

PLANNING PROPOSAL/LEP AMENDMENT REQUEST

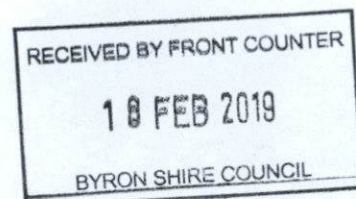
Submission to Byron Shire Council

Lot 38 DP 1059938
31 Alidenes Road Wilsons Creek

for:
Yvette Jiang

February 2019

Att Michelle Chapman
& Alex Caras



Document Control Sheet

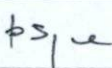

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1. Introduction

This section introduces the proposal and provides a general overview of the project.

1.1 Background

This submission comprises a Planning Proposal/LEP Amendment Request which explains the intended effect of, and provides justification for, a proposed amendment to the Byron Local Environmental Plan 2014 (BLEP).

The proposed amendments relate to land described as Lot 38 DP 1059938, 31 Alidenes Road and involves:

- rezoning the land to R5 – Large Lot Residential;
- amend the BLEP to facilitate a minimum Lot size of 3000m²

The proposed R5 Large Lot Residential zone is the equivalent zone as adjoining/adjacent land to the north across Alidenes Road, Wilsons Creek.

This Planning Proposal has been prepared having regard to Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and:

- Planning Proposals – A Guide to Preparing Planning Proposals (Department of Planning and Environment, August 2016)

This submission comprises and supports the Stage 1: LEP Amendment Initiation process of the Planning Proposal.

This submission has been prepared on behalf of the land owner, Yvette Jiang .

There is no Political Donations and Gifts Disclosure required to accompany this request.

1.2 Structure and Scope of Report

This LEP Amendment Initiation Request contains the following:

Section 2	Context and characteristics of subject land.
Section 3	A statement of the Objectives and Intended Outcomes of the proposed LEP amendment (Section 2, Part 1).
Section 4	An Explanation of the Provisions that are to be included in the proposed LEP amendment (Section 2, Part 2).
Section 5	The Justification for those objectives, outcomes and provisions and the process for their implementation (Section 3, Part 2).
Section 6	Details of the Community Consultation in respect of the Planning Proposal (Section 4, Part 2).

A number of appendices form part of this request being:

Appendix A	Aerial photograph of subject and adjoining land
Appendix B	Copy of deposited plan and Detailed Survey
Appendix C	Bushfire Assessment
Appendix D	Flora and Fauna Assessment
Appendix E	Road Safety Audit and Future Traffic/Intersection Analysis
Appendix F	Flooding and Stormwater Assessment
Appendix G	Heritage Assessment
Appendix H	Preliminary Site Contamination Assessment
Appendix I	Onsite Sewerage Management Assessment

2. Context and Characteristics of Subject Land

This section describes the subject land and identifies the geographical context of the site and its relationship to the surrounding locality.

2.1 Property Details

This Planning Proposal relates to a single lot which is described in real property terms as Lot 38 DP 1059938, is commonly known as No 31 Alidenes Road, Wilsons Creek.

The subject land is irregular in shape with a frontage of approx. 552.57m to Alidenes Road being a sealed rural road with land area of 12.27ha. The subject land is primarily vacant rural land with a dwelling in the south eastern corner of the subject site and associated outbuildings. Stands of vegetation are featured over the property on the eastern boundary.

Vehicular access to the site is via Alidenes Road which is sealed for the property frontage.

The site is burdened by a 10m right of carriageway providing a legal access for Lot 1 DP 701525. The site is also burdened by two parallel right of carriageway and pipeline easements for the adjoining historic out of service power station. These easements are located in the south-eastern corner of the site parallel with Wilsons Creek Road.

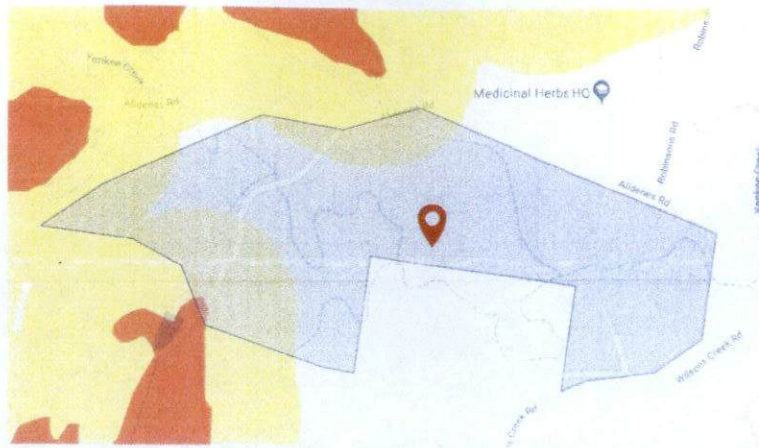
An aerial photograph of the subject and adjoining land is provided at **Appendix A**. A copy of the deposited plan and contour and detail survey plan is provided at **Appendix B**.

2.2 Constraints

Preliminary planning investigations (including interrogation of Council's GIS mapping) have confirmed as follows:

2.2.1 Bushfire

The whole of the subject land is mapped as being bushfire prone as a consequence of Vegetation Category 1 vegetation + 100m buffer.



A bushfire threat assessment is provided at **Appendix C**.

2.2.2 Heritage

The property is located adjacent to the Hydro-electric Power Station which is listed is an item of local significance. A heritage assessment is provided at **Appendix G** which addresses both European and Aboriginal heritage matters.

2.2.3 Flora and Fauna

A Flora and Fauna Assessment is provided at **Appendix D** which concludes that the proposal does not create any unreasonable impacts in this regard.

2.2.4 Flooding

The majority of the site is not flood prone and will be suitable for development. However, parts of the site are susceptible to 1 in 100 year flood impacts, as such minor mitigation measures have been modelled and are included within the flooding/mitigation report.

A Flooding and Stormwater Assessment Report has been undertaken and is included in **Appendix F** which concludes that the proposal does not create any unreasonable impacts in this regard.

2.3 Other matters

The subject land is not:

- mapped as containing any acid sulfate soils
- mapped as being subject to coastal hazards or processes

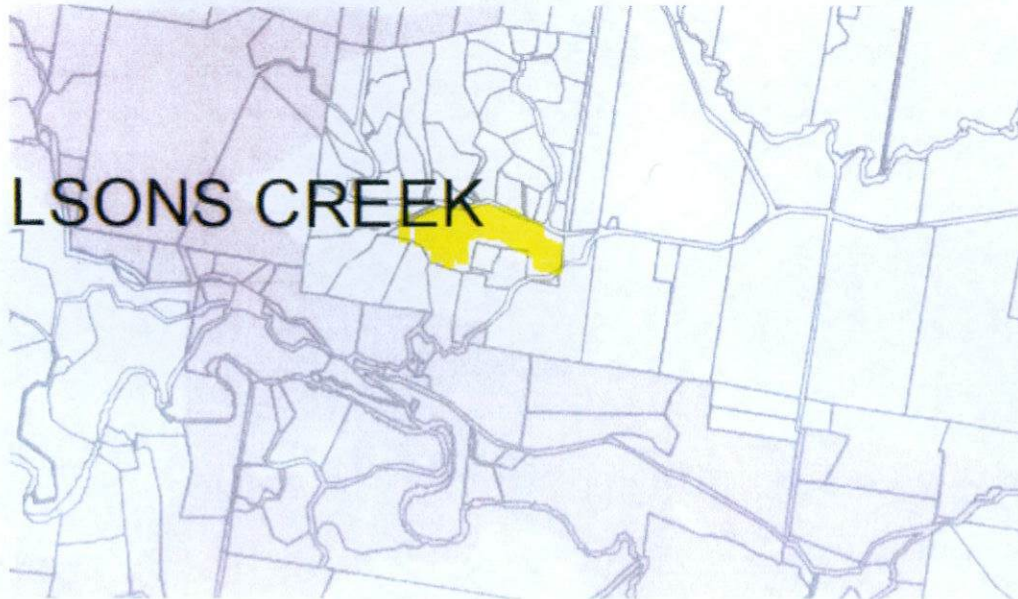
- mapped as being in a drinking water catchment on the BLEP 2014 Drinking Water Catchment Map
- identified as being or containing an item of environmental heritage under Part 1 of Schedule 5 of the BLEP 2014
- identified as being within a Heritage Conservation Area under Part 2 of Schedule 5 of the BLEP 2014
- mapped as being included in Local Land Services Act 2013
- affected by any road widening or realignment proposal under either Division 2 of Part 3 of the *Roads Act 1993*, any environmental planning instrument or any resolution of Council
- identified as being subject to acquisition by a public authority under the provisions of any environmental planning instrument, deemed or draft environmental planning instrument

2.4 Strategic Planning Context

2.4.1 Biodiversity Conservation Act 2016



Flora and Fauna report **Appendix D**



Site Suitability Criteria and Mapping Methodology – Extract Wildlife and Habitat Corridor Enhancement - Subject site not identified ie not pink

2.4.2 North Coast Regional Plan 2036 (NCRP)

The subject land is not mapped in the NCRP as being a locality containing potential high conservation values. (Figure 4 of the NCREP).

Direction 24 of the NCREP refers to the delivery of well-planned rural residential housing areas. This planning is facilitated by the identification of new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment. The subject site has been identified within Byron Shire Rural Land Use Strategy 2017. The development is consistent with this Action of the NCREP.

2.4.3 Byron Shire Rural Land Use Strategy 2017

The Byron Shire Rural Land Use strategy was endorsed by the Dept. of Planning and Environment in July 2018. This Strategy replaced the 1998 Byron Rural Settlement Strategy.

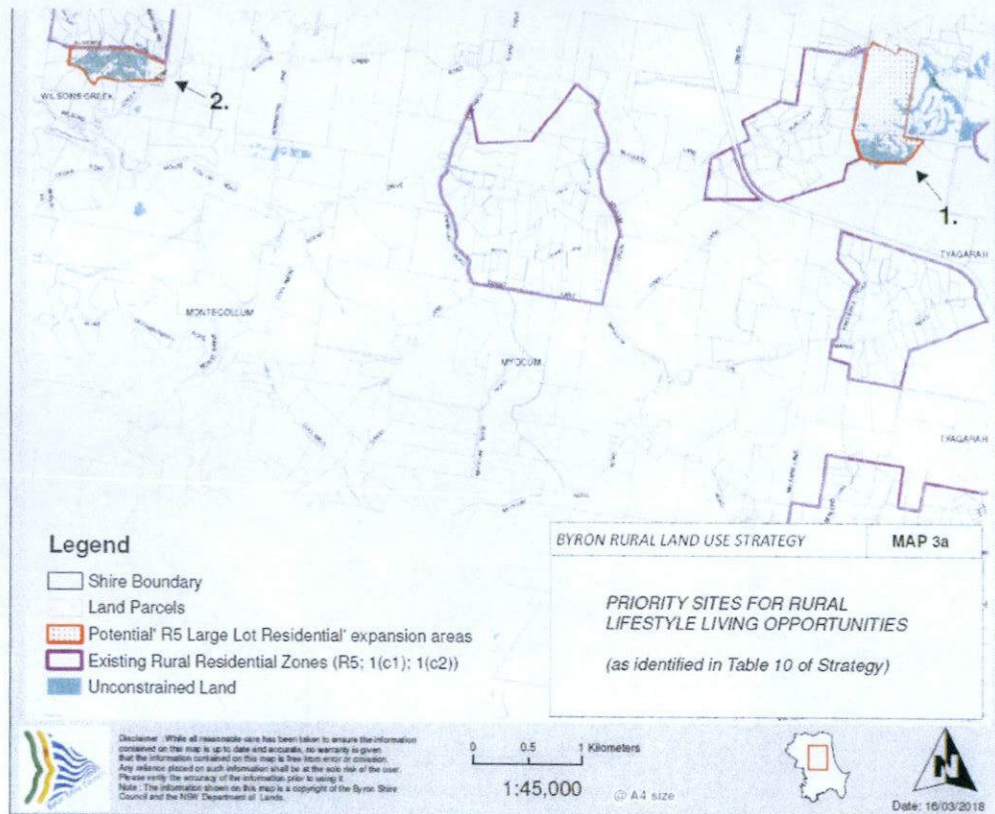
This Strategy is intended to build on the following 4 themes:

- Our Rural Environment
- Our Rural Economy
- Our Rural Community
- Our Rural Infrastructure

An action of the 'Our Rural Community' theme was the development of rural lifestyle living opportunities where consistent with the Policy Directions for 'Our rural Environment' and 'Our Rural Economy'. Table 3 of the Rural Community Actions included the following planning improvement:

- Expand existing Large Lot Residential estates in suitable locations, to build on and make more efficient use of existing infrastructure

Table 3 referred to Map 3 within the Strategy noting Map 3a is a close up of this Map 3.



The subject site identified as Site 2 within the Strategy and is also identified within Table 10- Priority Sites for future Rural Lifestyle living opportunities- as extracted below:

Table 10: Priority sites for future rural lifestyle living opportunities

Map 3 Reference	Locality	Potential Dwelling Yield (c)	Intersection requiring assessment
1.	McAuleys lane / Bilin Road, Myocum	25-45	Intersection of McAuleys Lane and Mullumbimby Road
2.	Wilsons Creek / Alidenes Rd	15-30	Intersection of Alidenes Road and Wilsons Creek Road
3.	Coopers Shoot Road, Coopers Shoot	- (a)	Not applicable
4.	Linnaeus Estate site Broken Head Road, Broken Head	- (b)	Not applicable
	TOTAL (approximate)	40-75 dwellings	

Section 4.2 of the Strategy – Process for implementing Land Release Program enabling future rural lifestyle living opportunities, provides that:

- *landowners in sites '1' and '2' must undertake an intersection 'capacity and functionality' assessment prior to commencing the Planning Proposal process. This is necessary to determine the nature and cost of any required road intersection upgrades to accommodate future development of these sites, which must be funded by the respective landowners proportional to the impact a proposal will have on that infrastructure.*

This application is conforming to this process being a Planning Proposal to amend the BLEP 2014 to rezone the subject site from RU2 – Rural Landscape to R5- Large Lot Residential. It is further noted that a capacity and functionality assessment for proposed road intersections has been provided within **Appendix E** as required above.

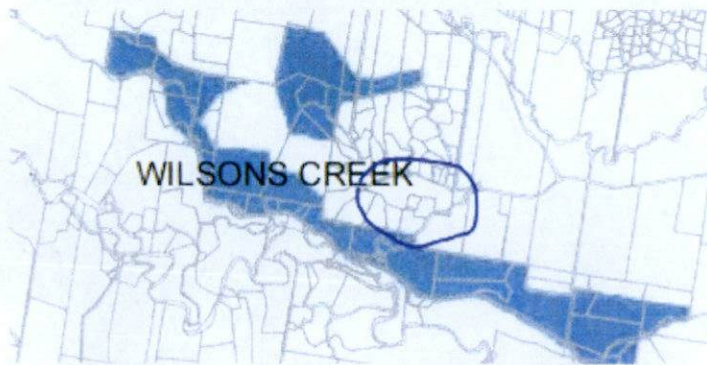
It is noted that the potential dwelling yield for the subject site, based on a Lot area of 12.27ha and a minimum Lot size of 3000m² would result in an approximate Lot yield of 30, having regard to the provision of internal roads and a range of Lots sizes being required to provide suitable building envelopes over the irregular shaped Lot.

Having regard to the provisions of the NCREP and the Byron Shire Rural Land Use Strategy 2017, the proposal is considered consistent with all relevant provisions of these strategic documents.

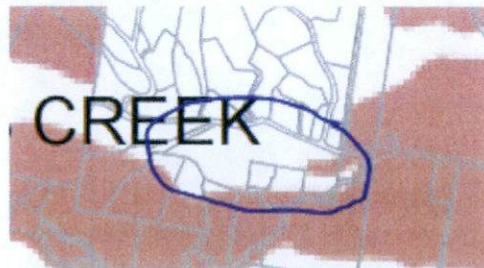
Supporting Documents



Unconstrained and Assessable Rural Development Land (In green) –Site Suitability Criteria and Mapping Methodology – Extract from BSC



Assessable Land; Scenic Amenity and Rural Landscape (in Green)- Site Suitability Criteria and Mapping Methodology – Extract from BSC



Primary Production Land (in Pink) - Site Suitability Criteria and Mapping Methodology – Extract from BSC

2.5 Relevant Provisions of BLEP 2014

The subject land is mapped under the BLEP 2014 as follows:

- RU2 – Rural Landscape
- 40ha minimum Lot size
- Unmapped in regards to floor space ratio
- 9m maximum building height

3. Objectives or Intended Outcomes of Proposed LEP

3.1 Objectives of Planning Proposal

The objective of the Planning Proposal is to rezone the subject land to a R5 - Large Lot Residential zone and to apply a minimum lot size and building height commensurate with the adjoining R5 Large Lot residential zoned lands to the north. This will enable the land to be developed into a use consistent with the objectives of the Large Lot residential zone at some future time (and subject to a separate approval process).

3.2 Possible Future Uses

The subject land has an area of 12.27ha and it is proposed to apply a R5 – Large Lot residential zone with a 3000m² minimum lot size and 9m building height.

The locality is serviced by the following public infrastructure services:

- electricity
- telecommunications
- constructed urban roads (including stormwater)

Such services would have to be extended so that any future new lots could be connected to and serviced by such systems.

4. Explanation of Provisions

4.1 Explanation of Proposed Amendments

The proposed amendments to the BLEP 2014 involve:

- rezoning the lot from RU2 – Rural Landscape to R5 – Large Lot Residential;
- applying a 3000m² minimum lot size to the land;
- Retaining the current height limit of 9m.

The proposed zone and development controls listed above are commensurate with R5 land surrounding and within other rural areas of the Shire.

5. Justification for the Proposed Amendments

5.1 Section A – Need for the planning proposal

1. *Is the planning proposal a result of any strategy study or report?*

The subject land is specifically identified in the Byron Shire Rural Land Release Strategy 2017.

The rural community live in a range of household types and settlement patterns. Large Lot residential known as ‘conventional rural residential’ is a type of rural housing choice where people can connect with surrounding farmland and natural areas to support and strengthen our rural villages. The subject site has been identified as a priority site for conventional large lot residential subdivision.

The Lot has been identified as suitably unconstrained in a location that will build on and make more efficient use of existing infrastructure.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The Byron Shire Rural Land Use Strategy 2017 provides that the rezoning process is the appropriate path to facilitate large lot residential of priority sites for future rural lifestyle living opportunities identified within the strategy.

It is submitted that an LEP amendment is the best (and only) way in which to achieve the proposed outcomes of the Strategy, as the proposal relates expressly to land use zoning and future consequential subdivision.

3. Is there a net community benefit?

The net community benefit that will result from the proposal is:

- The supply of additional conventional large lot rural land to meet future demands for this housing type within the Byron Shire.
- The supply of additional large lot residential land will be within an appropriate location that will not compromise any land with high ecological values or significant agricultural land.
- Achieving the objective of the NCRP being the provision of well-planned rural residential housing areas.
- The provision of additional large lot rural residential land that is congruent with adjoining R5 land, containing and existing dwelling with limited constraints with existing access from Alidenes Road will be highly valued.
- The low cost of servicing due to the location of the vacant land and its proximity to similar uses is a functional consolidation of existing infrastructure.

5.2 Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

As detailed elsewhere in this Planning Proposal, the proposal is consistent with the North Coast Regional Plan 2036.

Direction 24 of the NCREP is the delivery of well-planned rural residential housing areas. As rural residential development has the potential to conflict with valuable agricultural or environmental land, and it requires access to services and facilities. Therefore, it needs to be planned strategically.

Byron Shire have completed the strategic obligations of the NCREP in conjunction with the Dept. of PE *Settlement Planning Guidelines: mid and far north coast regional strategies* with the endorsement of the Byron Shire Rural Land Use Strategy. Specifically Action 24.1 of the NCREP provides for the provision of well-planned rural residential housing areas by:

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

The Planning Proposal involves a change to the zoning and applicable development standards in regards to Lot size and building height.

The Planning Proposal will provide vacant land for future conventional rural residential subdivision to meet future demand for this type of housing for the next 5 years.

The Planning Proposal is thus consistent with the NCRP. The information contained in this Planning Proposal document confirms and supports the capability of the land to accommodate rural residential development, which is thus consistent with the regional planning framework.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Council has an adopted Rural Land Use Strategy, endorsed by the NSW Dept. of Planning and Environment in July 2018 and subsequently adopted by Council.

This Strategy, as detailed previously in this Report, specifically identifies the subject site as a priority site for future rural lifestyle opportunities. Accordingly, the Planning Proposal is in response to Councils Land Use Strategy and is entirely consistent with this Strategic Plan, as endorsed by the NSW Dept. of Planning and Environment.

6. Is the planning proposal consistent with applicable state environmental planning policies?

There are a number of SEPP's that are of relevance to the proposal, details of which are as follows:


SEPP Title	Compliance of Planning Proposal
SEPP 55 – Remediation of Land	<p>Clause 6(1) of this SEPP requires the planning authority when preparing a Draft LEP to consider whether the land is contaminated and whether the land is suitable for such purpose (as not being contaminated or requiring remediation to make it suitable).</p> <p>The subject land has historically been used in conjunction with agricultural activities. A Preliminary Site Contamination Assessment is provided at Appendix H where it is concluded that the Planning Proposal is consistent with the provisions of and is not contrary to the intent of the SEPP.</p>
SEPP (Rural Lands)	<p>The aims of this Policy are to facilitate;</p> <p>(a) the orderly and economic use and development of rural lands for rural and related purposes.</p> <p>(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,</p> <p>(c) to implement measures designed to reduce land use conflicts,</p> <p>(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</p> <p>(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions</p> <p>It is considered that the Planning Proposal is consistent with the aims of the SEPP as the site is an identified priority parcel for conventional rural residential subdivision within the Byron Shire rural Land Use Strategy.</p>


	Any rezoning of the land would permit the lodgement of a development application for rural residential subdivision of the land. This development application would be required to address the provisions of the SEPP, specifically Clause 9, Rural Subdivision principles
SEPP 44 – (Koala Habitat Protection)	The site is greater than 1ha therefore the provisions of this SEPP are applicable. Supporting documents for the Byron Shire RLUS have identified the subject land outside wildlife corridors and corridor enhancement land (see extracts provided above). A flora and fauna study has been prepared and accompanies this PP in Appendix D . This report has included an assessment of the site having regard to this Policy. The assessment has stated that the site does not contain any areas of native vegetation where Schedule 2 trees constitute at least 15% of total trees and the site does not constitute potential koala habitat.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Section 117 of the *EP & A Act 1979* provides directions that relevant planning authorities must have regard to when preparing planning proposals for new LEPs. The following table identifies which of these directions are applicable to the proposed rezoning and how the Planning Proposal is consistent with their provisions.

Direction Number	Compliance of Planning Proposal
Employment and Resources	
1.1 Business and Industrial Zones	Does not apply to Planning Proposal.
1.2 Rural Zones	<p>The objective of this direction is to protect the agricultural production of rural land. This direction applies to the subject site. Sub Clause (4) states that a planning proposal must not rezone land from a rural zone to a residential, business, industrial village or tourist zone.</p> <p>R5 – Large Lot residential is not for the purposes of this direction deemed as business, industrial, village or tourist zone.</p> <p>Notwithstanding, a planning proposal may however be inconsistent with the terms of this direction if such can satisfy the Dept of Planning and Environment that the inconsistency is in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction.</p> <p>The proposed rezoning is entirely consistent with the Byron Rural Land use Strategy. This strategy has been endorsed by the NSW Dept of Planning and Environment, therefore the proposal is considered consistent with this Direction.</p>
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to Planning Proposal.
1.4 Oyster Aquaculture	Does not apply to Planning Proposal.
1.5 Rural Lands	Does not apply to Planning Proposal.
Environment and Heritage	
2.1 Environmental Protection Zones	<p>Complies- The objective of this Clause is to protect and conserve environmentally sensitive area.</p> <p>The subject site is not located within an environmental protection zone or otherwise identified for environmental protection purposes in the Byron LEP.</p> <p>A preliminary Ecological Assessment has been provided within this Planning Proposal to confirm that the subject site can accommodate the large lot residential.</p>

	<p>A positive gateway determination will enable the appropriate additional assessments to be commissioned as required to ensure two threatened flora species recorded on the site are not compromised as a result of large lot residential.</p> <p>Therefore, this planning proposal will not reduce the environmental protection standards that apply to the land.</p> <p>It is determined that the development will not be inconsistent with the terms of this direction.</p>
2.2 Coastal Protection	<p>Complies – the planning proposal does not intend to rezone land that would enable increased development or more intensive land-use on land;</p> <p>(a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or</p> <p>(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</p> <p>(i) by or on behalf of the relevant planning authority and the planning proposal authority, or</p> <p>(ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</p> <p>The proposal is considered to be of a relatively minor nature. The subject land is physically and spatially removed from any coastal foreshore area and is not subject to any damaging coastal processes.</p> <p>It is determined that the development will not be inconsistent with the terms of this direction.</p>
2.3 Heritage Conservation	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>A Heritage assessment is provided at Appendix G which concludes that the proposal will not have an adverse impact on European or Aboriginal heritage.</p> <p>An AHMIS search was undertaken for the subject site with a buffer of 1000m. This search failed to identify any items of Aboriginal Heritage.</p> 
2.4 Recreation Vehicle Areas	Does not apply to Planning Proposal.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply to Planning Proposal.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Does not apply to Planning Proposal - This Planning Proposal does not relate to a change of zoning to facilitate a significant residential development. Notwithstanding, the development will provide opportunities for a broad building choice and with consolidation of existing services available in the locality.
3.2 Caravan Parks and Manufactured Home Estates	Does not apply to Planning Proposal.
3.3 Home Occupations	Does not apply to Planning Proposal.
3.4 Integrated Land Use and Transport	Complies – the objective of this direction is to ensure that land use locations improve access to housing jobs and services by walking cycling

	<p>and public transport while increasing the choice of available transport and reducing dependence on cars. The direction further seeks to reduce travel time including the number of trips generated by development and the distances travelled by car.</p> <p>The proposal is considered to have had due regard to this direction given the ByronShire Rural Land Use Strategy included an assessment of the rural infrastructure and in particular, rural roads. As a consequence, future rural development needed to reflect the better integration of rural land use and efficient infrastructure provision.</p> <p>The subject site has been identified as a suitable location for large lot residential subdivision within the BSRLUS, in direct response to this Policy, due to its proximity to Mullumbimby and proximity to similar residential development.</p> <p>Therefore, the planning proposal is considered consistent with this Direction.</p>
3.5 Development Near Licensed Aerodromes	Does not apply to Planning Proposal.
3.6 Shooting Ranges	Does not apply to Planning Proposal.
Hazard and Risk	
4.1 Acid Sulphate Soils	Complies - The subject land is mapped as not containing any potential acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	Does not apply to Planning Proposal.
4.3 Flood Prone Land	<p>Complies - This Direction states that a planning proposal must not rezone land within the flood planning areas from rural to residential. However, a planning proposal may be inconsistent with this Direction, only if the relevant planning authority can satisfy the Director General that the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the <i>Floodplain Development Manual 2005</i>.</p> <p>A Flood Study has been prepared for the subject site and accompanies the application, see Appendix F. This Study has been undertaken in accordance with the provisions of the <i>Floodplain Development Manual</i>.</p>
4.4 Planning for Bushfire Protection	The site is mapped as being bushfire prone. A bushfire threat assessment has been prepared in accordance with the provisions of <i>Planning for Bushfire Protection 2006</i> to support the proposed rezoning and future possible subdivision of the land should the Planning Proposal proceed to Stage 2. See Appendix C
Regional Planning	
5.1 Implementation of Regional Strategies	Does not apply to Planning Proposal.
5.2 Sydney Drinking Water Catchments	Does not apply to Planning Proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	 <p>Source : NSW Planning Portal</p> <p>Clause 50A of the Environmental Planning and Assessment Regulation 2000 requires that a development application for consent to mining or petroleum development on certain identified land (including land shown on the Strategic Agricultural Land Map) must be accompanied by:</p> <p>(a) a gateway certificate, or</p>

	<p><i>(b) a site verification certificate that certifies that the land on which the proposed development is to be carried out is not biophysical strategic agricultural land.</i></p> <p>Complies - The land is partially mapped as containing Biophysical Strategic Agricultural Land, as marked in green in the above mapped extract. However, this Planning Proposal is not for mining or petroleum related activity. Therefore, a site verification certificate or a gateway certificate is not required for the subject Planning Proposal.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to the Planning Proposal.
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010.
5.6 Sydney to Canberra Corridor	Revoked 10 July 2008
5.7 Central Coast	Revoked 10 July 2008
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to the Planning Proposal.
5.9 North West Rail Link Corridor Strategy	Does not apply to the Planning Proposal.
5.10 Implementation of Regional Plans	Complies - Direction 24 of the NCREP refers to the delivery of well-planned rural residential housing areas. This planning is facilitated by the identification of new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment. The subject site has been identified within Byron Shire Rural Land Use Strategy 2017. The development is consistent with this Action of the NCREP.
Local Plan Making	
6.1 Approval and Referral Requirements	Complies – does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	Does not apply to the Planning Proposal.
6.3 Site Specific Provisions	Complies – seeks to apply an R5 zone to the land that is compatible with the adjoining R5 land. This will enable a subsequent application for the subdivision of the land into appropriate sized Lots consistent with the minimum lot size identified by this planning proposal.
Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Does not apply to Planning Proposal.
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply to Planning Proposal.

5.3 Section C – Environmental, social and economic impact

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

As evidenced from the survey at **Appendix D**, the subject land is highly disturbed and well delineated between substantially cleared grazing pasture and invasive Camphor Laurel dominant forest with exotic and native rainforest.

Vegetation regeneration is dominated by exotic species through all forest layers across the site, with vegetation structure and composition generally being in very low to low condition. This assessment concluded that the site did not represent significant habitat for any threatened species, however an Assessment of Significance would be required for those threatened fauna species with the potential to occur and to be impacted by the proposal.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are a number of constraints applying to the subject land however, they are not considered to be such that would be fatal to or significant prejudice the proposed rezoning due to:

- While the site was identified as containing two threatened flora species, no threatened fauna species were recorded. While the site is mostly cleared and remnant native species and important habitat structural features are rare, any gateway approval would require further assessment of the vegetation value onsite and how this can be incorporated and augmented for an environmentally positive outcome.
- The whole of the land is mapped as being bushfire prone or mapped as "vegetation buffer". See Appendix C
- Any future development will increase impervious areas/surfaces on the subject land and thus there will be an increase in the type and quantum of stormwater generated at/by the site. Such stormwater would have to be investigated and managed so that there are no adverse impacts on any downstream receiving environments. However, given the anticipated large lot sizes, the management of stormwater will likely be very manageable without any detriment to the receiving environment.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposed rezoning (and any future subdivision and dwellings) will have positive economic impacts for the Mullumbimby locality through the provision of additional large lot rural residential to meet the identified demand for this type of housing choice. This identified demand is provided within the BSRLUS and also in conjunction with the NCRP 2036 and NSW Settlement Planning Guidelines.

Reticulated public infrastructure services (electricity and telephone) are available in the immediate locality and there are no significant economic issues with the servicing of any future development.

5.4 Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The existing locality is connected to and serviced by the local road network, electricity and telephone public infrastructure services. There is sufficient capacity for any proposed rural residential lots to be efficiently and economically connected to and serviced by such services.

Water and sewer services will be the responsibility of future lot owners as is consistent with rural lots of this size and location relative to urban land.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of the Department of Planning & Infrastructure and other relevant Governmental bodies would be obtained should Council resolve to enable the Planning Proposal to proceed.

6. Community Consultation

There has not been any community consultation undertaken in respect of this Planning Proposal at this point in time.

It is likely that a requirement for community consultation will be contained in any Gateway Determination, with such community consultation and advertising having to be duly undertaken by Council in the further processing of this Planning Proposal.

7. Scope of Engagement

This report has been prepared by Ardill Payne & Partners (APP) at the request of Yvette Jiang for the purpose of a Planning Proposal and is not to be used for any other purpose or by any other person or corporation.

This report has been prepared from the information provided to us and from other information obtained as a result of enquiries made by us. APP accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

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APP declares that it does not have, nor expects to have, a beneficial interest in the subject project.

To avoid this advice being used inappropriately it is recommended that you consult with APP before conveying the information to another who may not fully understand the objectives of the report. This report is meant only for the subject site/project and should not be applied to any other.

8. Attachments

Attachment A	Locality Plan
Attachment B	Copy of deposited plan and site survey
Attachment C	Bushfire Assessment
Attachment D	Flora and Fauna Assessment
Attachment E	Road Safety Audit and Future Traffic/Intersection Analysis
Attachment F	Flooding and Stormwater Assessment
Attachment G	Heritage Assessment
Attachment H	Preliminary Site Contamination Assessment
Attachment I	Onsite Sewerage Management Assessment