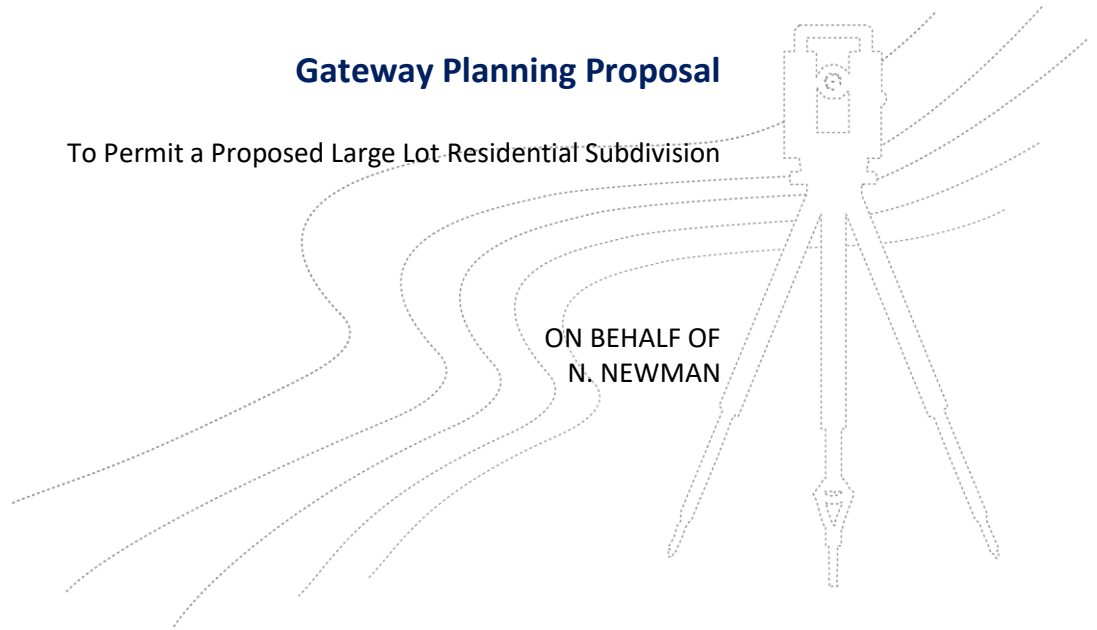


Gateway Planning Proposal

To Permit a Proposed Large Lot Residential Subdivision

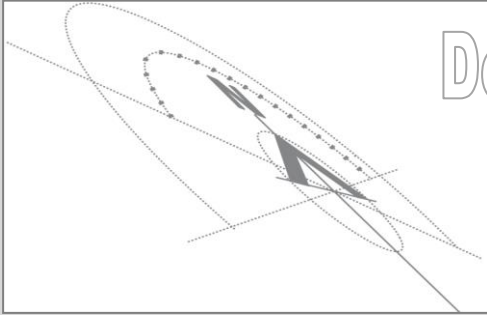
ON BEHALF OF
N. NEWMAN



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

Our Ref: 14/227
Date: August 2024





Document Control Sheet

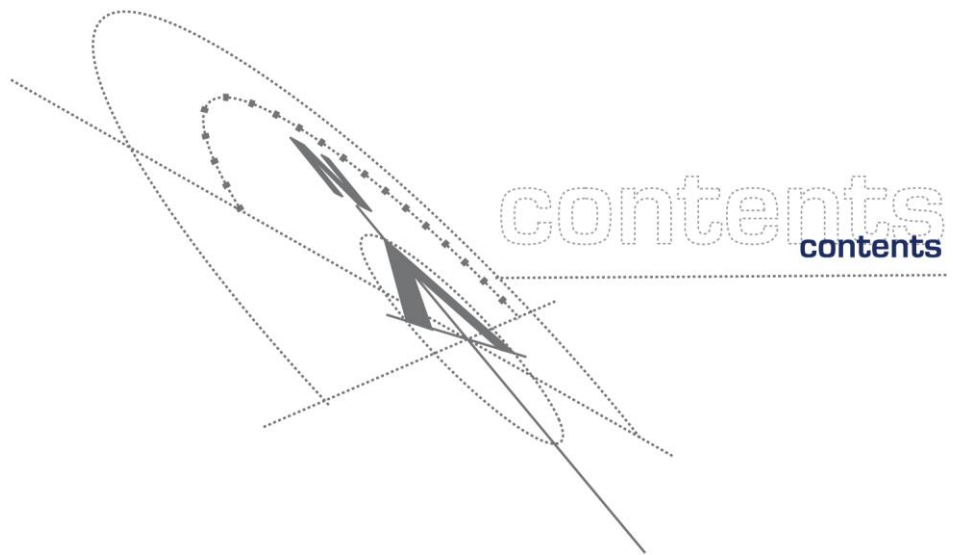
Document and Project Details				
Document Title:	Gateway Planning Proposal			
Author:	Luke Fittock			
Project Manager:	Damian Chapelle			
Date of Issue:	28 August 2024			
Job Reference:	14/227			
Project Outline:	This document presents a Planning Proposal to rezone part of the land to R5 Large Lot Residential in accordance with the RVLEP 2012.			
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Checked by:	L Fittock			

USAGE NOTE:

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

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



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ATTACHMENTS

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

Attachment 5	Bogal Aboriginal Land Council Correspondence AHIMS
Attachment 6	NDC Lot Supply & Demand Response
Attachment 7	Assessment against State Environmental Planning Policies
Attachment 8	Assessment against S9.1 Ministerial Directions
Attachment 9	Acid Sulfate Soil Assessment <i>Tim Fitzroy & Associates</i>
Attachment 10	Preliminary Site Contamination Report <i>Tim Fitzroy & Associates</i>
Attachment 11	Agricultural Assessment <i>Allen & Associates</i>
Attachment 12	Qualitative Flood Impact and Risk Assessment <i>BMT</i>
Attachment 13	NSW Department of Planning, Housing and Infrastructure (including BCD) correspondence
Attachment 14	Gateway Determination

PLANS

Plan 1 – Location

Plan 2 – Detail Survey

Plan 3 – Site Analysis

Plan 4 – LEP Mapping

1. Background

1.1 Summary of Project

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

This Planning Proposal has been completed in accordance with the Department of Planning & Infrastructure's guide to preparing Planning Proposals. A Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act has now been issued. The Planning Proposal has been updated accordingly to meet the conditions of the Gateway Determination.

The purpose of the Planning Proposal is to change the town planning provisions applying to Lots 832 & 833 DP 847683 to rezone part of the land presently zoned RU1 – Primary Production to R5 – Large Lot Residential in accordance with the provisions of the Richmond Valley Local Environmental Plan 2012. The Planning Proposal also seeks to amend the minimum lot size map to permit the creation of lots with minimum lot sizes of 7,000m² within the area to be rezoned.

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

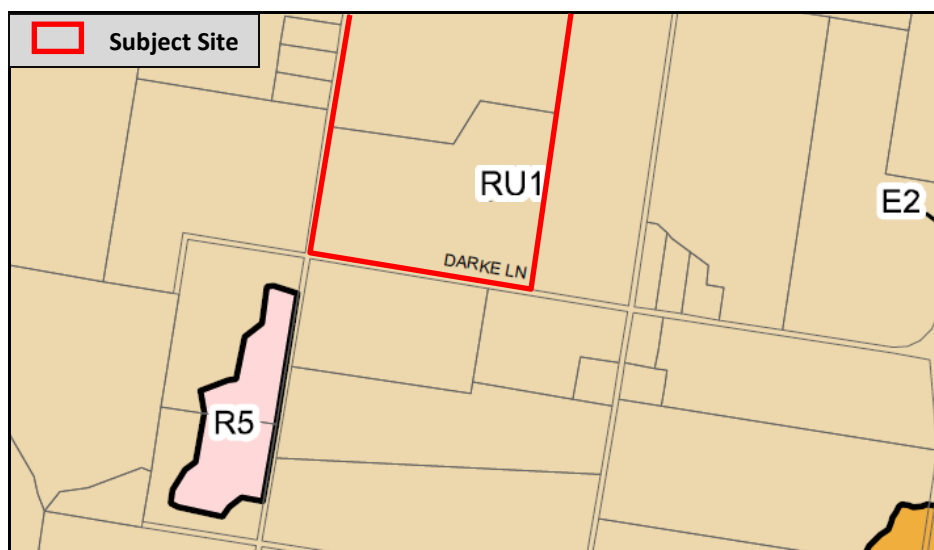


Plate 1: Current land zoning under the Richmond Valley LEP 2012
(Source Richmond Valley LEP 2012)

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

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

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

Table 1: Lands Subject to the Planning Proposal

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

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

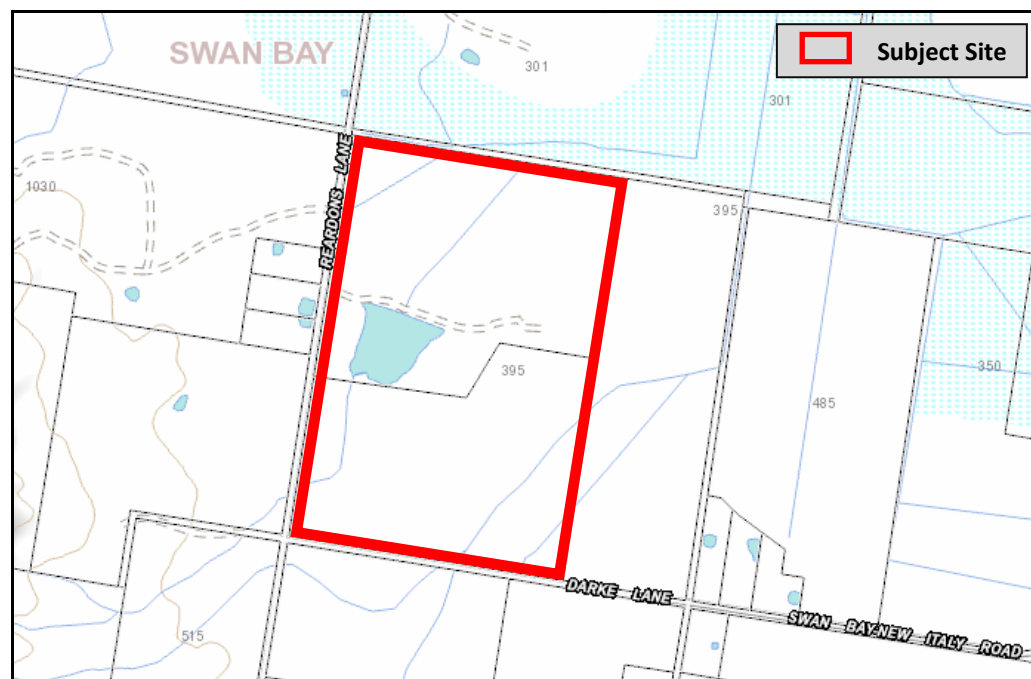


Plate 2: Subject lands located on corner of the Reardons Lane & Darke Lane, Swan Bay
(Source LPMA Six Viewer)



Plate 3: Aerial photo of the subject lands (Source LPMA Six Viewer)

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

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

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

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

1.3 Site Analysis

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

- Existing lot boundary;
- Existing dwellings and farm building;
- Contours;
- Cane drains;
- Prime Agricultural Land (Class 3);
- Regionally Significant Farmland;
- Vegetation locations and cane farming land (taken from Google Earth);
- Flood prone land (5.4 metres AHD 1:100 year flood line previously advised by RVC, and High Flood Hazard (H5 and H6) in the Probable Maximum Flood (PMF) event);
- Mapped bushfire hazard vegetation (RVC mapping);
- Existing access point into the property from Reardons Lane;
- Acid Sulfate Soil class line (between Classes 3 & 5);
- Surrounding land uses;
- Ground water bore (NSW Government – Department of Primary Industries: Office of Water <http://allwaterdata.water.nsw.gov.au/water.stm>);
- Electricity powerlines (identified from CMA Topographic Map 1:25,000 Woodburn 9539-1-N Second Edition).

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

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

1.4 Government Agency Consultation

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

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

- To date the lot supply and demand matter has been resolved which was initially raised by Council;
- An amended split zoning plan (R5 & RU1) was required to be submitted to Council which aligns with the 1 in 100 year flood level. The R5 zoning line will not extend beyond the 1 in 100 year flood line;
- The agricultural matters have now been resolved (see below);
- On-site wastewater and Minimum Lot Size (MLS) issues were raised by RVC. The application proposed a minimum lot size of 7,500m², which was the minimum lot size that could be supported by Council as advised by Mr Andy Edwards via e-mail to NDC dated 4/8/2020. An on-site wastewater land capability assessment was prepared by Tim Fitzroy & Associates which is contained within **Attachment 2** of this report, and identifies the feasibility of a subdivision being serviced with on-site wastewater for future dwellings. (Note: Further consultation has since been undertaken with Richmond Valley Council which has indicated that the minimum lot size can be further reduced to 7,000m², which is now reflected in the updated Planning Proposal);
- Council have accepted that an updated cultural heritage assessment can be provided post gateway determination.

Outstanding Issue Relating to Agriculture

- **8 April 2016** - RVC initially raised the issue that the agricultural report needs to demonstrate why areas of prime agricultural land should be removed from the designation. As the site was still under sugar cane production Council were of the opinion that the land was still agriculturally/economically viable. They noted that based on s117 direction, the land identified as Regionally Significant Farmland cannot be rezoned for rural residential purposes until they are demonstrated to be unsuitable for agricultural purposes.
- **15 November 2016** - John Allen & Associates prepared an agricultural report that concluded that the land mapped as regionally significant should be more appropriately zoned as 'other rural land'. The land in question is not good quality or valuable agricultural land.

- **9 August 2017** - NSW DPI provided a response that the site has been used for sugar cane production consistently for many years and is identified as regionally significant farmland. The site forms part of a large agricultural landscape and should be considered in this context. NSW DPI does acknowledge that the subject land is within the Richmond River Rural Residential Strategy 1999 however due consideration of the potential impact of the site in agriculture is required.

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

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

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

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

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

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

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

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

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

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

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

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

- **5 June 2018** – NSW DPI still not supporting the application given:
 - The scale of the proposal and lot density due to land use conflict;
 - Loss of agricultural land;
 - Cumulative impact on critical mass;

- They acknowledge that sugar cane is being removed from the site. However note other alternative crops could be investigated;
 - Impacts on the broader agricultural landscape.
- **5 September 2018** – Following a meeting held on 4 September 2018 between the NSW DPI and NDC, NDC issued an e-mail response to the NSW DPI to address the two primary matters raised by the NSW DPI relating to:
 - Change landscape (housing/density);
 - Interface of the site with sugar cane land to the east.

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

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

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

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

- **25 January 2019** – Dept. of Planning provided a response to Council which identifies a mapping anomaly between 'Regionally Significant Farmland' and DPI mapping which identifies 'prime crop and pastureland'. The Dept. of Planning considered that the development (based

on the written intent behind the mapping of potential release areas, the assessment principles, and considering the sites current use for sugar cane production), particularly on the mapped prime crop and pasture land, would be difficult to justify as being consistent with the Strategy. It would also be difficult to justify against the North Coast Regional Plan (NCRP).

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

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

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

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

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

To resolve the issues raised, the NSW DPI required consultation with the NSW Rural Fire Service (RFS) on a recommended distance between the residual cane land and vegetative buffer within the subdivision if such a buffer is to be considered appropriate by the RFS. A further

consideration could be greater lot attention at the interface boundary and a restricted building envelope.

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

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

- **23 June 2020** – Tamara Prentice (NSW DPI) provided emailed confirmation that the NSW DPI is satisfied in relation to the bushfire attenuation matters.
- **9 July 2020** – Luke Fittock from NDC spoke with Tamara Prentice via telephone who advised that the NSW DPI is now satisfied as the only outstanding requirement of the RFS has now been resolved.
- **9 July 2020** – NDC e-mailed Craig Rideout from Richmond Valley Council to advise that we have received confirmation from Tamara Prentice (DPI - Manager of Land Use Planning) both via e-mail and verbally that the outstanding agricultural matters relating to the Planning Proposal have now been resolved.
- **9 July 2020** – RVC (Angela Jones) responded via email to advise that they look forward to receiving the amended Planning Proposal.

NSW Department of Planning, Housing and Infrastructure

- RVC provided an email update to NDC on the 7th November 2022 with regards to the status of the Planning Proposal. RVC were advised that the Department of Planning was

developing a policy position regarding Planning Proposals on flood liable land or land that might be isolated during a flood. Until the policy is known all Planning Proposals involving flood constraints were on hold;

- NDC requested clear parameters of what was needed to be included within a flood study. RVC issued the request to the Department via e-mail on 30 August, 2023;
- The Department issued flood study parameters to RVC via email dated 8 September, 2023;
- NDC and BMT issued proposed methodology to RVC on 10th October 2023, with regards to preparing a flood impact risk assessment. This involved either a detailed assessment approach, or simple assessment approach;
- RVC confirmed via e-mail 24th October 2023 that the Department will accept the simple assessment approach for the flood assessment;
- NDC uploaded the Qualitative Flood Impact and Risk Assessment prepared by BMT to the NSW Planning Portal and forwarded a copy to RVC on 30th November 2023. A copy of this flood assessment is contained within **Attachment 12**;
- NSW Department of Planning, Housing and Infrastructure responded via e-mail to RVC on 30th January 2024 which also included a formal response from the NSW DPE Biodiversity and Conservation Division (BCD). A copy of both the e-mail and letter correspondence are contained within **Attachment 13**. In summary, the BCD advised:
 - They have no further comments on biodiversity for the Planning Proposal;
 - Knowledge of the flood conditions will need to be considered for future dwelling design on each lot at the development application stage;
 - Planning for a flood evacuation may be necessary with input from the State Emergency Services.

The nature of the above referenced correspondence is as follows:

- The BCD have no objection to the Planning Proposal from a flooding perspective, and provide the following recommendations:
 1. Prior to issuing subdivision development consent:

- a. Advice by sought from State Emergency Services on planning for flood evacuation;
 - b. Appropriate measures and building design restrictions be applied to lots that may be subject to Probable Maximum Flood and overland flood impacts.
- NSW Department of Planning, Housing and Infrastructure require the following updates to the Planning Proposal:
 - address the Qualitative Flood Impact and Risk Assessment prepared by BMT;
 - address the outcomes of consultation with BCD;
 - reference the consolidated State Environmental Planning Policies that commenced on 1 March 2022;
 - reference the Local Environmental Plan Making Guideline, dated August 2023;
 - include an assessment against the North Coast Regional Plan 2041;
 - revise the text and maps to remove Lot 831 DP 847683 to align with the proposed Land Zoning and Lot Size maps;
 - increase the scale of the proposed Land Zoning and Lot Size maps to show changes in a broader context;
 - include an existing and proposed 'Dwelling Opportunity Map';
 - include an updated project timeline and consultation timeframe.
- NDC lodged an updated Planning Proposal on 26/04/24 via the NSW Planning Portal;
 - Richmond Valley Council completed an initial review and advised that they will progress the Planning Proposal;
 - The Planning Proposal was reviewed by the Department. The Gateway request was adequate to proceed to assessment as advised on the NSW Planning Portal on 03/06/24.

NSW Department of Planning, Housing and Infrastructure – Gateway Determination

A Gateway Determination was issued by the NSW Department of Planning, Housing and Infrastructure on 21/06/24. A copy of the Gateway Determination is provided within **Attachment 14**. The Gateway conditions (condition no. 1) specify the following updates that are required to be made to the Planning Proposal prior to agency and community consultation:

1. Prior to agency and community consultation, the planning proposal is to be updated to:
 - (a) remove those parts of the land affected by a high flood hazard (H5 and H6) in the Probable Maximum Flood event;
 - (b) delete all text discussing the North Coast Regional Plan 2036;
 - (c) include an updated project timeline and consultation timeframe; and
 - (d) remove the conceptual subdivision layout - Map Plan 4.

Accordingly, the Planning Proposal has hereby been updated as required by Gateway condition no. 1.

2. Planning Proposal

Part 1 Objectives and Intended Outcomes

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

The Planning Proposal also seeks to amend the Richmond Valley Local Environmental Plan 2012 minimum lot size map to enable the creation of lots with a minimum lot size of 7,000m² within the area to be rezoned.

Intended Outcomes of the Planning Proposal

The aims of the Planning Proposal are outlined below:

1. To increase the rural residential lot yield by enabling a mix of lot size densities within the Western Sector of the Woodburn Catchment District (as identified within the former Richmond River Rural Residential Development Strategy) of the Richmond Valley LGA. The land is now identified within the Reardons Lane precinct (Figure 16) of the Richmond Valley Growth Management Strategy;
2. To enable suitable land to be developed for rural residential housing through making efficient use of the land for rural residential purposes and land uses permissible within the R5 Large Lot Residential Zone;
3. To provide for the retention of agricultural farming activities within the residual land which will retain the current RU1 – Primary Production zone.

Part 2 Explanation of Provisions

2.1 Proposed Changes to the Richmond Valley LEP 2012

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

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

- **Acid Sulphate Soils Map** – No change.
- **Wetlands Map, Riparian Land and Waterways Map** – No change.
- **Drinking Water Catchment Map** – No change.
- **Dwelling Opportunity Map** – Remove proposed R5 zoned land in accordance with NDC Plan 4.
- **Heritage Map** – No change.
- **Height of Buildings Map** – No change.
- **Key Sites Map** – No change.
- **Land Application Map** – No change.
- **Land Reservation Acquisition Map** – No change.
- **Lot Size Map (Sheet LSZ-009 & LSZ-010)** – Application of a 7,000m² minimum lot size for the area of land proposed to be rezoned in accordance with NDC Plan 4.
- **Land Zoning Map (Sheet LZN-009 & LZN-010)** – Application of an R5 – Large Lot Residential Zone in accordance with NDC Plan 4.
- **Terrestrial Biodiversity Map** – No change.
- **Landslide Risk Map** – No change.
- **Schedule 1 Additional Permitted Uses** – No change.

Part 3 Justification of Strategic and Site Specific Merit

Section A – Need for the Planning Proposal

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

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

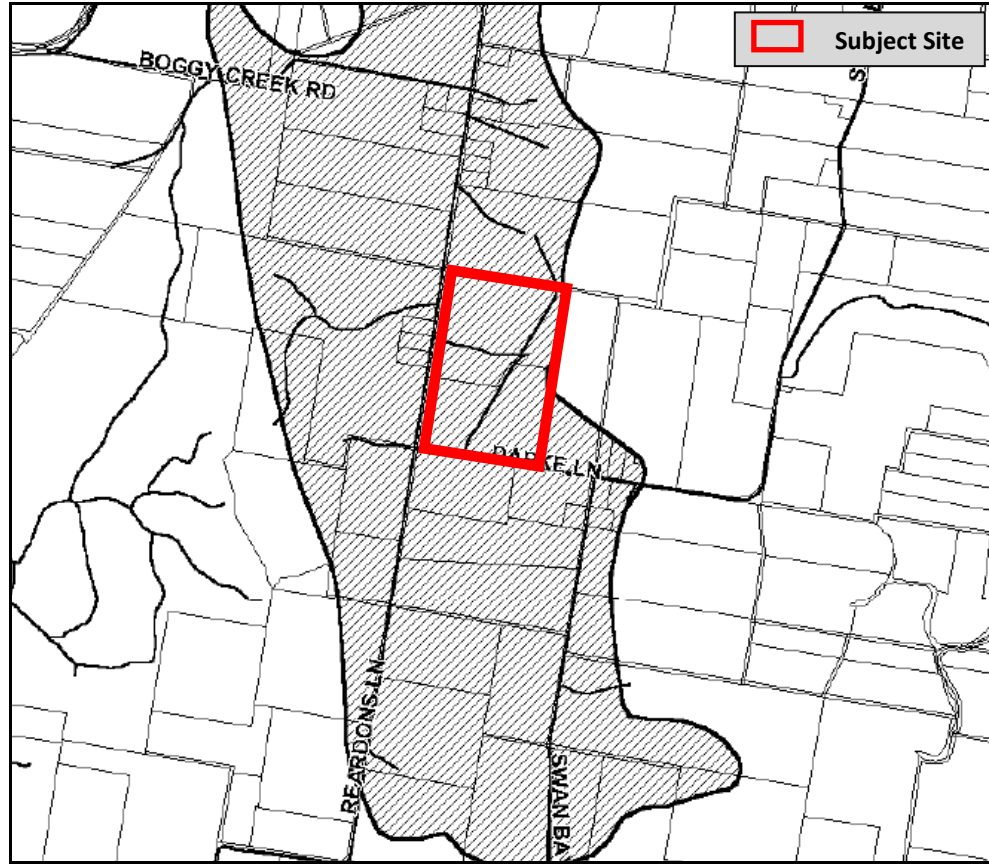


Plate 4: The subject land identified within the Richmond River Shire Council 'Rural Residential Development Strategy (March 1999) (Source: Richmond River Shire Council Rural Residential Development Strategy (March 1999))

The land is now identified within the Reardons Lane precinct of the Richmond Valley Growth Management Strategy as illustrated below in **Plate 5**.

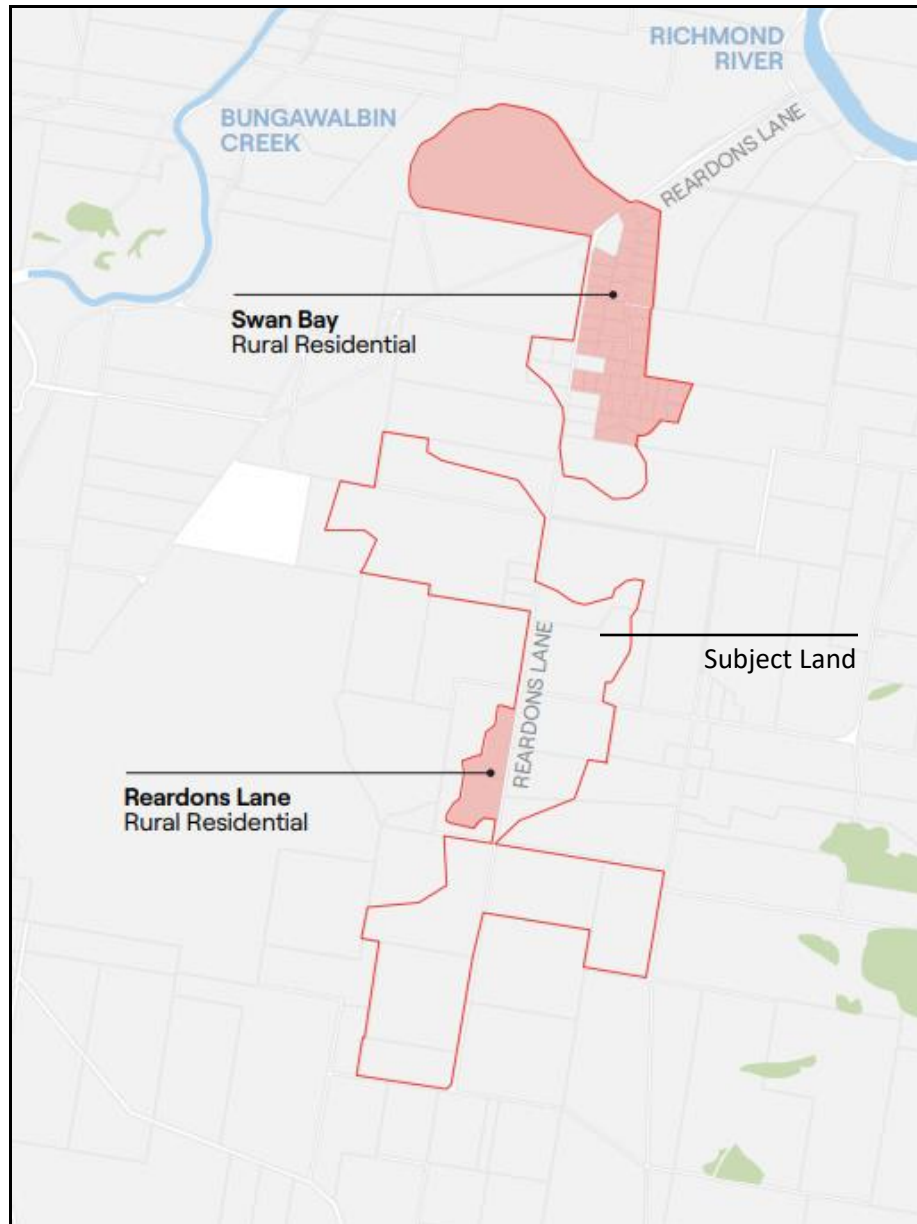


Plate 5 - The subject land is identified within the Richmond Valley Growth Management Strategy (Source: Figure 16 of the Richmond Valley Growth Management Strategy)

The former and current Strategies are discussed further under Question 4 of this Planning Proposal.

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

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

Section B – Relationship to the Strategic Planning Framework

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

The Planning Proposal has been assessed against the North Coast Regional Plan 2041 as follows:

North Coast Regional Plan 2041

The North Coast Regional Plan 2041 is the updated Government blueprint to harness the opportunities and sustainably support ongoing prosperity and growth for the region over the next two decades.

The Plan sets a 20 year strategic land use planning framework for the region, aiming to protect and enhance the region’s assets and plan for a sustainable future. The document represents a five-year review of the region’s strategic planning settings and considers some of the key land use challenges and opportunities over the last five years and moving forward. It covers all facets of land use planning, including employment areas, town centres, housing and related infrastructure, the natural environment and hazards.

The Plan applies to the Local Government Areas (LGAs) of Ballina, Bellingen, Byron, Clarence Valley, Coffs Harbour, Kempsey, Kyogle, Lismore, Nambucca, Richmond Valley, Port Macquarie-Hastings and Tweed.

The Plan contains a number of objectives, strategies and actions of relevance that will be satisfied by the current Planning Proposal. The items of relevance are addressed below in **Table 5**.

Table 5: Strategic Merit Assessment for Lots 832 & 833 DP 847683 (NCRP 2041)

Matters for Consideration	Response
<p>North Coast Regional Plan 2041</p>	<p>Objective 1: Provide well located homes to meet demand</p> <p>Strategy 1.1: A 10 year supply of zoned and developable residential land is to be provided and maintained in Local Council Plans endorsed by the Department of Planning and Environment.</p> <p>Strategy 1.2: Local Council plans are to encourage and facilitate a range of housing options in well located areas.</p> <p>Comment: 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 7,000m².</p> <p>The site’s location and attributes are consistent with the southerly expansion of the Reardons Lane rural residential precinct. The proposed rezoning is located on land identified within the Reardons Lane precinct of the Richmond Valley Growth Management Strategy as illustrated above in Plate 5.</p> <p>Strategy 1.3: Undertake infrastructure service planning to establish land can be feasibly serviced prior to rezoning.</p> <p>Comment: 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.</p> <p>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.</p> <p>Strategy 1.4: Councils in developing their future housing strategies must prioritise new infill development to assist in meeting the region’s overall 40% multi-dwelling / small lot housing target and are encouraged to work collaboratively at a subregional level to achieve the target.</p> <p>Comment: Whilst the Planning Proposal is not for the purpose of small lot housing, the proposal will support the delivery of housing diversity on lots with minimum lot sizes of 7,000m².</p> <p>Objective 3: Protect and enhance important environmental assets</p> <p>Strategy 3.1: Strategic planning and local plans must consider opportunities to protect biodiversity values by:</p>

	<ul style="list-style-type: none"> ○ focusing land-use intensification away from HEV assets and implementing the ‘avoid, minimise and offset’ hierarchy in strategic plans, LEPs and planning proposals ○ ensuring any impacts from proposed land use intensification on adjoining reserved lands or land that is subject to a conservation agreement are assessed and avoided ○ encouraging and facilitating biodiversity certification by Councils at the precinct scale for high growth areas and by individual land holders at the site scale, where appropriate ○ updating existing biodiversity mapping with new mapping in LEPs where appropriate ○ identifying HEV assets within the planning area at planning proposal stage through site investigations ○ applying appropriate mechanisms such as conservation zones and Biodiversity Stewardship Agreements to protect HEV land within a planning area and considering climate change risks to HEV assets ○ developing or updating koala habitat maps to strategically conserve koala habitat to help protect, maintain and enhance koala habitat. ○ considering marine environments, water catchment areas and groundwater sources to avoid potential development impacts. <p>Strategy 3.2: In preparing local and strategic plans Councils should:</p> <ul style="list-style-type: none"> ○ embed climate change knowledge and adaptation actions ○ consider the needs of climate refugia for threatened species and other key species <p>Comment: High Environmental Value land identified within the former North Coast Regional Plan 2036 is located adjacent to the edge of Darke Lane being the southern border of the property. Future dwelling development within the lots will be clear of the HEV mapped land.</p> <p>As identified earlier in Section 1.4, the Planning Proposal has been reviewed by the NSW DPE BCD, and they have no further comments on biodiversity for the Planning Proposal.</p> <p>The Biodiversity Offsets Scheme Entry Threshold Tool (BOSET) is a test used to determine when it is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method to assess the impacts of a proposal. The subject land is not mapped as containing areas of biodiversity on the NSW Government Biodiversity Values Map and Threshold Tool (accessed 3/2/21). The BOSET tool was again accessed 08/04/24 and does not identify the area to be rezoned to R5 Large Lot Residential as containing mapped biodiversity values.</p> <p>RVC Intramaps identifies Terrestrial Biodiversity located adjacent to the edge of Darke Lane being the southern border of the property. Future dwelling development within the lots will be clear of the Terrestrial Biodiversity mapped land.</p> <p>Section 2.3 of the on-site wastewater land capability assessment contained within Attachment 2 considers the location of ground water bores. The location of the decommissioned ground water bore (GW20496) on the subject land is shown on NDC Plan 3.</p>
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The Richmond Valley LEP 2012 does not identify the subject land as being located within a drinking water catchment.

Objective 4: Understand, celebrate and integrate Aboriginal Culture

Strategy 4.1: Councils prepare cultural heritage mapping with an accompanying Aboriginal cultural management plan in collaboration with Aboriginal communities to protect culturally important sites.

Strategy 4.2: Prioritise applying dual names in local Aboriginal language to important places, features or infrastructure in collaboration with the local Aboriginal community.

Comment: The following comments are provided:

- Aboriginal Cultural Heritage has been addressed in Section C Question 8(d) of this Planning Proposal.
- We note that this is a revised Planning Proposal report that was initially lodged with Richmond Valley Council in 2015. Council correspondence issued to Newton Denny Chappelle dated 8 April 2016 provided that *“An updated cultural heritage assessment of the site is required, including an updated AHIMS search to satisfy the area is devoid of any Aboriginal or European artefacts etc. over the site and adjoining land. The attachment 2 refers to Bogal LALC Representatives accessing the site almost 10 years ago. It is acknowledged, however this is a lower priority for the submitted proposal – and may be updated and provided post gateway.”*
- Revised AHIMS searches have been completed and are contained within **Attachment 5**. The searches indicate that no Aboriginal sites or places are located within 50 metres of the subject land. The previous Bogal LALC correspondence is also contained within **Attachment 5**.

Objective 5: Manage and improve resilience to shocks and stresses, natural hazards and climate change

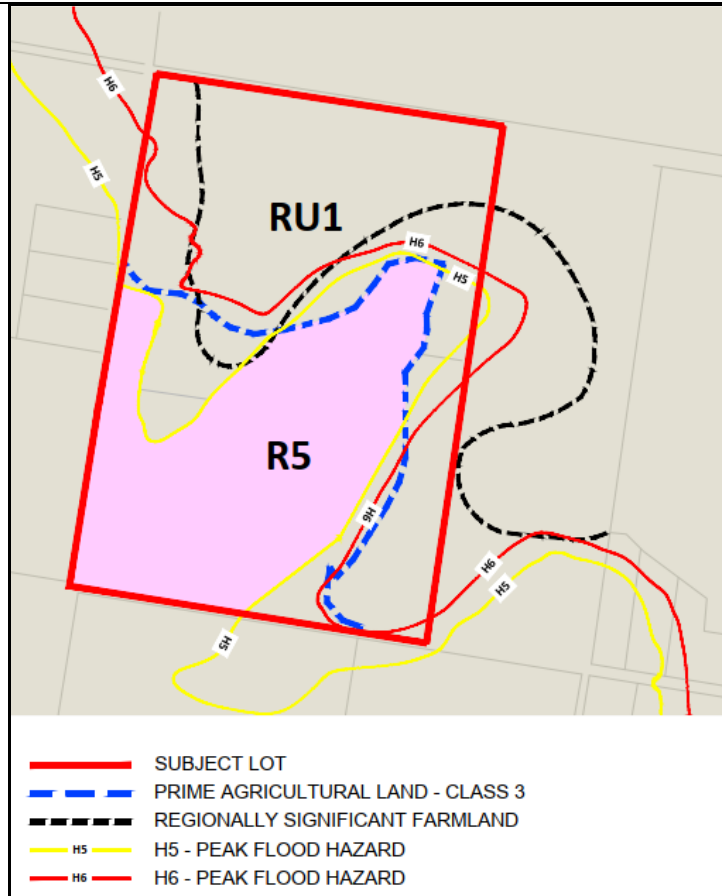
Strategy 5.1: When preparing local strategic plans, councils should be consistent with and adopt the principles outlined in the Strategic Guide to Planning for Natural Hazards.

Strategy 5.2: Where significant risk from natural hazard is known or presumed, updated hazard strategies are to inform new land use strategies and be prepared in consultation with emergency service providers and Local Emergency Management Committees (LEMCs). Hazard strategies should investigate options to minimise risk such as voluntary housing buy back schemes.

Strategy 5.3: Use local strategic planning and local plans to adapt to climate change and reduce exposure to natural hazards by:

- identifying and assessing the impacts of place-based shocks and stresses
- taking a risk-based-approach that uses the best available science in consultation with the NSW Government, emergency service providers, local emergency management committees and bush fire risk management committees
- locating development (including urban release areas and critical infrastructure) away from areas of known high bushfire risk, flood and

	<p>coastal hazard areas to reduce the community's exposure to natural hazards</p> <ul style="list-style-type: none"> ○ identifying vulnerable infrastructure assets and considering how they can be protected or adapted ○ building resilience of transport networks in regard to evacuation routes, access for emergencies and, maintaining freight connections ○ identifying industries and locations that would be negatively impacted by climate change and natural hazards and preparing strategies to mitigate negative impacts and identify new paths for growth ○ preparing, reviewing and implementing updated natural hazard management plans and Coastal Management Programs to improve community and environmental resilience which can be incorporated into planning processes early for future development ○ identifying any coastal vulnerability areas ○ updating flood studies and flood risk management plans after a major flood event incorporating new data and lessons learnt ○ communicating natural hazard risk through updated flood studies and strategic plans. <p>Comment: As identified below under Question 8, 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 Attachment 3.</p> <p>As addressed in Section 1.4, BMT have completed a Qualitative Flood Impact and Risk Assessment (FIRA) which is contained within Attachment 12. 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>
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H5 and H6 flood hazard in relation to the proposed R5 zone

The subject site is not located within a coastal zone defined by Chapter 2 of the Resilience and Hazards SEPP 2021.

Objective 8: Support the productivity of agricultural land

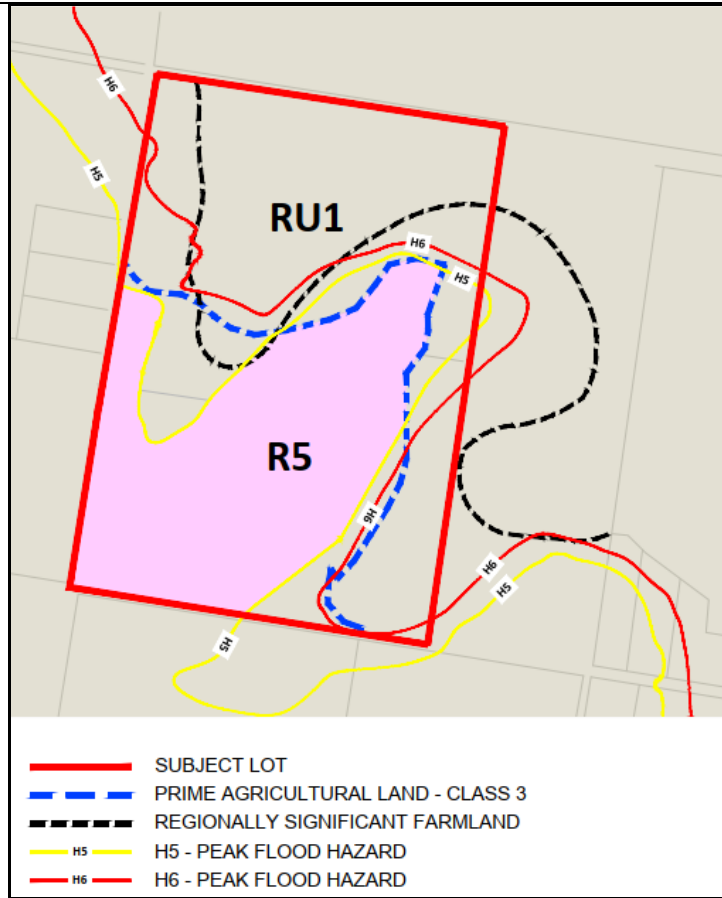
Important Agricultural Land

Strategy 8.1: Local planning should protect and maintain agricultural productive capacity in the region by directing urban, rural residential and other incompatible development away from important farmland.

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

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

The Planning Proposal does not propose to rezone areas of mapped Class 3 prime agricultural land.



Regionally Significant Farmland and Class 3 Prime Agricultural Land in relation to the proposed R5 zone

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

To address land use conflict and the proposed development, reference should be made to the LUCRA report prepared by Tim Fitzroy & Associates contained within **Attachment 4**. Recommendations with regard to vegetation buffers can be implemented into a future subdivision lot layout at the Development Application stage.

Objective 13: Champion Aboriginal self-determination

Strategy 13.1: Provide opportunities for the region’s LALCs, Native Title holders and community recognised Aboriginal organisations to utilise the NSW planning system to achieve development aspirations, maximising the flow of benefits generated by land rights to Aboriginal communities through strategic led planning.

Strategy 13.2: Prioritise the resolution of unresolved Aboriginal land claims on Crown land.

Strategy 13.3: Partner with community recognised Aboriginal organisations to align strategic planning and community aspirations including enhanced Aboriginal economic participation, enterprise and land, sea and water management.

Strategy 13.4: Councils consider engaging Aboriginal identified staff within their planning teams to facilitate strong relationship building between councils, Aboriginal communities and key stakeholders such as Local Aboriginal Land Councils and local Native Title holders.

Strategy 13.5: Councils should establish a formal and transparent relationship with local recognised Aboriginal organisations and community, such as an advisory committee.

Comment: The following comments are provided:

- Aboriginal Cultural Heritage has been addressed in Section C Question 8(d) of this Planning Proposal.
- We note that this is a revised Planning Proposal report that was initially lodged with Richmond Valley Council in 2015. Council correspondence issued to Newton Denny Chapelle dated 8 April 2016 provided that “An updated cultural heritage assessment of the site is required, including an updated AHIMS search to satisfy the area is devoid of any Aboriginal or European artefacts etc. over the site and adjoining land. The attachment 2 refers to Bogal LALC Representatives accessing the site almost 10 years ago. It is acknowledged, however this is a lower priority for the submitted proposal – and may be updated and provided post gateway.”
- Revised AHIMS searches have been completed and are contained within **Attachment 5**. The searches indicate that no Aboriginal sites or places are located within 50 metres of the subject land. The previous Bogal LALC correspondence is also contained within **Attachment 5**.

Objective 18: Plan for Sustainable Communities

The objective primarily relates to the preparation of land use planning strategies by Council’s to deliver appropriate land to accommodate population growth. The Plan states that these strategies “will reflect the aims and strategies of this plan and be based on the following key settlement planning principles and the settlement planning guidelines in Appendix A”. The following discussion is provided in response to the identified key settlement planning principles and the settlement planning guidelines in Appendix A.

Key Settlement Planning Principles

Principle no. 1 – Identify growth needs and opportunities

The following is provided in response to this principle:

- As identified earlier in Section 1.4, NDC previously submitted written justification to Richmond Valley Council dated 29 August 2016 with regard to lot supply and demand. This matter has already been satisfactorily addressed following e-mail confirmation received from Richmond Valley Council on 10 November 2016 following Council’s consultation with the Department of Planning.
- 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 7,000m².
- The site’s location and attributes are consistent with the southerly expansion of the Reardons Lane rural residential precinct.

- The land is identified within the Reardons Lane precinct (Figure 16) of the Richmond Valley Growth Management Strategy.

Principle no. 2 – Direct growth to identified urban growth areas

The subject land was identified within the Western Sector of the Woodburn Catchment District (as identified within the former Richmond River Rural Residential Development Strategy) of the Richmond Valley LGA. The land is now identified within the Reardons Lane precinct (Figure 16) of the Richmond Valley Growth Management Strategy.

The current Planning Proposal is not considered to be antipathetic to the objectives and outcomes of the North Coast Regional Plan 2041. The proposal seeks to provide additional rural residential land to accommodate the future growth of the Richmond Valley area.

Principle no. 3 – Ensure sustainable development within the coastal strip

The subject site is not located within a coastal zone defined by Chapter 2 of the Resilience and Hazards SEPP 2021.

Principle no. 4 – Determine a required structure for future development

This principle is applicable to Council’s when preparing structure and precinct plans with respect to employment and growth areas. Notwithstanding, sufficient justification is provided within this Planning Proposal to rezone the land in the manner proposed to facilitate additional rural residential development.

Principle no. 5 – Encourage locally responsive sustainable design

This principle is applicable to Council’s when preparing land use strategies. Notwithstanding, the following points are provided:

- The proposal is consistent with the Richmond Valley Local Government Narrative as addressed further below;
- The proposed rezoning will assist in the achievement of the objectives of Council’s relevant local strategies as demonstrated below under Question 4;
- 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 water rainwater storage tanks), and on-site wastewater systems for the disposal of wastewaters.
- 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.

Sub-Regional Planning Principles

The information submitted as part of this Planning Proposal documentation demonstrates that the proposal is consistent with the relevant ‘Subregional Planning Principles’. In this regard:

- The subject land was identified within the Western Sector of the Woodburn Catchment District (as identified within the former Richmond River Rural Residential Development Strategy) of the Richmond Valley LGA. The land is

	<p>now identified within the Reardons Lane precinct (Figure 16) of the Richmond Valley Growth Management Strategy.</p> <ul style="list-style-type: none"> ○ The site's location and attributes are consistent with the southerly expansion of the Reardons Lane rural residential precinct. ○ 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 7,000m². ○ The land proposed for rezoning is not constrained by important farmland, HEV land (as mapped within former NCRP 2036), or environmentally areas; ○ Aboriginal Cultural Heritage has been addressed in Section C Question 8(d) of this Planning Proposal. No issues are raised in this regard. ○ Agricultural matters associated with the Planning Proposal have been addressed in consultation with the NSW DPI. ○ The proposal will not impact on a visually sensitive landscape, as the rezoning will align with the intent and identified locations of the Richmond Valley GMS for rural residential development. <p>Appendix A - Settlement Planning Guidelines</p> <p>The settlement planning guidelines provide key strategy aims to 'identify and direct suitable land to accommodate planned growth'. The following points are offered in response to these aims:</p> <ul style="list-style-type: none"> ○ NDC previously submitted written justification to Richmond Valley Council dated 29 August 2016 with regard to lot supply and demand. This matter has already been satisfactorily addressed following e-mail confirmation received from Richmond Valley Council on 10 November 2016 following Council's consultation with the Department of Planning. ○ 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 7,000m². ○ The land is identified within the Reardons Lane precinct (Figure 16) of the Richmond Valley Growth Management Strategy. ○ The site's location and attributes are consistent with the southerly expansion of the Reardons Lane rural residential precinct. ○ 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. ○ 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. ○ Given the land is situated amongst the Reardons Lane rural residential precinct, the proposed rezoning is considered well integrated with the anticipated visual and landscape value of the immediate catchment and in this respect is considered a suitable form of development.
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- The land proposed for rezoning is not constrained by HEV land (as mapped within former NCRP 2036).
- BMT have completed a Qualitative Flood Impact and Risk Assessment (FIRA) which is contained within **Attachment 12**. The report concludes that *“Overall, the proposed concept subdivision plan (incorporating the proposed flood risk treatment options) is considered to be compatible with the flood hazard.”*
- 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.
- As identified below under Question 8, 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 **Attachment 3**.
- The subject land is not identified as being an item of heritage significance nor as being located within a heritage conservation area pursuant to the Richmond Valley LEP 2012.
- Aboriginal Cultural Heritage has been addressed in Section C Question 8(d) of this Planning Proposal. No issues are raised in this regard
- Future rural residential subdivision of the land is not impacted by land use conflict as addressed earlier in this Planning Proposal.

Local Government Narrative – Richmond Valley

Comment: The NCRP 2041 identifies the following narratives as of relevance to the proposal.

Liveable and Resilient

- *Improve water quality and security in the Richmond Valley to better accommodate growth, and the peak visitor season.*
- *Support environmentally sustainable development that is responsive to climate change and natural hazards, in particular bushfire and flood risk.*
- *Retain and protect local biodiversity through effective management of environmental assets and ecological communities.*

Comment: The following comments are provided:

- BMT have completed a Qualitative Flood Impact and Risk Assessment (FIRA) which is contained within **Attachment 12**. The report concludes that *“Overall, the proposed concept subdivision plan (incorporating the proposed flood risk treatment options) is considered to be compatible with the flood hazard.”*
- 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.
- High Environmental Value land (identified within the former North Coast Regional Plan 2036) is located adjacent to the edge of Darke Lane being the southern border of the property. Future dwelling development within the lots will be clear of the HEV mapped land.
- The Planning Proposal has been reviewed by the NSW DPE BCD, and they have no further comments on biodiversity for the Planning Proposal.
- The Biodiversity Offsets Scheme Entry Threshold Tool (BOSET) is a test used to determine when it is necessary to engage an accredited assessor to apply

	<p>the Biodiversity Assessment Method to assess the impacts of a proposal. The subject land is not mapped as containing areas of biodiversity on the NSW Government Biodiversity Values Map and Threshold Tool (accessed 3/2/21). The BOSET tool was again accessed 08/04/24 and does not identify the area to be rezoned to R5 Large Lot Residential as containing mapped biodiversity values.</p> <ul style="list-style-type: none"> ○ RVC Intramaps identifies Terrestrial Biodiversity located adjacent to the edge of Darke Lane being the southern border of the property. Future dwelling development within the lots will be clear of the Terrestrial Biodiversity mapped land. <p><u>Productive and Connected</u></p> <ul style="list-style-type: none"> ○ <i>Deliver new and diverse employment opportunities across the LGA.</i> ○ <i>Protect the ongoing viability of important farmland across the LGA to sustainably enable agricultural growth.</i> ○ <i>Support the development of the Regional Job Precinct, with a focus on food production, manufacturing and alternative energy.</i> <p>Comment: Agricultural matters associated with the Planning Proposal have been addressed in consultation with the NSW DPI.</p> <p><u>Housing and Place</u></p> <ul style="list-style-type: none"> ○ <i>Deliver new housing in appropriate locations, in line with new economic and employment opportunities.</i> ○ <i>Enhance the variety of housing options available across Richmond Valley, ensuring there is adequate housing supply that meets demographic need.</i> ○ <i>Retain and support the unique character of local towns and villages.</i> <p>Comment: The following comments are provided:</p> <ul style="list-style-type: none"> ○ The subject land was identified within the Western Sector of the Woodburn Catchment District (as identified within the former Richmond River Rural Residential Development Strategy) of the Richmond Valley LGA. The land is now identified within the Reardons Lane precinct (Figure 16) of the Richmond Valley Growth Management Strategy. ○ The site's location and attributes are consistent with the southerly expansion of the Reardons Lane rural residential precinct. ○ 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 7,000m². ○ The proposal will not impact on a visually sensitive landscape, as the rezoning will align with the intent and identified locations of the Richmond Valley GMS for rural residential development.
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4. Is the Planning Proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

From a strategic perspective, the proposed rezoning will assist in the achievement of the objectives of Council's relevant local strategies as demonstrated below, and is therefore consistent with Council's strategic planning intent for the LGA. These strategies include:

- Richmond River Council Rural Residential Development Strategy 1999
- Richmond Valley Growth Management Strategy
- Richmond Valley Local Strategic Planning Statement (LSPS) 2020
- Richmond Valley 2040 Community Strategic Plan

The Planning Proposal has been previously assessed against the former Richmond River Council Rural Residential Development Strategy 1999, which has now been superseded by the Richmond Valley Growth Management Strategy (GMS). To provide strategic context and merit to the current Planning Proposal, both of these strategies have been addressed below.

Note: The comments provided against the Richmond River Council Rural Residential Development Strategy 1999, that were current at the date of re-lodgement of the updated Planning Proposal on the 15.02.22, have not been changed and are reproduced below.

Richmond River Council Rural Residential Development Strategy 1999

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

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

- (a) *are physically capable of supporting rural housing, and*
- (b) *are close to existing settlements which already have services and community facilities, or can otherwise be efficiently and economically serviced, and*
- (c) *are physically suitable for septic effluent disposal, and*
- (d) *are not required or likely to be required for future urban expansion of existing settlements, and*
- (e) *do not comprise prime crop or pasture land, and*

- (f) are not subject to significant environmental hazards, and
- (g) are not of significant value for the conservation of wildlife.

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

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

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

The subject land proposed for rezoning is situated within an area identified within the RRDS for closer rural settlement, and therefore contains inherent qualities rendering the land suitable for rural residential purposes. Accordingly, it are these qualities which have resulted in Council identifying the land for future rural residential development.

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

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

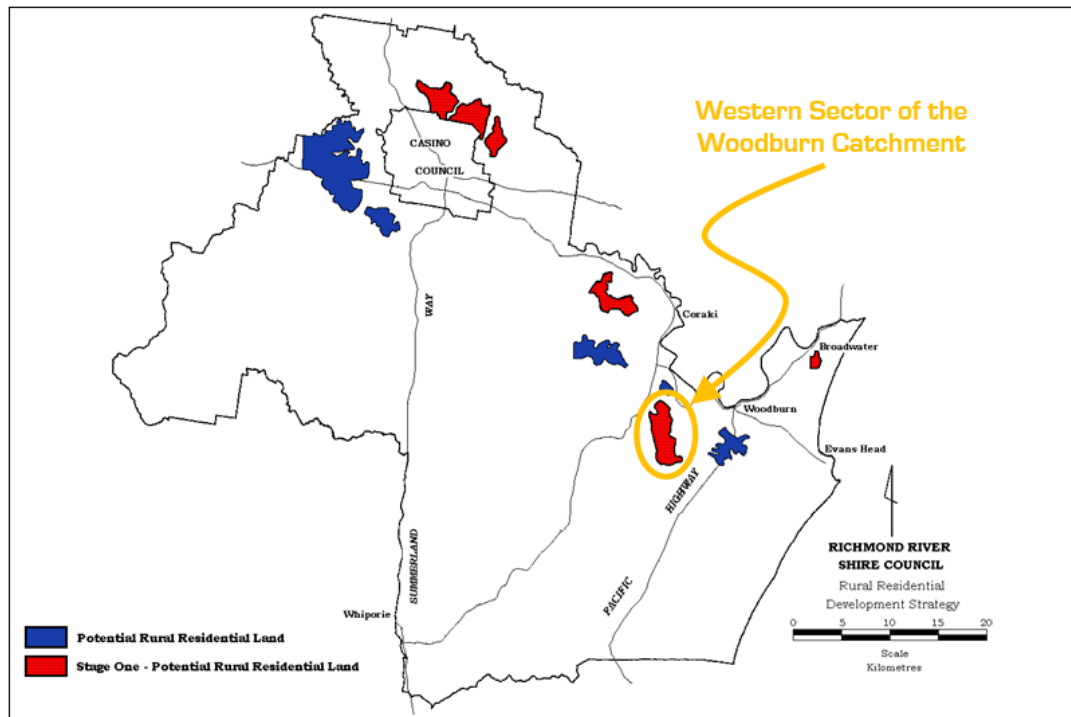


Plate 5 - RRDS Staging Plan

Source: Figure 6.2 of RRDS (March 1999)

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

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

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

Section 3.4 of the Strategy further provides:

“The supply of rural residential lots in the Woodburn catchment district is limited, however discussions with real estate agents indicate that real demand for such real estate is buoyant.

The catchment analysis identified some potential development areas and it is recommended that development of such areas be encouraged to enable the supply of rural residential development within reasonable distance from the coast. It is recommended that 20% of the total allowed lots (8 lots) be provided per annum. All these lots should be 1-10 hectares.

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

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

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

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

ii. *Richmond Valley Council Correspondence dated 8 April 2016*

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

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

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

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

"Concerning the proposal to rezone land for Rural Residential development off Darke Land – (Newman's) – having had discussions internally and following additional conversation with the Department (of 'Planning and Environment'), we see there is no reason to delay the processing of the Planning Proposal provided it can satisfy the other criteria outlined within the most recent correspondence."

Richmond Valley Growth Management Strategy (GMS)

The purpose of the Richmond Valley GMS is "to support and guide the growth of both residential and employment land in the Richmond Valley." The document states that the GMS will:

- *Provide evidence regarding the current and future projected demand for and supply of employment and residential land;*
- *Establish key principles to enable Council to plan for sustainable growth in the Richmond Valley;*
- *Provide clear direction regarding the location and priorities for managing growth of employment and residential land.*

One of the key principles of the GMS applies to residential growth, and in particular aims to deliver well-planned rural residential areas.

In regards to residential demand analysis, the GMS identifies the following key data for the Richmond Valley LGA:

- The population projections prepared in 2022 by the Department of Planning and Environment have predicted that the Richmond Valley will increase by 1,759 people over the next 20 years, bringing the total population of the LGA to 25,015 people by 2041.
- DPE forecast an implied dwelling demand of 1,552 new dwellings, which would bring the total number of dwellings in the LGA to 12,130 by 2041.
- The revised projections forecast that the Richmond Valley will instead increase by approximately 4,100 people over the next 20 years, bringing the total population of the LGA to 27,650 people by 2041.
- Correspondingly, the implied dwelling demand over the next 20 years is calculated at an additional 2,600 dwellings.
- These projections would suggest a total number of dwellings of approximately 13,550 by 2041.

The GMS also includes a residential supply analysis, and discusses the delivery of rural residential land to accommodate future housing supply. The GMS states that *“balancing the protection of our rural landscapes and amenity, while facilitating the delivery of large lot rural residential development in appropriate locations is a key consideration for Council.”*

The GMS states that for the Woodburn locality, *“land for rural residential development will further be delivered around Reardons Lane in Swan Bay. This land contains existing zoned R5 - Large Lot Residential land.”*

The Planning Proposal is consistent with the Richmond Valley Growth Management Strategy. The land is identified within the Reardons Lane precinct as illustrated earlier in **Plate 5** which is reproduced below in **Plate 6**. The proposal will deliver additional housing to service the implied dwelling demand over the next 20 years.

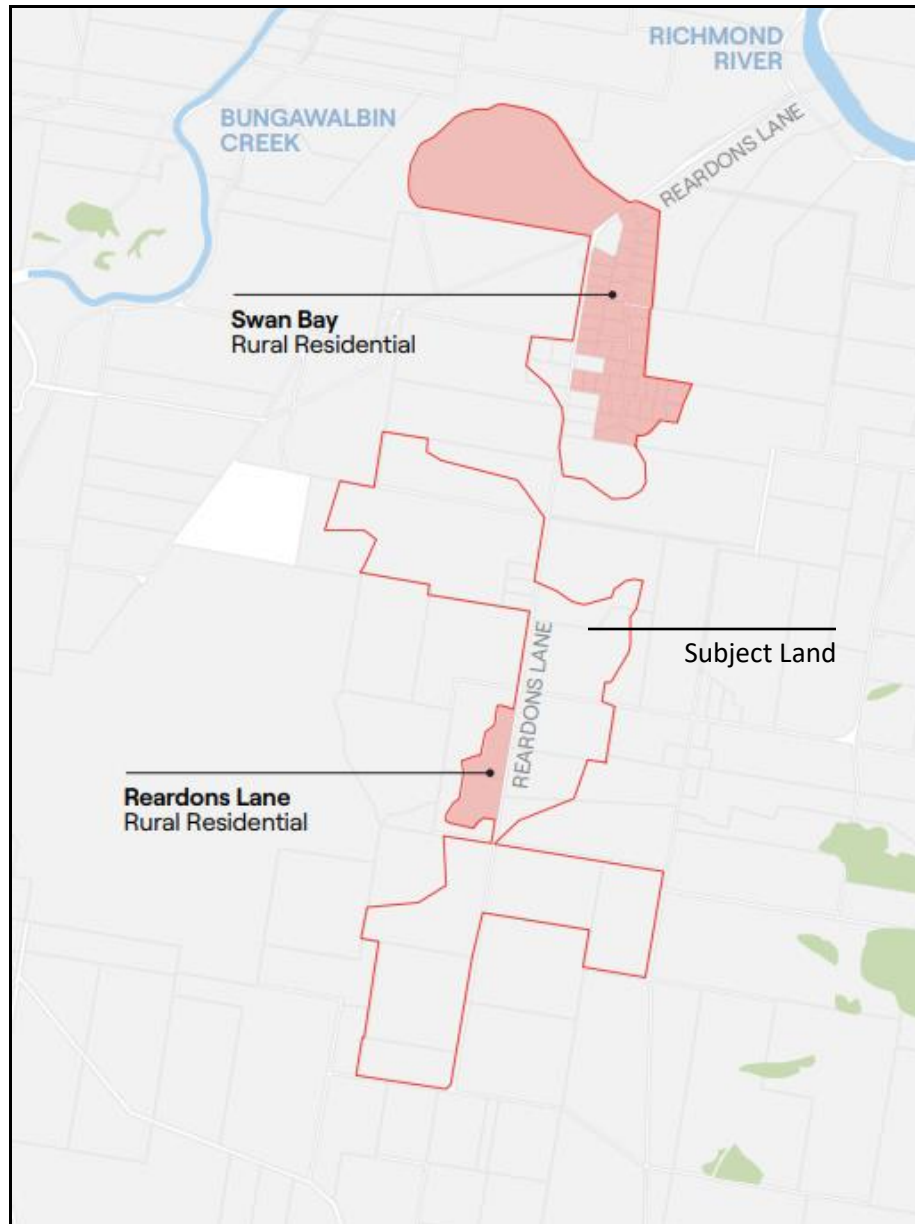


Plate 6 - The subject land is identified within the Richmond Valley Growth Management Strategy (Source: Figure 16 of the Richmond Valley Growth Management Strategy)

Richmond Valley Council Local Strategic Planning Statement (LSPS)

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

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

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

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

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

Planning Priority 2 – Align Development, Growth and Infrastructure

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

Planning Priority 5 – Create Resilient Communities

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

Planning Priority 6 – Celebrate our Heritage

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

Planning Priority 7 – Protect Productive Agricultural Land & Significant Resources

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

Richmond Valley 2040 Community Strategic Plan

The Richmond Valley 2040 Community Strategic Plan (CSP) provides a 10 year outlook and defines the community priorities and aspirations. The CSP identifies the community's long-term goals and priorities over at least the next 10 years.

The document states that based on the key principles and values identified by the community, the strategic planning already completed, and the feedback Council received during the consultation, Council developed four key directions for the CSP. These directions create the framework for the objectives, strategies and actions that will help to deliver the goals and priorities, and include:

1. Strengthening our role in the region
2. Creating great places to live
3. Protecting our unique environment
4. Delivering for our community

The CSP includes a range of community objectives and a list of strategies to achieve those objectives. The current Planning Proposal is not considered to be antipathetic to the objectives and / or implementation of the intent of the CSP as the proposal seeks to provide additional rural residential land to accommodate the future growth of Richmond Valley LGA. In this regard, the proposal is directly in response to Objective #2 '*Establish the Richmond Valley as a Regional Growth Centre*'. This objective identifies strategies to deliver more housing, and states the following:

Providing rural-residential opportunities:

Not everyone wants to live in a town and rural-residential is a popular option for those seeking a tree-change. Our long-term plans provide for these opportunities to be developed in a sustainable way, ensuring there is access to services and employment within a reasonable distance of rural residential estates.

5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

Council has recently prepared a number of local strategic planning documents as referenced above under Question 4. It is assumed that consultation was undertaken between Council and relevant Government agencies in preparing these documents, and that they take into consideration the applicable State or regional studies or strategies. Conversely, it is assumed

that State or regional studies or strategies are consistent with Council's adopted local strategies.

NSW Housing Strategy, Housing 2041

The NSW Housing Strategy sets out a 20 year vision for housing in NSW, setting out the Government's goals and ambitions for future housing that meets the current needs of residents. The Strategy embodies the Government's goals and ambitions to deliver better housing outcomes, including housing in the right locations, and housing that suits diverse needs and housing.

The Planning Proposal will positively contribute to the achievement of the objectives of Housing 2041, by enabling land to be rezoned which will ultimately increase housing supply and diversity. The development of the land for housing will assist in addressing the implied dwelling demand identified within the Richmond Valley GMS.

Making it Happen in the Regions: Regional Development Framework

The Regional Development Framework sets a framework to provide appropriate services and infrastructure in regional NSW. The Frameworks seeks to support growing regional centres and to identify and activate economic potential across regional NSW, so as to improve economic outlook and activate local economies.

In regards to putting the Framework into practice, it focuses on ensuring regional economic growth can be captured through implementing the following programs:

- Improved regional structures to facilitate regional development;
- Building the evidence-base for investment in regional development;
- Attracting investment and co-investment;
- Capability building.

The Planning Proposal relates to the rezoning of land to assist in the delivery of additional housing in the Richmond Valley LGA. The proposal is not considered to be antipathetic to the aims and intent of the Regional Development Framework.

NSW State Infrastructure Strategy 2022-2042

The State Infrastructure Strategy (SIS) is updated every 5 years, and sets out a 20-year infrastructure investment plan for the NSW Government which places strategic fit and economic merit at the centre of investment decisions.

The SIS assesses infrastructure problems and solutions, whilst also providing recommendations to best grow the State's economy, enhance productivity and improving living standards for the NSW community.

The Planning Proposal relates to the rezoning of land to assist in the delivery of additional housing in the Richmond Valley LGA. The proposal is not considered to be antipathetic to the aims and intent of the SIS. In this regard, the following points are provided:

- 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;
- A future subdivision estate will have an available road connection to Reardons Lane. A traffic and access report may be prepared and submitted if required at the Development Application stage;
- Consultation will be required to be undertaken with the relevant authorities to ensure power supply, and telecommunications, are adequate to meet the needs of the development at cost to the proponent;
- 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.

Urban Design Guide for Regional NSW

The Urban Design Guide provides guidance in the design, planning, and development of the built environment across regional NSW. Seven urban design strategies are identified for regional NSW, these include:

- Engage with the history and culture of places;
- Integrate with the natural environment and landscape;
- Revitalise main streets and town centres;
- Prioritise connectivity, walkability, and cycling opportunities;
- Balance urban growth;
- Increase options for diverse and healthy living;
- Respond to climatic conditions and their impacts.

This Planning Proposal has been informed by various specialist technical reports, whilst positively responding to applicable local strategies as addressed under Question 4, and regional strategy as addressed under Question 3. The Planning Proposal is not considered to be antipathetic to the seven urban design strategies identified for regional NSW.

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

The Planning Proposal is consistent with the provisions of applicable State Environmental Planning Policies. An assessment of the project against these policies is provided within **Attachment 7**.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (s. 9.1 directions) or key government priority?

Comment: The Planning Proposal is consistent with the provisions of applicable S9.1 Ministerial Directions. An assessment of the project against these requirements is provided at **Attachment 8**.

Section C – Environmental, Social and Economic Impact

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?

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

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

- Mapping and ground truthing vegetation units and determining their conservation status;
- Searching for and recording Threatened and Regionally significant plant species;
- Determining the suite of Threatened fauna that occurs in the locality;
- Assessing habitat provided by the site in relation to adjacent habitat and making an assessment of the corridor value of the site;
- Addressing statutory requirements including State Environmental Planning Policy No. 44 (SEPP 44 – Koala Habitat Protection), Section 5A of the Environmental Planning & Assessment Act (1979) and the Commonwealth EPBC Act (1999).

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

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

The following key conclusions were reached within the draft report:

- No threatened flora species were identified.
- Fauna surveys recorded two (2) species of amphibian, six (6) reptile species, sixty-two (62) bird species and five (5) mammal species. One Threatened species was recorded, the Comb-crested jacana.
- The proposed rezone will result in minor impacts on native flora and fauna on the Subject site as most of the land to be utilised by the Proposed future development is on land that has already been cleared and is currently used for agriculture.

- A Section 5A assessment was completed for twenty (20) Threatened fauna species considered possible occurrences in the Study area over time. The assessment concluded that the impacts of the Proposed rezone and any future development of the site would be unlikely to result in the local extinction of any of these species. A Species Impact Statement is not required.
- A SEPP 44 assessment concluded that the site does not contain core Koala habitat. A Koala Plan of Management is not required.
- An assessment under the Commonwealth Environment Protection and Biodiversity Act (1999) concluded that the Proposed rezone and any future development of the site will not have a significant impact on any matters of National Environmental Significance. Commonwealth assessment of the proposal is therefore not required.

The following additional comments are provided:

- As addressed earlier, High Environmental Value land identified within the former North Coast Regional Plan 2036 is located adjacent to the edge of Darke Lane being the southern border of the property. Future dwelling development within the lots will be clear of the HEV mapped land.
- The Planning Proposal has been reviewed by the NSW DPE BCD, and they have no further comments on biodiversity for the Planning Proposal.
- The Biodiversity Offsets Scheme Entry Threshold Tool (BOSET) is a test used to determine when it is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method to assess the impacts of a proposal. The subject land is not mapped as containing areas of biodiversity on the NSW Government Biodiversity Values Map and Threshold Tool (accessed 3/2/21). The BOSET tool was again accessed (08/04/24) and does not identify the area to be rezoned to R5 Large Lot Residential as containing mapped biodiversity values.
- RVC Intramaps identifies Terrestrial Biodiversity located adjacent to the edge of Darke Lane being the southern border of the property. Future dwelling development within the lots will be clear of the Terrestrial Biodiversity mapped land.

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

A range of environmental assessment reports have been completed for the Planning Proposal and form attachments to this report. It is noted that these sub-consultant reports addressed a larger area as part of the initial Planning Proposal that was lodged. However, the area proposed for rezoning has now reduced in size as a result of removing those parts of the land affected by a high flood hazard (H5 and H6) in the Probable Maximum Flood event.

Potential impacts are identified and discussed as follows:

a. Soils - Acid Sulfate Soils & Contamination

Acid Sulfate Soils

The subject lands are identified as containing a combination of Class 3 & 5 Acid Sulfate Soils on RVLEP 2012 Acid Sulfate Soils mapping as illustrated in the below **Plate 7**.

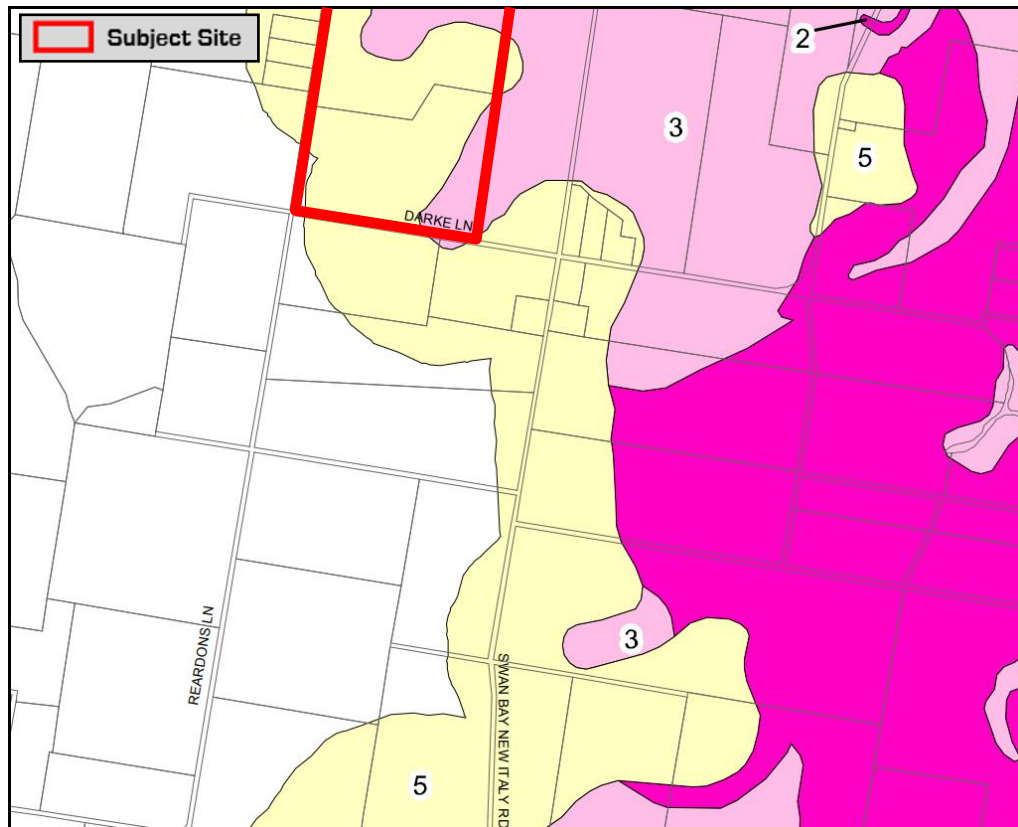


Plate 7: RVLEP 2012 Acid Sulfate Soils Mapping
(Source: RVLEP 2012)

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

“The revised development footprint has been reduced to elevated portions of the subject site such that the proposed works will not disturb acid sulfate soils (see Attachment A ASS Risk Map and Conceptual Site Plan). As a consequence, ASS has not been identified as an impediment to the Planning Proposal to be submitted to Richmond Valley Council (RVC) for the establishment of a 43 Lot Rural Residential Subdivision at the subject site.”

Contamination

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

b. Bushfire

Current mapping obtained from Richmond Valley Council indicates that the land is mapped as being bushfire prone (see **Plate 8**).

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

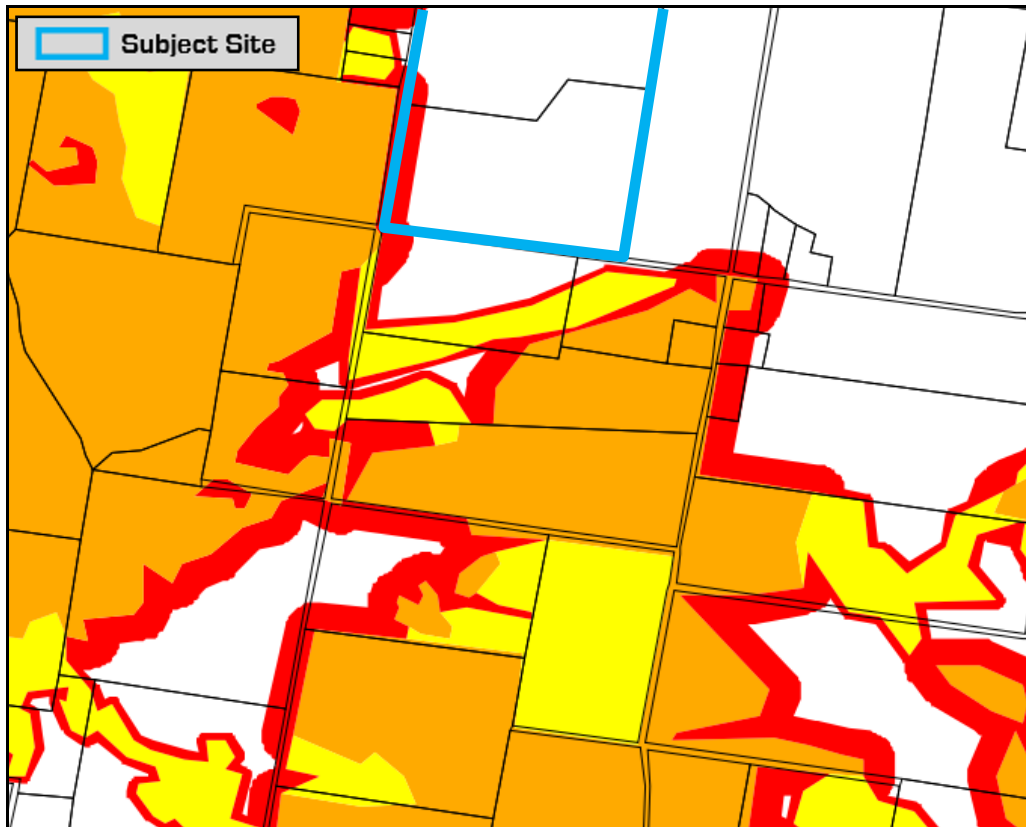


Plate 8: Richmond Valley Council Bushfire Mapping
(Source: Richmond Valley Council website)

c. Buffer Areas (Land Use Conflict)

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

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

The LUCRA assessed the risk from the proposed development and buffers required to reduce the risk of future land use conflict impacts. The LUCRA concluded that the subject site was suitable for the proposed development subject to the recommendations provided within Section 5 of the report. Recommendations with regard to vegetation buffers can be implemented into a future subdivision lot layout at the Development Application stage.

Moonimba Quarry (previously Robinsons Quarry) was approved by Richmond Valley Council under DA2015.0069 for an 'Extractive Industry to 90,000m³ per annum and Importation of Fill to 30,000m³ per annum'. The quarry site is located on Lot 193 DP 755603 – Bungawalbin Whiporie Road, Bungawalbin which is located to the west of the land subject to this Planning Proposal.

A review of the Noise Impact Assessment completed by Greg Alderson & Associates (Report No. 06193_NIA_Rev D) identified a range of best management practices with respect to operational noise to minimise noise emissions of the quarry expansion, and also various mitigation measures to reduce impacts of road traffic noise in respect to properties along Reardons Lane.

d. Cultural Heritage

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

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

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

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

e. Soil Landscapes & Effluent Disposal

An on-site wastewater land capability assessment has been prepared by Tim Fitzroy & Associates which is contained within **Attachment 2** of this report, and identifies the feasibility of a subdivision being serviced with on-site wastewater for future dwellings. The report concludes the following:

Based on the site and soil assessment and in consideration of:

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

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

f. Landscape and Visual Value

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

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

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

The subject land is not considered to be highly sensitive or significant in the local visual context. The subject land is nearby land that has been rezoned for rural residential purposes within the Reardons Lane, Swan Bay precinct. The site's location and attributes are consistent with the southerly expansion of the Reardons Lane rural residential precinct. The rezoning will align with the intent and identified locations of the Richmond Valley GMS for rural residential development.

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

g. Stormwater Drainage and Water Quality

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

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

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

h. Flooding

The 1 in 100 year flood level for the site is 5.4 metres AHD as previously advised by Council. All indicative dwelling sites within the lots are located above this flood level as illustrated on **NDC Plan 4**.

As addressed in Section 1.4, BMT have completed a Qualitative Flood Impact and Risk Assessment (FIRA) which is contained within **Attachment 12**. The report concludes that *“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).”*

Whilst Section 5 summarises the key findings of the FIRA, the report concludes that *“Overall, the proposed concept subdivision plan (incorporating the proposed flood risk treatment options) is considered to be compatible with the flood hazard.”*

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.

i. Coastal Hazards

The proposed rural residential development is not located within a coastal zone defined by Chapter 2 of SEPP Resilience and Hazards 2021.

j. Agriculture

The initial Planning Proposal lodged with Council in 2015 was for a total of 77 lots. As outlined in Section 1.4 of this Planning Proposal a number of issues were raised by NSW DPI which have now been addressed through direct consultation between NDC and the DPI. This has resulted in a significant reduction in the area of land proposed to be rezoned.

Agricultural land class in regards to the Planning Proposal has been addressed earlier in **Table 5** against the NCRP 2041. In this regard the following points are provided:

- The Planning Proposal does not propose to rezone State Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005.
- The Planning Proposal does not propose to rezone Regionally Significant farmland identified within the Northern Rivers Farmland Protection Project Final Map 2005.
- The Planning Proposal does not propose to rezone areas of mapped Class 3 prime agricultural land.

To address land use conflict and the proposed development, reference should be made to the LUCRA report prepared by Tim Fitzroy & Associates contained within **Attachment 4**. Recommendations with regard to vegetation buffers can be implemented into a future subdivision lot layout at the Development Application stage.

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

k. Geotechnical Assessment

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

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

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

The additional following social and economic benefits will be provided:

- **Creation of local employment opportunities through new jobs and multiplier effect on the local economy** – The construction of the subdivision and future dwelling houses will provide an increase in local employment opportunities that will have flow-through effects through tradespeople to suppliers and capacity for increased retail expenditure.
- **Increase in housing supply and choice** – The creation of additional lots will permit the construction of additional dwellings which may be either owner occupied or leased thereby contributing to the housing stock within the western sector of the Woodburn catchment.

- **Demand for community services in the locality** – It is envisaged that the future residential occupation of any lots created will increase the demand for services in the locality by virtue of the resultant increase in population. However, the development site is readily accessible and proximate to Casino, Woodburn, and Evans Head that contain a diverse range of community facilities as well as retail, administrative, education, health, sporting, open space and transport services. Services are also discussed within Question 10 of this Planning Proposal report.

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

Section D – State and Commonwealth Interests

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

a. Sewer

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

b. Water

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

c. Electricity Supply

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

d. Telecommunications

Consultation will be required to be undertaken with the relevant authority to ensure

telecommunication capacity is adequate to meet the needs of the development at cost to the proponent.

e. Roads

A future subdivision estate will have an available road connection to Reardons Lane. A traffic and access report may be prepared and submitted if required at the Development Application stage.

The FIRA prepared by BMT within **Attachment 12** recommends the provision of a secondary emergency access road above the PMF flood level at the South West corner of the site. The exact location is to be determined at the development application stage.

12. What are the views of State and Federal public authorities and Government agencies consulted in order to inform the Gateway Determination?

The Gateway Determination in **Attachment 14** specifies consultation requirements with regards to relevant Public authorities/organisations.

Part 4 Maps

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

- i. **Lot Size Map (Sheet LSZ-009 & LSZ-010)** – Application of a 7,000m² minimum lot size for the area of land proposed to be rezoned in accordance with **NDC Plan 4**;
- ii. **Land Zoning Map (Sheet LZN-009 & LZN-010)** – Application of an R5 – Large Lot Residential Zone in accordance with **NDC Plan 4**.
- iii. **Dwelling Opportunity Map** – Remove proposed R5 zoned land in accordance with **NDC Plan 4**.

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

Part 5 Community Consultation

The Gateway Determination contained within **Attachment 14** 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'.

The Gateway Determination has confirmed that there is no requirement for a public hearing to be held.

Part 6 Project Timeline

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

REFERENCES

- NSW DPIE: Local Environmental Plan Making Guideline (August 2023)
- North Coast Regional Plan 2036
- North Coast Regional Plan 2041
- Richmond River Shire Council Rural Residential Development Strategy (March 1999).
- Richmond Valley Growth Management Strategy
- Richmond Valley Local Strategic Planning Statement (LSPS)
- Richmond Valley 2040 Community Strategic Plan