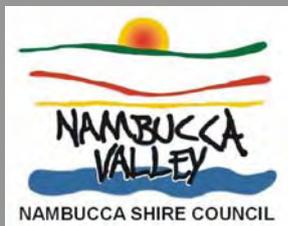


# Nambucca Shire Local Growth Management Strategy Rural-Residential Component



Approved by the  
Department of  
Planning January  
2009

Amendments:

23.11.2010

Inclusion of unconstrained Land formerly Zoned 1(C)  
Rural Residential under the Nambucca LEP 1986, as  
approved by the Director General of the  
Department of Planning on the 12.10.2009.

# NAMBUCCA SHIRE COUNCIL



# Rural-Residential Land Release Strategy

January 2009

Adopted by Council 20/11/08  
Approved by NSW Department of  
Planning 16/01/09  
Last amendment 23/11/2010

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# Executive Summary

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The demand for rural residential housing in the Nambucca Shire is expected to continue as ‘sea’ and ‘tree changers’ seek out a place in regional coastal towns and villages to escape the metropolitan areas. An additional population of 5,300 people housed in 2,400 dwellings is expected by the year 2026 and a significant proportion of this new housing stock will be in the form of rural residential housing. The challenge this Rural Residential Land Release Strategy seeks to meet is to maximise the benefits of lifestyle options derived from rural residential housing while minimising the economic, social and environmental costs to the whole community from this form of housing; this approach will result in a more sustainable outcome.

This Strategy has been prepared to provide a framework for the management of rural residential land in the Nambucca Shire. The Strategy has been developed to comply with a complex and relatively rigid set of overarching policies and guidelines that determine both the quantity of land that can be released and the parameters to apply in selecting candidate areas for release for rural residential purposes. These policies and guidelines include:

- Rural Settlement Guidelines;
- North Coast Urban Planning Strategy;
- NSW Coastal Policy 1997;
- Draft Mid North Coast Regional Strategy;
- Draft Nambucca Shire Structure Plan;
- Nambucca River Estuary Management Strategy;
- Settlement Guidelines August 2007
- State Environmental Planning Policies;
- North Coast Regional Environmental Plan;
- Rural Fires Act;
- Native Vegetation Act;
- Local Environmental Plan (LEP) Template; and
- Ministerial Directions.

The current system of rural residential release in Nambucca operates on a quota and is problematic to administer, provides artificial influences on land values and prevents Council from adopting a more strategic and sustainable approach to rural residential housing. A new approach to rural residential land release is required that will provide a strategic direction for rural residential development; take into account contemporary land management information; provide certainty for landholders; and provide a basis for zonings to meet the requirements of the new LEP Template and other legislation.

The new Strategy should:

- provide a land release that delivers an equilibrium between land supply and demand;
- give preference to land with less environmental constraints, particularly the prohibitive constraints identified;
- give preference to areas with access to higher order social and infrastructure services; and
- meet the overall desired direction and settlement pattern of the Shire.

Before determining suitable candidate areas for rural residential housing it was necessary to determine the demand and supply for such housing. Presently, the Nambucca Shire has over 7,150 hectares of land identified for rural residential purposes and a further 1,237 hectares has been identified for potential rural residential purposes in the Nambucca Valley Structure Plan. It has been calculated that there is a “genuine demand” for 40 lots per year and that there is presently a significant oversupply of land identified for rural residential purposes.

The demand and supply balance sheet has demonstrated that 40 lots per annum will be required to meet the future demand for rural residential housing. To provide for the short to medium term supply (i.e. next 10 years) a total of 400 lots will need to be available for housing development. As a minimum lot size of one hectare would meet the Department of Health's requirement and effluent disposal needs for all soil types in the Shire, a total area of approximately 400 hectares would be required; this would provide equilibrium between land supply and demand over the short to medium term.

Lands with fewer environmental constraints are usually less expensive to develop; have greater likelihood of being developed in the short term; generally involve fewer resources of Council and other agencies in processing applications; and have lower risks of negative environmental impacts. In terms of purely physical preferences, candidate areas free of environmental constraints should be given the highest priority for release for rural residential purposes. Conversely, land with prohibitive or hard constraints should be excluded from the candidate areas. The following constraints are considered to be prohibitive:

- land within the 1% flood level;
- land with ecologically significant vegetation; and
- land earmarked for urban expansion.

Rural residential development which is subject to appropriate planning controls can provide environmental benefits in disturbed landscapes through rehabilitation of drainage lines, enhancing wildlife corridors and better management of stock and weeds. In this respect, some priority can be given to areas where environmental repair works will benefit the natural environment.

A Rural Residential Land Release Strategy that is aligned to the demographic profile is considered socially sustainable. The Nambucca Shire demographic profile, like the national profile, indicates an ageing community with a commensurate increased demand for health and community services. Rural residential development that is located close to health and community services can have the following benefits:

- reduced travel times to access services;
- reduced road trips and road/traffic impacts;
- better response times in cases of emergency;
- increased utilisation of facilities;
- reduced greenhouse gases; and
- more efficient delivery of social services (i.e. meals on wheels, home nursing, travelling libraries, etc.)

Three levels of economic and social service catchments have been considered, namely, Tertiary, Secondary and Primary; with the Tertiary Catchment providing monthly service needs and extending to a five to 10 minute drive (i.e. five kilometres), with the Secondary Catchment providing weekly service needs within an extended walk or short drive (i.e. two kilometre) and the Primary Catchment providing daily service needs within a short walk of the centre (i.e. 500m). The social and economic services considered include employment, retail, commercial, recreation, administrative and general health and community services.

Preference for rural residential development should be given to areas with access to higher order services in order to reduce costs in the delivery of these services and to make better use of existing infrastructure. Areas with an established road network with capacity for additional traffic, areas easily serviced by waste collectors and areas with electricity and communication services in place should also be given priority.

The Nambucca Shire has a clearly defined settlement hierarchy with direction for future growth and development outlined in the Nambucca Valley Structure Plan. At the top of the hierarchy is Macksville which is the main administrative, retail, commercial and social focus for the Shire; Macksville is appropriately designated as a 'Major Town'. Next in this hierarchy is the township of Nambucca Heads followed by the coastal and inland villages of Valla Beach, Scotts Head, Bowraville and Eungai Creek.

To reinforce this settlement hierarchy, priority should be given to locating rural residential development within (or close to) the higher order centres. A land use policy that establishes ring development based on this hierarchy and includes performance based controls is the most effective approach to achieve sustainable outcomes. This approach will enable development to be strategically directed to preferred areas and to incorporate controls to protect and enhance environmental values and to meet service provision standards; the current system of scattered development is unlikely to achieve these outcomes.

The Strategy identifies the following areas for short-medium term release:

Short –Medium Term (2008–2013)
Auld Close
Alexandra Drive
Florence-Wilmont Drive
Coronation Road (east)
Upper Warrell Creek Road (north)
Upper Warrell Creek Road
O'Dells Road
Gumma Road (west)
Newee Creek (Old Coast Road)
Spaldings Road
Gumma Road (east)

The selection of these areas is based largely on their proximity to Macksville or

Nambucca Heads, relatively low physical constraints and servicing benefits; some priority has also be given to areas already subdivided or subject to development applications for subdivision.

The remaining areas generally in the coastal and rural village areas (i.e. Bowraville, Valla Beach, Eungai and Eungai Rail and Scotts Head) are recommended for longer term release; this is based largely on the limited services available in these areas.

A staged program of release is recommended:

- to avoid a number of unmanageable development fronts;
- to help focus resources required for detailed studies and subsequent detailed planning; and
- to better direct development to achieve the highest community benefits.

Should the genuine demand for rural residential development exceed the anticipated demand; areas identified for longer term release can be brought forward, in accordance with the approach outlined in the Strategy.

The Strategy recommends that the areas identified for short and medium term release be rezoned R5 Large Lot Residential under the Principal Local Environmental Plan (LEP) and detailed controls be developed for each area under a place specific Development Control Plan (DCP) in accordance with the detailed recommended development standards outlined in this Strategy.

It is further recommended that rural residential development be subject to the relevant Shire-wide Contribution Plans; the density and slow take up rates of rural residential development do not enable justification for specific contribution plans for this type of development.

# Part 1

## Introduction and Background

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### Introduction

The demand for rural residential housing in the Nambucca Shire is expected to continue as 'sea' and 'tree changers' seek out a place in regional coastal towns and villages to escape metropolitan areas. A Rural Residential Land Release Strategy is required to manage this demand and to ensure sustainable outcomes are realised.

Rural residential housing forms a significant proportion (i.e. 20%) of the existing housing stock in the Nambucca Shire. An additional population of 5,300 people housed in 2,400 dwellings is expected by the year 2026 (Structure Plan, 2007). The continuing demand for housing will result in pressure for a proportion of this new housing stock to be in the form of rural residential housing.

The challenge this Strategy seeks to meet is to maximise the benefits of lifestyle options derived from rural residential housing while minimising the economic, social and environmental costs to the whole community from this form of housing; this approach will result in a more sustainable outcome.

This Rural Residential Land Release Strategy has been prepared to provide a framework for the management of rural residential land in the Nambucca Shire. The Strategy is in accordance with the relevant guidelines and policies and will be used to define future zoning of land for rural residential purposes. The Strategy applies to the whole Local Government Area as shown in Map 1.

### Document Framework

This document is divided into five parts:

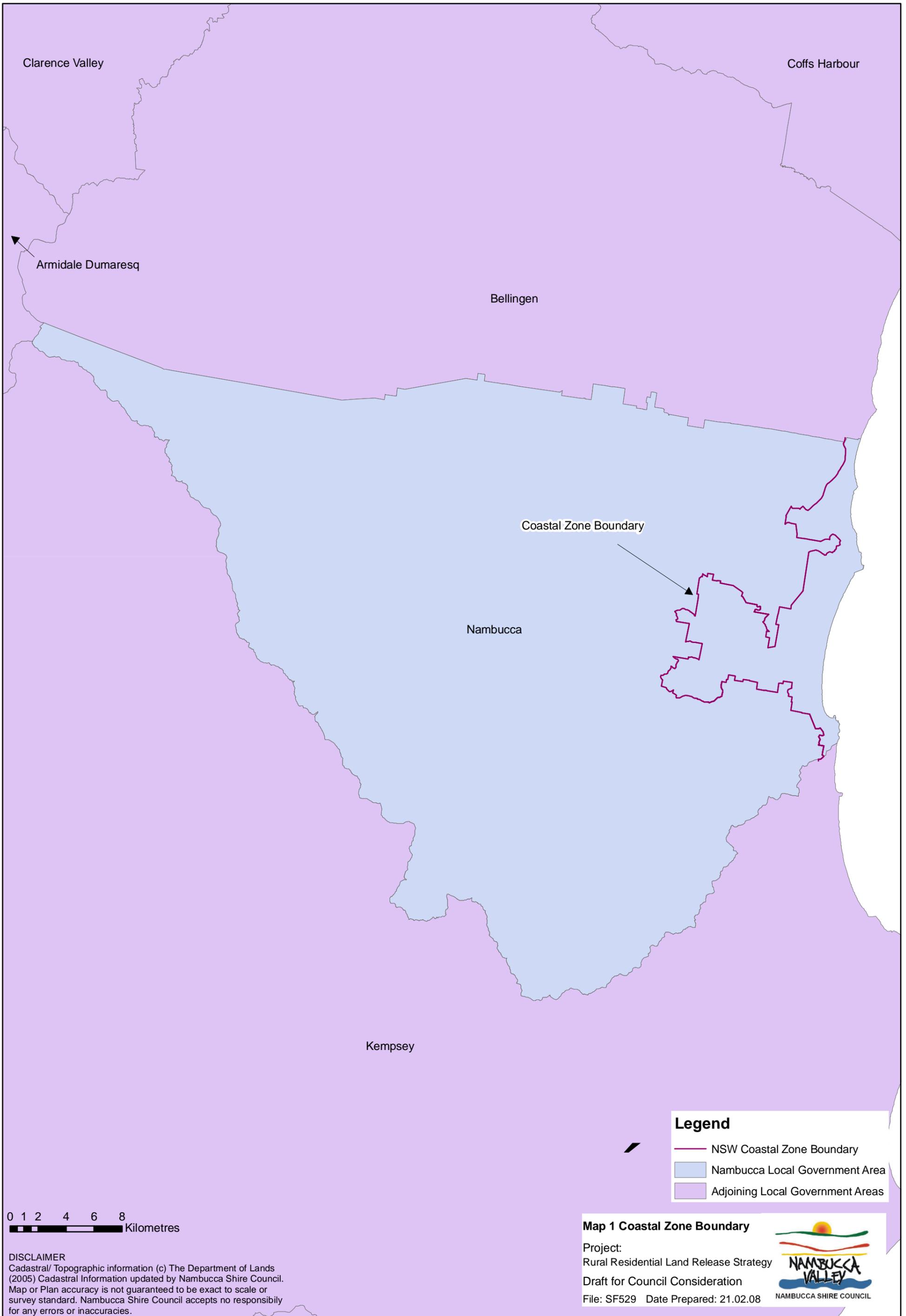
- Part 1 – Introduction and Background;
- Part 2 – Strategic and Statutory Framework;
- Part 3 – Rural Residential Balance Sheet;
- Part 4 – Catchment Assessment; and
- Part 5 – Rural Residential Strategy.

Part 1 provides the background to the project in terms of the issues to be addressed and how existing rural residential development is permitted. The problems with the existing system are discussed together with an outline of the ideologies relating to settlement planning in the Nambucca Shire and rural residential development.

Part 2 provides the strategic and statutory framework that the rural residential land release strategy is required to meet; there is a local, state and regional framework that governs the content and scope of the Strategy.

Part 3 considers the supply and demand for rural residential land and housing and the rules that regulate the release of land for this purpose.

Part 4 considers the potential candidate areas for rural residential development in terms of the physical, social and servicing catchments.



Clarence Valley

Coffs Harbour

Armidale Dumaresq

Bellingen

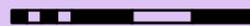
Coastal Zone Boundary

Nambucca

Kempsey

**Legend**

-  NSW Coastal Zone Boundary
-  Nambucca Local Government Area
-  Adjoining Local Government Areas

0 1 2 4 6 8  
 Kilometres

**DISCLAIMER**  
 Cadastral/ Topographic information (c) The Department of Lands  
 (2005) Cadastral Information updated by Nambucca Shire Council.  
 Map or Plan accuracy is not guaranteed to be exact to scale or  
 survey standard. Nambucca Shire Council accepts no responsibility  
 for any errors or inaccuracies.

**Map 1 Coastal Zone Boundary**

Project:  
 Rural Residential Land Release Strategy  
 Draft for Council Consideration  
 File: SF529 Date Prepared: 21.02.08

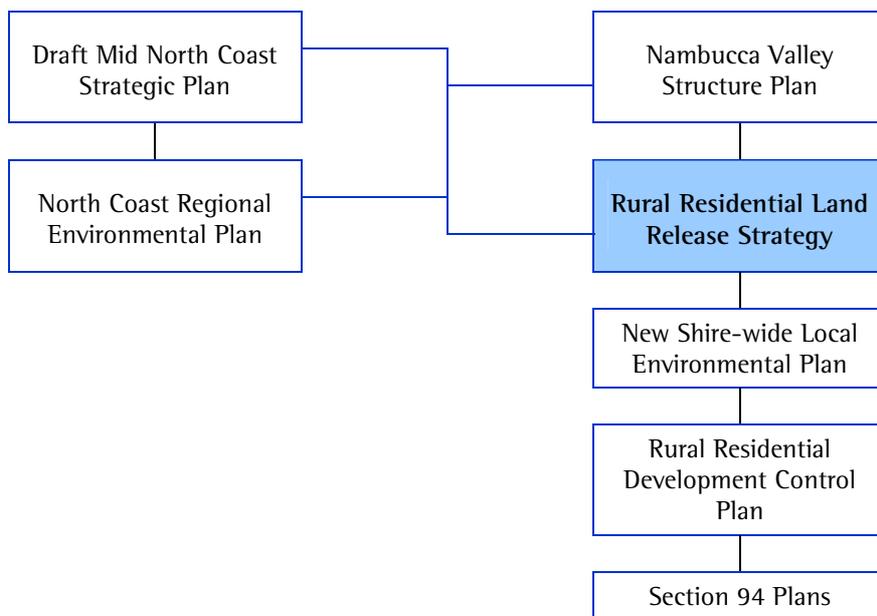


Part 5 will include an assessment of the information from the catchment analysis, together with the information derived from the supply and demand balance sheet to enable the identification of potential candidate areas, priorities for land release and a desired settlement pattern for rural residential development.

Part 5 will also document the priorities for rural residential settlement for the Shire as a whole and the individual localities that can accommodate rural residential development.

Candidate areas which are ultimately defined as suitable for rural residential living purposes will be zoned under the new Shire-wide Local Environmental Plan. Recommendations for the development of a Rural Residential Development Control Plan and Contributions Plan are also put forward to enable the implementation of the Strategy.

The flow chart below describes how this Strategy fits in with existing strategic documents and new documents to be developed under this Strategy.



## Background

The Nambucca Shire is located on the Mid North Coast of NSW and is representative of the geographic features of this part of the coast; the Shire consists of steep terrain associated with the eastern edge of the New England Plateau and is drained by a number of small streams that flow to an extensive floodplain. The most significant natural feature, and indeed the lifeblood of the Shire's settlement, is the Nambucca River, its associated waterways and estuarine environments. The River has always been important to the inhabitants of the area and, in fact, "Nambucca" is considered to be derived from the Aboriginal word for "winding or crooked river" or "entrance to waters". The Shire is almost entirely made up of the 1,460 km<sup>2</sup> catchment of the Nambucca River. Any Strategy for further human settlement needs to be cognisant of the importance of this riverine environment.

The study area covered by this Strategy includes the whole of the Nambucca Shire, which is defined generally by the Nambucca River Catchment to the south and west, the Pacific Ocean to the east with the northern boundary defined by a line approximately 10 km north of Valla Beach running perpendicular to the Pacific Ocean.

This Strategy supports and supplements the Nambucca Valley Structure Plan which has been prepared to guide urban growth in the Shire for the next 20 years. The Structure Plan lists four main strategies in relation to rural residential development and presents a number of development principles for rural land. The listed strategies for rural residential development are:

### Strategy 1

Protect agricultural land resources wherever possible by:

- discouraging land uses unrelated to agriculture from locating on agricultural land; and
- minimising the ad hoc fragmentation of rural land.

### Strategy 2

Plan and provide for rural settlement where it can:

- benefit and support existing communities; and
- have access to appropriate community services and infrastructure.

### Strategy 3

Minimise the potential land use conflict by:

- providing adequate separation distance between potential conflicting land uses;
- introducing management requirements that protect existing agricultural land uses and environmentally sensitive areas;
- identify areas that are suitable and capable for intensive agricultural pursuits as agricultural priority areas; and
- avoid locating new rural settlements in areas that are likely to create conflict with established or proposed agricultural priority areas.

### Strategy 4

Carefully manage natural resources by:

- discouraging development and/or subdivision that may result in land or environmental degradation; and
- integrating land, catchment and water resource management requirements with land use planning controls.

This Rural Residential Land Release Strategy has been prepared to meet these strategies and in consideration of the development principles outlined in the Structure Plan.

Currently rural residential development in the Nambucca Shire is permitted by virtue of the provisions of Nambucca Local Environmental Plan (LEP) 1995. There are six rural zones that apply under this plan, namely:

- 1 (a1) Rural;
- 1 (a2) Rural (Prime/Flooding);
- 1 (a3) Rural (Upper Water Catchment);
- 1 (a4) Rural (Lower Water Catchment);
- 1 (d) Rural (Future Urban); and
- 1 (f) Rural (Forestry).

While there are no rural residential zones under the LEP, rural residential development is permitted on land zoned Rural 1(a1) shown inside the broken black edging on the LEP maps. Subdivision of allotments of not less than 0.5 hectares in seweraged locations and one hectare in unsewered locations is permitted in this defined area. The number of lots allowed to be created is limited to the five year threshold approved by the NSW Department of Planning; the current threshold was exhausted in 2006.

The following problems exist with the current system for rural residential land development under Nambucca LEP 1995:

- the broken black edged line does not follow property boundaries thereby creating ambiguities in defining the line and determining which part of a property is subject to the provisions.
- it is difficult to administer the register for the threshold, which requires constant updating and recording.

- the broken black edging does not take into account contemporary information relating to land management.
- it is difficult to communicate publicly the current status of the register to proponents; leading to proponents lodging applications that can't proceed once the threshold is reached.
- the location, timing and aggregation of rural residential development is unable to be strategically directed.
- there is limited information on the foundation for the broken black edged line; raising questions of equity and legitimacy for the candidate areas.
- the broken black edged line does not meet the requirements of the new LEP Template that Councils are required to follow.
- the extensive areas (i.e. over 7,000 ha) of land identified for rural residential subdivision gives a false expectation for landholders with the current threshold preventing the majority of these landholders from subdividing.

A new approach to rural residential land release is required that will provide a strategic direction for rural residential development; take into account contemporary land management information and practice; provide certainty for landholders; and provide a basis for zonings to meet the requirements of the new LEP Template.

## Aims and Objectives

The Nambucca Valley Structure Plan outlines the stated vision and mission statement for the Shire which has been adopted for this Strategy. The vision and mission statement are:

- Vision  
*“A Viable and Sustainable Future for the Nambucca Valley”.*
- Mission Statement  
*“A Shire of connected sustainable communities in towns, villages and hamlets set within a backdrop of spectacular natural areas and thriving rural regions”.*

The Structure Plan also outlines 34 objectives consisting of general legislative objectives and additional general objectives specifically related to the growth and development of the Nambucca Shire. These general objectives are pertinent to this Strategy and are reiterated below:

- *to incorporate the aspirations and values of the Nambucca Valley community,*
- *to strengthen existing settlements and build on their individual characters,*
- *to contain urban development – promote land use efficiency,*
- *to foster an enduring, prosperous local economy,*
- *to identify land requirements to accommodate future growth,*
- *to support rural communities, towns and villages to improve their viability,*
- *to ensure residents have a wide choice of affordable housing,*
- *to ensure the provision of a high quality lifestyle based on ample cultural, educational, employment and recreational opportunities, and*
- *to provide mechanisms for the achievement and monitoring of the recommendations of the Plan.*

## Sustainability Principles

To achieve the Ecological Sustainable Development (ESD) ideals outlined above in the vision and mission statement, this Strategy adopts a triple bottom line approach of economic, social and environmental sustainability through the adoption of the following ESD project principles:

- Integration of economic and environmental considerations in the decision making process for development;
- Adopting a precautionary principle; if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation in developments;
- Inter-generational equity for development so that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- Conservation of biological diversity and ecological integrity as a fundamental consideration for development; and
- Improved valuation, pricing and incentive mechanisms so that environmental factors are included in the valuation of assets and services for developments; including polluter pays, full lifecycle costs are considered and environmental goals are pursued in the most cost effective way for developments.

The Draft Mid North Coast Regional Strategy states that no further rural residential areas beyond those identified in the Regional Strategy can be supported unless they comply with the sustainability criteria outlined in the Strategy. This criterion relates to:

- infrastructure provision;
- access;
- housing diversity;
- employment lands;
- avoidance of risk;
- natural resources;
- environmental protection; and
- quality and equity in services.

Appendix A describes the criteria and measures to meet these criteria in this Strategy.

## Part 2

# Strategic and Statutory Framework

### Strategic Framework

The Rural Residential Land Release Strategy is required to fit within a broad structure of plans and policies at the regional and local level; these plans and policies are detailed below.

### Rural Settlement Guidelines

The North Coast Regional Environmental Plan 1988 requires Council to prepare a Rural Land Release Strategy for approval by the Director of Planning for the whole of the Shire before preparing an LEP permitting rural residential or small holding development. The Department of Planning requires these Strategies to comply with the Guidelines on Rural Settlement on the North Coast. Accordingly, this Strategy will need to meet the requirements of the Guidelines which generally require:

- Managing the supply of rural residential lots within the identified environmental capacity of the land and based on an analysis of genuine demand.
- An assessment of the physical catchments taking into account natural water catchments, major land features, native flora and fauna systems, land use, land degradation, environmental hazards and scenic values.
- An assessment of the social catchments taking into account retail and commercial needs, education, enterprise development, employment, community services and facilities, socio-economic profile and heritage values.

- An assessment of service catchments including transport, energy needs, water use, solid waste management, sewage, land ownership, land zoning, and urban strategies.
- A consideration of settlement hierarchies and patterns.

### North Coast Urban Planning Strategy

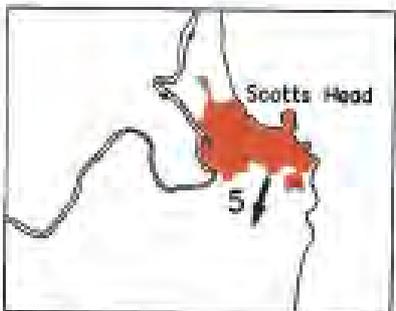
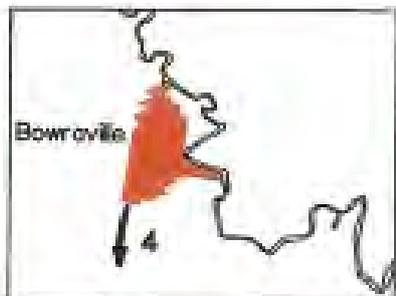
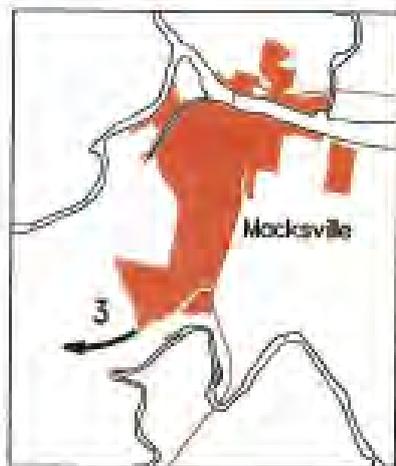
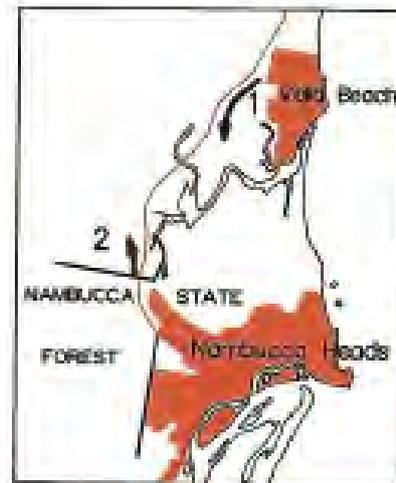
The North Coast Urban Planning Strategy (NCUPS) was prepared in 1995 to provide a regional framework for decisions about growth and development and to co-ordinate service provision and resource allocation between the three levels of government.



The NCUPS identified Macksville as a 'major district centre' to serve the subregions with outposts for regional services. NCUPS identified the following specific urban expansion opportunities:

- Valla Beach – expansion to the south west.
- Nambucca Heads – a possible new urban settlement area exists to the north west.
- Macksville – expansion to the south west.
- Bowraville – expansion to the south could be possible.
- Scotts Head – minor expansion to the south subject to consideration of coastal habitat areas.

The NCUPS outlined a number of Strategy Actions including a series of performance requirements for rural residential land release strategies. The NCUPS is expected to be overridden by the Mid North Coast Regional Strategy and is generally superseded by the Rural Settlement Guidelines and new Settlement Guidelines August 2007.



## NSW Coastal Policy 1997

The NSW Coastal Policy was developed to guide management and planning of the coastal zone into the next century. The coastal zone includes the following areas:

- *three nautical miles seaward of the mainland and offshore islands;*
- *one kilometre landward of the open coast high water mark;*
- *a distance of one kilometre around:*
  - > *all bays, estuaries, coastal lakes, lagoons and islands;*
  - > *tidal waters of coastal rivers to the limit of mangroves, as defined by NSW Fisheries' (1985) maps or the tidal limit whichever is closer to the sea;*

*with the line on the maps being taken to the nearest cadastral boundary and/or easily recognisable physical boundary, in consultation with local councils.*

Map 1 describes the coastal zone boundary within the Nambucca Shire.

The Policy establishes a number of broad objectives and "Strategic Actions" that apply to the preparation of LEPs. These actions and the means by which this Strategy will address each strategic action is outlined in Appendix B.

## Draft Mid North Coast Regional Strategy

This Strategy was prepared in December 2006 and applies to eight local government areas including:

- Nambucca;
- Clarence Valley;
- Coffs Harbour;
- Bellingen;
- Kempsey;

- Port Macquarie-Hastings;
- Greater Taree; and
- Great Lakes.

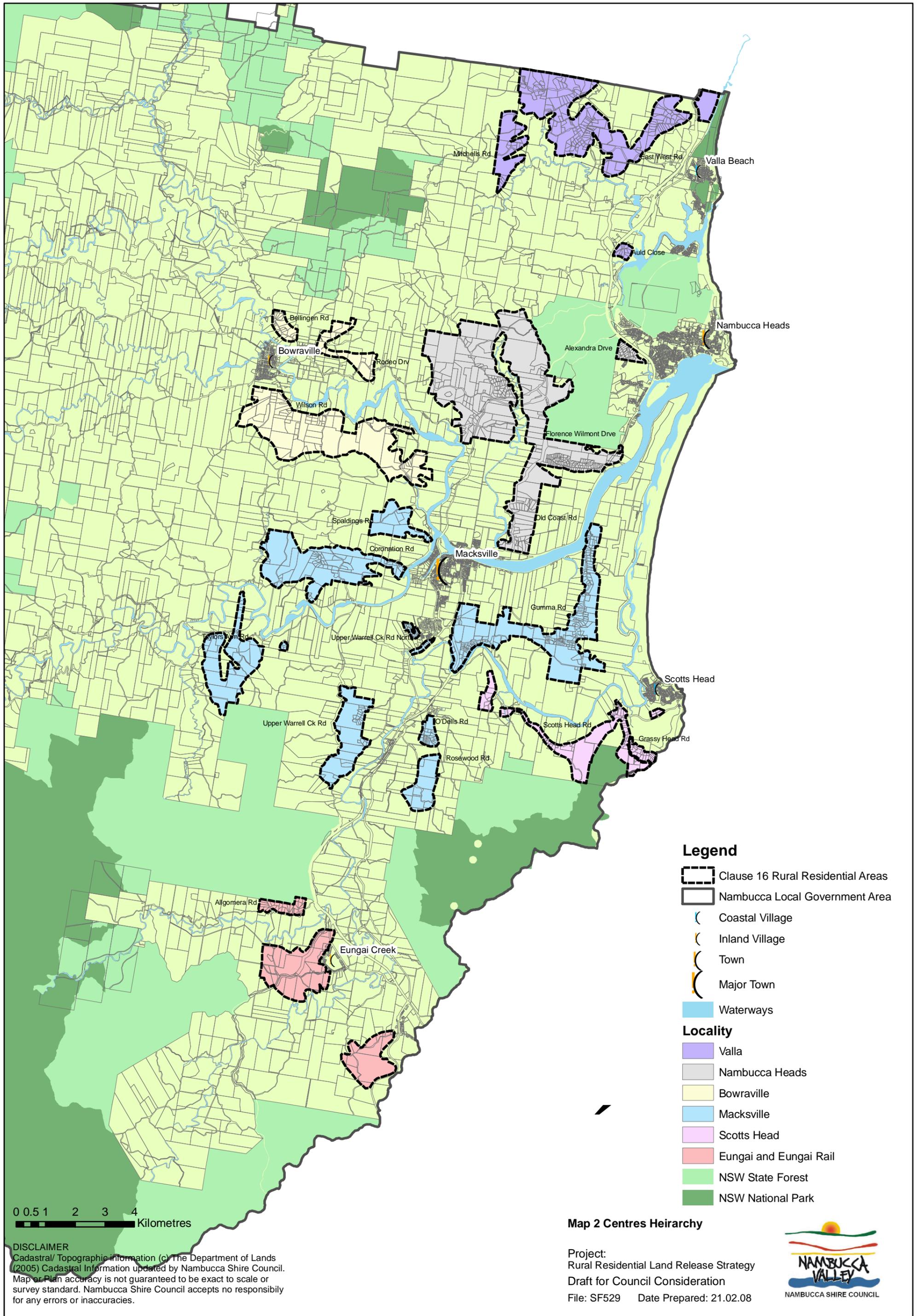
The Strategy states that its primary purpose is to ensure adequate land is available and appropriately located for the housing and employment needs for the region to the year 2031. The Strategy projects 91,000 additional people housed in 58,400 new homes and the provision of 47,000 new employment opportunities. For the Coffs Coast (Nambucca, Bellingen and Coffs Harbour) 18,600 dwellings are projected.

The following centres' hierarchy is outlined in the Strategy (refer Map 2).

- Macksville – Major Town;
- Nambucca Heads – Town;
- Bowraville – Inland Village;
- Eungai Creek – Inland Village;
- Valla Beach – Coastal Village; and
- Scotts Head – Coastal Village.

Coffs Harbour is designated as a 'Major Regional Centre' to serve the Coffs Coast which includes the Nambucca Shire. In relation to rural residential development the Strategy states:

- *No further rural residential areas will be supported beyond those identified in the Regional Strategy unless the local growth management strategy can demonstrate that the proposed areas:*
  - > *Are consistent with the Sustainability Criteria.*
  - > *Maintain the character and role of the existing village centre.*
- *Future rural residential land will only be zoned for release if it is in accordance with a local growth management strategy agreed to between council and the Department of Planning and consistent with the principles of the Settlement Planning Guidelines.*



- *Rural residential development will be permitted in coastal areas only if already zoned or within an agreed growth management strategy.*
- *Planning for rural residential land must be integrated with the supply of infrastructure and transport.*
- *The Department of Primary Industries and the Department of Planning will assist councils with the development of appropriate subdivision standards for rural zones.*
- *Local environmental plans will include minimum subdivision standards for rural and environment protection zones.*
- *Local environmental plans will include provisions to limit dwellings in rural and environmental zones.*
- *Local environmental plans will not include provisions to permit concessional allotments.*

## Nambucca Valley Structure Plan

The Structure Plan has been prepared to provide Council with a clear direction for growth over the next 20 years in accordance with existing State and local planning legislation, guidelines and initiatives. In relation to rural residential development, the Structure Plan includes a number of strategies (outlined earlier); identifies existing and proposed/possible rural residential areas; and, incorporates development principles for rural residential development.

This Rural Residential Land Release Strategy provides the next level of detail to specifically identify the land to be considered for zoning for rural residential purposes and to set priorities for its release. The candidate areas to be considered are shown on Map 3.

## Nambucca River Estuary Management Plan

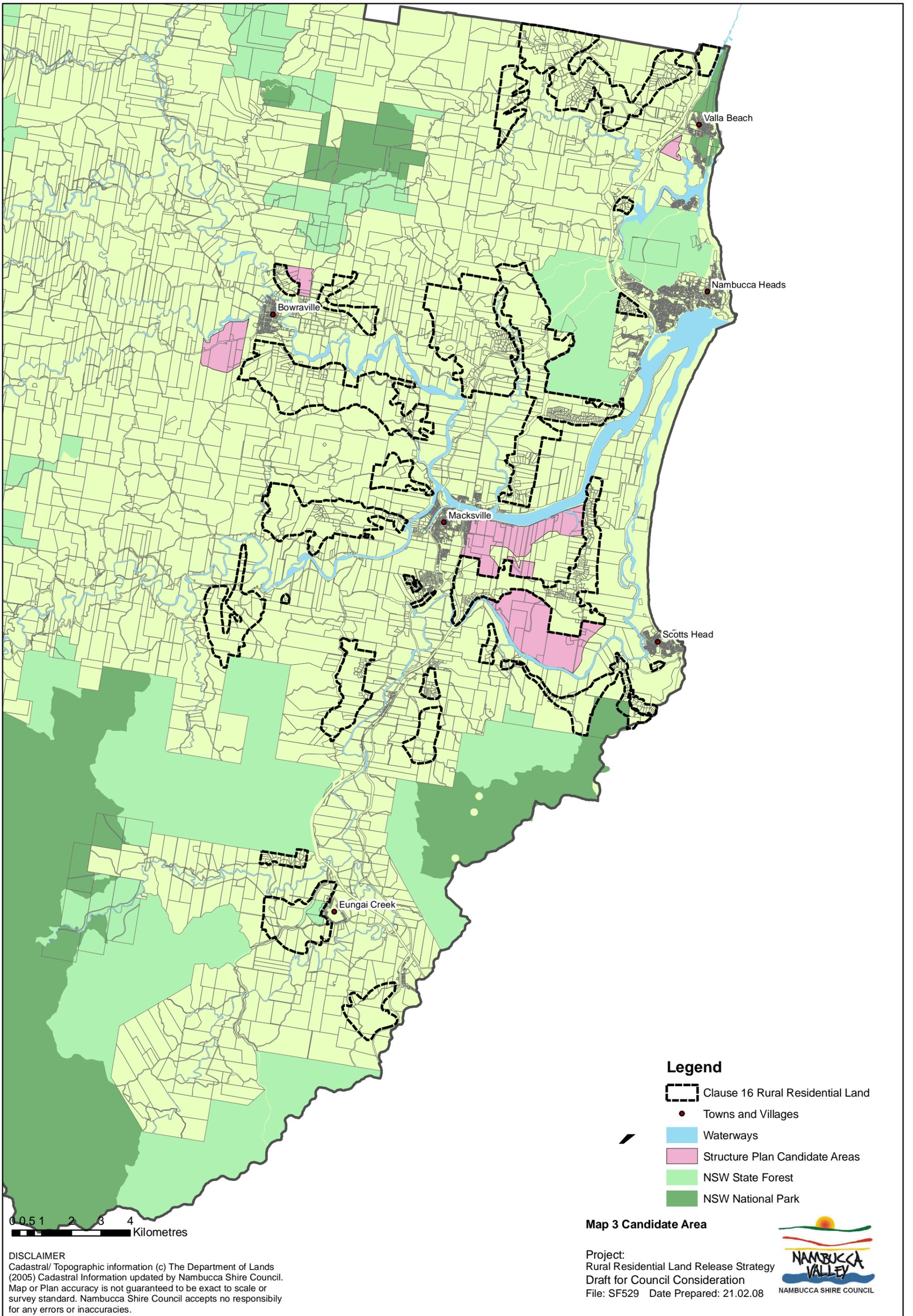
The Nambucca Shire is almost entirely made up of the Nambucca River Catchment; the river has a catchment area of 1,460 km<sup>2</sup> and the Shire has an area of 1,491 km<sup>2</sup>. The Estuary Management Plan has been prepared to protect the values of the extensive estuarine environment which includes the Nambucca River, and connecting Taylors Arm and Warrell Creeks.

The Management Plan includes eleven management objectives relating to:

- land tenure and usage;
- entrance condition and behaviour;
- boating and waterway usage;
- water quality;
- habitat management;
- bank erosion and sedimentation;
- climate change and sea level rise;
- cultural heritage;
- community liaison;
- fisheries and oyster aquaculture; and
- tourism management.

The following initiatives are relevant in relation to rural residential development:

- Minimise the environmental impact of new development by integrating best practice water management approaches (encompassing design, construction and operation) into Council's planning, approval and regulatory systems.
- Protect habitats of high ecological and estuarine conservation value (e.g. saltmarsh, wetlands, littoral rainforests, riparian zones and floodplain wetlands), through appropriate land use planning and development controls.



**Legend**

-  Clause 16 Rural Residential Land
-  Towns and Villages
-  Waterways
-  Structure Plan Candidate Areas
-  NSW State Forest
-  NSW National Park

**Map 3 Candidate Area**

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- Incorporate riparian protection zones within Council’s planning framework to safeguard them against potential future development and land use change.
- Implementation of best practice soil erosion and sediment controls to protect the oyster industry; sub catchments that have a direct influence on the lower estuary oyster harvest include Newee Creek, Macksville (Tilly Willy Creek, etc.), Gumma Gumma Creek, Watt Creek, Lumsden Lane Creek, Teagues Creek, Bellwood Creek and Nambucca (Beer) Creek.

The Estuary Management Plan also suggests the following buffer zone widths to prevent impacting actions:

- 1st order streams 10 m (either side of centreline or bank edge if present, i.e. total buffer width 20 m);
- 2nd order streams 20 m;
- 3rd order streams 30 m; and
- 4th order streams and above 40 m.

### Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies

The Settlement Planning Guidelines were introduced in August 2007 to guide local growth management strategies by providing environmental criteria, establishing design guidelines and providing a framework for a housing and land monitor. These guidelines replace the previous guidelines detailed above, but the guidelines suggest that the previous guidelines are useful planning references; there is general consistency between these new guidelines and the previous guidelines.

The scope and content required by the guidelines and how this strategy meets these requirements are detailed below:

Requirements	Response
Strategies to include a vision which considers regional context and role of LGA in this region	The vision and mission statement detailed earlier for the strategy satisfy this requirement.
Comply with Sustainable Settlement Guidelines	Appendix A details the sustainability criteria and how it is met
Detail community consultation	The strategy has been developed from the consultation from the Structure Plan’s development; Councillor workshops and community input will underpin the final recommendations in this Strategy, refer Appendix D
Information on constraints mapping to be included	Part 4 Catchment assessment and Part 5 Strategy of this document detail the constraints used
Information on desired local character and form	Part 5 outlines the desired character and settlement form for each locality
Services and Infrastructure	Part 4 outlines the service constraints and opportunities
Land supply and demand	The balance sheet in Part 3 describes the supply and demand for rural residential housing and lots
Land Release program including location, yields and timing	Part 5 Strategy Recommendations outlines the program for release
Servicing and infrastructure program	The services and facilities will fall within existing programs
Review period	Review every 5 years

The guidelines also require consistency with a number of settlement principles relating to:

- Location;
- Land Suitability;
- Settlement Form and Hierarchy;
- Urban Design and Heritage;
- Infrastructure Provision;
- Employment Lands; and
- Tourism Opportunities.

These principles are adopted and have guided the development of this land release strategy. The Guidelines require the provision of a ten year and five year program and an annual lot release forecast. The guidelines also require a monitoring framework which includes information on the total area zoned for rural residential purposes, total number of lots, total vacant lots and total potential lots. The information in this strategy enables the development of this monitoring framework.

## Statutory Framework

This Rural Residential Land Release Strategy is influenced by a number of pieces of legislation, which are detailed below along with an outline of how each affects the Strategy.

### State Environmental Planning Policies

There are no State Environmental Planning Policies (SEPPs) which directly influence the preparation of the Strategy. However, there are a number which are likely to be relevant to the eventual development of land for rural residential purposes, and these include:

- SEPP 14 – Coastal Wetlands;
- SEPP 26 – Littoral Rainforests;
- SEPP 44 – Koala Habitat Protection;
- SEPP 55 – Remediation of Land;
- SEPP 71 – Coastal Protection; and
- SEPP (Major Projects), 2005.

SEPPs 14, 26, 44 and 71 each seek to protect the feature for which each is named, while SEPP 55 seeks to ensure that development does not occur on contaminated land.

The Major Projects SEPP applies to rural residential development in certain circumstances, and development applications for such development are subject to particular procedural requirements specified in Part 3A of the Environmental Planning and Assessment Act 1979; the Minister for Planning is the consent authority for applications under Part 3A.

Development applications for rural residential subdivision within the coastal zone which have the following characteristics would be caught by the SEPP:

- Subdivision of land wholly or partly in a sensitive coastal location not connected to an approved sewage treatment work or system; and
  - > resulting in more than 2 lots, or
  - > if less than 2 lots, if the land to be subdivided and adjoining or neighbouring land in the same ownership as that land could be subdivided into more than 2 lots.
- Subdivision of land outside a sensitive coastal location that will lead to development that is not connected to an approved sewage treatment work or system; and
  - > resulting in more than 5 lots, or
  - > into 5 or fewer lots, if the land to be subdivided and adjoining or neighbouring land in the same ownership as that land could be subdivided into more than 5 lots.

## North Coast Regional Environmental Plan

The North Coast Regional Environmental Plan (REP) is a statutory instrument which provides guidance and directives for Councils when developing local environmental plans (LEPs) and assessing development applications. The REP, amongst other things, seeks to protect the natural environment, encourage an efficient and attractive built environment, co-ordinate activities related to growth, and encourage optimum economic and social benefit to the local community. It deals with matters such as agricultural resources, catchment management, geological resources, rural housing, forestry, conservation and the environment, urban development and housing, environmental hazards, commercial and industrial development, regional infrastructure and tourism and recreation (NSW Government, 2001).

In relation to rural residential development, the REP provides that the objective is to ensure that any opportunities for rural housing be only made available as part of a planned strategy. Such a strategy is to be prepared for the whole of the local government area and be approved by the Director of the Department of Planning.

In identifying land suitable for rural residential development, a strategy is to give preference to areas which:

- are physically capable of supporting rural housing;
- are close to existing settlements which already have services and community facilities, or which can otherwise be efficiently and economically serviced;
- are physically suitable for septic effluent disposal;
- are not required for future urban expansion of existing settlements;
- do not compromise prime crop or pasture land;

- are not subject to significant environmental hazard; and
- are not of significant value for the conservation of wildlife.

The REP also requires that the release of land detailed within a strategy, is to be based on the average number of allotments needed annually to meet the genuine demand for rural residential housing. In this regard, the average annual number of allotments needed to meet this demand, over any period agreed by the Director, is not to exceed 130% of the average number of building approvals granted for the erection of dwellings in each of the preceding five years. A simple example of this formula in practice is that if for the years 1990 – 1995 an average of 10 dwellings were approved on rural residential land, then the Council may approve a maximum of 13 rural residential allotments the following year (NSW Government, 2001).

## Nambucca Shire Local Environmental Plan 1995

The Nambucca Shire Local Environmental Plan 1995 (LEP 1995) is the local planning instrument which primarily influences development within the Nambucca Shire.

LEP 1995 identifies land for rural residential development by outlining areas within a broken black edged line on the LEP maps. This land is zoned 1(a1) Rural under LEP 1995.

The 1(a1) Rural zone contains specific objectives for the rural residential development of land, with these being:

- *to provide for small holding rural-residential living opportunities where appropriately located, and*
- *to control the density of rural-residential development and to ensure proper regard is given to suitable siting in regard to access, natural hazards, landscape quality and physical environment.*

Clause 12 of LEP 1995 provides minimum allotment sizes of 0.5 hectares for sewered rural residential allotments, and 1 hectare for unsewered allotments.

Clause 16 provides that Council should only consent to rural residential subdivisions where certain capability and locational criteria are met (NSW Government, 1995), for example:

- allotments are to be able to dispose of effluent satisfactorily (unsewered allotments);
- subdivisions are not to place an unreasonable demand on, or require the uneconomic provision of public amenities or services;
- allotments are to have flood free dwelling sites; and
- subdivisions are not to detract from the existing rural or scenic character of localities.

Clause 16 also permits clustered housing, where allotment sizes are to average 0.5 hectares (sewered areas) or 1 hectare (unsewered areas), and importantly places a cap on the number of allotments that might be created for rural residential purposes. This cap is specified in writing to Council by the Director of the Department of Planning, and the cap may not be exceeded in any five year period. Council has previously agreed to a cap of 250 allotments. Notably, the cap is applied on a rolling basis, such that if it commenced in March 1998, 250 allotments could be approved within the period up until March 2003. In addition, the cap would also be applied for the period March 1999 up until March 2004, again with 250 allotments in this period permitted to be approved, and so on.

Clause 58 of LEP 1995 is also of some relevance, and provides that rural residential allotments are not to be created which provide for a dwelling house closer than 150 m to the broken black edged line on the LEP maps, unless the Council is satisfied that the allotment will not be affected by agricultural practices carried out on adjoining land.

## Related Development Control Plans and Related Contributions Plans

The following Development Control Plans (DCPs) and Contribution Plans (CPs) affect rural residential development either through controlling the physical layout or characteristics of rural residential development, or otherwise through the levying of funds for such development.

- Development Control Plan No 16 – Rural Buffers

This DCP seeks to ensure rural residential (and rural) development occurs in such a way as to minimise land use conflict and to ensure adequate bushfire protection is provided for particular land uses. This objective is achieved principally through the use of buffers (separation).

The DCP provides the following separation distances to rural residential dwellings, which in some cases may be varied:

- > Grazing land – 80 m.
- > Agriculture crops/horticulture – 150 m.
- > Rural industry – 150 m.
- > Extractive industries or mines – 1,000 m.

The DCP also provides buffer distances to sensitive natural resources, some of which are of particular relevance to rural residential development, shown in Table 1.

Table 1 – Buffers to sensitive natural resources

Sensitive natural resource	Adjoining land use	Buffer
SEPP 14 wetlands	Dwellings	40 m
	On-site effluent disposal systems	100 m
Other wetlands	All development	40 m
Watercourses	On-site effluent disposal systems	50 m
National Parks and Reserves	Dwellings	60 m
	On-site effluent disposal systems	100 m

- Development Contributions Plan South Macksville Roadworks 2005

This CP levies monies for roadworks in the South Macksville area, and to Upper Warrell Creek Road in particular. It applies to rural residential development in the Upper Warrell Creek area.
- Development Control Plan Rural Roads Needs Study

This Study examines the needs of rural roads and structures and the effect that an increasing rural population has on them. It also examines ways to require a reasonable contribution for each new dwelling in rural areas, in order to fund works to these roads.

The Study is dated circa 1988, and requires a contribution of \$3 300 per dwelling.

The Study lists a number of roads upon which the funds are to be spent.
- Section 94 Contribution Plan – Public Reserves and Community Facilities

This CP levies monies related to the provision of public reserves and community facilities throughout the Shire.

  - Section 94 – Bald Hill Road

This CP levies monies from rural residential development which is accessed from Bald Hill Road, for the upgrading of Bald Hill Road itself. The monies levied are to fund the construction of a 1.8 km stretch of Bald Hill Road.
  - Section 94 Upper Warrell Creek Road Overbridge

This CP levies monies toward the reconstruction of the Upper Warrell Creek Road Railway Overbridge.
  - Section 94 Contributions Plan – Scotts Head Road/Grassy Head Road Intersection Upgrading

This CP levies monies which are required for the upgrading of the Scotts Head Road and Grassy Head Road intersection; it applies to rural residential development (amongst other types of development), within the Scotts Head Grassy Head areas.

## Other Legislation

### Rural Fires Act 1997

The Rural Fires Act 1997 (RF Act) aims to, amongst other things, prevent, mitigate and suppress bush (and other) fires in local government areas, as well as protect persons from injury or death, and property from damage, arising from fires (NSW Rural Fire Service, 2006)

On 1 August 2002 the Environmental Planning and Assessment Act 1979 and the RF Act were both amended to enhance bush fire protection through the development assessment process.

At a strategic planning level, the best way of achieving bush fire protection is at the stage of preparation of LEPs and DCPs. This provides for planning provisions to:

- give weight to bush fire management planning principles, ensuring they are considered at subdivision and construction stages;
- allow for sufficient space to be incorporated into land use zones for setbacks and adequate access for fire fighting and evacuation; and
- control appropriate land uses in bush fire prone areas.

In relation to the preparation of this Strategy, the main considerations are access and reduction of bushland interface when deciding on preferences for candidate areas. It is to be noted that detailed planning is likely to be able to accommodate the measures necessary to reduce bush fire risk to an acceptable level, through for example, the provision of perimeter roads and asset protection zones.

### Native Vegetation Act 2003

The Native Vegetation Act (NV Act) came into force on 1 December 2005. Its objectives include the prevention of broadscale clearing unless environmental outcomes are improved or maintained. Applications to clear native vegetation under the NV Act are assessed by Catchment Management Authorities (CMAs), which are bodies set up to manage various natural resource matters on a natural catchment basis (NSW Government, 2006).

Approval for clearing of native vegetation is necessary under the NV Act unless the land is excluded from the Act or the type of clearing is excluded from or is a permitted activity under the Act.

Excluded land includes National Parks and other conservation areas, State forestry land and land zoned in an environmental planning instrument as residential (but not rural residential), village, township, industrial or business.

Excluded clearing includes activities which do not require development consent from Council, as well as development that has the potential to be environmentally significant (designated development), such as sewerage treatment plants, water supply works, large quarries, intensive agriculture and similar activities.

There are only limited circumstances where clearing is permitted without approval, and some of these circumstances include:

- Clearing for an approved single dwelling;
- Clearing associated with day-to-day farming activities;
- The clearing of regrowth, generally considered vegetation regrown since 1 January 1990;
- Clearing for grazing where the grazing is not likely to result in the substantial long-term decline in the structure and composition of native vegetation;

- Clearing certain groundcover; and
- Clearing authorised by approvals under other legislation, such as clearing authorised under the RF Act in association with any emergency fire fighting act.

The NV Act does not have a direct influence on the Strategy, however land zoned for rural residential is subject to the NV Act, and where a proposed rural residential subdivision involves the clearing of native vegetation, approval is likely to be required under the NV Act.

There are two avenues to obtain approval to clear native vegetation. These include obtaining development consent from the CMA, or otherwise by negotiating a Property Vegetation Plan (PVP). In short, a PVP is a negotiated agreement between the landholder and CMA, which can allow a landholder to negotiate appropriate management actions that offset the negative impacts of proposed clearing, amongst other things (NSW Government, 2006).

Approval for the clearing of native vegetation is only likely to be given where the result will improve or maintain environmental outcomes, or where offsets are available. Improving or maintaining environmental outcomes means that for clearing to be approved it cannot result in reduced environmental outcomes, measured against four environmental values: water quality, soils, salinity and biodiversity (including threatened species).

If clearing will not improve or maintain environmental outcomes, it is possible to provide offsets where a PVP is to be entered into, which are basically actions that a landholder agrees to in order to balance any negative impacts of clearing.

Offsets may include, for example agreeing not to clear regrowth, reducing stocking rates from areas of remnant vegetation, planting, re-seeding or improving habitat by weed control. The benefits of an offset must:

- meet specific criteria for each environmental outcome;
- meet specific criteria to reach the improvement or maintain outcome;
- persist for at least the duration of the negative impact (which can be in perpetuity); and
- be in addition to actions or works carried out using public funds or to fulfil regulatory obligations.

Offsets can be on the property to be cleared or another property, including Crown land (with Department of Lands' approval). An existing area of remnant vegetation is not an offset in its own right because that vegetation is already protected under the NV Act. The location of an offset in relation to the clearing will depend on the environmental outcome that is affected. For example, offsets for salinity need to be located higher in the landscape than the clearing site (NSW Government, 2006).

What is the relationship between offsets and improving or maintaining environmental outcomes? For each of the four environmental outcomes the offsets must be of the same type. For example, clearing which will affect biodiversity must be offset such that biodiversity is improved elsewhere.

In practice, it is very difficult to clear native vegetation and at the same time improve or maintain environmental outcomes, and it is also difficult to satisfactorily offset such clearing. As a result, rural residential development which involves the clearing of native vegetation is unlikely to occur, on the basis that approval to undertake the clearing under the NV Act is unlikely to be obtained.

## Local Environmental Plan Standard Template

Councils are presently being required to prepare draft principal LEPs that accord with a standard form and content as set out in the Standard Template. These principal LEPs are to comprise a standard set of zones, provisions and definitions, to provide for consistency across local government areas and ease of use. Councils will be able to add to the template to set out detailed fine-grain local planning rules to address local issues within their area.

Draft principal LEPs are also intended to make it easier for residents and communities to understand their LEP and also reduce legal costs involved in interpreting and updating them in the future.

It is anticipated that land identified under this Strategy for rural residential purposes will eventually be included in R5 Large Lot Residential Zone under the Standard Template. The set objectives of this zone include:

- to enable small-scale sustainable primary industry and other compatible land uses;
- to maintain the rural and scenic character of the land;
- to ensure that development does not unreasonably increase the demand for public services or public facilities; and
- to minimise conflict between land uses within the zone and adjoining zones.

The Standard Template also provides clauses dealing with the setting of minimum lot sizes; these will no doubt apply to land included in Zone R5 Large Lot Residential.

## Ministerial Directions

Section 117 of the Environmental Planning and Assessment Act 1979 (the Act) allows the Minister for Planning to give directions to councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft local environmental plans (LEPs). While they do not directly influence the preparation of this Strategy, they will provide direction for the preparation of Draft LEPs arising out of this Strategy. Appendix C lists those Directions likely to be relevant to Draft LEPs for rural residential development.



## Part 3

# Rural Residential Balance sheet

### Demand and Supply

The demand for rural residential living is principally driven by population growth and market conditions and particular factors relating to this style of living (i.e. attractive outlook, size of property). Sound planning practice seeks to release land in response to demand, aiming to achieve a reasonable equilibrium between the two. A balance of this type reduces the opportunity for speculation and artificial influences on land values.

### Overall Demand

Up until now, Council has operated a quota system for the release of rural residential allotments; with the quota set by the Department of Planning. The requirement to operate under a quota has been due to controls included in previous LEPs. The quota limits the number of rural residential allotments that Council might approve over a specified period.

For the period December 1987 – December 1992, Council were permitted to approve 380 rural residential allotments. During this period (October 1989), the Department permitted an increase for a further 123 allotments. A total of 529 allotments were approved during this period; some two-thirds actually created, with some 150 building approvals issued (Nambucca Shire Council, 2006).



For the period January 1993 – December 1994, Council was permitted to approve 200 rural residential allotments. From the 23 March 1995, Council was then permitted to approve a further 300 rural residential allotments, over the next three years. At the expiry of these three years (i.e. 23 March 1998), Council was then permitted to approve a further 250 rural residential allotments, over the next five years, with this 250 cap to also be applied on a rolling five year basis. During this five year period, the Department agreed to a further increase of 98 allotments, comprising some (48) from existing lodged development applications and a further 50 allotments which were located within a 5 km radius of a main centre (Nambucca Heads, Macksville and Bowraville) (Nambucca Shire Council, 2006).

**For the 2008/2009 period Council has a quota of 40 Lots.**

Table 2 below shows the number of lots that have been approved by Council for the period 1998 to 2007, as well as the number of lots created and the number of dwellings approved in rural residential areas.

Various factors influence the demand for rural residential land. Principal among these factors that are influential in motivating purchasers to acquire a rural residential property include:

- accepted price;
- desirable property;
- size;
- access to urban centres;
- desirable residence; and
- attractive outlook.

Indicators of importance in the decision to actually purchase a property included:

- engage in full-time, part-time or hobby farming;
- expand existing property;
- achieve some self-sufficiency;
- conservation;
- investment or tax advantage;
- pleasant social community;
- seclusion and privacy;
- attractive residential environment;
- recreation and leisure; and
- benefit or children and other family reasons.

Research on rural residential development has found that over 70% of residents surveyed were very satisfied with their location and property (Turner, 1993). Residents were also surveyed about the disadvantages of living on a rural residential property. The factors cited included:

- lack of public transport;
- distance to work/school/shops;
- transport costs;
- conditions for roads;
- inadequate domestic water;
- inadequate sewerage facilities;
- social isolation;
- vandalism;
- bushfires;
- continued residential subdivision; and
- pest and weed infestations.

Establishing the demand for land is a complex exercise, involving the various factors listed above. Over time, the influence of these factors may change, and additional factors may become important in determining the demand for rural residential living.

Historic patterns of demand however provide a reasonable measure of the future demand for rural residential living, particularly in the short to medium term. Given that demand may vary over time, any land release strategy needs to be flexible to provide the ability to bring forward additional land if warranted by changes in demand. Strategies therefore should include clear release programs, with future stages able to be brought forward in response to increased demand.

## Take Up Rates

There are three sets of data available which give a guide to the land take up rate for rural residential development. These include:

- The number of allotments approved;
- The number of allotments created; and
- The number of dwellings approved.

The first two sets of data mentioned above are more representative of the development industry's take on demand, rather than actual demand as evidenced in the marketplace, and as identified in the REP. The third set of data is considered a more accurate representation of demand. Table 2 below includes data for each of the three sets listed above over the period 1998 – 2007 (Nambucca Shire Council, 2006).

Table 2 – Rural residential allotments and dwellings

Year	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07	Total	Average
Number of allotments approved	33	27	37	10	11	66	133	23	17	357	40
Number of allotments created	24	31	25	33	59	28	37	72	42	351	39
Number of dwellings approved	13	28	23	29	22	35	33	12	42	237	26

Table 2 shows that the number of allotments being approved and created is essentially the same over the time frame provided, while the number of allotments actually being built on is, on average, some 35% less. Over the time frame included in the Table, it is apparent that some 114 vacant rural residential allotments have been created (351-237), but not built on.

The formula in the REP for determining what it refers to as “genuine demand” is to be used to govern the amount of land that may be rezoned to cater for future demand. In this regard “genuine demand” is defined as not more than 130% of the average number of building approvals granted for the erection of dwellings in the area in each preceding five years (on rural residential land).

As stated above, the use of historical data to establish a genuine demand is a reliable indicator as to likely future demand in the short to medium term. Longer term demand is subject to changes in the various influences mentioned in the previous section and is therefore more difficult to predict.

Table 3 below shows the average number of dwellings approved for each rolling 5 year period, from 1998 up until the end of 2007.

Table 3 – Rural residential dwelling approvals

5 Year Rolling Period	Average Number of Dwellings Approved
1998-2003	23
1999-2004	27.4
2000-2005	28.4
2001-2006	30.8
2002-2007	28.8

Table 3 demonstrates that there has been a relatively steady (albeit small) increase in the number of dwellings being approved on rural residential zoned land over time.

If the figures for the last four periods (i.e. 1999-2004 up until 2002-2007) are averaged, these can be used as a guide to determine the number of approvals for the period 2003-2008; with this number being (28.9) 29 dwellings. If this approach is then applied over future years, it allows for some prediction as to the likely number of dwellings to be constructed over future years, as shown in Table 4 below.

Table 4 – Past and future rural residential dwelling construction.

5 Year Rolling Period	Average Number of Dwellings*
1999-2004	27.4
2000-2005	28.4
2001-2006	30.8
2002-2007	28.8
2003-2008	28.9
2004-2009	29.2
2005-2010	29.4
2006-2011	29.0
2007-2012	29.1

\* Note: Table 4 assumes a dwelling approved equates with a constructed dwelling.

Table 4 projects a slight increase in the number of dwellings that will be built over the coming years. Notably, these figures do not reflect the expected increase in demand that is expected from sea and tree changers moving from metropolitan areas.

Having regard to the list of indicators of importance listed above in dealing with the decision to actually purchase a rural residential property, there is a difference in the number of allotments being approved and created compared to those being built upon. This may in part be explained due to purchasers buying land on the basis of an investment advantage; for retirement purposes or, for a planned seachange/treechange move.

## Latent Demand

The Nambucca Shire contains numerous allotments zoned for rural purposes (not rural residential purposes) of sizes comparable to the present 1 hectare minimum rural residential allotments. It is very much an option for persons looking for a rural residential allotment to instead purchase a small property zoned for rural purposes as an alternative. As a result, some of the demand for rural residential allotments will not be reflected in the figures included in Table 4, and it is difficult to determine the extent of this latent demand that is satisfied by the take-up of these smaller rural allotments.

Given the minimum lot size restrictions posed by the Nambucca LEP for rural zoned land, it is unlikely that further lots of sizes of about 1 hectare will be produced. Therefore, over time, these types of allotments will become scarcer, with the result that people looking to own a rural residential allotment will increasingly be limited to buying allotments actually identified for rural residential purposes. The effect of this will be that the demand for rural residential living in the longer term will be more accurately reflected in the take-up of allotments identified for rural residential living.

## Overall Supply

The Nambucca Shire has a large supply of land identified for rural residential purposes, estimated to be about 7,000 hectares, which is spread throughout the eastern part of the Shire (Nambucca Shire Council, 2006a). Map 3 shows the location of rural residential land throughout the Shire. In general, most areas have further potential for rural residential development, and many areas contain approved subdivisions which are providing for the release of allotments on an incremental basis.

Based on the information included in Table 2, and as stated previously, at least 114 vacant rural residential allotments remain. While it is not known how many other allotments remain approved, but not yet created, it is considered only a small number of such allotments exist.

## Valla

Large areas of land are located west of Valla along East West Road and Sullivans Road, with some areas developed, but the majority remaining largely undeveloped. Further pockets of undeveloped land are located along Mitchells Road, and between the Pacific Highway and the North Coast Railway south of Valla.

## Bowraville

Two areas of land sit to the north and north east of Bowraville around Bellingen Road and Rodeo Drive, and along Balance Tank Road. The former area is partly developed but has further land available for rural residential subdivision, while the latter is largely undeveloped.

To the south of Bowraville is a very large area of mostly undeveloped land located along Wilson Road; pockets of rural residential development are scattered throughout this area.

## Nambucca Heads

Two very large areas sit to the west and south west of Nambucca Heads, with each either side of Newee Creek. The eastern area stretches down to Macksville. The western area, along Newee Creek Road, contains scattered rural residential development, but still has the potential to accommodate further development. The eastern area which sits either side (north and south) of Wirrimbu Road remains mostly undeveloped, and scattered areas are located further south, including the Bellwood Estate, Mattick Road and Letitia Close.

## Macksville

Macksville is surrounded by areas identified for further rural residential development. To the west two large areas around Coronation Road and Valley View Road, and Taylors Arm Road and to the south there are areas either side of Warrell Creek. These include areas along Upper Warrell Creek Road, adjoining Donnellyville and along Rosewood Road. Part of the area along Upper Warrell Creek Road is developed, as is a small part of the area adjoining Donnellyville.

To the east of Macksville a further area is located along Bald Hill Road which is partly developed. This area is connected on its eastern side to the Gumma Road rural residential area, which is elongated in a north south axis along Gumma Road. This area stretches up to the Nambucca River and accommodates numerous larger rural residential allotments with the potential for further subdivision.

## Scotts Head

A small pocket of developed land sits north of Scotts Head Road, and another large tract of land is located further west and south along Scotts Head Road, which remains undeveloped. A further area sits either side of Grassy Head Road, with the eastern part mostly developed.

## Eungai and Eungai Rail

Eungai contains a large undeveloped area along Tambam Road contiguous with the existing village, with a further area located to the north west along Allgomera Road, which is mostly developed. A further undeveloped area sits to the south west of Eungai Road, along South Bank Road.

## Future Demand and Supply

While there would appear to be a good supply of vacant rural residential allotments (already created but which are not built on), it would appear that there is likely to remain an elevated demand for allotments, over and above the figure that arises from the number being actually built on. This is in large part based on the fact that over the past 10 years, on average, the number of allotments created has consistently been more than the number built on; there appears no reason why this should change, at least in the short term.

Sea changers and tree changers are likely to change the demand for rural residential allotments over coming years. In addition, the increasing lack of small rural allotments will see a slight increase in the demand for rural residential allotments as these rural allotments are built on, however this is expected to be negligible.

The demand for rural residential living is driven principally by population growth and market conditions, and it is desirable to release land so as to create equilibrium between demand and supply in the release of allotments. This will reduce opportunities for speculation and artificial influences on land values.

Presently, the Nambucca Shire has over 7,150 hectares of land identified for rural residential purposes. A further 1,237 hectares has been identified for potential rural residential purposes in the Nambucca Shire Structure Plan (Nambucca Shire Council, 2006).

Information from Council suggests that somewhere upward of 831 rural residential allotments exist in the Shire. Assuming

that a minimum 1 hectare allotment size might be achieved within rural residential areas, approximately 6,319 (7,150 - 831) hectares remains available for development, or in other words, an additional 6,319 allotments might be realised. While this calculation does not take into account the area required for roads, or constrained land, neither does it take into account the 1,237 hectares of land identified in the Nambucca Valley Structure Plan for further rural residential investigation.

To put the area of land identified into perspective, it is worth noting that on average only 26 dwellings are approved annually, and that 39 allotments are created. Clearly, there is more than enough land presently identified for rural residential purposes to cater for demand well into the next century.

Historical data shows an average of 26 dwellings constructed each year, with this expected to rise in coming years. In addition, historical data also shows a prolonged demand for allotments, with on average 39 lots being created each year. In order to forecast the likely future demand for rural residential allotments, at least in the short to medium term, it is considered appropriate to use the average of these two figures, i.e. 33 allotments per year. In addition, noting that sea changers and tree changers will increase the demand for rural residential lots, and that rural allotments which are purchased for rural residential purposes will continue to reduce over time, thereby bolstering the demand for rural residential allotments, it is considered appropriate to increase the figure of 33 allotments to 40 per year; 40 lots per year represents the “genuine demand” for rural residential lots.

# Part 4

## Catchment Assessment

### Catchment Analysis

As stated previously, the Rural Settlement Guidelines require Council to consider the physical and social catchments of the local government area in the determination of a Rural Residential Strategy.

The physical catchment to be considered includes the natural and built environment and requires an assessment of the biophysics of Nambucca Shire and how best to manage human settlement within the Shire's natural landscape. This section will consider the main natural hazards to rural residential development and the natural features that will provide both limitations and opportunities for such development.

### Physical Catchment

#### Flood Prone Land

Most of the Nambucca Shire is within the catchment of the Nambucca River and the tributaries of Warrell Creek and Taylors Arm Creek; refer Map 4. The balance of the Shire is within the smaller catchments of Deep Creek and Viewmont Creek at Valla: there is no evidence of significant flooding in these smaller catchments although some localised flooding has been identified in the vicinity of the "Valla Beach Resort" area.

Flooding is a significant issue in the Nambucca Shire with a large part of the Shire forming the floodplain of the extensive Nambucca River waterways. The Floodplain Risk Management Plan, prepared in 1995, identified 187 properties (dwellings and business premises) being subject to the 1 in 100 year flood event; most of these properties are within Macksville.

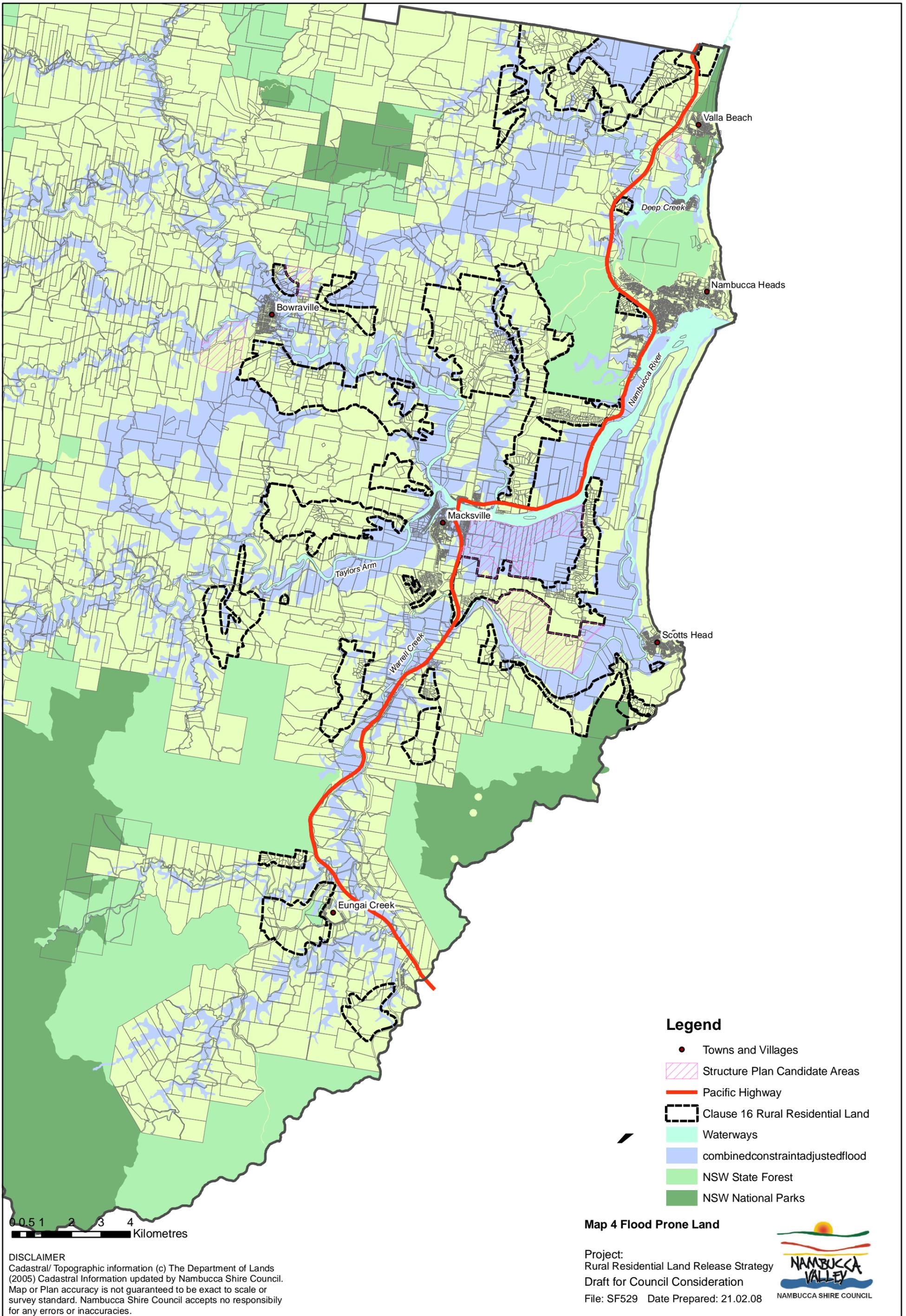
Flooding can have serious consequences including loss of life, structural damage to private property and public infrastructure, environmental impacts and health related impacts associated with pollution and trauma. Major floods have been recorded in the Shire in 1950, 1974, 1977, 1999 and 2001 (Flood Risk Management Plan, 2005).

For the purposes of urban planning, three levels of high flood hazard events are used namely:

- floodway;
- flood storage; and
- flood fringe.

The Flood Risk Planning Matrix (Table A1) of the Flood Risk Management Plan indicates that high hazard areas are unsuitable for subdivision; high hazard areas are defined as areas that present a danger to personal safety, are difficult to be evacuated from, present problems for abled bodies wading to safety and present potential for structural damage to buildings. These properties are considered to be flood prone.

Rural residential development can create problems in flood prone areas through direct impacts upon households and occupants, and indirect health and environmental impacts through effluent disposal areas being inundated. Moreover, fencing, excavation and filling which obstruct flows and other problems associated with emergency access also need to be taken into account for rural residential development. A property that is entirely flood prone or has significant access problems in the case of an emergency should be excluded from consideration for rural residential development. However, a property that is partly flood prone can be considered for rural residential development provided it also satisfies the following:



**Legend**

- Towns and Villages
- ▨ Structure Plan Candidate Areas
- Pacific Highway
- ▭ Clause 16 Rural Residential Land
- Waterways
- combinedconstraintadjustedflood
- NSW State Forest
- NSW National Parks

**Map 4 Flood Prone Land**

0 0.5 1 2 3 4 Kilometres

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- the property has a sufficient area for a dwelling house and ancillary uses (i.e. at least 300 m<sup>2</sup>) outside the flood prone areas;
- the property has a sufficient area (i.e. at least 1,500 m<sup>2</sup>) for effluent disposal outside the flood prone areas;
- the property has reasonable access in the case of a flood event; and
- the development will not adversely alter flood behaviour from filling, excavation, impermeable fencing and the like.

In regard to the above, the precautionary principle should apply, particularly as flood events may become more extensive with predicted sea level rises and potential increases in rainfall events; sea level rises of as much as 0.88 m by 2100 have been predicted (Estuary Management Plan, 2007). Preference should be given to areas that are free of flood events in deciding on priorities for rural residential development.

Flooding has a direct relationship to water quality and acid sulphate soils which need to be taken into account in conjunction with this constraint. Areas of high risk of acid sulfate are usually located in areas subject to flooding risk.

## Water Resources

Both surface water and groundwater are necessary to sustain life. As a 'rule of thumb', 50% of the volume of flow in rivers and streams is derived from groundwater; in this context, protection of both surface water and ground water are equally important.

It is normal practice not to supply rural residential development with reticulated water. The cost of reticulation for such low densities and the potentially high consumption rates on such large land parcels make the provision of reticulated water inefficient and cost prohibitive compared to self storage and supply options. Nambucca Shire Council, like

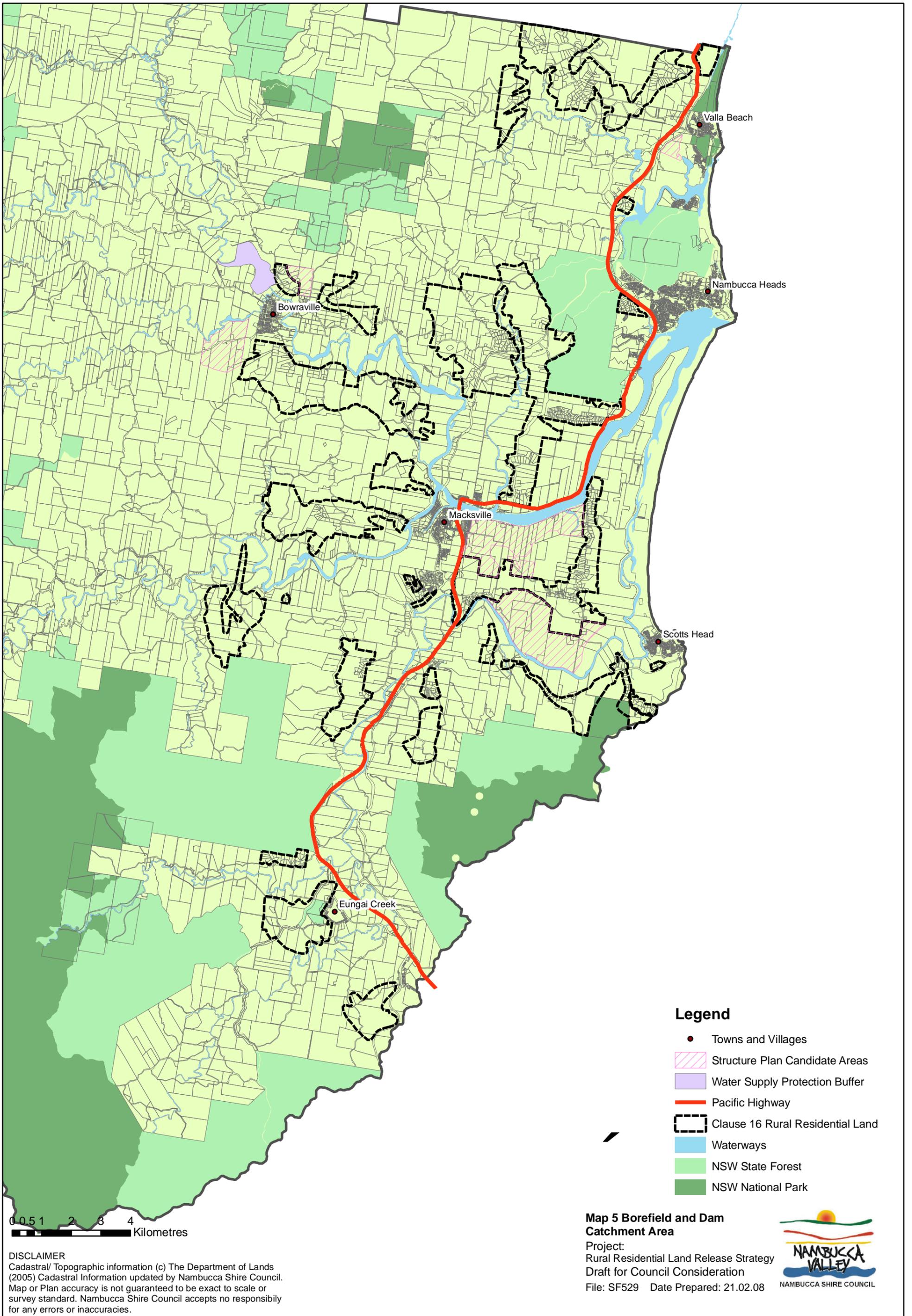
many other Councils, has a general policy of not supplying reticulated water to rural residential development.

Rural residential development has the potential to impact upon water supply catchments and groundwater if not appropriately located and managed.

At present water to the urban areas in the Shire is drawn from the borefields of the North Arm of the Nambucca River upstream of Bowraville. A new off-stream storage dam with a capacity in the order of 5,500 megalitres is proposed near Bowra Creek. While this dam is not being sized to service future rural residential development, some capacity for the rural residential householders to purchase water in times of drought is being considered. To minimise the risk of contamination and degree of water quality treatment required, it is appropriate to exclude rural residential development from the borefield and dam catchment area; refer Map 5.

In terms of groundwater resources, the most significant issue relates to the potential impact upon high risk areas from on-site effluent disposal systems. Leaving aside areas with perched aquifers, the areas with the highest vulnerability are the low lying areas adjacent to waterways. The high risk areas have a shallow depth to the water table and are highly permeable. In low lying areas it is appropriate for groundwater investigations and management measures to be put in place prior to the development of the land. These measures may include monitoring programs to ensure detection of any pollution and to ensure effluent disposal systems are performing.

*Note: Council will be reviewing its flood data in the future and this may result in changes to the flood levels determined for this Strategy; where this review finds that lands have been inaccurately mapped as constrained or unconstrained by flood levels, these lands will be subject to reconsideration in the next review.*



**Legend**

- Towns and Villages
- ▨ Structure Plan Candidate Areas
- Water Supply Protection Buffer
- Pacific Highway
- ▭ Clause 16 Rural Residential Land
- Waterways
- NSW State Forest
- NSW National Park

0 0.5 1 2 3 4  
Kilometres

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**Map 5 Borefield and Dam  
Catchment Area**

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## Ecologically Significant Areas

Biodiversity is the variety of all life forms: different plants, animals, the genes they contain, and the ecosystems in which they live. Biodiversity is vital in supporting human life. It provides many benefits, including all our food, many medicines and industrial products, and it supplies clean air and water, and fertile soils. As well, it provides benefits relating to tourism, education and spiritual values (Department of Environment and Climate Change, 2006).

A large extent of the Nambucca Shire contains native vegetation, while other areas are low lying and contain waterways and wetlands. These waterways, rivers, floodplains and wetlands are of immense environmental value, providing a variety of habitats for many aquatic and terrestrial organisms.

The Nambucca Catchment Vegetation Survey (May 2003) prepared by Kendall and Kendall Ecological Services mapped vegetation communities within the Nambucca catchment. The mapped areas are based on 1997 aerial photography and may require review in terms of the distribution of significant vegetation.

The Survey mapped 40 native vegetation communities, 26 of which are considered regionally rare, vulnerable or inadequately reserved. The Survey included the use of 1997 aerial photography and roadside traverses for ground-truthing.

The Survey concluded that:

*“The mid north coast is a regional development area as such will require planning on a regional basis to ensure the conflicts between development and conservation are managed”.*

The mapping accompanying the Survey was conducted at a regional scale and, in some instances, may require verification at the local precinct level; however, it is useful in identifying the overall biodiversity significance of areas within the Shire.

The mapping includes amongst other things:

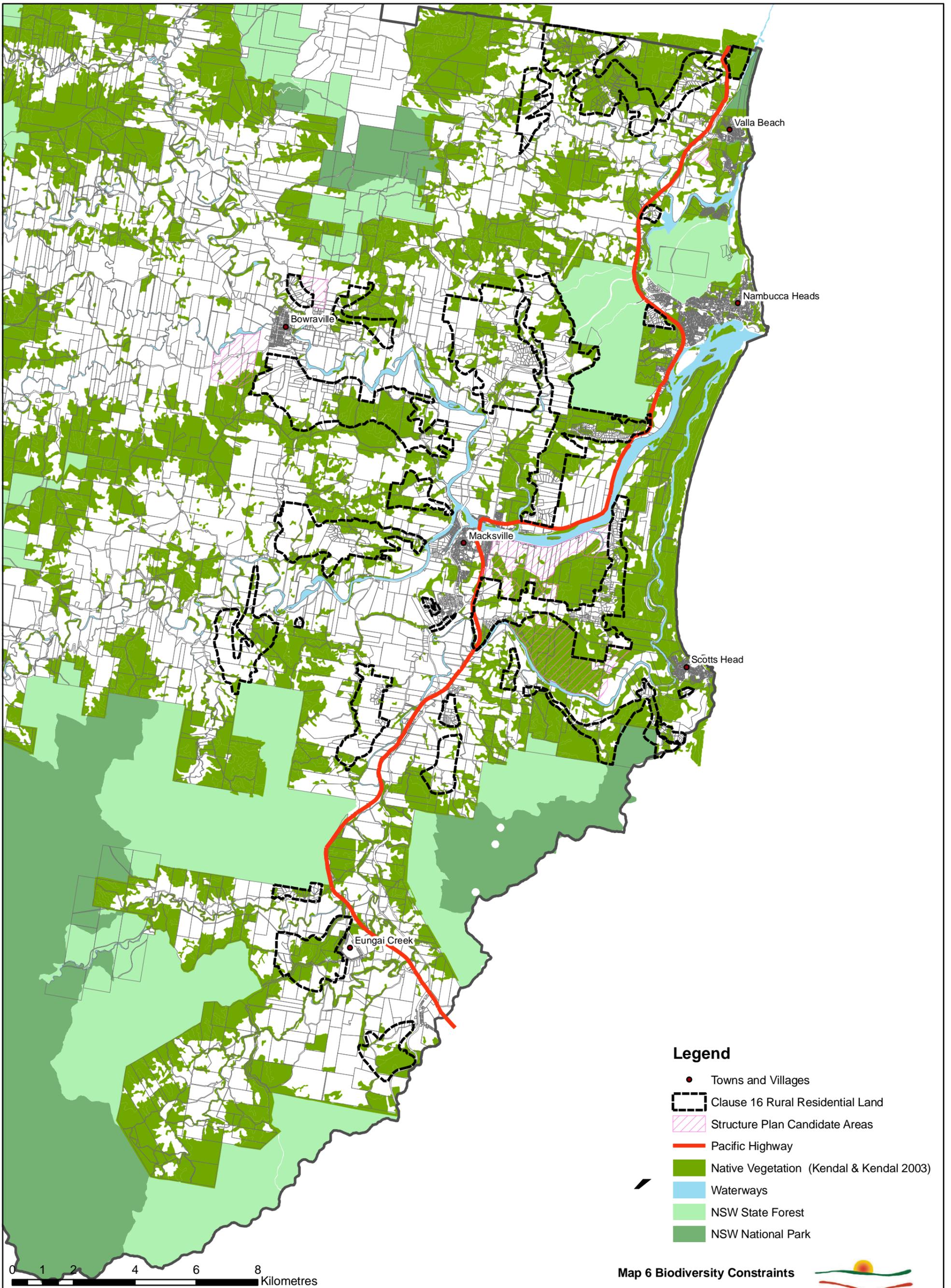
- endangered ecological communities;
- regionally rare or endangered communities
- regionally adequately conserved communities but which are limited in Nambucca;
- rainforest;
- widespread but inadequately conserved vegetation communities; and
- high senescence forest.

It is difficult to clear native vegetation under the NV Act that is ecologically significant; as such areas containing such vegetation are not suitable for rural residential development, and this includes clearing to achieve roads and satisfactory asset protection zones for bushfire purposes.

Rural residential development also has the potential to adversely impact on sensitive areas such as wetlands via on-site effluent disposal. As such, it is appropriate that rural residential development is located well clear of these types of areas.

Map 6 shows the location of areas containing native vegetation which are likely to be of biological significance and which are considered ecologically significant. It should be noted that introduced vegetation communities, plantations, cleared pastures and the like have been excluded from Map 6.

*Note: Council will be reviewing its Biodiversity data in the future and this may identify lands that have been inaccurately mapped as constrained or unconstrained by biodiversity based on the existing vegetation mapping. These lands will be subject to reconsideration in the next review.*



**Legend**

- Towns and Villages
- ⬜ Clause 16 Rural Residential Land
- ▨ Structure Plan Candidate Areas
- Pacific Highway
- Native Vegetation (Kendal & Kendal 2003)
- Waterways
- NSW State Forest
- NSW National Park

0 1 2 4 6 8 Kilometres

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**Map 6 Biodiversity Constraints**

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## Bushfire Prone Areas

A bush fire prone area is an area of land that can support a bush fire or is likely to be subject to bush fire attack, and consists of or close to bush fire hazards such as forest or grasslands. Bushfire prone land mapping seeks to identify those areas where the consideration of bushfire is necessary for development. Where it is identified that a development is subject to a bushfire risk, further detailed assessment of the risk is undertaken in accordance with Planning for Bushfire Protection 2006 (PfBP). The majority of the Nambucca Shire is identified as being bushfire prone.

PfBP is a guideline used by the New South Wales Rural Fire Service, councils, town planners, developers, etc. to determine bush fire risk, as well as the various mitigation measures that may be applied to ensure that the risk is reduced to an acceptable level.

Bushfire risk is generally determined having regard to vegetation type, slope, and relevant worst case weather scenario for the district in question, while mitigation measures include the use of asset protection zones (bushfire buffers), the provision of safe, practical access, water supplies and particular construction methods for buildings. Notably, asset protection zones are generally required to be in the allotment affected, not over adjoining properties (NSW Rural Fire Service, 2006).

Within the Nambucca Shire asset protection zones of up to 100 m are considered necessary to forests, after which specialist building practices are necessary to provide adequate protection to a house. These building practices become more costly with reduced distance, and as an example, a standard house with a setback of some 54–70 m from a forest on steep land can be faced with an additional construction cost of \$4000–\$8000. The extent of bushfire prone land throughout the Shire is shown on Map 7.

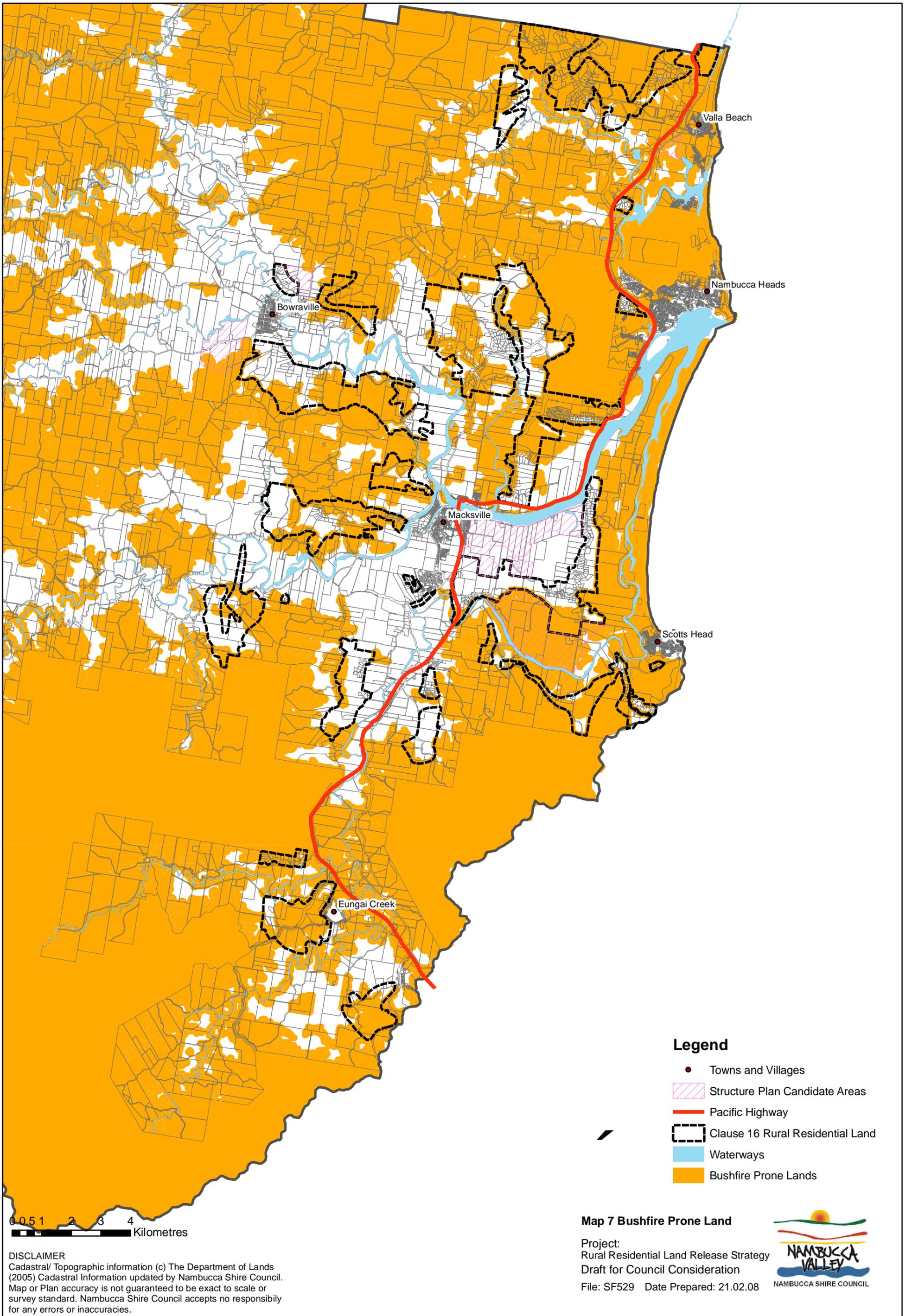
At a strategic level, bush fire prone land mapping seeks to highlight that land which is subject to bush fire risk. From a strategic perspective, it is desirable to avoid locating rural residential development in areas which are subject to a high bushfire risk, such as pockets of cleared land surrounded by areas of forest, or areas upslope of large forested areas.

In general linear settlement within an extended bushland interface presents a much higher bush fire risk than concentric settlement. As well, the distribution of scattered areas of rural residential development at risk from bushfire puts a strain on fire fighting resources where responses to multiple threats are encountered.

## Areas of High Scenic Quality

The topography and waterways of the Nambucca Shire reveal a rich and complex visual experience. Indeed, the green backdrop west of Macksville provided by the New England Plateau has been recognised as a “Scenic Backdrop Area” under LEP 1995 and any tree clearing without Council consent is prohibited in this area; refer Map 8. The protection of scenic landscapes is important to maintain the identity of an area and its ‘sense of place’. Protection can also deliver more tangible benefits in the form of an attraction base for both tourists and residents; in this sense, scenic attributes should be considered as a resource.

Whilst no specific scenic quality plan or study has been developed for the whole Shire, the most obvious intrinsic and extrinsic scenic elements are provided by the ridgelines, the waterway corridors and the sea.



**Legend**

- Towns and Villages
- ▨ Structure Plan Candidate Areas
- Pacific Highway
- - - Clause 16 Rural Residential Land
- Waterways
- Bushfire Prone Lands

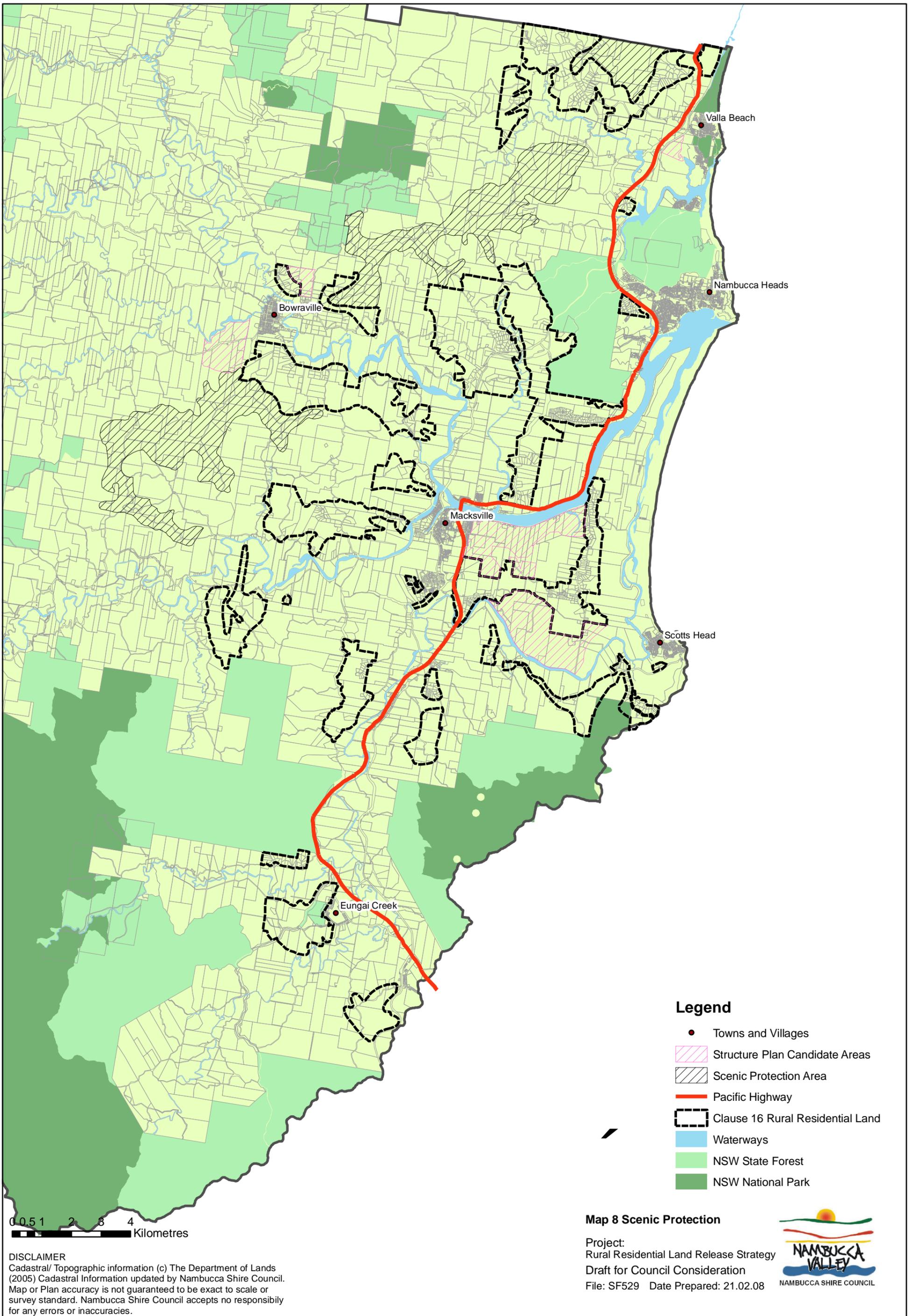
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**Map 7 Bushfire Prone Land**

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**Legend**

- Towns and Villages
- ▨ Structure Plan Candidate Areas
- ▧ Scenic Protection Area
- Pacific Highway
- - - Clause 16 Rural Residential Land
- Waterways
- NSW State Forest
- NSW National Park

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**Map 8 Scenic Protection**

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The ridgelines provide a dramatic relief in the landscape, form a backdrop to the floodplains and valleys, and provide extensive viewsheds. The waterways provide closed and expanded views, ephemeral experiences, water's edge changes and contrast to the terrestrial environment. The Shire's beaches, headlands and rocky shorelines are important visual elements that give the Shire much of its character.

Land clearing, inappropriate building forms or structures and access roads are the main visual intrusions from rural residential development. In disturbed landscapes, rural residential development can create its own setting and character of low density housing set within a rural landscape. In relatively undisturbed landscapes, rural residential development should be designed in harmony with or subordinate to the surrounding landscape.

As a general rule, rural residential development should not be located on prominent ridgelines and special controls should apply to undisturbed waterway areas to ensure adequate visual buffers are accommodated.

### Erosion Hazard

Developing on steep land poses a number of risks, most notably those associated with the increased potential for soil erosion and land slippage and the resultant pollution of waterways.

Developing on less steep land also tends to minimise the visual impact of rural residential development, as less earthworks are required to accommodate level building platforms and internal roads etc, and less vegetation is usually required to be cleared in order to achieve satisfactory setbacks to vegetation as a result of the need to implement bushfire hazard measures; steeper slopes result in larger setbacks. It is also easier to provide and maintain on-site effluent disposal systems on flatter areas.

Flatter land is also generally easier to both use and maintain.

Given existing contour information for the Nambucca Shire does not permit a detailed consideration of which areas are overly steep and therefore not ideal for rural residential development, it is recommended that rural residential allotments provide sufficient area (dwelling envelope) to accommodate a dwelling, on-site effluent disposal area and curtilage to the dwelling on land no steeper than 20%. An on-site effluent disposal area of no less than 1500 m<sup>2</sup> is considered appropriate in this instance.

### Acid Sulfate Soils

Sulphuric acid can occur when soils with significant concentrations of pyrite are oxidised when exposed to air. Excavation works and creation of drains can expose acid sulfate soils directly or indirectly by lowering the water table. This can result in high salinity which can detrimentally affect vegetation growth, aquatic life and can impact upon concrete and steel structures. Acid sulfate soils are usually found in low lying coastal areas including wetlands, salt marshes and other estuarine environments (i.e. coastal creeks and rivers).

Acid sulfate soils risk maps have been prepared for the Nambucca Shire and LEP 1995 requires consent for certain works within different classes of risk. Acid sulfate soils are mapped as either Class 1, 2, 3, 4 or 5 on the maps, with Class 1 being the highest risk of potential acid sulfate soils and Class 5 being the lowest risk.

In terms of rural residential development, Class 1 and Class 2 areas present the most significant constraint. In these Classes the likelihood of acidic soils is high and is more likely to be present higher in the soil profile. Excavations for buildings, roads, effluent disposal, dams, drains, and other utility services are severely constrained in Class 1 and 2 areas. Moreover, the potential to lower the water table is also greater, particularly as a result of cumulative impacts from rural residential development. Areas of high risk acid sulfate are usually also flood prone lands, are usually close to waterways and often contain sensitive vegetation (i.e. Swamp Forest an Endangered Ecological Community). Map 9 shows the Class 1 and 2 Acid Sulfate Soil areas.

### Contaminated Land

Land that has been contaminated by past land use activities can present a constraint to rural residential development. Chemical residues from past banana farming practices is the most widespread activity in the Nambucca Shire that has resulted in land being identified on Council's Geographic Information System as potentially contaminated land; past banana growing practices involved the use of arsenic and dieldrin to control pests and diseases. Sloping land with a northerly aspect provided the best conditions for banana growing and it is these lands that are more likely to be contaminated. Map 10 shows the potentially contaminated lands from past banana growing practices.

Under State Environmental Planning Policy No. 55 – Remediation of Land, Council may not approve of a development unless:

*“if the land is contaminated, [the Council] is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is to be carried out”.*

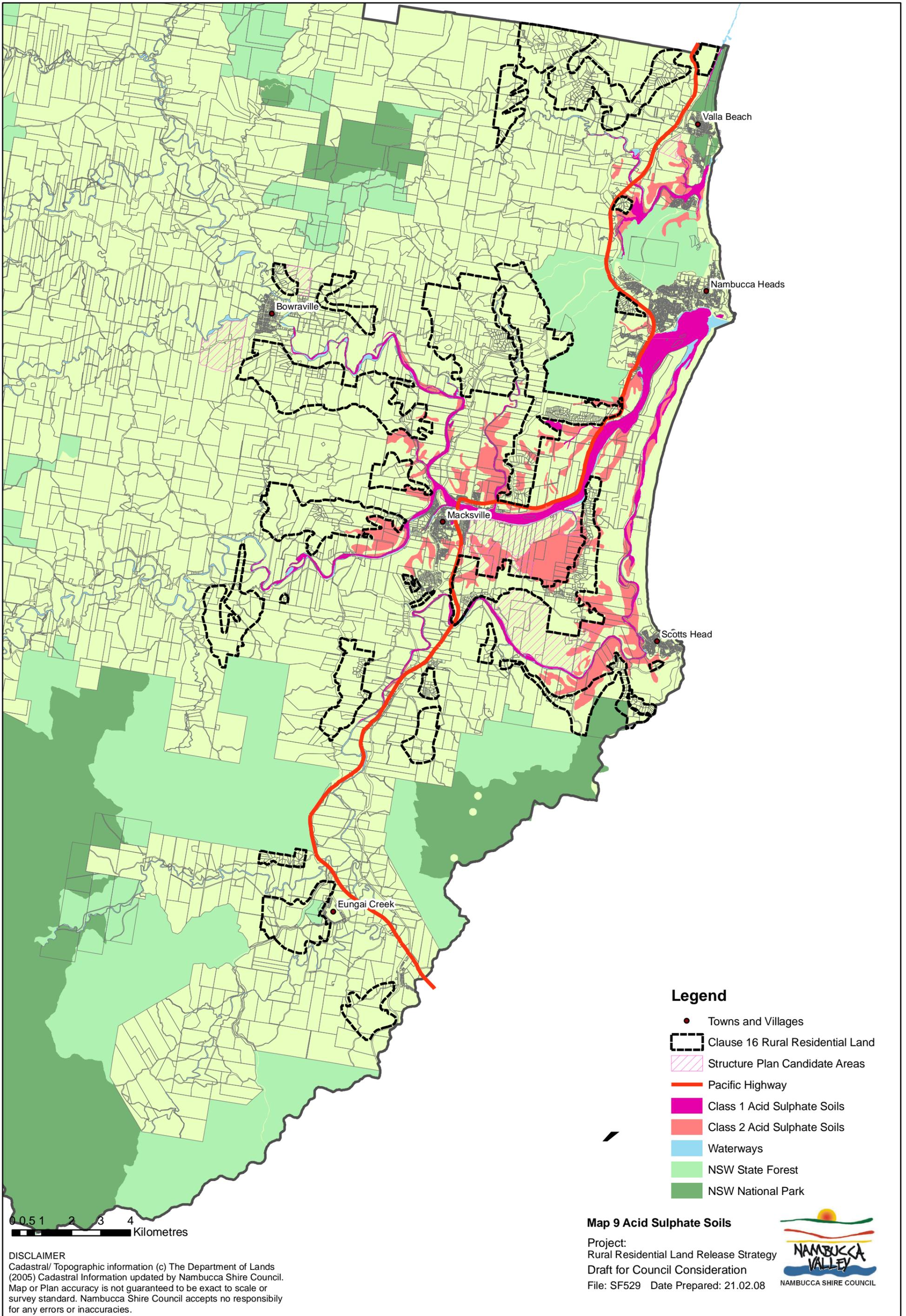
For rural residential development an investigation of the soil is required and if the soil is found to be contaminated (i.e. above the set threshold levels) a remediation plan is required to demonstrate how the soil is to be treated so the land is suitable for rural residential living purposes. Some of the methods of treatment include capping the contaminated soil, vertical mixing of the contaminated soil, burial of the contaminated soil under the building envelope and removal of the contaminated soil. Generally soil contamination is a limiting, as opposed to prohibiting, factor in relation to rural residential development. An exception to this is land with very steep slopes (i.e. over 30%) where the ability for machinery to work on the soil can be cost prohibitive and potential impacts upon water quality can be exacerbated.

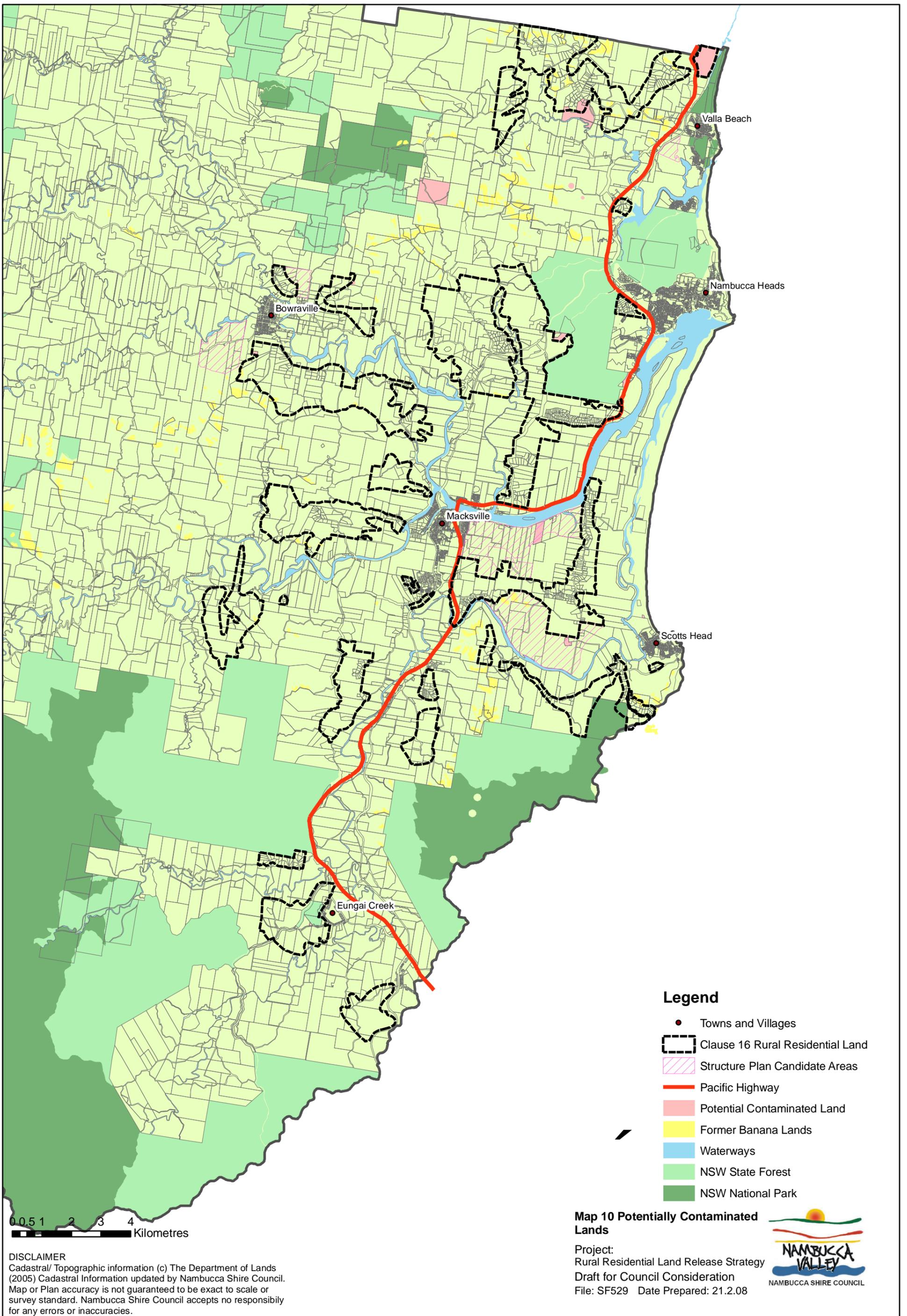
### Agricultural Land

Agricultural enterprises are important to the Nambucca Shire's economy. The Nambucca Shire Council Economic Profile 2003 identified 264 businesses involved in the agriculture / forestry / fishing industries with an annual turnover of between \$50,000 and \$499,000 (Structure Plan 2007). Moreover, the 2001 Census identified that 10.3% of the Shire's population are employed in these primary industries.

The majority of agricultural land in the Shire is used for livestock and dairy production. While agriculture in the Shire has been in a slight decline, the macadamia industry has been increasing with an estimated 80 growers in the Shire in 2001 (Nambucca State of the Environment Report).

As there are limited alternative land use options to agriculture for the majority of rural lands in the Shire, it is expected that agriculture will continue to play an important role in the Shire's economy and culture.





**Legend**

- Towns and Villages
- ▭ Clause 16 Rural Residential Land
- ▨ Structure Plan Candidate Areas
- Pacific Highway
- ▭ Potential Contaminated Land
- ▭ Former Banana Lands
- ▭ Waterways
- ▭ NSW State Forest
- ▭ NSW National Park

0 0.5 1 2 3 4  
Kilometres

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**Map 10 Potentially Contaminated Lands**

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Agricultural land is a limited non-renewable land resource that once lost to an alternative urban or rural residential use is lost forever.

In the past there has been considerable debate over the mapping of what constitutes poor agricultural land and high quality agricultural land. In response to this, the NSW Government has undertaken a “Farmland Mapping Project” for the Mid North Coast to identify regionally significant farmland in the region. The Draft Report for the Projects makes the following general recommendations:

- *incorporation of planning principles for protecting farmland from urban and rural residential encroachment and land use conflict;*
- *that farmland be avoided when Council plan new urban and rural residential development, so that the most productive areas are not lost to urban uses; and*
- *that farmland areas be targeted for land management assistance where suitable through Catchment Management Authority findings.*

The Draft Report states the following specifically in relation to the proposed ‘planning rules’ for rural residential development:

*“Regionally significant farmland would not be available for future rural residential development. The only exception would be where the land is already zoned or identified in a currently approved council settlement strategy. Councils when preparing new settlement strategies would not be able to consider regionally significant farmland for inclusion”.*

Map 11 shows the lands within the Shire identified as regionally significant farmland. However, Council is disputing the mapped areas and as such these areas have not formed part of the constraints mapping at this point in time, pending resolution of the issue.

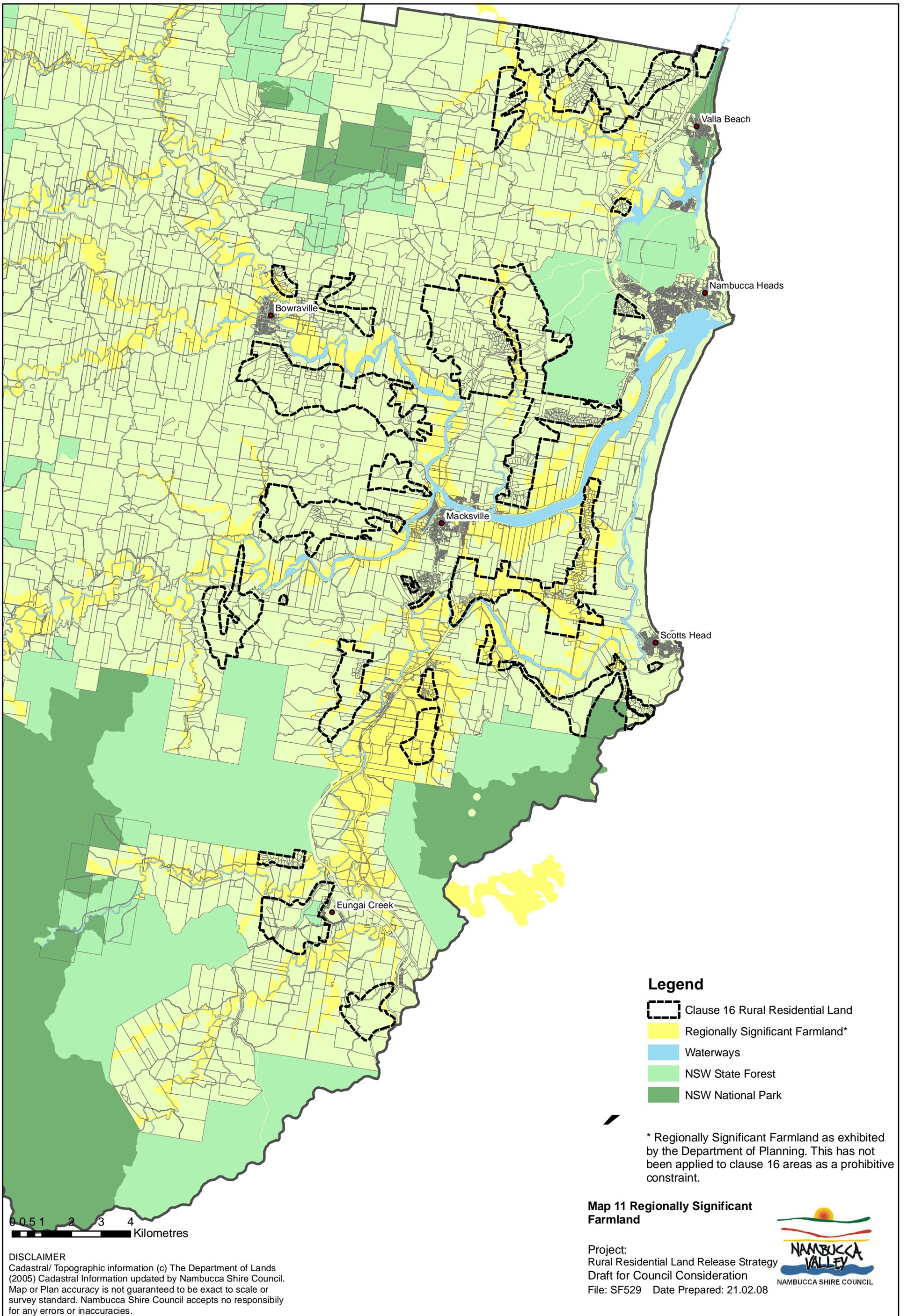
The impacts of rural residential developments not only relate to the loss of agricultural land, but also relate to the raising of rural land values in the vicinity of rural residential development and potential conflicts with agricultural activities and rural residential dwellers. Increased rates from increased land values, increased costs associated with potential farm expansion and increased restrictions on agricultural activities are corollaries of impinging rural residential housing.

## Resource Protection

The Nambucca Shire contains a number of varied ‘resources’, which some consideration must be given to protecting. These resources include extractive industries (including quarries), State Forests and National Parks and Reserves, and the Pacific Highway.

Extractive industries provide important products such as rock and materials for use in road construction, foreshore protection, concrete production and general construction. Extractive industries often include activities such as blasting, extraction, storage and processing, and almost always involve transportation of the materials off-site. These activities can result in noise, odour and visual impacts, and the release of contaminants into waterways. Given this, it is often desirable to ensure that sensitive land uses, such as rural residential development, are located well clear of such activities.

Approved extractive industries within the Shire are shown in Table 5 below (Nambucca Shire Council, 2006); Map 12 shows the critical resources within the Shire.



**Legend**

-  Clause 16 Rural Residential Land
-  Regionally Significant Farmland\*
-  Waterways
-  NSW State Forest
-  NSW National Park

\* Regionally Significant Farmland as exhibited by the Department of Planning. This has not been applied to clause 16 areas as a prohibitive constraint.

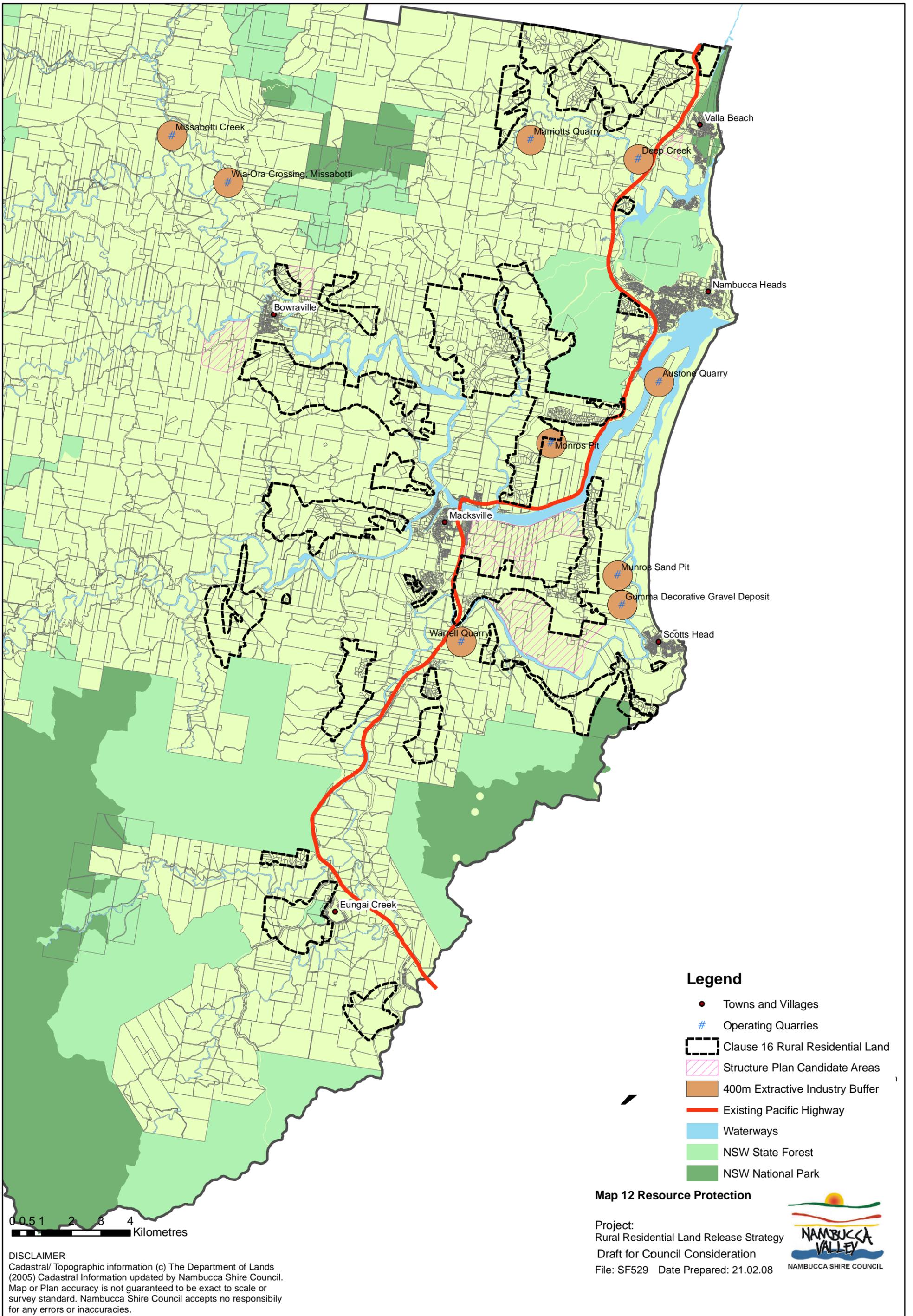
**Map 11 Regionally Significant Farmland**

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**Legend**

- Towns and Villages
- # Operating Quarries
- ⬜ Clause 16 Rural Residential Land
- ▨ Structure Plan Candidate Areas
- 400m Extractive Industry Buffer
- Existing Pacific Highway
- Waterways
- NSW State Forest
- NSW National Park

**Map 12 Resource Protection**

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0 0.5 1 2 3 4 Kilometres

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Table 5 – Extractive industries.

Quarry Name	Commodity	Operating Status
Gumma Decorative Gravel Deposit	Decorative aggregate - gravel	Operating - continuous
Deep Creek	Course aggregate - river gravel	Operating - intermittent
Mariotts Creek	Course aggregate - hard rock	Operating - continuous
Monros Pit	Sand - construction	Operating - intermittent
Austone Quarry	Decorative aggregate - gravel	Operating - continuous
Warrell Quarry	Course aggregate - hard rock	Operating - continuous
Munros Sand Pit	Sand - construction	Operating - intermittent

The Nambucca Shire contains numerous State Forests, National Parks and Natures Reserves. It has State Forests which cover some 36,650 ha<sup>2</sup> and contains two national parks; the New England National Park occupying 2,700 ha in the extreme west of the Shire area and Dunggir National Park which occupies 2,435 ha. There are eight local nature reserves, including the Juugawaarri, Ganay, Bowraville, Bollandolla, Nungumirar, Jagun and Valla Nature Reserves which are scattered across the northern edge of the Shire, with the Ngambaa Nature Reserve in the Eungai area in the south (Nambucca Shire Council, 2004).

Rural residential development can have impacts upon State Forests, National Parks and Reserves, particularly with additional visitation pressure where rural residential development is located close to these areas. Edge effects relating to weed infestation, clearing, dumping of refuse and domestic animal impacts are the main threats. In addition, rural residential development located close by these areas

can face an increased bush fire risk, given that they are generally well forested.

The Pacific Highway remains an important resource for the Shire, insofar as it is not only the premier coastal route linking Sydney and Brisbane, but also carries much of the internal traffic of the Shire between settlements such as Valla, Nambucca Heads, Macksville and Scotts Head.

Due to the increased popularity of many of the towns and cities along (or just near) the highway's route, the Pacific Highway endures significant traffic, especially in the summer months. As a result, the project of duplicating the entire highway's length was commenced during the early 1990s with roadwork set to continue for a number of years before completion. In its current form, the highway is a mix of single and dual carriageway with the trend for upgrades concentrated around original black spot areas and bypasses around the main population centres.

Some of the significant alterations to the original highway alignment through the Shire include:

- Warrell Creek to Urunga upgrade;
- Eungai deviation 2nd carriageway (completed); and
- Kempsey to Eungai upgrade.

It is desirable that rural residential development not place undue pressure on the function of the Pacific Highway as a major traffic distributor. Development should seek to make use of established interchanges (or intersections), which have the capacity to accommodate further traffic movements generated by rural residential traffic.

## Social and Servicing Catchment

The social and servicing catchment assessment is required to consider social patterns of movement, interaction, service needs and cultural needs. The social considerations include employment, education, community services, health services and other facilities related to social well-being. Transport, water, sewerage, communications and energy efficiency also need to be taken into account in assisting with the determination of land suitability for rural residential development.

## Demographic Profile

The Nambucca Shire has a total population of 18,750 and is expected to reach 20,540 by 2031 (Australian Bureau of Statistics, 2006). Table 6 shows incremental population projections for the Shire over the coming years.

Table 6 – Population Projections

Year	Persons
2001	18 170
2006	18 750
2011	19 250
2016	19 690
2021	20 060
2026	20 340
2031	20 540

The Nambucca Shire has a much higher proportion, than the State average, of people in the older age groups, and the population profile for the Shire is continuing to age. In 1981, people aged 65 years and older accounted for 15% of the population; twenty-five years later (2006), this group accounted for 23% of the population (Nambucca Shire Council, 2006b).

*Note: population projections may differ from the Nambucca Shire Council Population Projections.*

The Nambucca Shire has a similar “bell shaped” demographic population to that of the overall North Coast. The Shire continues to show significantly lower growth than the State averages for the 20-34 years age group, however is above those averages for the 65+ age group, particularly the 60-70 year age group. This trend is in keeping with the profile of the North Coast, but is however more pronounced (Nambucca Shire Council, 2006b).

The population of the Nambucca Shire experienced steady growth between 1996 and 2006, as shown in Table 7 below.



Table 7 – Past Population

Age	Number of Persons					
	1981	1986	1991	1996	2001	2006
0-4	834	1214	1312	1132	973	980
5-14	1825	2244	2625	2901	2688	2639
15-24	1411	1675	1668	1767	1749	1780
25-54	4198	5227	6257	6472	6379	6105
55-64	1634	1914	1882	1855	2146	2616
65+	1769	2306	2955	3440	3727	4048
Total	11671	14580	16699	17567	17662	17897

The Shire’s population grew by 153 from 1996 to 2001, and by a further 235 over the period 2001 to 2006. Of these, the majority were incoming retirees in the 55-64 years age group.

At the 1996 Census, 5,295 persons (30.1% of the total population) were aged 55 years and over. This increased to 5931 persons (33.5% of the total population) at the 2001 Census, and to 6,664 persons

(i.e. 37.2% of the total population) at the 2006 Census. Clearly, the Nambucca Shire population is experiencing a shift in the age structure of its population, with an increasing proportion of the population falling into the older age group categories.

The projected age distribution of the Nambucca Shire up until 2031 is shown in Table 8 below (Department of Planning, 2005).

Table 8 – Projected Age Distribution

Age	Persons						
	2001	2006	2011	2016	2021	2026	2031
0-4	1030	830	800	780	760	730	700
5-14	2760	2580	2320	2130	2050	1990	1930
15-24	1870	2130	2120	1970	1780	1670	1590
25-54	6650	6520	6260	5980	5770	5600	5410
55-64	2160	2680	3190	3480	3480	3280	3150
65+	3700	4040	4560	5360	6210	7100	7760
Total	18170	18750	19250	19690	20060	20340	20540

Based on the population projections shown in Table 8, the shift in the number of people within the older age groups (55+) will continue, with steady declines for all age groups below 55 years. The expected housing needs of this population are for smaller dwellings located close to services, particularly health services.

### Community Services and Facilities

Community services and facilities are often focal points for social interaction within a community, and aid in the development of community identity. Important services and facilities include those related to education and recreation.

The majority of community facilities and services are located in urban areas, where they serve a larger proportion of the population. Rural residential housing as a result has reduced access to these types of services and facilities, and often it is only through outreach or mobile services that these can be made readily available (i.e. meals on wheels, mobile library service etc). Generally, the further an outreach or mobile service is to be provided the greater the cost, making the service a more expensive proposition.

Most schools within the Shire are located in existing towns. Bowraville, Eungai, Macksville, Nambucca Heads, Scotts Head and Taylors Arm all have primary schools, while Bowraville, Macksville and Nambucca Heads have secondary public schools. Various private schools are located throughout the Shire, including schools at Macksville, Nambucca Heads and Bowraville. The Nambucca Shire does not contain any tertiary education institutions, but Macksville does include a TAFE (Nambucca Shire Council, 2004).

Child care services are mostly clustered in the larger towns (Macksville, Nambucca Heads and Bowraville), though carer's homes are spread throughout the Shire and a child care centre is located at Valla.

Women's, aged care, Aboriginal and Torres Strait Islanders, disabled and youth services are all located in the existing larger settlements; many include outreach services.

All of the larger settlements contain (Council) recreation services, and both Eungai and Tewinga (Rodeo Drive) have community halls.

Macksville, Bowraville and Nambucca Heads all contain museums, while the latter two also have art galleries and cinemas.

As is to be expected, the majority of services are located in existing urban settlements, particularly Macksville, Nambucca Heads and to a lesser extent Bowraville.

### Health and Emergency Services

Rural residential housing is usually located on the periphery of urban areas and generally has poor access to health and emergency services such as fire brigades, State Emergency Service (SES), police and ambulance. Rural residential development is therefore more costly to service and protect during an emergency (such as bush fire), as opposed to housing located in or close to urban areas, where services are located.

The health and emergency services of the Nambucca Shire, like general community services, are generally clustered in the larger urban settlements of Nambucca Heads, Bowraville and Macksville.

Notable health services and facilities include the Macksville District Hospital, Macksville Health Campus, Bawrunga Medical Centre (Bowraville and Nambucca Heads), Ambulance Service of NSW (Macksville and Nambucca Heads), and Primary Health Service (Macksville) (Nambucca Shire Council, 2004).

An SES unit is located at Macksville. Police stations are located at Macksville, Bowraville and Nambucca Heads, while the Nambucca Rural Fire Service, which includes the local SES unit, is located at Nambucca Heads. Further brigades are located at Argents Hill, Valla Beach, Gumma and Valla (rural) and others (Nambucca Shire Council, 2004).

Locating rural residential areas closer to health and emergency services (urban centres) is desirable from a servicing perspective, reducing the cost of providing outreach services and cutting down the time taken to provide the service to distant areas (particularly important in emergency situations). In addition, it is preferable to reduce the number of rural residential areas, so that services are not stretched geographically.

It is worth noting that access to health and emergency services is particularly important for aged and disabled persons, who are often less mobile and have a greater reliance on health and emergency services.

### Urban Expansion Areas

While rural residential development can provide a buffer between rural and residential development, it is imperative that rural residential development is located outside of areas earmarked for future urban development. Rural residential development should not be used as a temporal transition between rural and urban development because of the complications arising from fragmented ownership and changes in planning practice which often prevent practical development options; if land is found to be suitable for urban development it should be earmarked for this purpose in the first instance.

The Nambucca Valley Structure Plan identifies a number of areas for future urban development at:

- Valla Beach;
- Boggy Creek;
- Nambucca Heads;
- Macksville; and
- Scotts Head.

At Valla Beach an area to the south has been identified for urban expansion to accommodate an additional 960 persons and Boggy Creek has been identified as a major urban release area to support a population of approximately 7,500 people.

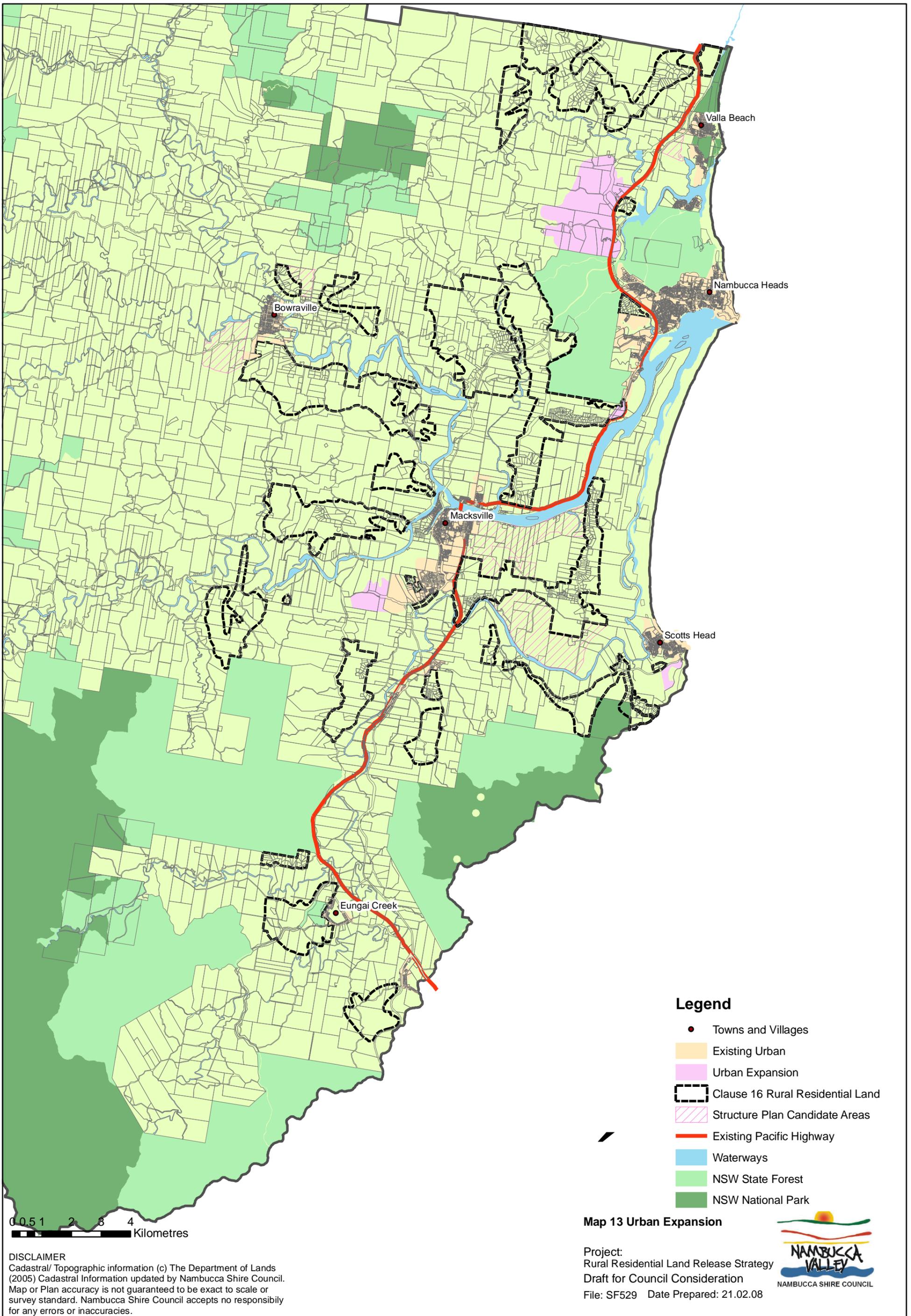
Nambucca Heads has been identified for residential consolidation, mixed uses and industrial development. An additional 2,000 people are projected to be accommodated in Nambucca Heads.

Macksville has two areas identified for potential business parks and areas identified for expanded commercial and retail development. It is proposed to allow limited residential development in the business zone and an area for investigation for medium density housing has been nominated; an additional 2,000 people are projected. South Macksville and Congarinni are recognised as major urban release areas to accommodate approximately 6,200 people.

At Scotts Head, an area (80 ha) south of Scotts Head Road has been identified as an urban release area for an additional 2,300 people.

The areas identified for urban expansion are shown on Map 13.

Any area identified for urban expansion is not to be considered for rural residential development.



**Legend**

- Towns and Villages
- Existing Urban
- Urban Expansion
- Clause 16 Rural Residential Land
- Structure Plan Candidate Areas
- Existing Pacific Highway
- Waterways
- NSW State Forest
- NSW National Park

0 0.5 1 2 3 4 Kilometres

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**Map 13 Urban Expansion**

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 Rural Residential Land Release Strategy  
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 File: SF529 Date Prepared: 21.02.08



## Road and Transport Network

There is an inextricable link between transport and land use planning; in fact, most urban planners see transport planning (movement of people and freight) as land use planning. Like many regional locations, Nambucca Shire has limited public transport and the private car is the dominant mode of transport for the movement of people. The main modes of motorised public transport are bus and train.

The Nambucca Valley Structure Plan indicated that there are opportunities for improving bus services in the region and identified the following factors that influence bus patronage:

- the route network covers almost everywhere in Nambucca and the accessibility is adequate, but the provision of all services is infrequent. Travellers often need to spend longer than they could bear at bus stops; and
- there generally is a lack of adequate co-ordination between bus and train services in terms of timetables and inter-changing locations.

Train services utilise the main northern line that extends through the Shire with stations at Macksville, Nambucca Heads and Eungai Rail. The railway line provides inter-regional and inter-state travel and freight services. The Nambucca Valley Structure Plan indicates that better integration with town and bus services with Macksville railway station is needed.

The Pacific Highway sits at the top of the road hierarchy providing a link between Sydney and Brisbane and a north-south link between the localities within the Shire. Other main roads providing east-west links in town are River Street and McKay Street. The Highway is being upgraded to provide dual carriageway between Sydney and Brisbane. The upgrade through the Shire is being developed in two stages, namely:

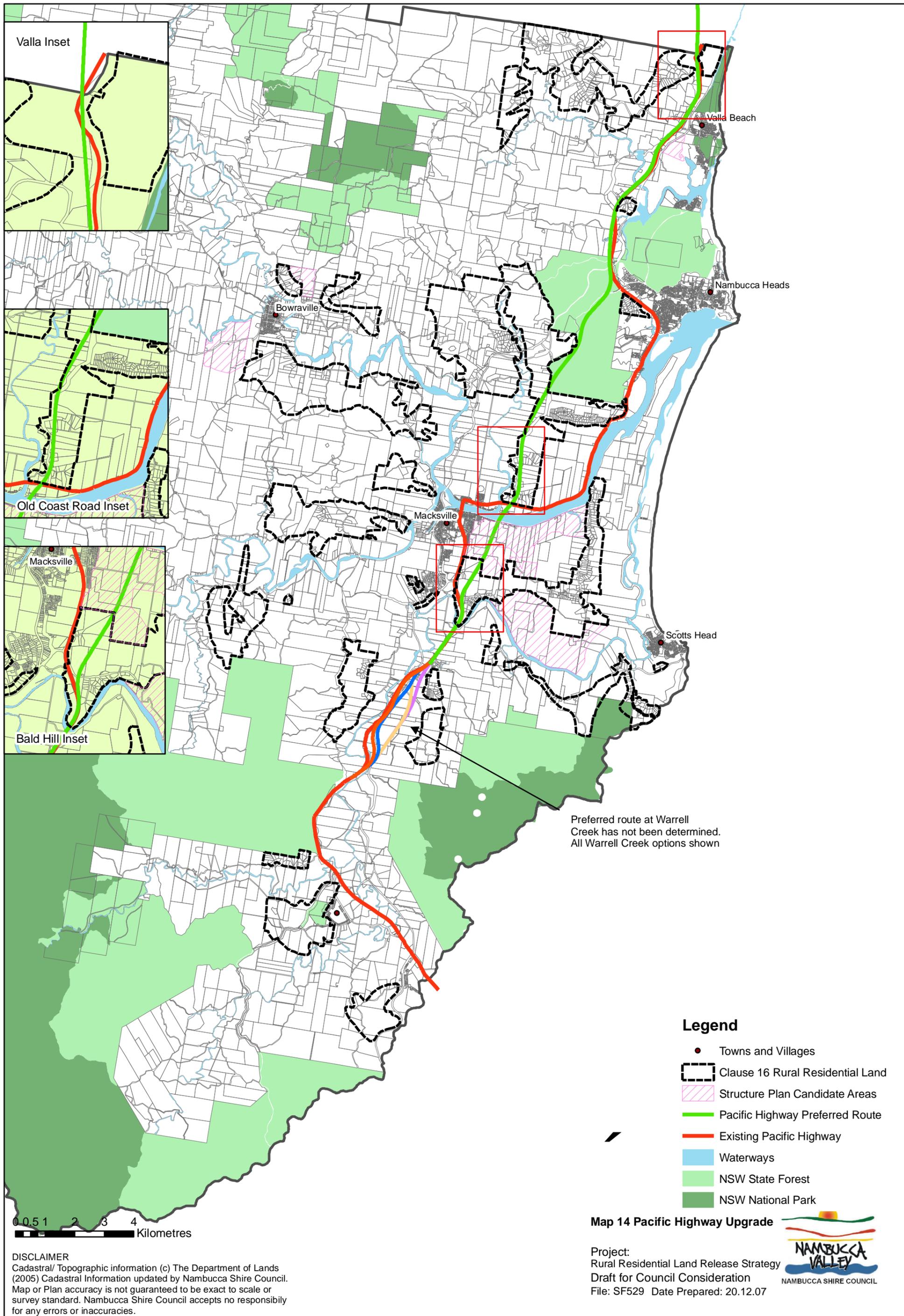
- Kempsey to Eungai; and
- Macksville to Urunga.

A preferred route for both stages has been identified and is shown on Map 14. The provision of the dual carriageway can have a negative impact through segregation of communities and positive impacts in separating through traffic from local traffic and creating improved amenity in areas that are bypassed. The main area to be impacted by the Highway upgrade is the Gumma Road area. As the new route for the Highway has not been determined at this point in time, it is not to be considered as a constraint. Once the final route is determined the areas directly affected by the road alignment will be excluded and zoned for road purposes. It is expected that access will be available to all residential lots.

Rural residential development is generally a low traffic generator with 9 trips per dwelling. With the exception of school bus patronage, the majority of trips by rural residential residents are by private cars. The low density nature of rural residential and location of rural residential areas, generally on the outskirts of urban areas, makes travel by non-motorised means (i.e. bicycle and walking) less likely. Accordingly, the local and regional road network is the main focus for access to rural residential development. The Nambucca Shire has identified the following road links for upgrading:

- Millers Road to Boggy Creek Road;
- Strawberry Road to Congarinni Road (South);
- Upper Warrell Creek Road to Congarinni Road (South);
- Bald Hill Road to Acacia Road; and
- Spaldings extension to Congarinni Road (North).

In light of the above, preference for rural residential development should be given to areas close to support infrastructure to reduce vehicle trips, reduce impacts on local roads, make better use of existing bus services and lower greenhouse gas emissions.



Valla Inset

Old Coast Road Inset

Bald Hill Inset

Valla Beach

Nambucca Heads

Bowraville

Macksville

Scotts Head

Preferred route at Warrell Creek has not been determined. All Warrell Creek options shown

**Legend**

- Towns and Villages
- ▭ Clause 16 Rural Residential Land
- ▨ Structure Plan Candidate Areas
- Pacific Highway Preferred Route
- Existing Pacific Highway
- Waterways
- NSW State Forest
- NSW National Park

0 0.5 1 2 3 4 Kilometres

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**Map 14 Pacific Highway Upgrade**

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## Shopping and Commercial Facilities

The variety and size of shopping and commercial facilities are generally commensurate with the population which they serve. That is to say a small neighbourhood would only at best support a neighbourhood shop, providing daily basic essentials, while a large urban area might accommodate a supermarket, a range of specialty shops and commercial activities such as specialty shops, accountants, insurance and real estate agents etc. In addition, it is usually desirable to create clusters or compact retail and commercial areas, as these activities generally support each other, and provide consumers with the ability to satisfy numerous needs in one trip.

In the Nambucca Shire, existing rural residential areas are small, and the range and variety of shopping and commercial facilities located in these areas limited. The result is that travel to larger urban centres for higher order goods and services required by rural residential landowners is necessary (i.e. weekly groceries).

The majority of higher order retail and commercial services are located in Macksville, Nambucca Heads and Bowraville. There are three supermarkets at Nambucca Heads; one supermarket at Macksville and one proposed supermarket at Macksville; one supermarket at Bowraville; and one supermarket at Scotts Head.

Essential and 'preference' retail and commercial services are located in urban centres, distant from rural residential areas, meaning landowners must be able to travel to access these goods and services and associated employment opportunities. In doing so, they also face travel costs and face time constraints. As a result, it is more strategic to locate rural residential areas in areas that are relatively close to urban centres to improve accessibility.

## Areas of Aboriginal Cultural Significance

Aboriginal sites are the physical remains of a culture that is more than 40,000 years old. It is important that Aboriginal sites are recorded, studied and preserved as part of the cultural heritage of the Aboriginal people in the Nambucca Shire and as part of the wider community's historic and cultural heritage. Aboriginal sites are also an important scientific resource (Nambucca Shire Council, 2006).

At present there are 19 Aboriginal relic sites and 15 mythological sites recorded in the Nambucca Shire. The location of these sites is generally well dispersed throughout the Nambucca Valley although noticeably concentrated along the coastal region. Some of the sites identified include camp-sites, carved trees, wells, burial grounds, middens, ceremonial grounds and sacred artefacts (Nambucca Shire Council, 2006).

In addition to the 34 relic and mythological sites listed in the Nambucca Shire, there are a number of other identified artefacts and features representative of Aboriginal land use and history which contribute to the total number of identified sites and artefacts. In total, some 154 Aboriginal sites including relic and mythological sites and other artefacts have been identified throughout the Shire; their exact location is not widely known (Nambucca Shire Council, 2006).

Both the National Parks and Wildlife Act 1974 and the Nambucca Shire LEP 1995 contain provisions that seek to protect and preserve Aboriginal relics and places throughout NSW, and the LEP identifies one Potential archaeological site within the Shire; this area is not located near any areas presently or potentially identified for rural residential purposes.

The interaction of rural residential development and Aboriginal sites or relics of significance are generally dealt with on a site by site basis, and are unlikely to affect the broad identification of areas for rural residential development.

## Part 5

# Rural Residential Strategy

As stated earlier, a strategic approach to rural residential development is required to maximise the benefits and minimise the costs of this form of settlement; this will result in more sustainable outcomes. To meet these outcomes the Strategy should:

- provide a land release that delivers an equilibrium between land supply and demand;
- give preference to land with less environmental constraints, particularly the prohibitive constraints identified;
- give preference to areas with access to higher order social and infrastructure services;
- give preference to existing partly developed areas, as opposed to greenfield areas; and
- meet the overall desired direction and settlement pattern of the Shire.

The demand and supply balance sheet has demonstrated that 40 lots per annum will be required to meet the demand for rural residential housing. To provide for the short to medium term supply (i.e. next 0-10 years) a total of 400 lots will need to be available for housing development. The actual area of land to be provided will be dependent upon the density of rural residential housing that is permitted; this is normally expressed in terms of a minimum lot size. Accordingly, it is appropriate to determine a suitable density before considering the collective social and physical opportunities and limitations to rural residential development.

### Density

Lot sizes for rural residential land have traditionally been based on the area required for disposal of effluent. A report by Jelliffe Environmental Pty Limited on 'Critical Lot Density for Rural Residential Zones within Nambucca Shire, 1998', considered the appropriate density for rural residential housing having regard to water quality objectives and catchment sensitivity for two categories of on-site sewage treatment systems: evapotranspiration/absorption beds (E/A Beds) or aerated wastewater treatment system (AWT); and absorption trenches. The results allowed for a 10% failure rate and related to the soil characteristics of different catchments in the Shire. The rates varied from 1.7 residence per hectare to 0.76 residences per hectare; this equates to a lot size of 5,880 m<sup>2</sup> (0.58 ha) to 16,666 m<sup>2</sup> (i.e. 1.66 ha). These figures related to best case and worst case scenarios; best case included the less sensitive catchments with E/A Beds or AWT systems and worse case related to sensitive catchments with absorption trenches as the means of managing on-site wastewater.

The report acknowledges that higher densities can be achieved while still meeting the water quality objectives by including additional water sensitive urban design measures (i.e. filter strips, wet detention ponds, wetlands, etc.). Nevertheless, the report by Jelliffe concluded that for all soil types, except humic gleys, a lot size of 0.59 ha would be sufficient for effluent disposal. On humic gley soils the lot size would need to be 0.91 ha. Accordingly, a minimum lot size of one hectare would meet the Department of Health's requirement and effluent disposal needs for all soil types.

Other considerations in the determination of lot sizes include visual amenity, desired future character for an area, inherent environmental constraints and ease of implementation. Consequently, it is recommended that a minimum lot size of one hectare be adopted to cover effluent disposal on all soil types, to maintain visual amenity and to be in keeping with the desired future character of the areas nominated; a rural ambiance of houses set in a semi rural setting is desirable. A lot size of one hectare is also easier for Council to implement and communicate to the wider community than complicated variations of lot sizes. It is to be noted that any special circumstances for a reduced lot size can be considered under the provisions of State Environmental Planning Policy No. 1 – Development Standards.

Given a minimum lot size of one hectare for rural residential development, a total area of 400 hectares will be required to meet the short to medium term rate of development.

## Physical Limitations and Opportunities

Lands with fewer environmental constraints are usually less expensive to develop; have greater likelihood of being developed in the short term; generally involve less resources of Council and other agencies in processing applications; and have lower risks of negative environmental impacts. In terms of purely physical preferences, candidate areas free of environmental constraints should be given the highest priority for release for rural residential purposes. Conversely, land with prohibitive or hard constraints should be excluded from the candidate areas.

The following constraints are considered to be prohibitive:

- 1% flood level;
- areas of ecologically significance; and
- areas earmarked for urban expansion.

Land with a considerable number of limiting or soft constraints should not necessarily be excluded from the candidate areas, but should be given a lower preference to areas with less overlapping constraints.

It is also worthy to note that rural residential development can provide environmental benefits in disturbed landscapes through rehabilitation of drainage lines, enhancing wildlife corridors and better management of stock and weeds; planning controls on rural residential development can help deliver these benefits. Some priority should be given to areas where environmental repair works will benefit the natural environment.

## Social Limitations and Opportunities

The Nambucca Shire demographic profile, like the national profile, indicates an ageing community with a commensurate increased demand for health and community services. Rural residential development that is located close to social services has the following benefits:

- reduced travel times to access services;
- reduced road trips and road/traffic impacts;
- better response times in cases of emergency;
- increased utilisation of recreation facilities;
- reduced greenhouse gases; and
- more efficient delivery of social services (i.e. meals on wheels, home nursing, travelling libraries, etc.).

*Note: Farmland mapping has not been used as a hard prohibitive constraint at this point in time pending resolution of the mapping by Council.*

Preference for rural residential development should be given to areas with access to higher order, tertiary services to maximise the benefits to future residents. These services include employment, retail commercial, administrative and general community services. Map 15 shows three tiers of the social and community service hierarchy. The hierarchy shows a Tertiary Catchment area of five kilometres for Macksville, a Secondary Catchment of two kilometre for Nambucca Heads and a Primary Catchment of 500 m for the coastal and rural villages. This hierarchy is based on the threshold of economic and community services provided, with the Tertiary Catchment providing most service needs and extending to a five-ten minute drive (i.e. five kilometres), with the Secondary Catchment providing weekly service needs within an extended walk or short drive (i.e. two kilometre) and the Primary Catchment providing daily service needs within a short walk of the centre.

Areas with higher order infrastructure services should also be given priority to reduce costs in the delivery of these services and to make better use of existing infrastructure which is already in place. Areas with an established road network with capacity for additional traffic, areas easily serviced by waste collectors and areas with electricity and communication services in place should be given priority; the services catchment map generally shows these areas.

## Settlement Pattern Options

There are many approaches and development planning methods to rural residential settlement, including:

- ring development;
- performance based development;
- cluster development; and
- scattered development.

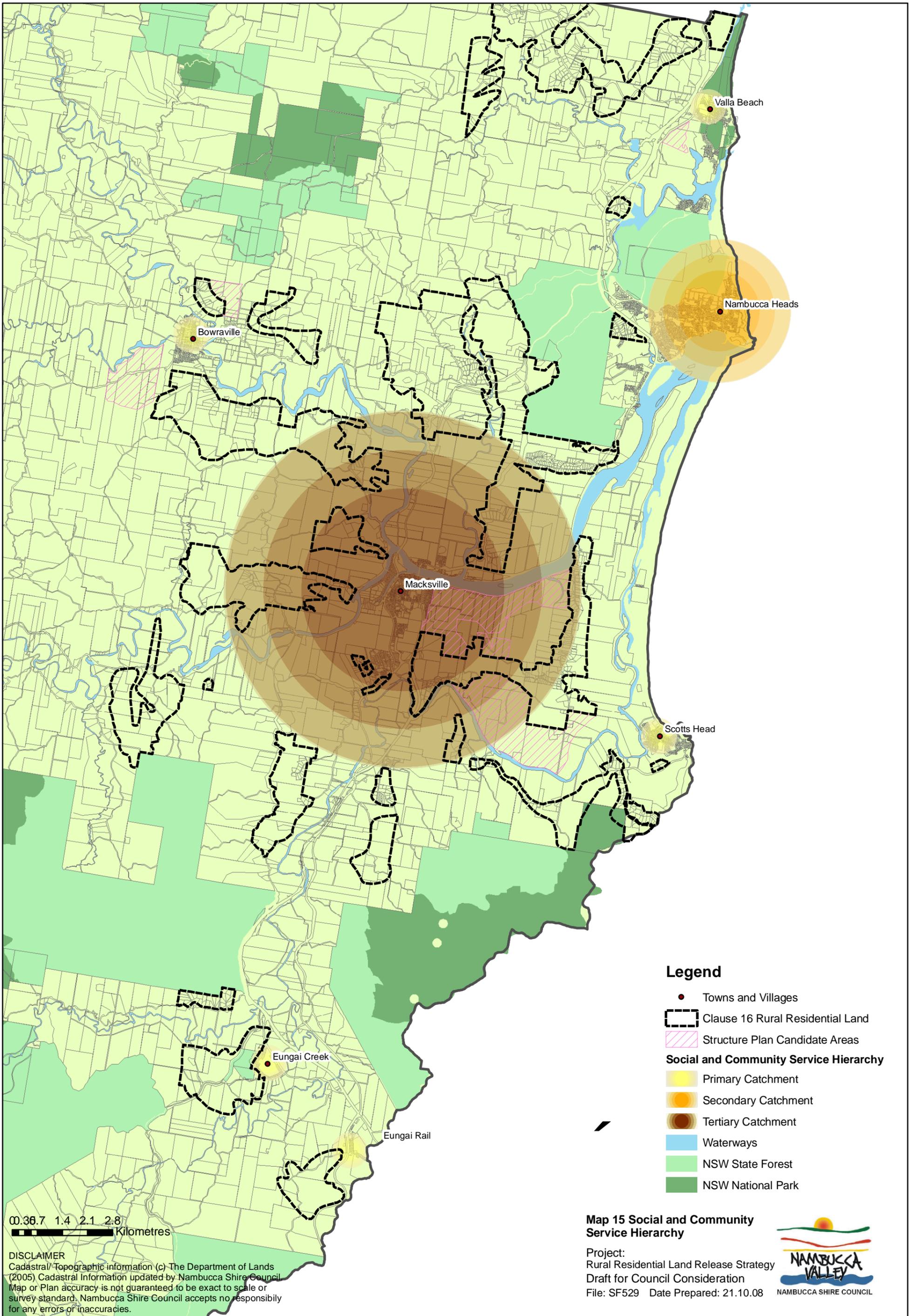
The nature of these approaches and the main benefits and disbenefits are discussed below.

**Ring development:** This approach involves establishing a certain radius, such as two km, around selected urban areas or centres.

- Benefits
  - > encourage development within reasonable distance of services;
  - > stimulation of social services in centres;
  - > general economic benefits to centres; and
  - > can promote alternative forms of travel such a cycling/walking.
- Disbenefits
  - > determining the extent of the radius;
  - > potential loss of greenbelts;
  - > matching land supply with demand is difficult; and
  - > difficult to strategically direct development to preferred areas.

**Performance based development:** This method involves setting criteria for rural residential development to determine the suitability of the development in a particular location.

- Benefits
  - > imposition of strict design and development controls;
  - > some positive environmental outcomes can be set; and
  - > rules for service provision can be set.
- Disbenefits
  - > greater potential for litigation;
  - > greater resources needed to determine compliance/performance.



**Legend**

- Towns and Villages
- ⬜ Clause 16 Rural Residential Land
- ▨ Structure Plan Candidate Areas
- Social and Community Service Hierarchy**
- Primary Catchment
- Secondary Catchment
- Tertiary Catchment
- Waterways
- NSW State Forest
- NSW National Park

0 0.36.7 1.4 2.1 2.8  
Kilometres

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**Map 15 Social and Community Service Hierarchy**

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Rural Residential Land Release Strategy  
Draft for Council Consideration  
File: SF529 Date Prepared: 21.10.08



**Cluster development:** This approach involves allowing limited rural residential development in a general rural zone. The objective is to preserve agricultural areas and landscapes and only allow the development under 'community title' provisions.

- Benefits
  - > opportunity to retain agricultural enterprise;
  - > some positive environmental outcomes; habitat and waterway protection and enhancement, etc.; and
  - > better site planning.
- Disbenefits
  - > not suited to small scale developments;
  - > market resistance to community title;
  - > no guarantee that agricultural enterprise will continue;
  - > difficult to strategically direct development to preferred areas; and
  - > difficult to set equitable criteria for differing circumstances.

**Scattered development:** This approach reflects the current settlement pattern permitted under the present planning controls, which previously included provisions such as 'concessional lot' provisions.

- Benefits
  - > maintain current system that community is acquainted with; and
  - > large supply of rural residential land.

- Disbenefits
  - > fragmented settlement pattern with higher servicing costs;
  - > supply outstrips demand, thereby affecting value of land;
  - > development cannot be strategically directed to preferred areas;
  - > scattered impacts upon agricultural enterprises; and
  - > contrary to contemporary planning practice and regulations - the North Coast REP specifically prohibits concessional allotment provisions.

Nambucca Shire has a clearly defined settlement hierarchy and direction for future growth and development outlined in the Nambucca Valley Structure Plan. At the top of the hierarchy is Macksville which is the main administrative, retail, commercial and social focus for the Shire; Macksville is appropriately designated as a 'Major Town'. Next in this hierarchy is the township of Nambucca Heads followed by the coastal and inland villages of Valla Beach, Scotts Head, Bowraville and Eungai Creek.

To reinforce this settlement hierarchy, priority should be given to locating rural residential development around the higher order centres. A hybrid policy that establishes ring development based on this hierarchy and includes performance based controls is the most effective approach to achieve sustainable outcomes. This approach will enable development to be strategically directed to preferred areas and to incorporate controls to protect and enhance environmental values and to meet service provision standards; cluster development or scattered development are unlikely to achieve these outcomes.

**Locality:** Macksville

**Population:** 2,661 (2001 Census)

**Urban Status:** Major Town

**Capacity:** 1078.8 hectares

The desired future character as detailed in the Structure Plan is as follows:

- Future development in Macksville should be more ‘urban’ in character to support the town’s role in the settlement hierarchy of the Shire and region.
- Encourage more high quality, environmentally sensitive, residential, mixed use and tourist development along the riverfront connecting to the town centre that is designed to protect the existing riverbank vegetation.
- Make provision for mixed use residential/commercial/tourist development in and around the commercial areas to support the development of a more vibrant, prosperous and enduring town centre.
- Encourage more traditional housing styles with pitched roofs that reflect the existing character of housing in Macksville.
- Encourage the development of educational and business park uses across the river.
- Provide an integrated bus/rail interchange facility at the Macksville Railway Station.
- Provide opportunities for additional land for industrial development.

**Main Constraints:**

- A small part of the O’Dells Road area is currently mapped as regionally significant farmland.

- Parts of the Spaldings Road, Coronation Road and Gumma Road areas contain potential acid sulfate soils.
- Parts of the Upper Warrell Creek Road, Spaldings Road, Coronation Road, Taylors Arm Road, Rosewood Road and Gumma Road areas contain vegetation of ecological significance, as does much of the Gumma Road area adjacent the Nambucca River and the area south of the Gumma Road area (identified in the Nambucca Valley Structure Plan)
- Small parts of the Coronation Road, Spaldings Road and Gumma Road areas are noted as Class 2 acid sulphate soil.
- A small part of the Upper Warrell Creek Road area is flood prone, as is most of the Gumma Road area (identified in the Nambucca Valley Structure Plan) adjoining the Nambucca River. Other parts of the Gumma Road area are also flood prone, including the area to the south (identified in the Nambucca Valley Structure Plan).
- Western parts of the Upper Warrell Creek Road area are bushfire prone, as are small parts of the Rosewood and O’Dells Road areas.
- Small parts of the Taylors Arm, Spaldings Road and Coronation Road areas are flood prone.
- Significant parts of the Taylors Arm Road, Gumma Road, Spaldings Road and Coronation Road areas are identified as bushfire prone.
- Small parts of the Taylors Arm Road and Coronation Road areas are identified as being potentially contaminated.
- The Pacific Highway Upgrade extends through the western part of the Gumma Road area, as well as that part of the Gumma Road area (identified in the Nambucca Valley Structure Plan) adjacent the Nambucca River.

- The area to the south of Gumma Road (identified in the Nambucca Valley Structure Plan) is mostly bushfire prone.
- Parts of the Gumma Road area adjacent the Nambucca River and to the south of the Gumma Road area (identified in the Nambucca Valley Structure Plan) contain potential acid sulfate soil.
- Parts of the Gumma Road area adjacent the Nambucca River and to the south of the Gumma Road area (identified in the Nambucca Valley Structure Plan) are identified as being potentially contaminated.

#### Social and Servicing Catchment:

- Macksville is a major town located along the Pacific Highway. It provides tertiary social, community, health and emergency services, as well as a wide range of recreation facilities.
- Macksville has good retail and employment opportunities, but presently does not have a full-line supermarket; one is proposed however.

#### Discussion:

The eastern part of Coronation Road is to be considered for rural residential release in the short term, given its proximity to Macksville and the wide range of services that the town provides. The Upper Warrell Creek Road (north) areas are also to be considered for release in the short term on this basis; these two areas are expected to yield only a very limited amount of additional lots given they are partly developed.

The western end of the Gumma Road area, Upper Warrell Creek Road and the O'Dells Road areas are also to be considered for rural residential release in the short term given their proximity to Macksville and the

wide range of services that the town provides. The development of the west Gumma Road area has the potential to achieve a road connection to the eastern part of the Gumma Road area; further development will however need to account for the Pacific Highway Upgrade.

The O'Dell's Road area is expected to yield only a limited amount of additional lots given it is partly developed.

It is noted that a significant part of the Upper Warrell Creek area has been given consent for rural residential subdivision; it is expected that this will be zoned for rural residential purposes under the Standard Template.

The Spaldings Road area is to be considered for rural residential release in the medium term, given its proximity to Macksville and the wide range of services that the town provides.

The Gumma Road (east) area is to be considered for rural residential release in the medium term, given parts are already rural residential in nature, and that its further development will be a logical extension of the development of the Gumma Road (west) area. This lot yield in this area will be less than might otherwise be expected given fragmented land ownership.

It is considered likely that the Upper Warrell Creek Road (north) areas and parts of the O'Dells Road area will be zoned for rural residential purposes under the Standard Template.

Areas that are flood prone or contain vegetation of ecological significance have been excluded from the candidate areas. All remaining candidate areas are to be considered for rural residential release in the longer term.

Maps 16 and 17 show unconstrained land in the candidate areas; land not subject to hard constraints.

**Locality:** Nambucca Heads

**Population:** 6,146 (2001 Census)

**Urban Status:** Major Town

**Capacity:** 1031.9 hectares

The desired future character as detailed in the Structure Plan is as follows:

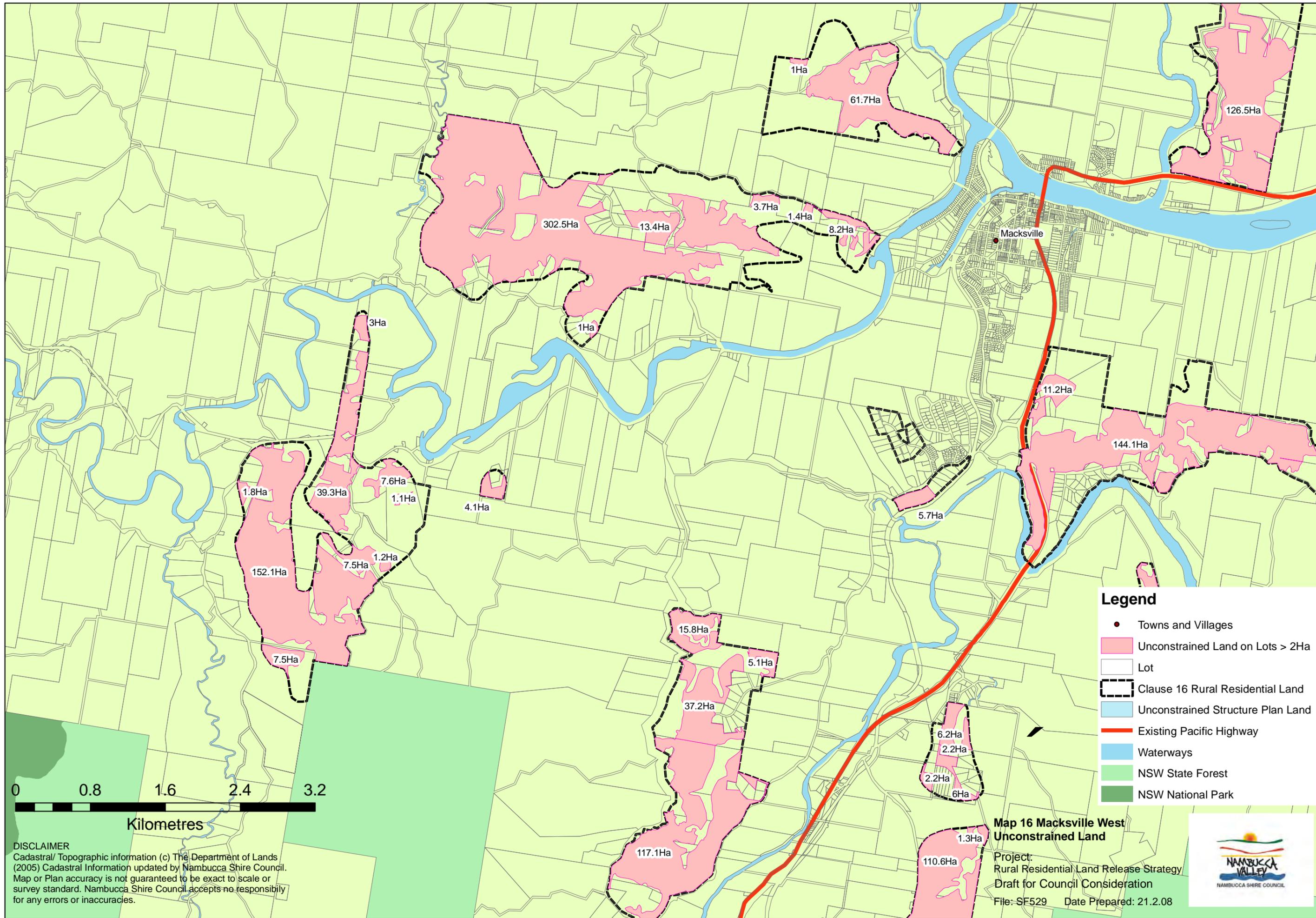
- Future development in Nambucca Heads must support and enhance its coastal town character.
- Encourage more high quality tourist development along the riverfront connecting to the town centre.
- Provide development of appropriate heights to ensure the tree lines along the ridge lines remain unbroken when viewed from the waters of the Nambucca River.
- Make provision for mixed use residential/commercial/tourist development in and around the commercial areas to support the development of a more vibrant, prosperous and enduring town centre.
- Allow bulky good retailing adjacent to the Bellwood shopping centre.
- Allow mixed use development at the Riverside Drive/Pacific Highway intersection.
- Encourage innovative housing styles appropriate to the coastal location.
- Maintain the existing vegetation within the town wherever possible.
- Improve the accessibility and amenity of the town centre by implementation of the Nambucca Town Centre Plan.

**Main Constraints:**

- Scattered areas of ecological significance are located throughout the areas either side of Newee Creek as well as in the Alexandra Drive area.
- Small parts of all of the areas, except Alexandra Drive, are flood prone, including parts in close proximity to Newee Creek.
- A small area of contaminated land exists in the area west of Newee Creek.
- The Pacific Highway Upgrade extends through the Old Coast Road area.
- A part of the Old Coast Road area (east of Newee Creek) contains potential acid sulphate soils.
- The Monros Pit quarry (400m buffer) affects the eastern part of the Old Coast Road area.

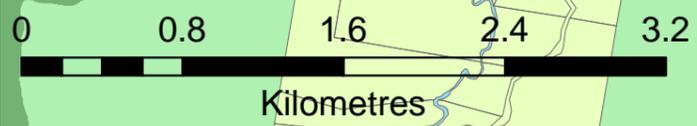
**Social and Servicing Catchment:**

- Nambucca Heads is a Major Town approximately 13 km north of Macksville. It provides secondary social, community, health and emergency services, as well as wide range of recreation facilities.
- Nambucca Heads has a wide range of retail and employment opportunities, and possesses higher order goods and services.



**Legend**

- Towns and Villages
- Unconstrained Land on Lots > 2Ha
- Lot
- ▭ Clause 16 Rural Residential Land
- Unconstrained Structure Plan Land
- Existing Pacific Highway
- Waterways
- NSW State Forest
- NSW National Park

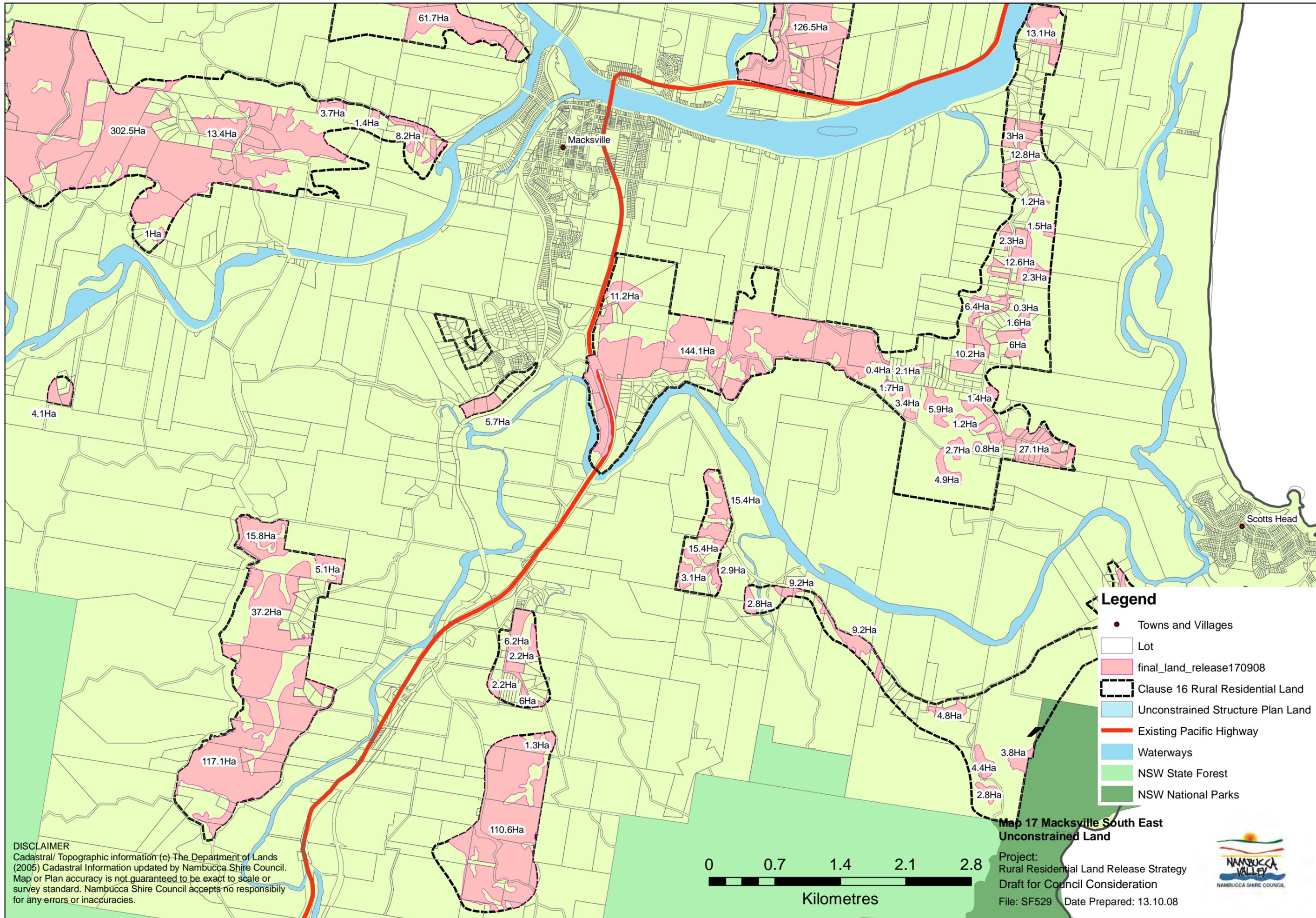


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**Map 16 Macksville West  
 Unconstrained Land**

Project:  
 Rural Residential Land Release Strategy  
 Draft for Council Consideration

File: SF529 Date Prepared: 21.2.08



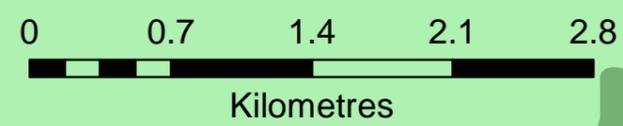
- Legend**
- Towns and Villages
  - Lot
  - final\_land\_release170908
  - ▭ Clause 16 Rural Residential Land
  - ▭ Unconstrained Structure Plan Land
  - ▬ Existing Pacific Highway
  - ▭ Waterways
  - ▭ NSW State Forest
  - ▭ NSW National Parks

**Map 17 Macksville South East Unconstrained Land**

Project:  
Rural Residential Land Release Strategy  
Draft for Council Consideration  
File: SF529 Date Prepared: 13.10.08



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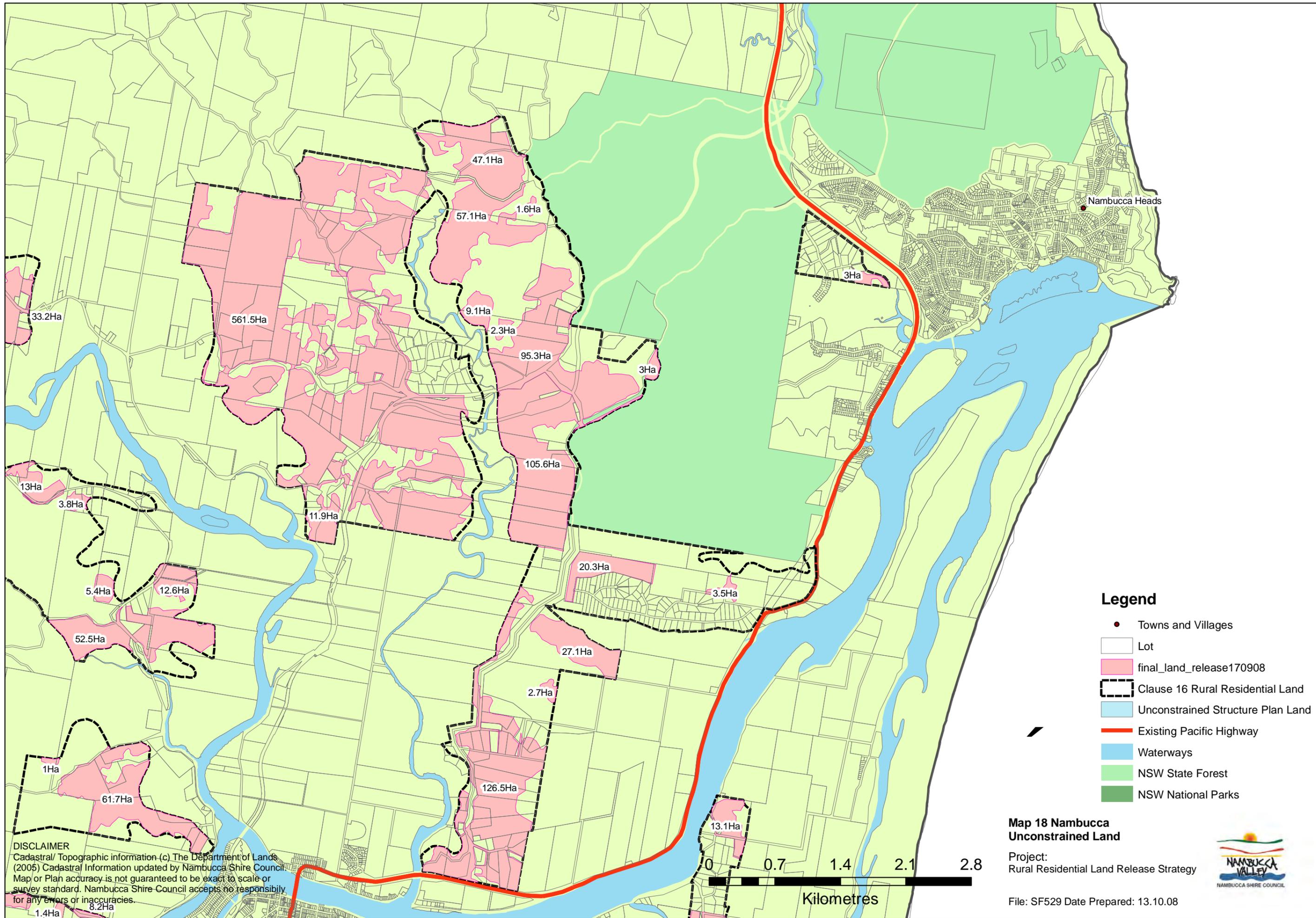
## Discussion:

The Alexandra Drive and Florence-Wilmont areas are to be considered for rural residential release in the short term. These areas are in reasonably close proximity to Nambucca Heads, and the wide range of services that it provides. These areas are mostly developed, and expected to yield only a handful of additional lots, with the eastern part of the Florence-Wilmont Drive also facing potential access difficulties. Their further development will consolidate both areas, and each is expected to be rezoned for rural residential purposes under the Standard Template.

The southern part of the Newee Creek (Old Coast Road) area is to be considered for rural residential release in the medium term given its proximity to Macksville and the wide range of services that the town provides; further development will however need to account for the Pacific Highway Upgrade.

Areas that are flood prone or contain vegetation of ecological significance have been excluded from the candidate areas. All remaining candidate areas are to be considered for rural residential release in the longer term.

Map 18 shows unconstrained land in the candidate areas.



**Legend**

- Towns and Villages
- Lot
- final\_land\_release170908
- ▭ Clause 16 Rural Residential Land
- Unconstrained Structure Plan Land
- Existing Pacific Highway
- Waterways
- NSW State Forest
- NSW National Parks

**Map 18 Nambucca Unconstrained Land**  
 Project: Rural Residential Land Release Strategy  
 File: SF529 Date Prepared: 13.10.08



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**Locality:** Valla Beach

**Population:** 814 (2001 Census)

**Urban Status:** Coastal Village

**Capacity:** 408.9 hectares

The desired future character as detailed in the Structure Plan is as follows:

- Future development in Valla Beach must support, protect and enhance its high quality, environmentally friendly, coastal village character.
- Minimising the impact on the natural environment must continue to be the major design consideration when designing new development.
- Existing views from the oceanfront to treed natural areas should be protected and buildings should be designed to blend with their natural environment.
- Encourage the development of a mixed use residential/commercial precinct within the commercial zone to provide a vibrant village atmosphere.
- Encourage the development of a high quality development at the gateway to the town at the Pacific Highway entry.

**Main Constraints:**

- A significant portion of the East-West Road is bushfire prone; a part of the Mitchells Road is also bushfire prone.
- Parts of the East-West Road area (east and west of the Pacific Highway) are identified as being potentially constrained.
- Large areas of the East-West Road (east and west of the Pacific Highway) and parts of the Mitchells Road and Auld Close areas contain vegetation of ecological significance.
- Small parts of the East-West Road and Mitchells Road areas are flood prone.

- A small part of the East-West Road area is regionally significant farmland.
- The whole of the area south of Valla Beach (identified in the Nambucca Valley Structure Plan) is bushfire prone.
- Part of the area south of the Valla Beach (identified in the Nambucca Valley Structure Plan) contains vegetation of ecological significance.

**Social and Servicing Catchment:**

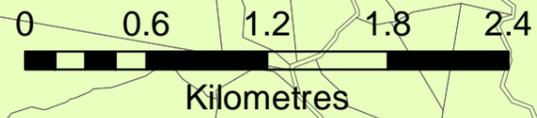
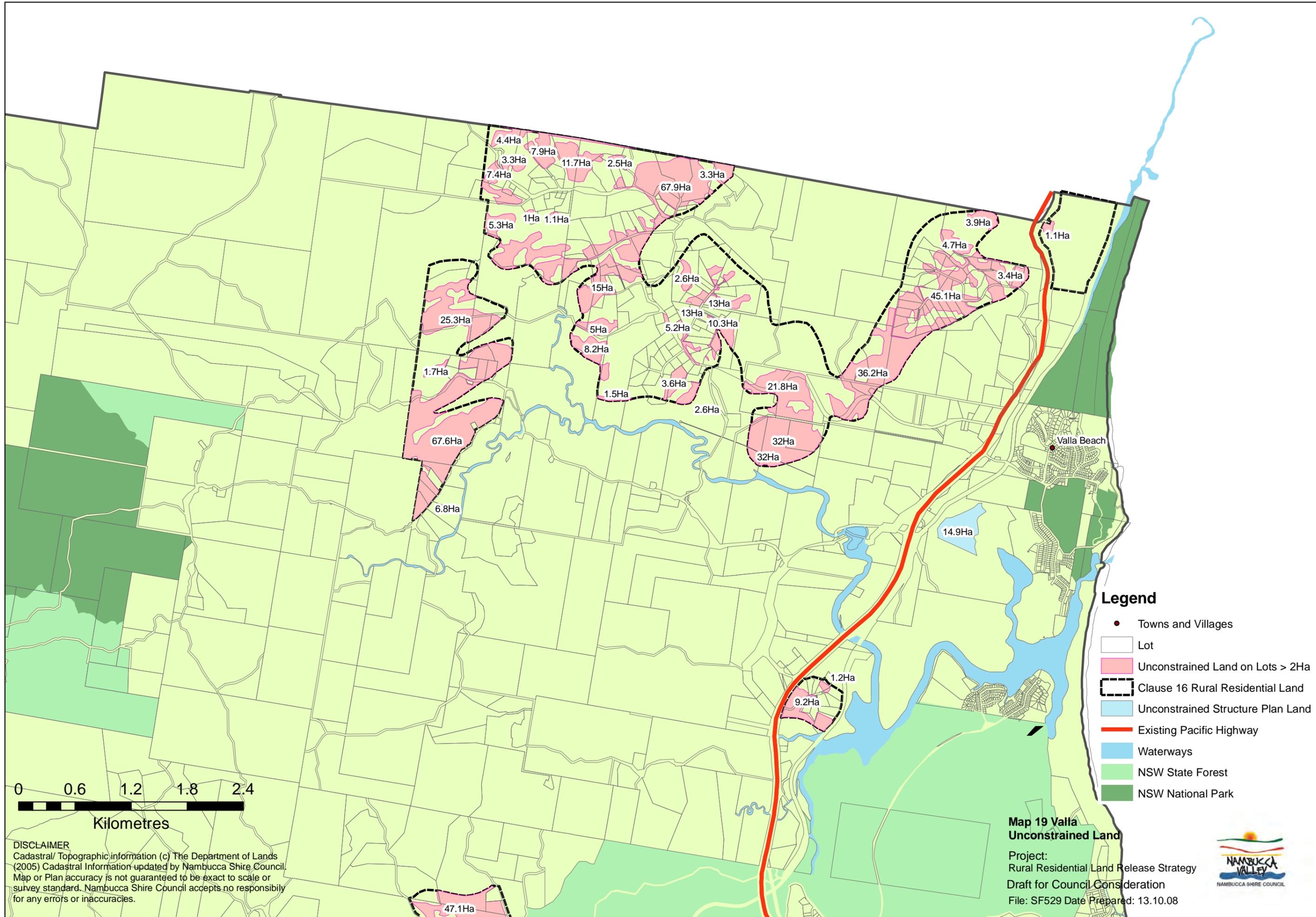
- Valla Beach is a Coastal Village approximately 20 km north of Macksville. It provides very limited social, community, health and emergency services facilities.
- Valla Beach has limited retail and employment opportunities, requiring trips to Macksville and Nambucca Heads for other higher order goods and services

**Discussion:**

All candidate areas in the Valla Beach locality are to be considered for rural residential release in the longer term, with the exception of the Auld Close area which is identified for release in the short term. This low prioritisation is based largely on the limited services available in the locality. The release of the Auld Close area presents an opportunity to consolidate an area in reasonably close proximity to Nambucca Heads and the wide range of services it has to offer. In addition, it is expected that the Auld Close area will be rezoned for rural residential purposes under the Standard Template.

Areas that are flood prone or contain vegetation of ecological significance have been excluded from candidate areas. This includes large parts of the East-West Road area.

Map 19 shows unconstrained land in the candidate areas.



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**Legend**

- Towns and Villages
- Lot
- Unconstrained Land on Lots > 2Ha
- ▭ Clause 16 Rural Residential Land
- Unconstrained Structure Plan Land
- Existing Pacific Highway
- Waterways
- NSW State Forest
- NSW National Park

**Map 19 Valla  
 Unconstrained Land**

Project:  
 Rural Residential Land Release Strategy  
 Draft for Council Consideration  
 File: SF529 Date Prepared: 13.10.08



## Locality: **Scotts Head**

**Population:** 793 (2001 Census)

**Urban Status:** Coastal Village

**Capacity:** 69.5 hectares

The desired future character as detailed in the Structure Plan is as follows:

- Future development in Scotts Head must support and enhance its seaside village character and seek to maintain its high quality natural environment.
- Buildings should be designed to blend with their natural environment.
- Encourage innovative, environmentally sustainable housing styles.
- Encourage the development of a mixed use residential/commercial precinct within the commercial zone to provide a vibrant village core.
- Encourage the development of more educational uses in the settlement.

### Main Constraints:

- Large parts of the Scotts Head Road area have ecological significance, as does most of the area either side of Grassy Head Road.
- A part of the Scotts Head Road area contains potential acid sulphate soils.
- Small parts of the Scotts Head Road area are flood prone.
- A small part of the area on the northern side of Grassy Head Road is identified as being potentially contaminated.
- Large parts of the area south of Grassy Head Road and Scotts Head Road are identified as being bushfire prone.
- A small area in the western part of the Scotts Head Road area is regionally significant farmland.

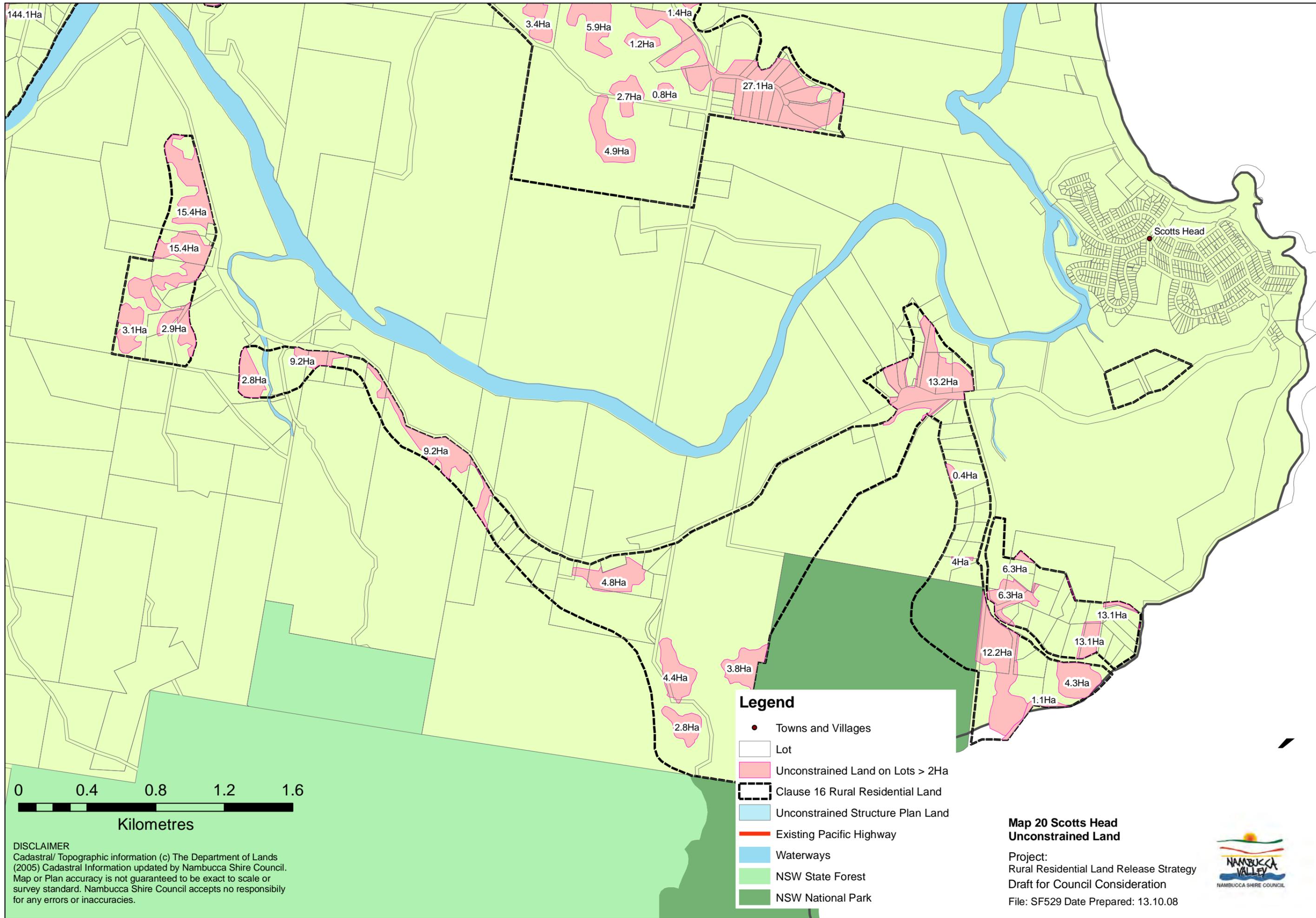
### Social and Servicing Catchment:

- Scotts Head is a Coastal Village approximately 15km east of Macksville. It provides very limited social, community, health and emergency services.
- It has limited retail and employment opportunities, requiring trips to Macksville for other higher order goods and services.

### Discussion:

All candidate areas in the Scotts Head locality are to be considered for rural residential release in the longer term; this priority is based largely on the limited services available in the locality. Ecologically significant areas south of Scotts Head Road and Grassy Head Road have been excluded from the candidate areas, as have areas that are identified as being flood prone.

Map 20 shows unconstrained land in the candidate areas.



144.1Ha

3.4Ha 5.9Ha 1.2Ha 1.4Ha

4.9Ha

27.1Ha

15.4Ha

15.4Ha

3.1Ha

2.9Ha

2.8Ha

9.2Ha

9.2Ha

4.8Ha

13.2Ha

0.4Ha

4Ha

6.3Ha

6.3Ha

13.1Ha

13.1Ha

12.2Ha

4.3Ha

1.1Ha

4.4Ha

3.8Ha

2.8Ha

Scotts Head

0 0.4 0.8 1.2 1.6

Kilometres

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**Legend**

- Towns and Villages
- Lot
- Unconstrained Land on Lots > 2Ha
- ▭ Clause 16 Rural Residential Land
- Unconstrained Structure Plan Land
- Existing Pacific Highway
- Waterways
- NSW State Forest
- NSW National Park

**Map 20 Scotts Head  
 Unconstrained Land**

Project:  
 Rural Residential Land Release Strategy  
 Draft for Council Consideration  
 File: SF529 Date Prepared: 13.10.08



**Locality:** Bowraville

**Population:** 956 (2001 Census)

**Urban Status:** Inland Village

**Capacity:** 468.8 hectares

The desired future character as detailed in the Structure Plan is as follows:

- Provide a range of dwelling types to cater for local residents and tourist.
- Ensure any new development protects the heritage value of surrounding older buildings and is of 'rural townscape' character.
- Retain the same height and scale in the main street of the town.
- Ensure that any new development complements and does not mimic the heritage buildings.
- Encourage more traditional housing styles, preferably in timber or similar product, with pitched roofs that reflect the existing character of housing in Bowraville.

**Main Constraints:**

- The majority of the Bellingen Road area is flood prone, as well as small parts of the north western and eastern end of the Wilsons Road area.
- Parts of the Rodeo Drive and Bellingen Road area contain vegetation of ecological significance, as well as large parts of the Wilsons Road area, particularly in the east. These areas are also identified as being bushfire prone.
- A small part of the Wilsons Road area contains potential acid sulphate soils.
- Parts of the areas west of the Wilsons Road area and adjacent the Bellingen Road area (identified in the Nambucca Valley Structure Plan) are bushfire prone.

- Parts of the areas west of the Wilsons Road area and adjacent the Bellingen Road area (identified in the Nambucca Valley Structure Plan) contain vegetation of ecological significance.
- The area east of Bellingen Road (identified in the Nambucca Valley Structure Plan) is partly flood prone.
- A small part of the Wilsons Road area is identified as being potentially contaminated.
- A part of the Bellingen Road area is identified as regionally significant farmland.

**Social and Servicing Catchment:**

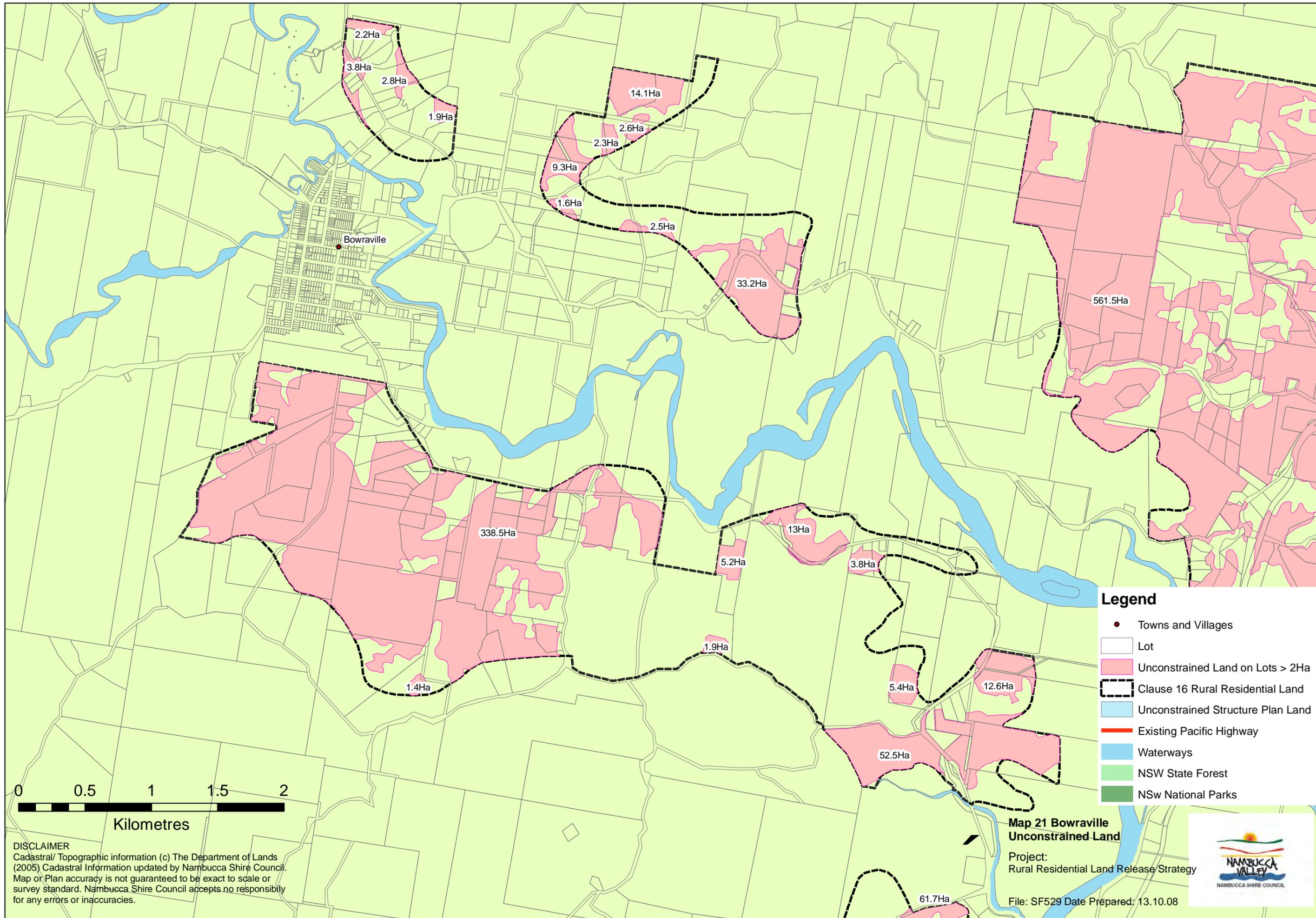
- Bowraville is an inland town approximately 14km from Macksville. It provides secondary social, community, health and emergency services, and a limited range of recreation facilities.
- Bowraville has limited retail and employment opportunities, requiring trips to Macksville for other higher order goods and services.

**Discussion:**

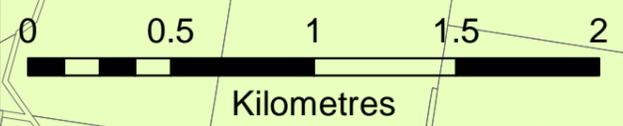
All candidate areas in the Bowraville locality are to be considered for rural residential release in the longer term; this priority is based largely on the limited services available in the locality.

Areas that are flood prone or contain vegetation of ecological significance have been excluded from the candidate areas, including large parts of the Wilsons Road area.

Map 21 shows unconstrained land in the candidate areas.



- Legend**
- Towns and Villages
  - Lot
  - Unconstrained Land on Lots > 2Ha
  - ▭ Clause 16 Rural Residential Land
  - Unconstrained Structure Plan Land
  - Existing Pacific Highway
  - Waterways
  - NSW State Forest
  - NSw National Parks



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**Map 21 Bowraville  
 Unconstrained Land**  
 Project:  
 Rural Residential Land Release Strategy  
 File: SF529 Date Prepared: 13.10.08



**Locality:** Eungai and Eungai Rail

**Population:** 583 (2001 Census)

**Urban Status:** Inland Village

**Capacity:** 269.2 hectares

The desired future character as detailed in the Structure Plan is as follows:

- New development within the village should ensure that the character and scale of Eungai is respected.
- New development within the village should ensure that the natural environment is protected.

**Main Constraints:**

- A small part of the Eungai Creek area is regionally significant farmland.
- Parts of the Allgomer Road area contain vegetation of ecological significance, while large parts of both the Eungai Creek and Eungai Rail areas contain such vegetation, these areas are also bushfire prone.
- A small part of the Eungai Creek area is identified as being potentially contaminated.

- Small parts of the Allgomer Road, Eungai Creek and Eungai Rail areas are flood prone.

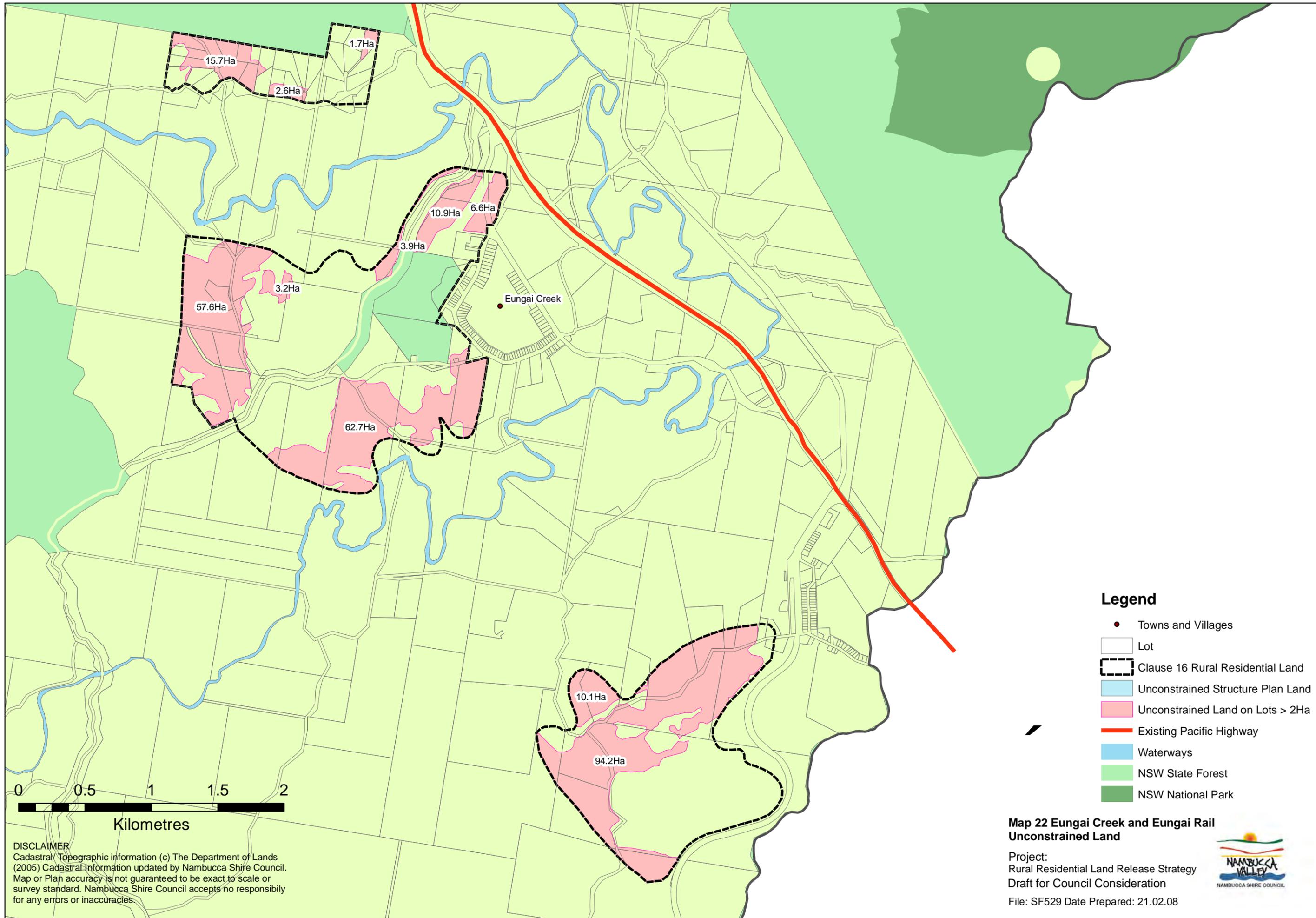
**Social and Servicing Catchment:**

- The Eungai/Eungai Rail locality is an Inland Village approximately 20 km south of Macksville. It has virtually no services, with the exception of a fire brigade station and community hall.
- The Eungai/Eungai Rail locality has limited retail and employment opportunities, requiring trips to Macksville for other higher order goods and services.

**Discussion:**

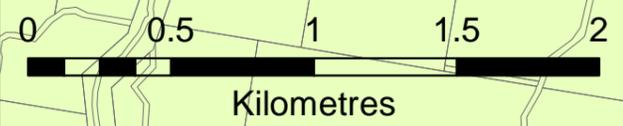
All candidate areas in the Eungai/Eungai Rail areas are to be considered for rural residential release in the longer term; this priority is based largely on the limited services available in the locality. Like the other outer areas, land which is flood prone or contains vegetation of ecological significance has been excluded from the candidate areas.

Map 22 shows unconstrained land in the candidate areas.



**Legend**

- Towns and Villages
- Lot
- ▭ Clause 16 Rural Residential Land
- ▭ Unconstrained Structure Plan Land
- ▭ Unconstrained Land on Lots > 2Ha
- Existing Pacific Highway
- ▭ Waterways
- ▭ NSW State Forest
- ▭ NSW National Park



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**Map 22 Eungai Creek and Eungai Rail  
 Unconstrained Land**

Project:  
 Rural Residential Land Release Strategy  
 Draft for Council Consideration  
 File: SF529 Date Prepared: 21.02.08



# Strategy Recommendations

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## General

The release of rural residential land is to be in accordance with the land release strategy shown on Map 23 and the release program included in Appendix E. Should the genuine demand for rural residential development exceed the anticipated demand, areas identified for longer term release should be brought forward.

## Local Environmental Plan

Lands identified for short-medium term release should be zoned R5 Large Lot Residential and the lands with significant constraints should be protected by an environmental protection zone or other suitable means under the LEP or Development Control Plan.

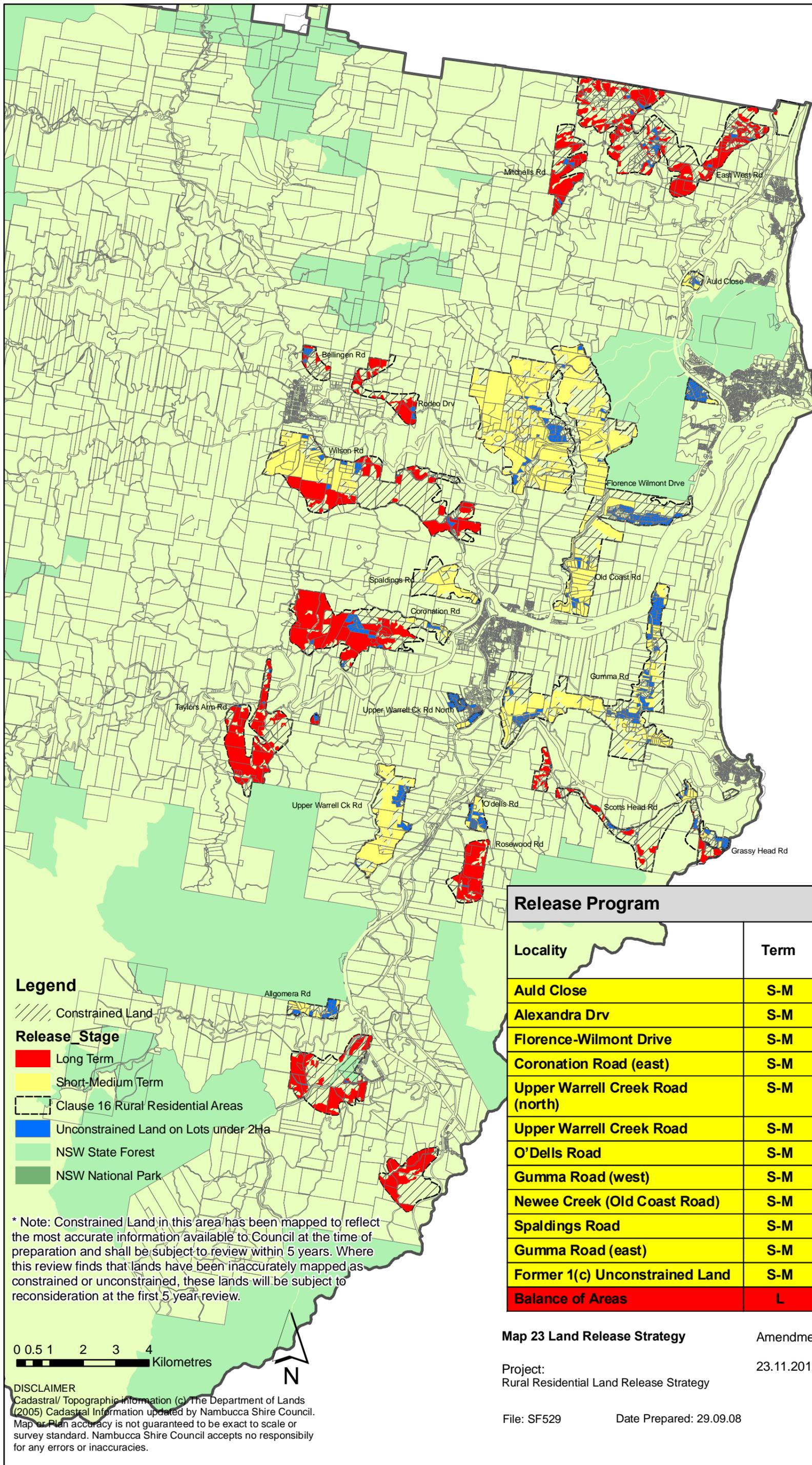
## Development Control Plan

The following general controls should be implemented through a 'place based' Development Control Plan (DCP) for the Short-medium term Release Areas area:

- minimum lot size of one hectare;
- minimum setback of 10 m to first order streams, 20 m to second order, 30 m to third order and 40 m to fourth order streams;
- effluent disposal reports to accompany any development application demonstrating how water quality objectives are to be met;

- vegetation management plan is to accompany proposals adjacent bushland or within identified wildlife corridors; revegetation is to be imposed by means of a restriction on the title.
- a minimum landscape buffer of 10 m is to be provided along drainage lines;
- contaminated land assessment is to accompany any application for lands identified as potentially contaminated;
- dwellings are to be separated by a minimum of 20 m;
- local access roads are to be provided or extended in accordance with Council's standards; access via access handles/battleaxe arrangements is not permitted;
- all access roads are to be dedicated as public roads;
- a minimum landscape buffer of 10 m is to be provided to screen adjoining dwelling houses; and
- a bushfire assessment in accordance with the Rural Fire Service Guidelines is to accompany applications on land mapped as fire prone.

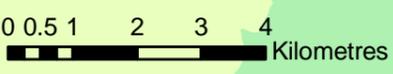
Requirements for procedural matters relating to applications under Part 3A of the Environmental Planning and Assessment Act, State Environmental Planning Policy No. 71 – Coastal Protection and for dual consent under the Native Vegetation Act should also be included.



**Legend**

- Constrained Land
- Release Stage**
- Long Term
- Short-Medium Term
- Clause 16 Rural Residential Areas
- Unconstrained Land on Lots under 2Ha
- NSW State Forest
- NSW National Park

\* Note: Constrained Land in this area has been mapped to reflect the most accurate information available to Council at the time of preparation and shall be subject to review within 5 years. Where this review finds that lands have been inaccurately mapped as constrained or unconstrained, these lands will be subject to reconsideration at the first 5 year review.



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Release Program			
Locality	Term	Area of Land (Hectares)	Cumulative Area of Land (Hectares)
Auld Close	S-M	10.4	10.4
Alexandra Drv	S-M	3.5	13.9
Florence-Wilmont Drive	S-M	23.8	37.7
Coronation Road (east)	S-M	13.3	51
Upper Warrell Creek Road (north)	S-M	5.7	56.7
Upper Warrell Creek Road	S-M	58.1	114.8
O'Dells Road	S-M	16.6	131.4
Gumma Road (west)	S-M	155.6	287
Newee Creek (Old Coast Road)	S-M	261	548
Spaldings Road	S-M	62.7	610.7
Gumma Road (east)	S-M	126.3	737
Former 1(c) Unconstrained Land	S-M	1168	1905
<b>Balance of Areas</b>	<b>L</b>	<b>1674.4</b>	<b>3579.4</b>

**Map 23 Land Release Strategy**

Project: Rural Residential Land Release Strategy

File: SF529

Date Prepared: 29.09.08

Amendments:

23.11.2010 - Inclusion of Former 1(c) unconstrained land as approved by the Director General on the 12.10.2009

## Contribution Plan

The following is recommended with regard to Contribution Plans (CPs):

Contributions for rural residential development should be included in wider, single issue CPs which also apply to other development in the Shire such as industrial and residential development. Such CPs would approach the levying of contributions on a Shire-wide basis. For example, a road network CP which identifies a list of road works within the Shire which require maintenance or construction, and which include differing rates relating to expected usage (i.e. a higher rate for residential development as opposed to a lower rate for rural residential).

Single issue CPs are recommended for use, as a CP that applies only to rural residential development will take many years to accumulate sufficient funds to permit substantive works to be carried out, on the basis that only some 40 allotments are expected to be created each year. While releasing rural residential land in discrete areas can in part address this issue, a greater pool of funds provides more opportunity to fund and complete works in a shorter period.

Any comprehensive single issue CPs should include clear works schedules detailing the work to be undertaken; the type of facility that is to be provided or work to be carried out, and be accompanied by maps showing the locations for the facility/work. Costs for the facility/work should also be

provided, as well as the timing by which it is to have been provided or carried out.

This may for instance be linked to a date or population figure.

Works schedules within CPs should be regularly updated, so that completed works are removed, and reviews should occur at least every 5 years.

It is envisaged that the release of subsequent areas for rural residential development will necessitate a review of each CP, not only to remove completed works from the works schedule, but also to identify new works, presumably relating to the new release areas.

While it is possible to retain the existing CPs, it would appear simpler to include the works outlined in these CPs into the works schedules of the new single issue CPs (i.e. Section 94 Contributions Plan Scotts Head/Grassy Head Road Intersection Upgrading).

An alternative to the use of Shire-wide CPs is to use CPs which are aimed at discrete areas, i.e. the Gumma Road area. In conjunction with existing CPs, these are not recommended as they:

- require further administration, particularly when they are to be reviewed; and
- can result in the creation of numerous Plans, each applying to different locations throughout the Shire.

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## Appendix A

### Threshold Sustainability Criteria

Suggested Threshold Sustainability Criteria for defining potential development boundaries	Measurable explanation of criteria	Response
<p><b>1. Infrastructure Provision</b></p> <p>Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient manner</p>	<ul style="list-style-type: none"> <li>▪ Development is consistent with the Mid North Coast Regional Strategy, any subregional strategy, the State Infrastructure Strategy and relevant section 117 directions.</li> <li>▪ The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on Government methodology for determining infrastructure development contributions.</li> <li>▪ Preparedness to enter into development agreement.</li> </ul>	<p>The Strategy meets the requirements for a strategic approach related to genuine demand and the established settlement hierarchy by focussing development on the Macksville locality.</p> <p>Future rural residential development will be incorporated into the Shire-wide contribution plans to provide efficient provision of services and facilities.</p> <p>Developer agreements will be determined on a case by case basis at the detailed planning stage ( ie LES or DA stages).</p>
<p><b>2. Access</b></p> <p>Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided</p>	<ul style="list-style-type: none"> <li>▪ Accessibility of the area by public transport and/or appropriate road access in terms of: <ul style="list-style-type: none"> <li>&gt; Location/land use – to existing networks and related activity centres.</li> <li>&gt; Network – the area’s potential to be serviced by economically efficient transport services.</li> <li>&gt; Catchment – the area’s ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals.</li> </ul> </li> <li>▪ No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.</li> </ul>	<p>Gumma Road area has been selected as suitable for short term release based on existing access and potential for new road connection through the area.</p> <p>New road connection will enable improved bus access and services and rationalisation of connections with the new alignment of the Pacific Highway.</p> <p>There will be a net benefit to the existing subregional road network; and a neutral impact on bus, rail and freight network.</p>

<p><b>3. Housing Diversity</b> Provide a range of housing choices to ensure a broad population can be housed</p>	<ul style="list-style-type: none"> <li>▪ Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.</li> </ul>	<p>The Strategy will maintain the current mix of housing choices and meet the projected demand for 40 rural residential dwellings per year.</p>
<p><b>4. Employment Lands</b> Provide regional/local employment opportunities to support the Mid North Coast's expanding role in the wider regional and NSW economies</p>	<ul style="list-style-type: none"> <li>▪ Maintain or improve the existing level of subregional employment self-containment.</li> <li>▪ Meets subregional employment projections. <ul style="list-style-type: none"> <li>&gt; Employment-related land is provided in appropriately zoned areas.</li> </ul> </li> </ul>	<p>Provision of additional rural residential housing near Macksville will contribute to expanding the labour market close to this employment centre</p>
<p><b>5. Avoidance of Risk</b> Land use conflicts, and risk to human health and life, avoided.</p>	<ul style="list-style-type: none"> <li>▪ No residential development within 1:100 floodplain.</li> <li>▪ Avoidance of physically constrained land, e.g. <ul style="list-style-type: none"> <li>&gt; High slope.</li> <li>&gt; Highly erodible.</li> </ul> </li> <li>▪ Avoidance of land use conflicts with adjacent existing or future land use as planned under relevant subregional or regional strategy.</li> <li>▪ Where relevant available safe evacuation route (flood and bushfire).</li> </ul>	<p>The land identified for short-medium term release has been subject to a catchment analysis and sieving process to avoid areas subject to land use conflicts and physical risks.</p> <p>Lands identified for future urban purposes are avoided and sensitive land uses are also avoided.</p> <p>The new road connection through Gumma will provide an alternative route in times of flood</p>
<p><b>6. Natural Resources</b> Natural resource limits not exceeded/environmental footprint minimised</p>	<ul style="list-style-type: none"> <li>▪ Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows.</li> <li>▪ Demonstrates most efficient/suitable use of land. <ul style="list-style-type: none"> <li>&gt; Avoids identified significant agricultural land</li> <li>&gt; Avoids productive resource lands – extractive industries, coal, gas and other mining, and quarrying.</li> </ul> </li> <li>▪ Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy – requires demonstration of efficient and sustainable supply solution.</li> </ul>	<p>Water will be supplied by on site means (ie water tanks or dams); the new off stream storage dam is to be sized to provide water to rural residential areas during droughts.</p> <p>Extractive resources are avoided; buffers to quarry near Gumma Road area will need to be maintained.</p> <p>Electricity systems are in place and can be extended to service expected demand.</p>

<p><b>7. Environmental Protection</b></p> <p>Protect and enhance biodiversity, air quality, heritage, and waterway health</p>	<ul style="list-style-type: none"> <li>▪ Consistent with government-approved Regional Conservation Plan (if available).</li> <li>▪ Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC). This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats.</li> <li>▪ Maintain or improve existing environmental condition for air quality.</li> <li>▪ Maintain or improve existing environmental condition for water quality: <ul style="list-style-type: none"> <li>&gt; Consistent with community water quality objectives for recreational water use and river health (DEC and CMA).</li> <li>&gt; Consistent with catchment and stormwater management planning (CMA and council).</li> </ul> </li> <li>▪ Protects areas of Aboriginal cultural heritage value (as agreed with DEC).</li> </ul>	<p>Measures are proposed to protect waterways and natural vegetation.</p> <p>Regionally significant vegetation is to be protected.</p> <p>Strategy is expected to have a neutral impact upon air quality</p> <p>Water quality is to be protected by buffers and controls on effluent disposal and soil erosion and in accordance with the Estuary Management Plan.</p> <p>No identified Aboriginal areas, items or places are to be affected by the short term release area.</p>
<p><b>8. Quality and Equity in Services</b></p> <p>Quality health, education, legal, recreational, cultural and community development and other government services are accessible</p>	<ul style="list-style-type: none"> <li>▪ Available and accessible services. <ul style="list-style-type: none"> <li>&gt; Do adequate services exist?</li> <li>&gt; Are they at capacity or is some capacity available?</li> <li>&gt; Has Government planned and budgeted for further service provision.</li> <li>&gt; Developer funding for required service upgrade/access is available.</li> </ul> </li> </ul>	<p>Candidate area has been identified based on proximity to community and social services.</p>

## Appendix B

### Strategic Actions Relevant to the Preparation of Local Environmental Plans

Strategic Action Number	Summary Provision	Response
	<b>Natural Environment</b>	
1.1.2 1.1.3 1.1.5 1.1.9 1.1.10 1.1.11 1.3.7 1.3.14	Dedication of areas with land and/or marine and estuarine conservation values. Dedication of Crown lands and submerged lands. Reservation of Crown foreshore land. Classification of open space and conservation value land Conservation zonings in LEPs. Marine park zonings and operational plans. Open space networks/corridors. Water quality and environmental flow objectives through catchments plans. State Groundwater Policy.	The Strategy adopts biodiversity principles and is in accordance with the Estuary Management Plans. Recommendations are made for incorporation of sensitive lands into an environmental protection zone or other means
	<b>Natural Processes and Climate Change</b>	
2.1.1 2.2.2	Incorporation of coastline, estuary and floodplain management plans into LEPs. Sea level change.	Proposed Strategy is in accordance with the Estuary Management Plan and predicted sea level rises
	<b>Aesthetic Qualities</b>	
3.1.2 3.2.4 3.3.1	Provisions to protect areas or items of high aesthetic value Design and locational principles for LEPs. Local and regional housing strategies.	High quality scenic areas are avoided and design measures are in place to maintain rural ambience
	<b>Cultural Heritage</b>	
4.1.2 4.1.4	Coastal heritage resources. View, vistas, street patterns and layout, heritage items.	Strategy will have a neutral impact upon heritage resources
	<b>Ecologically Sustainable Use of Resources</b>	
5.1.2 5.1.3 5.1.7 5.1.8 5.2.3 5.2.11	Regional economic development strategies. Agricultural land. Aquaculture. Mineral exploration. Integration of management plans into LEPs. Local tourism development plans.	Agricultural land, tourist resources and extractive resources are to be protected

	<b>Ecologically Sustainable Human Settlement</b>	
6.1.1 6.1.2 6.1.4 6.2.1 6.3.1 6.4.1 6.4.2	Costal urban planning/settlement strategies (regional) Urban land release/settlement strategies (local) Canal estate developments. Boundaries, amount and form of urban development. Rural residential release strategies. Housing choice. Higher density residential development close to coastal town centres.	Strategy in accordance with local and regional strategies
	<b>Public Access and Use</b>	
7.2.4	Surf life saving services and Section 94 plans.	Plans to be updated

## Appendix C

### Ministerial Directions

Ministerial Direction	Response
<p><b>Mining, Petroleum Production and Extractive Industries</b></p> <p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>This direction applies when a council prepares a draft LEP that would have the effect of restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>	<p>The Strategy seeks to avoid identifying land for rural residential purposes in areas that contain extractive industries.</p>
<p><b>Coastal Protection</b></p> <p>The objective of this direction is to implement the principles in the NSW Coastal Policy.</p> <p>This direction applies to coastal areas, and seeks to, amongst other things, protect the coastline from inappropriate development, and development that has adverse impacts on the coastline.</p>	<p>The Strategy avoids locating rural residential development in sensitive coastal areas.</p>
<p><b>Heritage Conservation</b></p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>This direction requires the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area; Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974; and, Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the council, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	<p>The Strategy is mindful of the impact that rural residential development can have on areas of environmental and indigenous heritage significance. The impacts of rural residential development on these areas is likely to be considered at more detailed stages of planning.</p>

<p><b>Acid Sulfate Soils</b></p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>When a council prepares a draft LEP that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps, it must consider the Acid Sulfate Soils Planning Guidelines.</p>	<p>The Strategy acknowledges acid sulfate soils as a constraint, and seeks to avoid areas containing Class 1 and 2 acid sulfate soils.</p>
<p><b>Planning for Bushfire Protection</b></p> <p>The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas; and, to encourage sound management of bush fire prone areas.</p> <p>In the preparation of a draft LEP that affects, or is in proximity to land mapped as bushfire prone land, the Council shall consult with the Commissioner of the NSW Rural Fire Service; have regard to Planning for Bushfire Protection 2006; and, introduce controls that avoid placing inappropriate developments in hazardous areas.</p>	<p>The Strategy acknowledges the vulnerability of rural residential development to the threat of bushfire, and seeks to identify areas outside of those parts affected by native vegetation for rural residential purposes.</p>

## Appendix D

### Consultation Process

#### Background:

There has been considerable consultation and engagement with the wider community in the preparation of the Structure Plan to identify the candidate areas for further investigation for rural residential purposes. To build on this consultation and provide direction for this Strategy, a collective decision making workshop was held with the Nambucca Shire Councillors and Senior Staff. The workshop entailed a SWOT (Strengths Weaknesses, Opportunities and Threats) analysis of three possible scenarios in relation to strategic and tactical planning for rural residential development within the Shire; the workshop was held on Wednesday 19 September 2007.

#### Methodology:

The workshop required participants to collectively agree on the Strengths, Weaknesses, Opportunities and Threats for three scenarios for rural residential development planning. An issue was only recorded when consensus was reached. The scenarios included:

- **Scenario 1:** Current planning approach of rural residential development with a quota system.
- **Scenario 2:** New planning approach that directs rural residential development to areas with higher levels of physical and social services.
- **Scenario 3:** New planning approach that directs rural residential development away from areas with environmental constraints.

The table below provides the collective views on each scenario.

#### Scenario 1: Quota

Strengths	Weaknesses	Opportunities	Threats
Choice	Servicing (health/emergency)	Release program (well-serviced)	Planning rules
Affordability	Sprawl	Strengthen existing communities	Environmental constraints
Happy landowners	Pests/weeds	Remap to cadastre boundaries	
Economic benefits	Conflict (transition)		
Lifestyle	Economic disbenefits		
	Absentee landowners		
	Environmental impacts		
	Planning (cost)		

## Scenario 2: Servicing

Strengths	Weaknesses	Opportunities	Limitations
Benefits to existing population (improved services and infrastructure)	Encourages private roads (ROWs)	Close to services	Environmental
Provides for alternate access to areas within Shire	Maintenance cost (upkeep)	Strengthen (existing services i.e. halls and schools)	Council affordability
	Water licence	Increase economic base	
	Effluent disposal		
	Social support services		
	Transport (emergency services)		
	Isolation (social)		
	Waste (cost to landowner)		
	Expectations (provision of services)		

## Scenario 3: Environmental Constraints

Strengths	Weaknesses	Opportunities	Limitations
Reduced environmental impact	Cumulative impacts	Development that enhances or protects existing environmental areas (stewardship)	Knowledge gaps
Certainty for landowner	Compliance (enforcement)		Ground-truthing
Cost – cheaper to develop	Community acceptance		Planning/environmental rules
Aesthetics – improved amenity			

### Main Themes:

There was general consensus that any rural residential release strategy should be flexible.

There was concern expressed over property owners who may lose opportunity for subdivision; it was acknowledged that the current supply of potential rural residential land is significantly greater than the short to medium term demand put forward at the workshop.

There was general consensus that it is common sense to give preference to areas with fewer environmental constraints and better social and physical services.

## Appendix E

### Land Release Program

<b>Release Program</b>			
<b>Locality</b>	<b>TTerm</b>	<b>Area of Land (Hectares)</b>	<b>Cumulative Area of Land (Hectares)</b>
<b>Auld Close</b>	<b>S-M</b>	<b>10.4</b>	<b>10.4</b>
<b>Alexandra Drv</b>	<b>S-M</b>	<b>3.5</b>	<b>13.9</b>
<b>Florence-Wilmont Drive</b>	<b>S-M</b>	<b>23.8</b>	<b>37.7</b>
<b>Coronation Road (east)</b>	<b>S-M</b>	<b>13.3</b>	<b>51</b>
<b>Upper Warrell CreekkRoad (north)</b>	<b>S-M</b>	<b>5.7</b>	<b>56.7</b>
<b>Upper Warrell Creek Road</b>	<b>S-M</b>	<b>58.1</b>	<b>114.8</b>
<b>O'Dells Road</b>	<b>S-M</b>	<b>16.6</b>	<b>131.4</b>
<b>Gumma Road (west)</b>	<b>S-M</b>	<b>155.6</b>	<b>287</b>
<b>Newee Creekk(Old Coast Road)</b>	<b>S-M</b>	<b>261</b>	<b>548</b>
<b>Spaldings Road</b>	<b>S-M</b>	<b>62.7</b>	<b>610.7</b>
<b>Gumma Road (east)</b>	<b>S-M</b>	<b>126.3</b>	<b>737</b>
<b>Former 1(c) Unconstrained Land</b>	<b>S-M</b>	<b>1168</b>	<b>1905</b>
<b>Balance of Areas</b>	<b>L</b>	<b>1674.4**</b>	<b>3579.4</b>

Short – Medium Term (S-M) - 0-28 years (2008-36)

Long Term (L) - 28+ years (2036+)

*Land to be brought forward for release subject to demand and land monitoring.*

*\*\* = Balance of areas shown on Map 23*

*Notes:*

*1. The area (hectare) figures have not had the number of existing lots in each particular area removed from them. For example, an area including 3 hectares of unconstrained land in one lot is represented by the figure 3 hectares, when it will only yield an additional (at most) two new lots. As well, in some areas land ownership is fragmented, and there are a large number of landowners. Consequently the area figures for all localities (particularly Auld Close, Newee Creek (Old Coast Road), Upper Warrell Creek Road (north) and O'Dells Road) to varying degree overstate the new number of lots that might be yielded from the areas.*

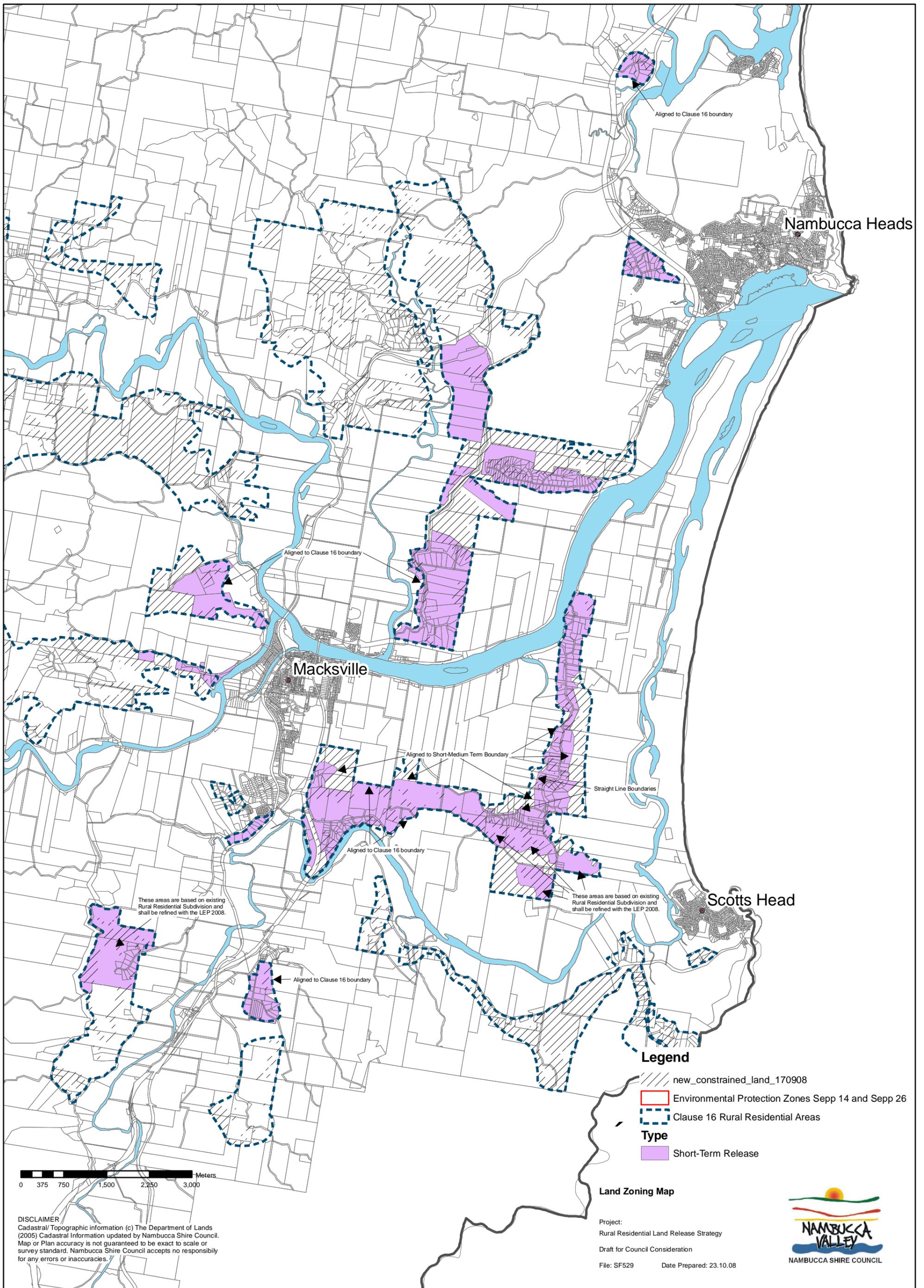
*2. Some areas include numerous small pockets of unconstrained land, which when coupled with the effect described in Note 1 above, will not yield the number of new lots otherwise indicated in the area figures.*

*3. Given the shape and site circumstances (unknown) of many of the unconstrained areas, actual lot yield is likely to be less than the area (hectare) figure of unconstrained land shown. For example a 3.4 hectare in 1 lot may only yield 1 further lot.*

*4. It is expected that existing consents for rural residential development will only contribute a relatively small amount of lots in the coming years, with the exception of the consent in the Upper Warrell Creek Road area, which has been factored into the Stage 1 release.*

*5. Given the effect described in 1 - 3 above, the area of land indicated for release exceeds the simple short to medium term demand figures of 400 additional lots.*

*6. Constrained land (Hatched Area) on Map 23 has been mapped to reflect the most accurate information available to Council at the time of preparation and shall be subject to review within 5 years.*



Nambucca Heads

Macksville

Scotts Head

Aligned to Clause 16 boundary

Aligned to Clause 16 boundary

Aligned to Short-Medium Term Boundary

Straight Line Boundaries

Aligned to Clause 16 boundary

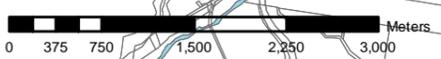
These areas are based on existing Rural Residential Subdivision and shall be refined with the LEP 2008.

These areas are based on existing Rural Residential Subdivision and shall be refined with the LEP 2008.

Aligned to Clause 16 boundary

**Legend**

-  new\_constrained\_land\_170908
-  Environmental Protection Zones Sepp 14 and Sepp 26
-  Clause 16 Rural Residential Areas
- Type**
-  Short-Term Release



**DISCLAIMER**  
 Cadastral/ Topographic information (c) The Department of Lands (2005) Cadastral Information updated by Nambucca Shire Council. Map or Plan accuracy is not guaranteed to be exact to scale or survey standard. Nambucca Shire Council accepts no responsibility for any errors or inaccuracies.

**Land Zoning Map**

Project:  
 Rural Residential Land Release Strategy  
 Draft for Council Consideration  
 File: SF529 Date Prepared: 23.10.08

