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REZONING REPORT

Lot 1 DP 574910 & Lot 3 DP 708144

Kyogle Road,

Uki

(On behalf of Tweed Shire Council)

Guy Holloway  Date: 10 January 2006
Planning Manager, ASPECT north



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Due consideration has been given to site conditions and to appropriate legislation and documentation available at the time of preparation of the submission. As these elements are liable to change over time, the submission should be considered current at the time of preparation only.

This submission relies on information supplied by the client and on findings obtained using accepted methodology.

While due care was taken during field survey and report preparation, ASPECT *north* accepts no responsibility for any omissions that may have occurred due to the nature of the methodology.

Conclusions to the report are professional opinions and ASPECT *north* cannot guarantee acceptance or consent of the relevant determining/consent authorities. Subsequent requests for further work or information will be subject to additional fees.

EXECUTIVE SUMMARY

ASPECT *north* Ltd. has been engaged by Tweed Shire Council to assess the merits of an application to rezone Lot 1 DP 574910 and Lot 3 DP 708144, Kyogle Road, Uki, from Rural 1(a) to Rural Living 1(c).

The purpose of the proposed rezoning is to enable further rural residential development adjoining the Uki Village. As a part of the proposed Amendment it is intended that the Uki Sportsground, which adjoins the subject site, will be expanded to provide additional facilities.

This report summarises the findings of three (3) separate field studies and addresses concerns of relevant statutory authorities. It is the finding of this report that there are no significant constraints to the rural residential development of this site and that, on balance, the rezoning of this site to 1(c) Rural Living will promote the most efficient and desirable use of this land and will have significant public benefit.

The report further recommends that the parcel of land in the northern portion of the site, delineated by the Tweed River and Kyogle Road, be zoned 7(a) Environmental Protection (Wetlands and Littoral Rainforests), as a measure to protect the sensitive area against inappropriate development; and that the area of land intended to be included in the expansion of the Uki Sportsground be zoned 6(a) Open Space.

This report therefore supports the rezoning of the majority of the subject site to 1(c) Rural Living.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
EXECUTIVE SUMMARY	ii
TABLE OF CONTENTS	iii
1. INTRODUCTION	1
1.1 Background	1
1.2 Report Structure and Purpose	6
2. SUBJECT SITE AND LOCALITY	7
2.1 Site Location, History and Land Use	7
2.2 Cadastral Description	7
2.3 Location	7
2.4 Topography	9
2.5 Vegetation	10
2.6 Urban Infrastructure	10
3. REZONING PROPOSAL	11
3.1 Rezoning Proposal	11
4. ENVIRONMENTAL INTERACTIONS	13
4.1 Flora and Fauna	13
4.2 Soil	17
4.3 Traffic Generation, Road Capacity and Site Access	18
4.4 Urban Services	19
4.4.1 <i>Water Supply</i>	19
4.4.2 <i>Sewerage Supply</i>	19
4.7 Landscape and Visual	20
4.10 Bushfire Considerations	20
5. STATUTORY AND POLICY PLANNING ASSESSMENT	22
5.1 Environment Protection and Biodiversity Conservation Act 1999	22
5.2 Environmental Planning and Assessment Act 1979 (as amended)	23
5.3 State Environmental Planning Policies	25
5.3.1 <i>State Environmental Planning Policy No. 44 – Koala Habitat</i>	25
5.3.2 <i>State Environmental Planning Policy No 55 – Remediation of Land</i>	25
5.4 North Coast Regional Environmental Plan	25
5.5 Tweed Local Environmental Plan 2000 (TLEP)	27

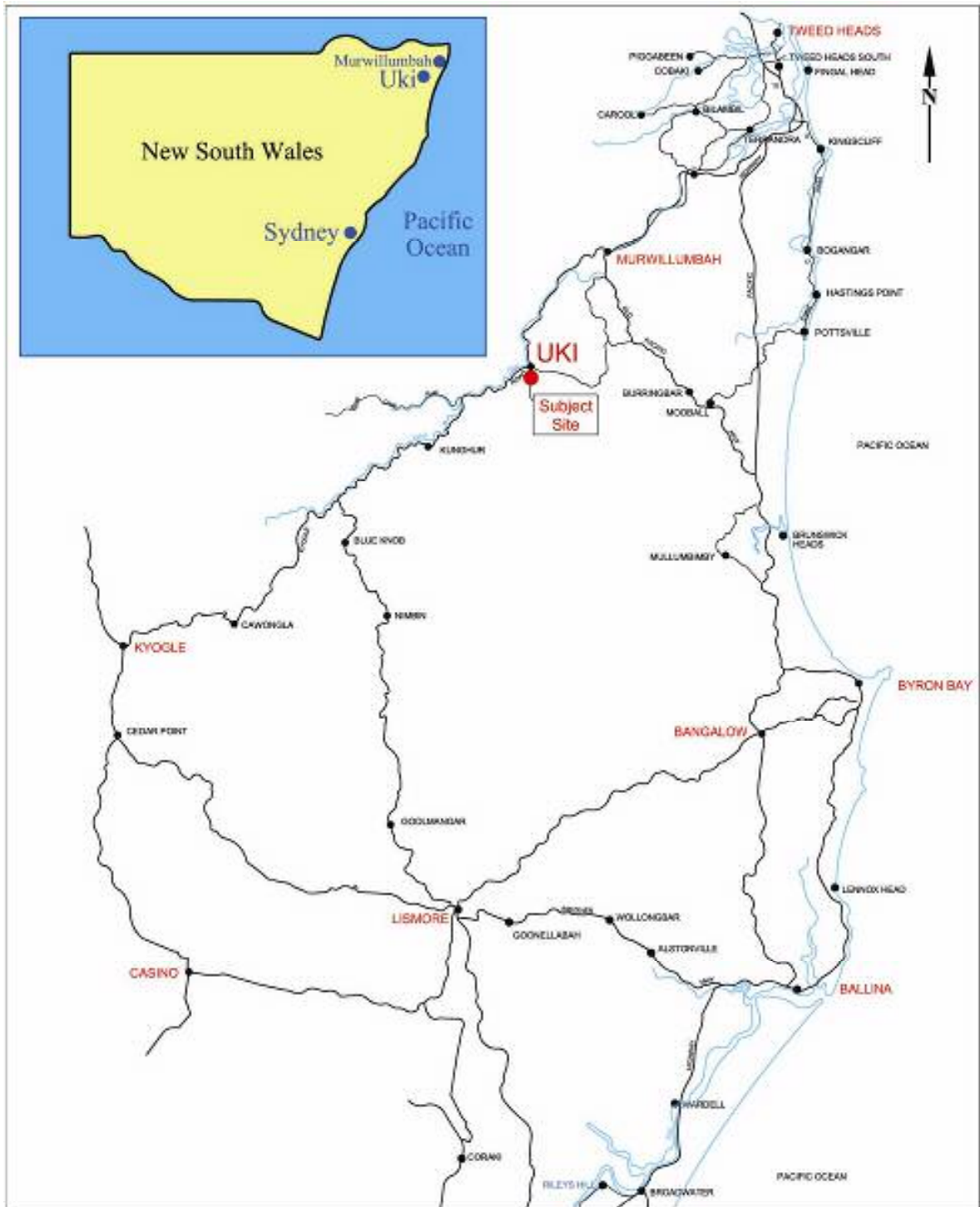
6. CONCLUSION

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1. INTRODUCTION

1.1 Background

ASPECT *north* Ltd. has been engaged by Tweed Shire Council to assess the merits of an application to rezone Lot 1 DP 574910 and Lot 3 DP 708144, Kyogle Road, Uki, from Rural 1(a) to Rural Living 1(c). The subject site is shown in context in Figures 1 and 2.



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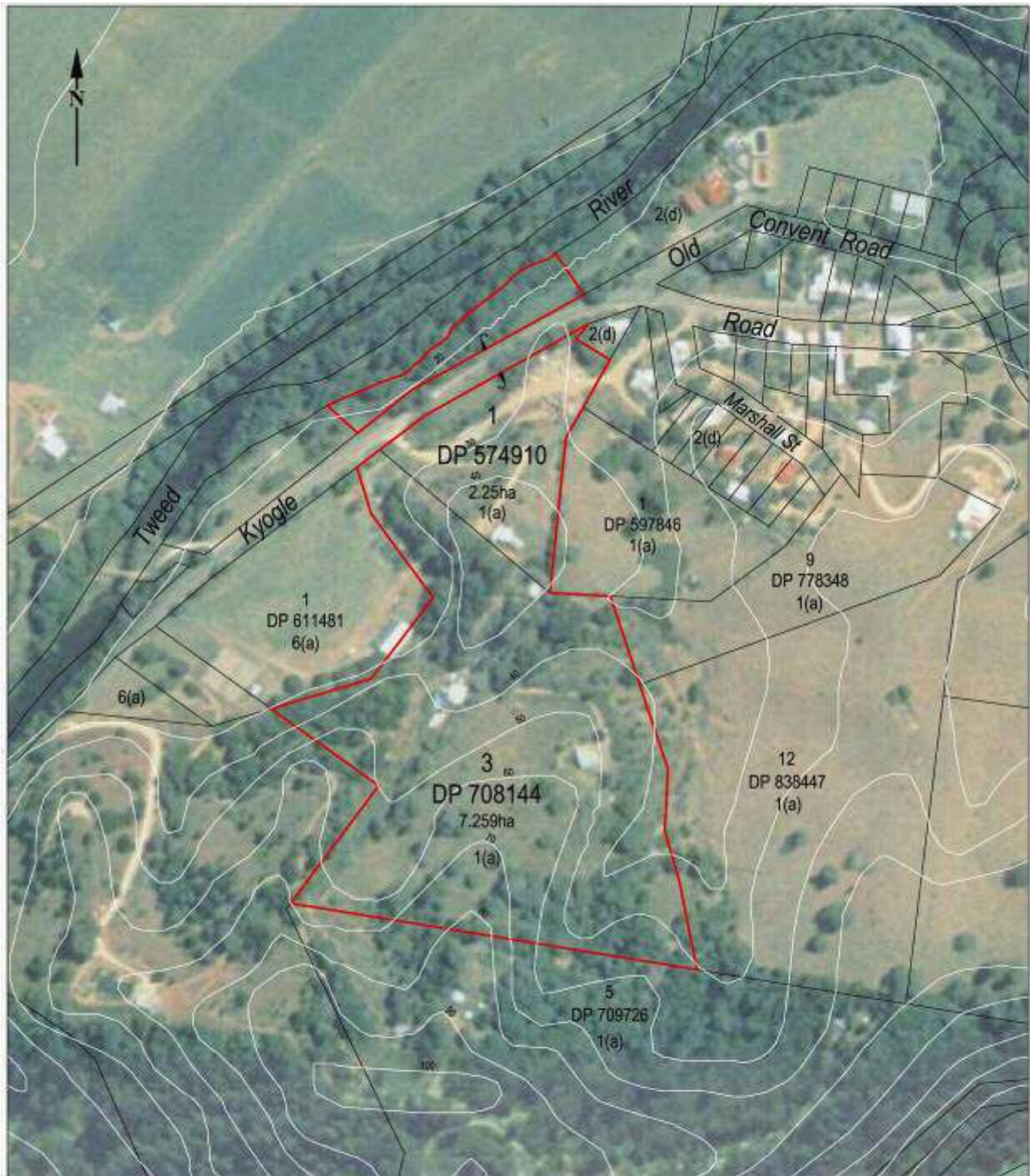
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LOCALITY PLAN

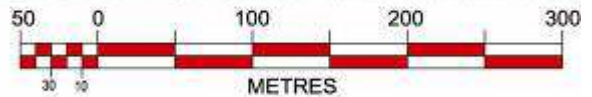
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Dwg No: LM040635-EV1A

FIGURE 1



ZONING
1(a) Rural
2(d) Village
6(a) Open Space



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Project: LM040635 Date: 31.05.2005 Scale 1:3000@A3

SUBJECT SITE IN LOCAL CONTEXT

Source: Aerial 2000 + Cadastral info Drawn: PHIL

Dwg No: LM040635-EV2A

FIGURE 2

Council Resolved on 19 December 2001 that:

- 1. Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 (as amended), prepares a draft Local Environmental Plan to rezone Lot 1 DP 611481, Lot 1 DP 574910 and Lot 3 DP 708144, Kyogle road, Uki from Rural 1 (a) to Rural 1 (c);*
- 2. Advises the Director-General of planningNSW that in this case it does not consider that a Local Environmental Study is warranted;*
- 3. Makes a submission to the Director-General of planningNSW that completion of Council's review of Rural Planning Provisions in the Tweed Shire 2000+ Strategic Plan and Tweed LEP 2000 is not warranted as a pre-requisite to preparation of this particular draft Local Environmental Plan, given:*
 - a) the location of the subject land between the existing village of Uki and the Uki Sportsground;*
 - b) the public benefits that will result from the proposal in terms of upgrading the Uki Sportsground;*
 - c) it is very unlikely that there will be a precedent set in view of the location of the land, the community benefits, and the proposed development of only three net additional lots.*

It was later identified that Lot 1 DP 611481 is the Uki Sportsground and that the proposed rezoning should not apply to this allotment. Therefore, no further reference is given in this report or accompanying exhibition material to Lot 1 DP 611481.

The (then) Department of Infrastructure Planning and Natural Resources (DIPNR) has been informed of Tweed Shire Council's resolution. DIPNR has advised Tweed Shire Council that a Local Environmental Study (LES) is NOT required for the subject site; however, it has requested that a number of matters be investigated. These matters include the following:

- Suitability of the site to cater for on-site effluent disposal, should this be the method of sewage treatment;
- Stability of the land to construct additional dwellings and other facilities considering the steepness of the land;
- Ability to access dwellings on the site;
- Significance of the vegetation on the site.

In addition to the above, the NSW Rural Fire Service (RFS) have requested that the following be addressed:

- The extent to which future development can provide for setbacks, including asset protection zones in accordance with Table A2.2 of *'Planning for Bushfire Protection 2001'*;
- The ability to site and adequacy of future water supplies for fire fighting;
- The ability to provide for egress/access as outlined within Section 4.3.1 of *'Planning for Bushfire Protection 2001'*;
- Future management regimes for any areas of hazard remaining within the study area.

This report addresses the concerns of DIPNR and other relevant statutory authorities and concludes the site is appropriate for a 1(c) Rural Living zoning.

1.2 Report Structure and Purpose

This report summarises the findings of separate Vegetation Significance Assessment, Bushfire Threat and Civil (soil stability and urban service provision) Reports, and makes assessment of the suitability of the site for rezoning for Rural Living Purposes.

Section 2 of this Submission describes the physical characteristics, site history and planning context of the subject land. Section 3 describes in detail the proposed rezoning. The key environmental interactions and prescribed management measures are embodied within Section 4 of this Submission. The review of the proposal against statutory and policy planning instruments relating to the land is briefly outlined in Section 5 of this report.

2. SUBJECT SITE AND LOCALITY

2.1 Site Location, History and Land Use

The subject site consists of approximately 9.51ha of land on two lots, to the southwest of Uki Village. Kyogle Road bisects the site in the northern portion therefore the majority of the site lies to the south of Kyogle Road.

The subject site is privately owned land. Two dwellings are located on Lot 3 DP 708144 and one dwelling and a machinery yard are located on Lot 1 DP 574910 (refer to Fig. 2). Previous land use includes cattle grazing and small-scale farming.

2.2 Cadastral Description

The rezoning is proposed over two (2) lots that have the following real property description and street address:

Property Description	Street Address
Lot 1 DP 574910 and Lot 3 DP 708144	Kyogle Road, Uki

2.3 Location

The subject site (the site), as shown in Fig. 2, consists of Lot 1 in DP 574910 and Lot 3 in DP 708144. The site is currently zoned 1 (a) Rural under the Tweed LEP 2000. Adjoining zonings include 6 (a) Open Space and 2 (d) Village (refer to Fig. 3). The site is approximately 9.5 hectares in size and is located on the western side of the village of Uki, northern New South Wales (NSW) within the Tweed Shire.

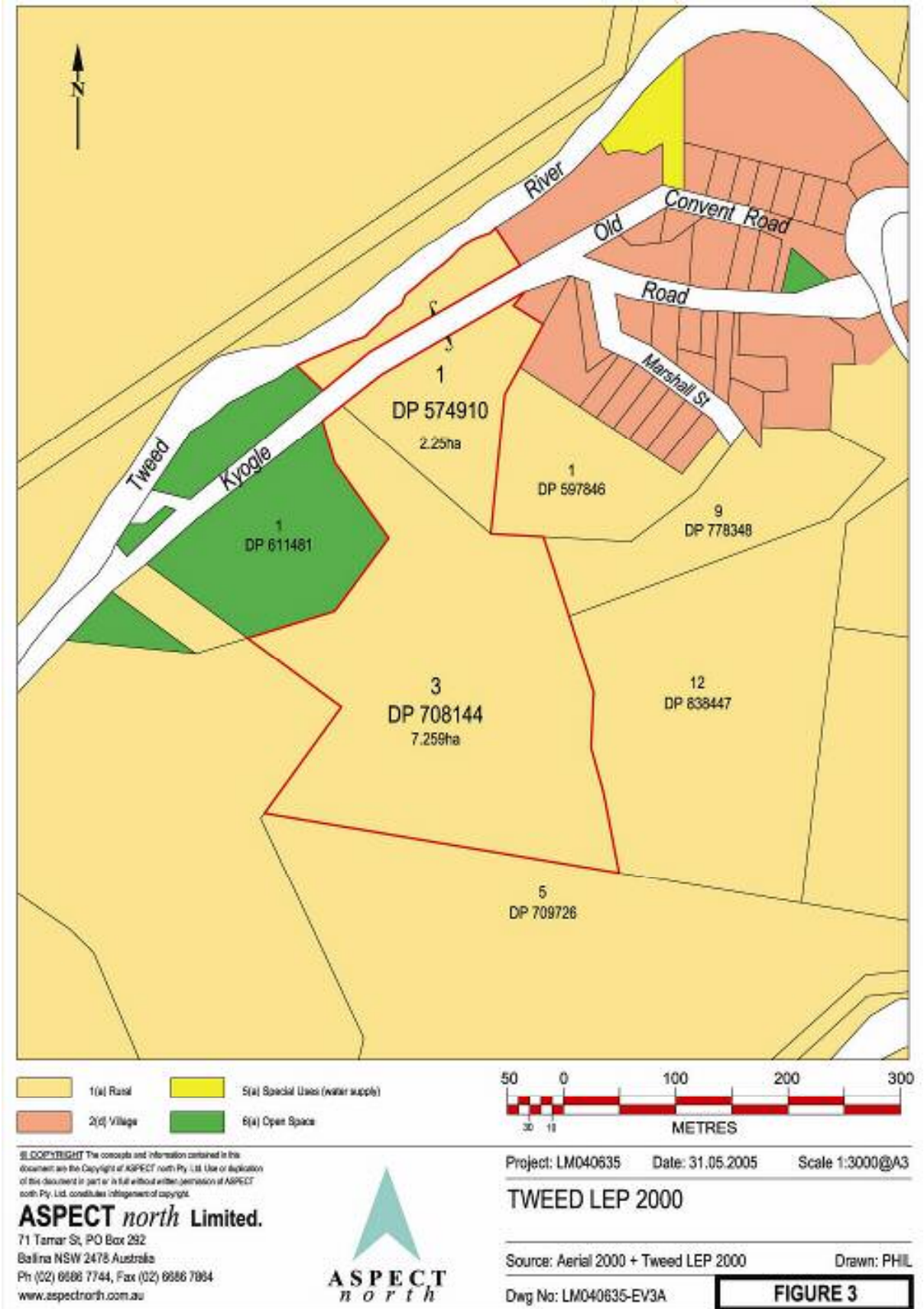


Figure 3: Showing site in context and relevant existing Zoning.

The site is bounded to the northwest by Uki Sports Ground and to the northeast by residential development. The site is bounded to the north by the Tweed River, to the east by predominantly cleared agricultural land and to the south by forested land.

Currently two (2) dwellings are located on Lot 3 DP 708144 and one (1) dwelling and a machinery yard are located on Lot 1 DP 574910.

2.4 Topography

A ridgeline runs in a southerly direction across the site and generally slopes away to the east, west and north. Site elevations range from 20 to 80 metres Australian Height Datum (AHD). The Tweed River demarcates the northern boundary of the site.

2.5 Vegetation

Vegetation at the subject site consists mainly of patches of regrowth rainforest dominated by Camphor Laurel (*Cinnamomum camphora*) and Sally Wattle (*Acacia melanoxylon*), exotic grassland and ornamental plantings.

2.6 Urban Infrastructure

Existing dwellings on site are accessed via a gravel drive that connects with Kyogle Road. The intersection and road are considered to be of sufficient standard to accommodate a moderate increase in daily vehicular movements associated with the further development of this site.

Existing lots utilise on-site sewer and water services, however both town water and reticulated sewerage are available.

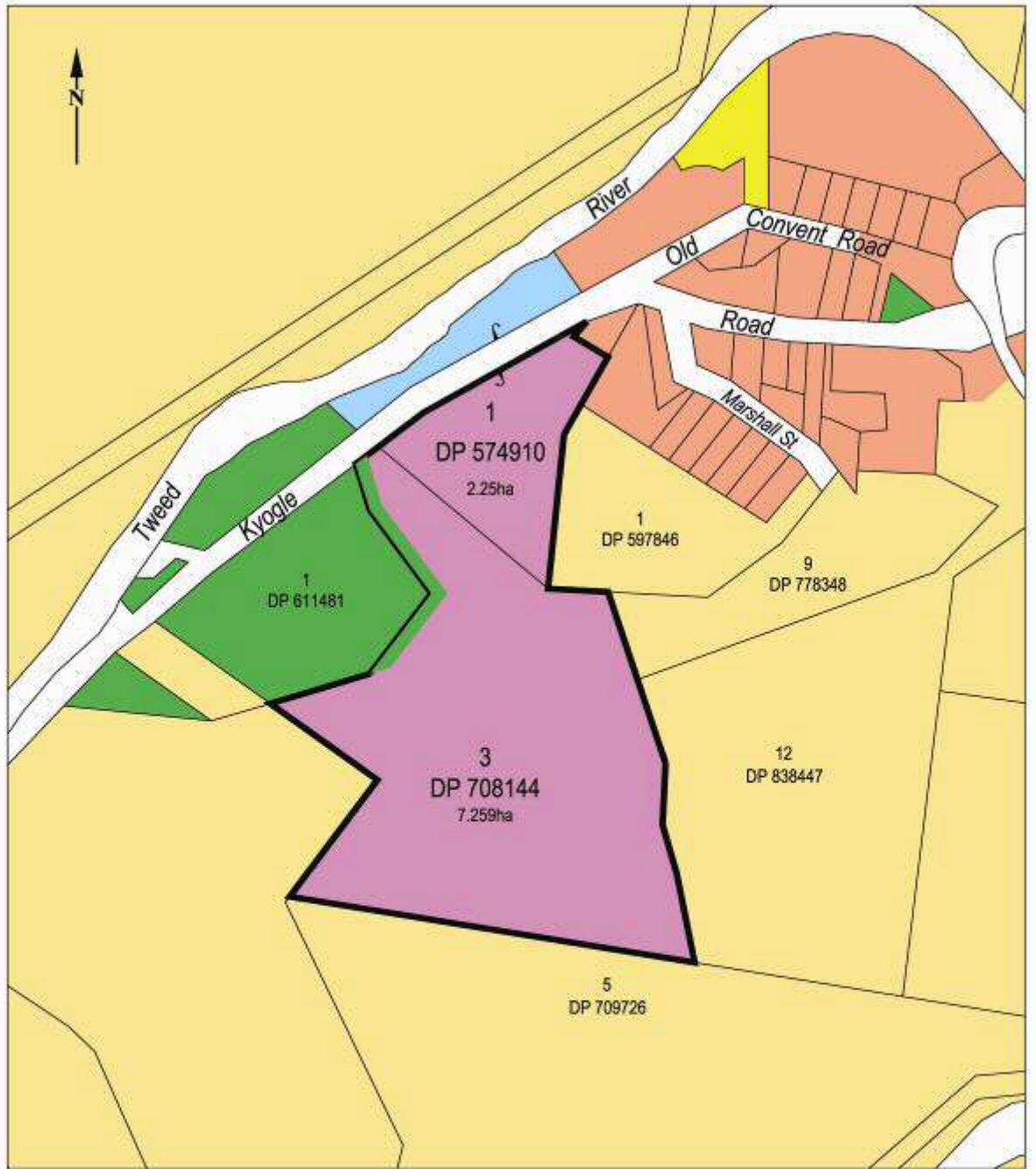
3. REZONING PROPOSAL

3.1 Rezoning Proposal

The purpose of the proposed rezoning is to enable further rural residential development adjoining the Uki Village by rezoning the subject site 1(c) Rural Living.

As a part of the proposed Amendment it is intended that the Uki Sportsground, which adjoins the subject site, will be expanded to provide additional facilities. Nominally, this will result in an extended road reserve between Kyogle Road and the existing clubhouse.

Figure 4 of this report indicates the proposed zoning of the subject site.



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Project: LM040635 Date: 17.01.2006 Scale 1:3000@A3

**AMENDMENT 30 TO TWEED LEP 2000
(Part Lot 1 DP 574910)**

Source: Lands Dept + Tweed LEP 2000 Drawn: PHIL

Dwg No: LM040635-EV8C **FIGURE 4**

4. ENVIRONMENTAL INTERACTIONS

4.1 Flora and Fauna

A Vegetation Significance Assessment has been undertaken on the site employing the following methodology:

- A review of relevant documents pertaining to the proposed re-zoning site;
- A search of Schedules 1, 2, and 3 of the New South Wales *Threatened Species Conservation Act 1995* and of the National Parks and Wildlife Service (NPWS) Atlas of NSW Wildlife (Atlas) to identify threatened species, populations and ecological communities, or their habitats recorded on and within a five kilometre radius of the site;
- Search of the Schedules of the Commonwealth *Environmental Protection and Biodiversity Conservation Act, 1999* (EPBC Act) database to identify threatened species, ecological communities, Ramsar Sites and Migratory species recorded within a five kilometre radius of the site;
- A systematic walking flora survey of the subject site;
- An evaluation of the habitat and wildlife corridor value of the site;
- Identification of possible effects of the proposed rezoning on existing flora and the development of ameliorative measures.

The vegetation Significance Assessment makes the following conclusions:

- The only threatened flora species located during the inspection was one Coolamon (*Syzygium moorei*), which was planted in the vicinity of a dwelling.
- The Lowland Rainforest identified adjacent to the Tweed River (Area D in Fig. 5) is a recognised Endangered Ecological Community and should be protected by rezoning this parcel of land to 7(a) Environmental Protection (Wetlands and Littoral Rainforest);

- The criteria contained in State Environmental Planning Policy (SEPP) 44 have been addressed and a Koala Management Plan is not required;
- More detailed Flora and Fauna Assessments and an Assessment of Significance should be conducted during the development application period to determine whether a future development proposal is likely or otherwise to result in a significant effect on the threatened species listed in the *NSW Threatened Species Conservation Act 1995*.
- The proposed rezoning is not likely to result in a significant effect on the threatened species listed in the *NSW Fisheries Management Act 1994*, therefore a Species Impact Statement is not required;
- The proposed rezoning will not have a significant impact on NES or Other Matters as described in the *Environmental Protection and Biodiversity Conservation Act, 1999*, and therefore does not need to be referred to the Minister; and
- The following amelioration measures are recommended as a condition of consent for the rezoning and any subsequent development of the site:
 - a) Area D in Fig. 5 bordered by Kyogle Road and the Tweed River be protected by rezoning this parcel of land to 7(a) Environmental Protection (Wetlands and Littoral Rainforest);
 - b) Vegetation along the gullies and steeper slopes (i.e. Areas A, B & C in Fig. 5) should be retained and enhanced;
 - c) A vegetation restoration management plan for the subject site should be prepared as part of any development proposal. The plan is to be site specific and will include the rehabilitation of the Lowland Rainforest adjacent to the Tweed River;
 - d) The restoration management plan must specify requirements for the control of environmental and noxious weeds within the subject site. These should focus on, but not be limited to, species such as the Madeira Vine, Small-leaved and Large-leaved Privet and Camphor Laurel;

- e) Where practicable and in-accordance with the vegetation restoration management plan for the site, all native trees are to be retained;
- f) Landscape plantings within the site should only include species endemic to the site and similar local areas;
- g) Plant operators are to be educated with regard to the retention of the above habitat areas and native species within the development site;
- h) Appropriate erosion and sedimentation controls to be implemented during any construction phase to prevent sedimentation entering drainage lines and/or the Tweed River; and
- i) Waste material, including vegetation, is not to be dumped into the surrounding vegetation.

The report therefore concludes that the majority of the site does not contain significant vegetation. The parcel of land annexed from the main site by Kyogle Road is considered to contain significant vegetation and it is the recommendation of this report that this land is rezoned to 7(a) Environmental Protection (Wetlands and Littoral Rainforest) as part of this rezoning process.

Vegetation on the residue of the site does not present a significant impediment to a Rural Living development.

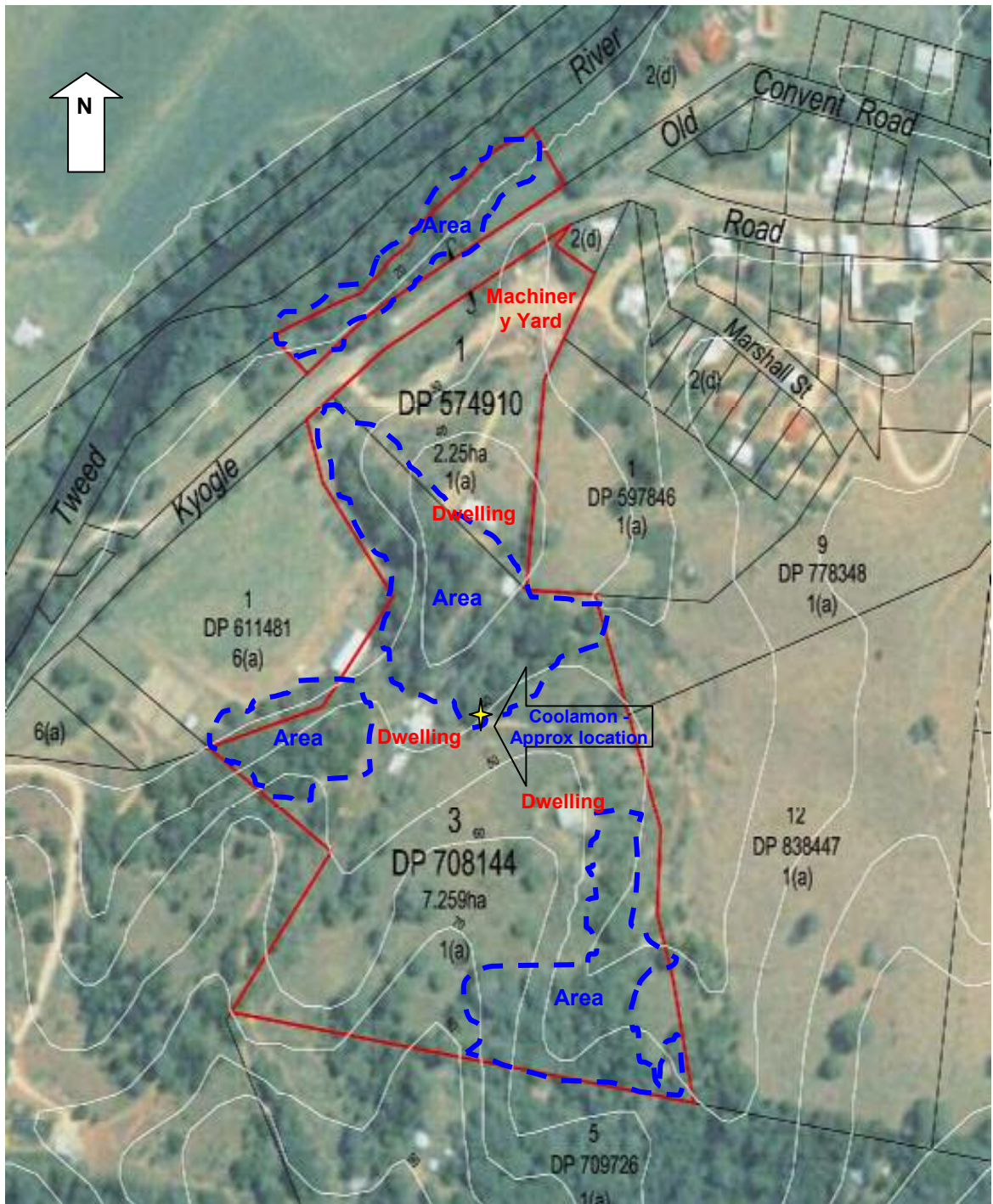


Figure 4. Vegetation Areas A, B, C & D and location of existing dwellings and machinery yard.

Source: Extract from Fig. 2

4.2 Soil

The soil landscape for the majority of the site is classified as Erosional Landscapes – Burringbar (bu) and Billinudgel (bi).

The Burringbar soil landscape is described by Morand (1996) as:

- High rolling to steep hills on metamorphics of the Neranleigh-Fernvale Group. Relief 100-200m, slopes 15->33%. Slopes are long (400m-750m) and waning or simple with ridges and crests that are narrow to moderately broad (<100-200m). Partially to extensively cleared tall open-forest (wet sclerophyll) occurs on this soil landscape.
- Soils – shallow to moderately deep (<100cm), moderately well-drained stony Grey Earths on crests and come slopes. Deep (>100cm), moderately well-drained Red Podzolic Soils on slopes of quartzite/phyllite. Deep (>200cm), moderately well-drained Red Earths on footslopes/lower slopes. Deep imperfectly drained stony Yellow Podzolic Soils on old coastline.
- Limitations – steep slopes, mass movement hazard and water erosion hazard. Erodeable, strongly acid, hardsetting and dispersive soils of low fertility and localised shallowness and stoniness.

The Billinudgel soil landscape is described by Morand (1996) as:

- Rolling hills on metamorphics of the Neranleigh-Fernvale Group. Relief is 50m-100m, slopes 10-20% but be >33% in places. Slopes are moderately long (200-300m) with narrow ridges and crests (100m-150m). Partially to extensively cleared open-forest (wet sclerophyll) occurs on this soil landscape.
- Soils – deep (>100cm), moderately well-drained Red Podzolic Soils on crests. Moderately deep (70-100cm), moderately well-drained Yellow Earths and Yellow Podzolic Soils on slopes.

- Limitations – localised steep slopes and mass movement (slump) hazard. Hardsetting, strongly acid, stony soils with high erodibility, low fertility and high aluminium toxicity potential and some sporadic shallow soils.

The siting of building envelopes would need to consider the stability of the site and avoid excessively steep areas (up to 27° were recorded on the site) and thus the number of additional dwellings sites would be limited on the site. However, the low ridgeline on the site does provide suitable building areas whereby stability issues would be insignificant. During the development application phase, a suitably qualified engineer would need to be engaged to undertake a Geotechnical Assessment on the chosen building envelopes.

The soil landscape and site topography do not present a significant impediment to the Rural Residential development of this site.

4.3 Traffic Generation, Road Capacity and Site Access

The existing access to Kyogle Road enjoys acceptable sight lines and distances in both directions and is considered capable of being upgraded to support a rural residential subdivision. The local road network has sufficient capacity to accommodate any minor increase in traffic volume that would be generated by development of this site.

Given the topography of the site, limited positions are available for the siting of new building envelopes. These sites will be partly dependant on the ability of an access to be constructed. However, there is sufficient area to allow suitable route selection for limited number of rural residential dwellings.

4.4 Urban Services

4.4.1 Water Supply

Town water is currently piped to the lower of the two (2) dwellings on the subject land with the higher dwelling on tank water. Extending provision of town water to existing and/or proposed dwellings further upslope is feasible, however this needs to be considered in combination with the decision on whether sewer or on-site disposal is considered adequate. Generally, where town water is to be connected, a sewer connection for wastewater is advisable.

Connection of this utility is normally undertaken at the developers' expense and Water Supply Contributions made in accordance with Council's policy on Developer Contributions as a condition of development consent.

4.4.2 Sewerage Supply

The closest sewer connection point is located immediately behind the existing sports ground clubhouse and it is feasible to gravity feed any proposed sewerage loadings from additional allotments upslope into this point on the proviso it has the capacity to accommodate proposed loadings. Connection to sewer is recommended for all new dwellings and should be further investigated at the development application stage.

Final sewer alignment and grade will determine the number and locations of trench stops and concrete bulkheads. Design and construction of sewer shall be in accordance with council standard drawings, specifications and AS3500. Manhole types and stops shall be as detailed by Council.

While proponents would be able to connect to town sewer, on-site sewage disposal is a possible option on the site. The soil type on the site is suitable for effluent disposal. Slopes on the site would be the major limitation to the treatment

and disposal system. During the development application phase, a suitable qualified and experienced consultant would need to be engaged to assess suitability of the selected effluent disposal areas.

4.7 Landscape and Visual

Landscape plans are not included with this Rezoning Submission. However any future development proposal will have landscaping features incorporated into the design.

Further, the retention of the existing vegetation communities at the site will provide the future development of the land with a natural landscape buffer and enhance the visual amenity of the development. The diversity and type of vegetation at the site will be reflected in future development landscaping.

4.10 Bushfire Considerations

A detailed Bushfire Threat Assessment was undertaken on site. The assessment concludes that future further development of the subject site could comply with the requirements of *Planning for Bushfire Protection* (NSW Rural Fire Service & PlanningNSW, 2001). At development application stage, a Bushfire Safety Authority under Section 100B of the *NSW Rural Fires Act 1997* will be required.

The assessment identifies four (4) distinct areas of vegetation (known as areas A - D), all of which are classed as Closed Forest (Vegetation Group 3 - PfBFP). In addition, the assessment identifies the residue of the site as being grassland, the areas adjacent to (east and west) the site as being grassland with clumps of trees (Vegetation Group 3) and the area adjacent to (south) the site as being Open Forest (Vegetation Group 1).

Bushfire abatement measures will be a necessary consideration at the subdivision and construction phase of development, however the redevelopment of the site for

Rural Residential housing is possible within the existing constraints. The requirement for bushfire buffers around residential buildings is likely to limit the number of potential lots.

5. STATUTORY AND POLICY PLANNING ASSESSMENT

The consistency of the proposed rezoning as detailed in Section 3, with regard to the relevant statutory and policy planning provisions is addressed within this section of the Submission.

5.1 Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth mechanism for national environmental protection and biodiversity conservation is the Environment Protection and Biodiversity Conservation Act (EPBC Act). The EPBC Act provides for:

- Identification and listing of Threatened Species and Threatened Ecological Communities;
- Development of Recovery Plans for listed species and ecological communities;
- Recognition of Key Threatening Processes; and where appropriate;
- Reducing these processes through Threat Abatement Plans.

The EPBC Act states that a person must not, without approval under the Act, take an action that has or will have, or is likely to have a significant impact on a matter of National Environmental Significance (NES). NES matters include:

- The world heritage value of a declared World Heritage property;
- The national heritage value of a National Heritage Place;
- The ecological character of a declared Ramsar wetland;
- An action in a Commonwealth Marine Area;
- A Threatened Ecological Community listed under the Act;
- A Threatened Species listed under the Act;
- A Migratory Species listed under the Act.

The EPBC Act also identifies a number of Other Matters it protects. These include:

- Commonwealth Lands;
- Commonwealth Heritage Places;
- Places on the Register of the National Estate;
- Listed Marine Species;
- Whales and other Cetaceans;
- Critical Habitats; and
- Commonwealth reserves.

The Vegetation Significance Assessment concluded that the proposed development is not likely to have a significant impact on a matter of National Environmental Significance as described under the EPBC Act. Therefore, referral to the Federal Minister for the Environment is not required.

5.2 Environmental Planning and Assessment Act 1979 (as amended)

The EP&A Act requires that each Development Application be evaluated against the matters listed under Section 79C(1) Evaluation. Although these do not pertain to this Rezoning Submission at this time, they will have to be considered for any future development of the site. These 79C Matters are as follows:

79C Evaluation

(1) Matters for consideration – general

In determining a Development Application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the Development Application:

(a) the provisions of:

- i. any environmental planning instrument;*

- ii. *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - iii. *any development control plan, and*
 - iv. *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - v. *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the Development Application relates.*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

According to Section 79C(1)(a) the relevant provisions of a number of pieces of legislation also need to be addressed in formulating a Development Application. Following is a summary of the applicable legislation.

The relevant Environmental Planning Instruments (EPIs) that need to be considered for development proposals at the subject site are:

- State Environmental Planning Policy No. 44 – Koala Habitat Protection;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- North Coast Regional Environmental Plan 1988; and

- Tweed Local Environmental Plan 2000.

5.3 State Environmental Planning Policies

5.3.1 State Environmental Planning Policy No. 44 – Koala Habitat

State Environmental Planning Policy No. 44 – Koala Habitat (SEPP 44) was gazetted in January 1995. It encourages the conservation and management of natural vegetation areas that provide habitat for Koalas to ensure permanent free-living populations will be maintained over their present range.

The Vegetation Significance Assessment concluded that the subject site is not considered to be potential Koala habitat, the land is not considered to be core Koala habitat and therefore a Koala Plan of Management is not required.

5.3.2 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) was gazetted in August 1988 and provides a state-wide approach to the remediation of contaminated land.

Clause 6 of SEPP 55 requires the consideration of contamination and remediation in relation to rezoning proposals. It requires Council to consider whether there is a possibility that land may be contaminated due to past uses, and if so, whether the land is suitable for its proposed use in its current unremediated state. The site is not considered to have contamination potential.

5.4 North Coast Regional Environmental Plan

The North Coast Regional Environmental Plan (NCREP) is the principle statutory instrument specified in regional and state planning policies.

The approach adopted by the NCREP is to specify objectives and directions on a range of matters to be met and undertaken by Councils when preparing Local Environmental Plans and considering Development Applications.

It is noted the proposal is not wholly compliant with the provisions of the NCREP. Clause 20 of the REP states the Council should not prepare a draft Local Environmental Plan for rural land permitting rural residential or small holding development where that land is not identified in a rural land release area.

Whilst the site is not within a Rural Land Release Strategy, the provisions of the 1(c) Rural Living zone are considered to be the most appropriate and efficient use of the land. It is acknowledged that the agricultural or natural resources potential of the land is limited by its location between the Uki Sports Ground and Uki Village. It is further acknowledged that there will be a public benefit arising from the rezoning with the dedication of additional land to the Uki Sports Ground.

The wording of Clause 20 of the NCREP is non-binding (stipulating only that the Council *should* not prepare a draft LEP for a site not identified in a Rural Land Release Strategy). As such, and given the suitability of this site for Rural Residential Development and the public benefit that will arise from its development, it is considered the rezoning of this land to 1(c) Rural Living is appropriate.

5.5 Tweed Local Environmental Plan 2000 (TLEP)

The subject land is currently zoned 1(a) Rural under the TLEP.

The stated Primary Objectives of the existing zone are as follows:

- to enable the ecologically sustainable development of land that is suitable primarily for agricultural or natural resource utilisation purposes and associated development.
- to protect rural character and amenity.

In addition to the Primary Objectives are the following Secondary Zone Objectives:

- to enable other types of development that rely on the rural or natural values of the land such as agri- and eco-tourism
- to provide for development that is not suitable in or near urban areas
- to prevent the unnecessary fragmentation or development of land which may be needed for long-term urban expansion
- to provide non-urban breaks between settlements to give a physical and community identity to each settlement.

It is proposed to rezone the subject site to 1 (c) Rural Living. The stated Primary Objectives of the 1 (c) Zone are as follows:

- to enable rural residential development in selected areas possessing particular environmental and servicing attributes which do not compromise the viability of rural activities on land in the vicinity, do not detract from the quality of the rural and natural environment and do not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services

- to provide rural residential development of a design integration, quality and scale compatible with, and making a positive contribution to, the character of the rural area in the vicinity.

In addition to the Primary Objectives above, the stated Secondary Objective of the 1(c) Zone is as follows:

- to enable other development that is compatible with rural residential development.

Comment: The site is predominantly located between the Uki Sports Ground and the village of Uki. The proximity of these urban land uses limits the potential agricultural or natural resource extraction productivity of the subject site. Additional factors, including slope, vegetation and the size of the existing holding, further limit the viability of the site as an agricultural or natural resource concern.

It is therefore contended that the location, topography and size of the subject site render it more compliant with the objectives of the 1(c) Rural Living Zone than the 1(a) Rural Zone.

The minimum lot size for 1(c) Lots, where it is proposed to connect the development to the reticulated sewerage system, is 0.4ha. Although it would *prima facie* appear that the 1(c) zoning would allow for up to an additional 24 lots over the subject DPs, existing site constraints would severally restrict future rural residential development.

Site characteristics such as slope and vegetation cover, in addition to areas of land proposed to be dedicated as Public Open Space or Environmental Protection currently limit the area available for dwelling construction to the cleared low ridgeline in the south and east of the site. The currently cleared area in the southwest of the site may also be available for rural residential development in the future.

It is therefore considered that the 1(c) Rural Living Zone will allow for appropriate development within the limits of the identified site constraints. It is considered a minor increase in residential density could be accommodated without compromising the integrity or semi-rural character of the site.

An area of the site is also identified for environmental protection. The parcel of land annexed from the main site by Kyogle Road is considered appropriate for environmental protection and is not appropriate for building or housing. As such, the key objectives of the 7(a) Environmental Protection (Wetlands and Littoral Rainforests) zone can be met in this area.

6. CONCLUSION

The proposed rezoning presents the opportunity to provide housing for the steadily increasing population of the Tweed. It is generally acknowledged that the demand for rural living is increasing, and that sustainable rural living communities must be created in order to protect the agricultural viability of larger holdings within the Shire.

The site has been identified as having potential for a rural living development, and housing and infrastructure developments can be provided within the identified site constraints.

It is therefore recommended that the rezoning of this site to 1(c) Rural Living be pursued as both a possible and an appropriate course of action.