

Summary of submissions received in response to the public exhibition

ECM No	No	Date	Suburb	SUBMISSION SUMMARY COMMENT	PLANNING COMMENT	RECOMMENDATION
	1	7 Apr 16	Eviron	<ol style="list-style-type: none"> <li>1. The application to amend the permitted use to include a dwelling is based purely on commercial profit by the current owner who purchased the property four years ago. The property is already listed as “under contract” with planning approval pending.</li> <li>2. The argument that the lack of a dwelling entitlement on the said property is an oversight is simply not true. At the subdivision stage, the lot was considered un-inhabitable due to the wet nature of the land and deep water flow across the land. Also, this proposal is inconsistent with the Community Strategic Plan 2013-2023.</li> <li>3. The surrounding lots were purchased in knowledge that Lot 8 will not be developed and their value is based on that.</li> <li>4. The proposed dwelling site is too close to our dwelling. As such, it will significantly impact our existing home, lifestyle and privacy. All other homes in the Eviron subdivision are located near the centre of the land to optimise the distance between buildings. This is a character of the area and any change to this principle will decrease the value of all sites.</li> <li>5. The indicated driveway crosses existing springs. It will be dangerous during heavy rain events.</li> <li>6. Lot 8 is an existing wildlife corridor for wallabies and other native animals and birds. It also contains numerous springs and excellent water. These wet areas and dams contain many frog and wetland bird species. Any development will impact the overall established ecosystem and balance of the area.</li> <li>7. Any proposed dwelling will disturb the balance of the acid sulphate soils and possibly contaminate the neighbouring properties and dams.</li> <li>8. An additional dwelling would be of no economic value to the district.</li> <li>9. If Council was to purchase the land, it could be turn over to parkland and be of considerable value to the area and native wildlife.</li> <li>10. The planning proposal is inconsistent with the Far North Coast Regional Strategy as the site contains wet areas of a biodiverse nature and is of value as a buffer.</li> <li>11. Development will be inconsistent with the Acid Sulphate policy.</li> <li>12. The dwelling will have negative impacts on visual amenity of this area.</li> </ol>	<p>Response to 1: The owner’s intention to sell the land should not influence the outcomes of this planning proposal process, as it is not directly related to the planning assessment function. Council resolved to proceed with a planning proposal to evaluate whether a dwelling-house would be consistent with the surrounding area, whether it met the Objectives of the relevant legislation, or whether there were any factors that might render the use of the land for a dwelling-house unsuitable. There are no such factors identified, particular given the lands limited utility for agriculture and the offending impacts that could readily arise on local amenity and neighbourhood if the property were to be used for a rural industry, with associated shed and infrastructure. In the light of the prevailing local use as rural-residential small lot holding the proposed use is considered suitable.</p> <p>Response to 2 and 5: Most current mapping and data available, which is superior to that available in 1923, indicates that topography and flood regime of the subject site is not dissimilar to other developed allotments located to the south of Eviron Road in this locality and that it is not to such extent that a dwelling-house, appropriately sited and constructed, would be unsuitable. The planning proposal acknowledges that part of the subject site, as well as adjoining lots along the Eviron Road, are mapped as flood prone area. Appropriate siting for a dwelling-house, outside of the flood prone area, is available and conditions specifying development of the driveway will be determined through the approval process. These matters do not warrant the prevailing prohibition on the use of the land..</p> <p>Response to 3 and 4: the distance between the indicative site of the dwelling on Lot 8 DP 12676 and nearest dwellings on adjoining lots is approximately 65 metres, consistent with the development pattern along the Eviron Road. As such, and it is not considered likely to have a significant adverse impact on the value of adjoining properties, if at all. The better view, in the absence of any substantive evidence in support of the assertion, is that property values are likely to be better protected from use of the land for residential purposes than might be expected if the land was used for a rural industry or other lawfully permitted use.</p> <p>Response to 5: see response 2 above.</p>	No changes to the planning proposal.

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					<p>Response to 6: Council mapping indicates that the subject site is cleared of native vegetation and, similarly to adjoining properties, is fully fenced. As such, its role within the network of ecological corridors within the Tweed Shire is negligible and is not considered likely to be significantly impacted by the erection and use of a dwelling house. The contrary view might be that the active use and revegetation of the land in association with its residential use may provide better habitat than currently exists.</p> <p>Response to 7 and 11: Should this planning proposal be finalised, measures to mitigate disturbance of acid sulphate soils will be imposed through the approvals process.</p> <p>Response to 8: There is likely to be no net benefit or loss of any discernible quantum in economic terms from permitting an additional lawful use of the land for residential purposes. This does demonstrate that the land is unsuitable in planning terms for that use.</p> <p>Response to 9: The acquisition of the land is not being contemplated for parkland. As discussed above the ecological value of the land is not such that there is a need for an environmental zoning and as such its value for conservation acquisition has not been established and will not likely be demonstrated. The land is suitable for a residential purpose.</p> <p>Response to 10: Compliance of the proposed development with provisions of the FNCRS has been demonstrated within the planning proposal. The site is entirely cleared of native vegetation, located within a rural residential neighbourhood, fully fenced and partially used for horse agistment / riding, therefore its value for biodiversity / biodiversity conservation is low and is unlikely to be significantly impacted by the erection and use of a dwelling house.</p> <p>Response 12: The subject site is situated within a rural residential neighbourhood with a pattern of dwellings houses on large allotments. This development will be consistent with this pattern and as such should not impact the visual amenity of the area. This must also be considered in the context of presently lawful alternatives such as large sheds, which could be erected in association with the current use of the</p>	

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					land, or any future use of the land for agriculture or rural industry. In terms of visual amenity, it is likely that a dwelling-house would have a lesser impact than some of the potential alternatives; as it would be erroneous to assume that the land will remain vacant of built structures in perpetuity.	
	2	6 Apr 16	Eviron	<ol style="list-style-type: none"> <li>1. When we purchased our property Council stated there will be no dwelling entitlement on the subject land, which influenced our decision.</li> <li>2. Our house price will be negatively affected.</li> <li>3. It will destroy the amenity of the area, noise and views.</li> <li>4. It is a major water course during the wet season.</li> <li>5. The new house, if approved, will be approximately 50 metres away from our house.</li> </ol>	<p>Response The subject site is situated within a rural residential neighbourhood with a pattern of dwellings houses on large allotments. This development will be consistent with this pattern and as such should not impact on visual amenity of the area. The distance between the indicative site of the dwelling on Lot 8 DP 12676 and the adjoining dwellings is between 65 and 100 metres, and is not anticipated to impact on visual amenity or property prices of existing dwellings in the neighbourhood. Whilst it is noted that Council allegedly provided certain advice, based on the status of the land as it then was; and that no supporting documentation has been provided in evidence, the NSW planning law allows for change. This current process is that landowner's opportunity to test whether a change is warranted and for the reasons stated there are no planning issues arising that warrant maintaining the current prohibition on the residential use of the land. An evaluation of the information available indicates that the lot was subdivided to be used in the same way as all other lots created; and there is nothing in the registered plan of subdivision that would indicate otherwise. It appears, from our evaluation, that the dwelling entitlement was lost by virtue of a change in the planning laws between 1964-1967, and which occurred with little evaluation for the impact it would have in every case. The current process is an evaluation of the suitability of the original proposal against current standards and the prevailing pattern of development. It is considered suitable, if not preferred.</p> <p>Mapping and data available indicates that the topography and flood regime of the subject site is not dissimilar to other, developed allotments located to the south of the Eviron Road in this locality. The planning proposal acknowledges that part of the subject site, as well as adjoining lots along the Eviron Road, is mapped as flood prone area. Should this proposal be finalised, appropriate site for the dwelling house, outside of the flood prone area, will be determined at the approval stage.</p>	No changes to the planning proposal.

ATTACHMENT 1 - Planning Proposal PP16/0001 for Lot 8 DP 12676 at Eviron Road, Eviron

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ECM No	No	Date	Suburb	SUBMISSION SUMMARY COMMENT	PLANNING COMMENT	RECOMMENDATON
	3	14 Apr 16		The RFS reviewed the planning proposal and subsequently raised no concerns or issues in relation to bush fire.	Submission noted	No changes to the planning proposal.