing Class 1, 2 and vegetation buffer bushfire mapped areas, no development is proposed within these areas. Further, the site is not highly erodible nor steep. The site contains mapped acid sulfate soils, the proposal is positioned generally within Class 5 mapped areas and appropriately considers this.

It is therefore submitted that the proposal avoids physically constrained land.

Heritage

The variation must protect and manage Aboriginal and non-Aboriginal heritage.

Comment:

The site is cleared and used for low scale grazing purposes. It is surrounded by land which has been developed for infrastructure, urban or rural residential purposes. The likelihood of aboriginal significance on the land is low.

Measures to manage cultural significance can be investigated and determined under any future DA that seeks to undertake works onsite. Alternatively, further detailed investigation could be undertaken as part of this planning proposal process to determine the significance of the land and if further site-specific provisions or development controls are required to manage it.

Coastal Area

Only minor and contiguous variations to urban growth areas in the coastal area will be considered due to its environmental sensitivity and the range of land uses competing for this limited area.

Comment:

The site is identified as Coastal Environment and Coastal Use area. However, the SCC footprint sits outside the Coastal Use area and is compatible as a logical extension to the developable land of Bray Park. While not a rezoning, the site is contiguous with urban growth area land and not environmentally sensitive land.

Important Farmland Interim Variation Criteria

Land may be suitable for other uses other than farmland if:

Agricultural Capability

- The land is isolated from other important farmland and is not capable of supporting sustainable agricultural production

Comment:

The proposal seeks to unlock a small portion of 'important farmland' approximately 4ha in area and directly adjoining residential lands north and west for seniors housing. This minor extension to the developable area of Bray Park does not result in isolation of the rural lands nor does this impact the capability of the site to support agricultural production. The area in question has been assessed through an Agricultural Assessment as low quality agricultural land.

The proposal retains the majority of the site and mapped 'important farmland' to facilitate ongoing operation of the site as a working farm. The land owner being a 3rd generation farmer of the land supports the proposal, acknowledging benefit in improving the interface and buffer conditions which are currently lacking.

Land use conflict

- The land use does not increase the likelihood of conflict and does not impact on current or future agricultural activities in the locality

Comment:

The site is located at the periphery of developable land of Bray Park and will provide appropriate separation and interface between the seniors housing and rural operations. Initial site investigations and discussion with Tim Fitzroy (Environmental Health) has outlined preliminary buffer and transition considerations which will continue to develop as part of future DA processes.

The proposal is also supported by an agricultural land use capability assessment which confirms that seniors housing on the land would not increase the likelihood of conflict and does not impact on current or future agricultural activities of the site or in the locality. With suitable consideration of buffering and transition, the proposal will improve the interaction between the residential, seniors and rural uses.

Infrastructure

- The delivery of infrastructure (utilities, transport, open space, communications and stormwater) required to service the land is physically and economically feasible at no cost to State and Local Government

Comment:

The site is located on the periphery of the Bray Park residential area. Power, water, sewer and telecommunication services are currently available to the property.

Preliminary engineering assessments have been undertaken to determine various civil matters including traffic and access, water and sewer reticulation, stormwater drainage, electricity and communications.

Environment and heritage

- The proposed land uses do not have an adverse impact on areas of high environmental value, and Aboriginal or historic heritage significance

Comment:

Environmental or heritage value

The site is predominantly clear of vegetation and used for low scale grazing purposes. The likelihood of the land containing high environmental or heritage value is low.

With that said, measures to protect areas of vegetation and cultural significance can be determined under any future DA that seeks to undertake works onsite.

Important Farmland Interim Variation Criteria

Avoiding risk

- Risks associated with physically constrained land are identified and avoided, including:
 - flood prone;
 - bushfire-prone;
 - highly erodible;
 - severe slope; and
 - acid sulfate soils.

Comment:

The site contains mapped high flow and flood prone land, development is not proposed within any such areas. The site is mapped as containing Class 1, 2 and vegetation buffer bushfire mapped areas, no development is proposed within these areas. Further, the site is not highly erodible, nor steep. The site contains mapped acid sulfate soils, the proposal is positioned generally within Class 5 mapped areas and appropriately considers this.

It is therefore submitted that the proposal identifies and avoids physically constrained land as suitable.