

Report

Subject	Pineapple Road Planning Proposal
TRIM Record No	BP12/803:EF12/254
Prepared by	Senior Strategic Planner
Reason	To obtain a resolution of Council to forward the Pineapple Road rezoning Planning Proposal to the Minister of Planning and Infrastructure. The Minister (or delegates) will consider the planning proposal prior to issuing a Gateway Determination.
Community Strategic Plan Link	Provide Sustainable Land-use Planning

Overview of Report

This report provides an assessment of a Planning Proposal to rezone land in Pineapple Road, Goonellabah and adjoining land in Richmond Hill Road, Richmond Hill. The planning proposal requests that an area similar to that considered in the Lismore Urban Strategy be rezoned R1 General Residential.

It is recommended that Council support the planning proposal and forward it to the Department of Planning and Infrastructure for a Gateway Determination. More detailed studies and plans are recommended as part of the post Gateway assessment process.

Background

The land that is the subject of the Planning Proposal is shown in Figure 1 below with the property details and areas provided in Table 1. The land is within Zone 1(a) (General Rural Zone) and 1(d) (Investigation Zone) under the Lismore Local Environmental Plan (LEP) 2000. All of the land is within the RU1 Primary Production Zone under the Draft LEP 2012. It is proposed to rezone approximately half of the land R1 General Residential and the residue land is to remain in the RU1 Primary Production zone under Draft LEP 2012. Parts of the R1 General Residential zone are to be dedicated to Council for use as public parks. Refer to Attachment No. 2.

The majority of the land proposed for residential zoning has been in Zone 1(d) (Investigation Zone) under LEP 1992 and LEP 2000. The subject land is identified for potential rural residential development in the Lismore Rural Housing Strategy 2002 and the Regional City Plan 2005. Council resolved on 8 December 2009 not to proceed with a rural residential rezoning application and to amend the Lismore Urban Strategy 2003 to facilitate an urban residential zone. The Lismore Urban Strategy was amended in 2011 to incorporate the majority of the proposed R1 land that forms the subject of this planning proposal.

Council in collaboration with the proponents, held a design charrette or workshop in June 2012 which has been used to prepare the planning proposal. The facilitated design process investigated the context of the site and the key physical constraints of the land. Specialist technical information was provided by Council staff and the proponent's consultants. This charrette process influenced the design response that resulted in an overall concept plan of the development which provided an indicative layout of the following key components:

- street network and allotment design;
- housing densities, types and distribution;
- supporting land use mixes such as a local convenience centre;
- open space, parkland provision and landscaping; and
- infrastructure planning requirements.

It should be noted that two landholders, the owners of 105 Pineapple Road (1ha), and 114 Pineapple Road (1ha), were not part of the charrette process. Council has contacted these landholders via mail and phone to seek their opinion regarding the rezoning of their land and to explain the rezoning process.

At this pre-gateway stage, a planning proposal must demonstrate strategic merit and should be free of major obstacles that may impede further progress to the proposed rezoning. The land is ideally located to utilise existing schools, hospitals and services and provides an opportunity to maximise the use of existing infrastructure and reinforce the role of Lismore as a major regional centre. The land will offer a high level of residential amenity with a north eastern aspect, panoramic district views and favourable breezes.

The constraints to the location of development on the site include low order water courses and associated gullies and some bush fire prone land. The land is predominantly clear of woody vegetation. There are some scattered patches of regrowth dry rainforest, regrowth dry sclerophyll forest and weed species such as Camphor laurel. Most of the site is covered with pasture species with some areas under horticulture. Approximately 5% of the 210ha site is mapped as significant farmland (Northern Rivers Farmland Protection Project) or prime agricultural land. Koala habitat mapping indicates small areas of primary and secondary koala habitat. The proposed rezoning plan and conceptual lot layout is an appropriate response to the characteristics of the site.

Figure 1: Aerial View of the Pineapple Road precinct

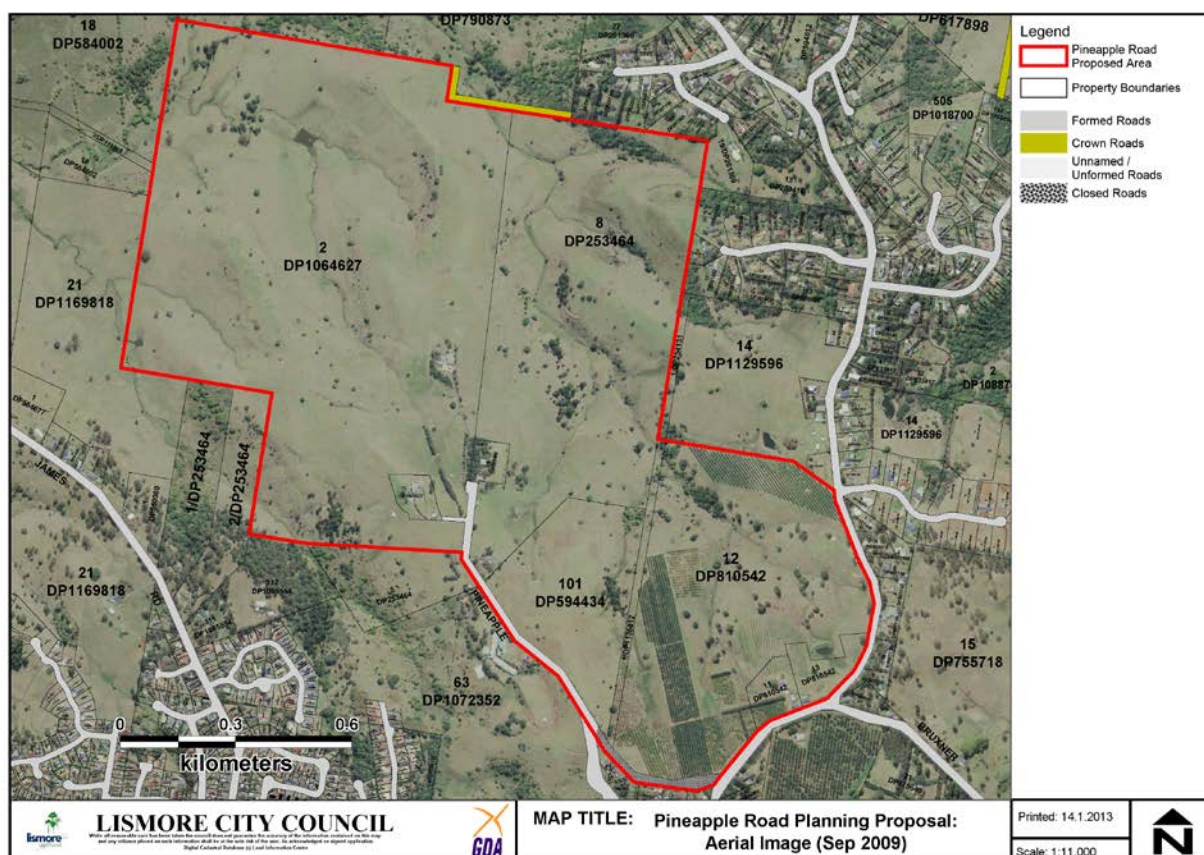


Table 1: Land that forms the subject of the planning proposal (Pineapple Road Precinct)

Street address	Cadastral description	Area (ha)
97 Pineapple Road, Goonellabah	Lot 2 DP 1064627	99.8
88 Pineapple Road, Goonellabah	Lot 8 DP 253464	50.5
34 Pineapple Road, Goonellabah	Lot 101 DP 594434	14.1
471 Bruxner Highway, Goonellabah	Lot 11 DP 810542	1.7
425 Richmond Hill Road, Richmond Hill	Lot 12 DP 810542	38.1
463 Bruxner Highway, Goonellabah	Lot 13 DP 810542	2.0
425A Richmond Hill Road, Richmond Hill	Lot 1 DP 1136812	1.6
105 Pineapple Road, Goonellabah	Lot 1 DP 1064627	1.2
114 Pineapple Road, Goonellabah	Lot 9 DP 253464	1.0
		Total: 210

Planning Proposal

The planning proposal (Attachments 1, 2 and 3) has been submitted to Council by Newton Denny Chapelle on behalf of the landholders of the Pineapple Road precinct. This report and the Attachments are now to be considered as the planning proposal and the Newton Denny Chapelle report is attached for background only.

The planning proposal indicates that 300-330 lots may be possible with a larger medium density site that could be developed for up to 140 self-contained seniors living dwellings. However, the ultimate number of allotments will be determined following more detailed site assessments and community consultation. The original planning proposal submitted by Newton Denny Chapelle has been amended to replace proposed RE1 Public Recreation zone with R1 General Residential zone (Refer to Attachments 2 and 3 and Map 6 for the proposed zoning map). RE1 zone can be applied at a later stage, after the site has been surveyed, which will allow for the selection of optimum locations for public parks. Moreover, guidelines regarding parks are to be incorporated into a site specific Development Control Plan (DCP). It is recommended that the DCP is prepared post community consultation and prior to the making of the plan.

The process of amending the local environmental plan starts with a Planning Proposal, which is undertaken or endorsed by Council and then sent to the Minister of Planning and Infrastructure for a Gateway Determination. In preparing the local environmental plan the Council must explain and justify the proposal to the Minister. Council needs to provide the Minister with:

- a statement of objectives and intended outcomes of the proposal
- an explanation of the provisions of the proposal
- a justification of the objectives and outcomes, including how this is to be implemented
- maps containing the appropriate detail are to be submitted, including land use zones, development standards relating to the land and other relevant maps and figures, and
- details of the community consultation that will be undertaken.

A summary of the Planning Proposal based on the Department of Planning and Infrastructure's (DP&I) standard format follows:

Part 1 Objectives and intended outcomes

The objective of the planning proposal is to enable the future urban development of the Pineapple Road precinct whilst maintaining the natural and agricultural values of riparian and lower lying areas.

The intended outcomes of the planning proposal include:

- increase the supply and diversity of housing that meet a broad range of housing needs from first home buyers to seniors

- maximise the use of existing infrastructure and services including schools, hospitals, retail, specialist services, road networks, water and sewer
- assist in achieving the aims of the Far North Coast Regional Strategy 2006-2031
- acknowledge the importance of the location of the land, adjacent to the future Northern Bypass as identified in Lismore Regional City Plan 2005
- provide land with high levels of residential amenity including northern and north eastern aspects, panoramic district views and favourable breezes.

Part 2 Explanation of provisions

It is proposed that LEP 2012 be amended by rezoning the Pineapple Road precinct from entirely RU1 Primary Production zone to R1 General Residential zone, with the residue land to remain within RU1 Primary Production. Refer to Map 6 for the proposed zones. The final location of the zone boundary will be determined after further site assessment and public consultation (refer to Attachment 2).

The Minimum Lot Size Map is proposed for amendment so that the minimum lot size to be applied to the R1 land is 400m². Increased minimum lot sizes may apply to larger lots within this zone in order to maintain larger lots for medium density development. Final details will be determined after further site assessment and public consultation. A minimum lot size of 40ha is to apply for all RU1 land.

The Height of Buildings Map is to be amended so that 8.5m applies to all land within the R1 zone.

The Newton Denny Chapelle report proposed to amend LEP 2012 Urban Release Areas Map. Part 6 – *Urban release areas* of Draft Lismore LEP 2012 and the associated map has been removed from the LEP by the Department of Planning and Infrastructure. Amongst other functions, this section of the LEP required a site specific DCP to be prepared for the land prior to the granting of development consent for development on land in an urban release area. It is recommended that a DCP is prepared for this site post gateway determination, post community consultation and prior to the making of this plan. This will ensure appropriate controls are in place when a development application is lodged for subdivision within the site.

Part 3 Justification

The following criteria must be addressed under the State Government Gateway system:

Section A – Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

The majority of the land proposed for residential zoning has been located in Zone 1(d) (Investigation Zone) under LEP 1992 and LEP 2000. The subject land is identified for potential rural residential development in the Lismore Rural Housing Strategy 2002 and the Regional City Plan 2005. Council resolved on 8 December 2009 not to proceed with a rural residential rezoning application and to amend the Lismore Urban Strategy 2003 to facilitate an urban residential zone. The Lismore Urban Strategy was amended in 2011 to incorporate the majority of the proposed R1 land that forms the subject of this planning proposal.

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

Urban development of the site requires amendment of the LEP to enable future urban residential development to occur. The Zoning Map, the Lot Size Map and the Height of Buildings Map will need to be amended to facilitate residential use of the land. A planning proposal will enable the achievement of the desired outcomes regarding the increased supply of housing diversity; maximised use of existing infrastructure and services; and the supply of urban land with high levels of residential amenity.

Is there a net community benefit?

The benefits associated with the proposed residential rezoning outweigh the costs and are summarised as follows:

- The site contains prime agricultural land and State significant farmland. However, this constitutes less than 5% of the total land area. The loss of this potentially productive agricultural land is outweighed by the benefit of providing residential land adjacent to existing residential land in close proximity to all of the infrastructure and services provided in the Regional City of Lismore.
- Increased traffic on the local road network will be offset by the provision of an upgraded intersection at the corner of Pineapple Road, Oliver Avenue and the Bruxner Highway. The land is also adjacent to the potential Northern bypass link to Bangalow Road.
- The loss of visual and scenic rural amenity will be offset by the provision of urban land with high levels of residential amenity offering panoramic district views, northern and north easterly aspects and favourable breezes. A maximum building height of 8.5m is proposed to apply to the land so buildings will not protrude into the skyline. Moreover, the Pineapple Road precinct is below the ridgeline currently followed by the Bruxner Highway.
- Additional economic activity will be generated by urban development of the land both during the construction and operational phases.
- An increased level of housing choice with ideal aspects and elevation.
- High levels of access for retail, education, employment, health, recreation, transport, religious and professional services.
- The land can be developed in an orderly cost effective manner.
- The opportunity for the protection and enhancement of biodiversity values of the site. The proposed developable portion of the Pineapple Road precinct is generally clear of endemic woody vegetation. The maintenance of a rural zone over the gullies and less elevated land provides an ideal opportunity for revegetation of riparian areas.

Section B – Relationship to Strategic Planning Framework

Is the Planning Proposal consistent with the objectives and actions contained within the Far North Coast Regional Strategy?

In December 2006 the Minister for Planning released the Far North Coast Regional Strategy 2006-2031. The purpose of the Strategy is to provide land use planning policy guidance for the sustainable development of the Far North Coast region between 2006 and 2031. Chapter 7 of the Strategy lists several Actions regarding settlement and housing including:

Tweed Heads, Lismore and Ballina will be promoted and supported as major regional centres of population and service provision for the region.

The Strategy sets a target of 8000 additional new dwellings for the Lismore Local Government Area by the year 2031. The Pineapple Road precinct is outside of the Strategy's Town and Village Growth Boundary Map. Following Council's decision to amend the Lismore Urban Strategy 2003 with respect to the Pineapple Road land, Council wrote to the DP&I in May 2011 with a submission to include the land as a 'Proposed Future Urban Release' area within the 'Town and Village Growth Boundary'. At the time the DP&I had commenced a review of the FNCRS but this review has since been delayed. The Department has recently advised that the submission remains current and will be considered when the FNCRS is reviewed in the coming months.

Where land is not within the Town and Village Growth Boundary, Chapter 3 of the FNCRS outlines the appropriate process for rezoning land located outside of this map:

...any development proposals for greenfield sites west of the Coastal Area and outside of the Town and Village Growth Boundary be subject to satisfying the Sustainability Criteria.

A compliance table detailing consistency with the Far North Coast Regional Strategy's Sustainability Criteria is located at Attachment 5 of this report.

The planning proposal is consistent with the Far North Coast Regional Strategy's outcomes and actions subject to further studies.

Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Planning Proposal is consistent with the following strategic planning documents:

- Lismore Local Environmental Plan 2000
- Lismore Urban Strategy 2003 (amended 2005 and 2011)
- Lismore Regional City Plan 2005
- Lismore Community Strategic Plan 2008-2018.

Lismore Local Environmental Plan 2000

The majority of the land proposed for residential zoning is in Zone No. 1(d) (Investigation Zone) under Lismore LEP 2000. The Standard Instrument LEP 2012 does not provide an equivalent investigation zone that allows Council to flag the strategic intent for a particular parcel of land. The table below outlines consistency with LEP 2000 Zone 1(d) objectives.

LEP 2000 1(d) zone objectives	Comment
(a) to identify land which is to be investigated in respect of its suitability for rezoning,	This report supports further investigation of the Pineapple Road precinct in respect of its suitability for residential zoning. The planning proposal has been considered against the Far North Coast Regional Strategy Sustainability Criteria and it is recommended that it be submitted to the Department of Planning and Infrastructure for a Gateway Determination.
(b) to ensure that development within the zone is compatible with the anticipated future development of the land,	The land is currently predominantly used for agricultural purposes.
(c) to ensure that development maintains the existing character of the locality and minimises disturbance to the scenic value of the landscape through clearing, earthworks, access roads and construction of buildings,	The Pineapple Road precinct structure plan prepared as part of the June 2012 design workshop was prepared after a constraints analysis of the land. The indicative lot layout submitted with the planning proposal is generally consistent with design workshop plan and is a suitable response to the characteristics of the land.
(d) to ensure that development does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services.	Applicable section 94 contributions and section 64 headwork charges will be levied in accordance with Council's s94 Plan and Development Servicing Plan. The landholders will be responsible for the preparation of an Infrastructure Delivery Plan post Gateway Determination.

Lismore Urban Strategy 2003 (amended 2005 and 2011)

The subject land is identified for potential rural residential development in the Lismore Rural Housing Strategy 2002. Council resolved on 8 December 2009 not to proceed with a rural residential rezoning application and to amend the Lismore Urban Strategy 2003 to identify the site for potential residential

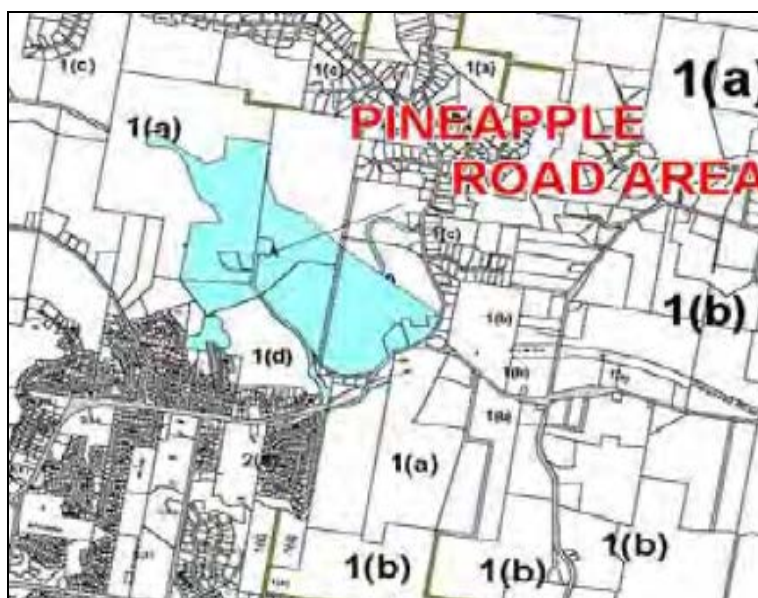
development. The Lismore Urban Strategy was amended in 2011 to incorporate the majority of the proposed R1 land that forms the subject of this planning proposal.

The principal aim of the strategy is to ensure that sufficient land is identified in suitable locations in Lismore in order to facilitate growth in residential, commercial and industrial development. Section 9.0 of the Lismore Urban Strategy states:

Land must satisfy three main capability and suitability criteria to be included in this strategy for potential residential purposes. It must:

- a) be physically unconstrained, and*
- b) exhibit attributes that will make it desirable to homebuilders in the current marketplace, and*
- c) be capable of being developed and serviced in a cost effective manner.*

Figure 2: Extract Lismore Urban Strategy – Location of Greenfield Investigation Sites



Lismore Regional City Plan 2005

The Lismore Regional City Plan 2005 provides an overview of strategic planning priorities for further developing Lismore as a regional centre. The plan identifies land that may have potential to meet Lismore's future requirements for residential, commercial, industrial and recreational purposes.

The planning proposal is consistent with the aims of the Regional City Plan, as the plan identifies the potential use of the Pineapple Road precinct for housing, albeit rural residential. Council has since resolved to identify the land for potential urban investigation in the Lismore Urban Strategy 2003 (amended in 2011).

Lismore Community Strategic Plan 2008-2018

The Lismore Community Strategic Plan 2008-2018 was developed and endorsed by Council in accordance with the *Local Government Act 1993*. The plan identifies the main priorities and aspirations for the future of the local government area for a period of at least 10 years.

The planning proposal is consistent with the relevant guiding principles and community strategic priorities of the plan including:

- sustainable economic growth and development
- protect, conserve and enhance the environment and biodiversity
- provide greater housing choices.

The residential use of the land will contribute to the sustainable economic growth of the local government area both during the construction and operational phases of the development. The proposed residential zones are generally restricted to the ridges, while the watercourses and appropriate buffers are proposed for rural zoning. The proposed rezoning provides an opportunity to enhance the ecological values of the riparian areas.

The indicative lot layout provides for a variety of lot sizes which provide a greater range of housing choices (refer to Attachment 3). A development control plan for the site can guide the delivery of housing choice within the precinct.

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

In assessing the key areas of the planning proposal for consistency with the relevant SEPPs the following are provided:

- a checklist of the planning proposal against relevant SEPPs (Attachment 6), and
- recommendations of the report relating to additional investigations required as part of post Gateway determination.

Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent or justifiably inconsistent with applicable Section 117 Directions. Refer to the Ministerial Directions compliance table provided as Attachment 7.

In some instances recommendations are provided in this report to establish consistency with relevant Section 117 Directions.

Section C – Environmental, social and economic impact

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

The dry rainforest that originally occupied the site would have been completely cleared and the predominant vegetation is now pasture species. The land supports scattered patches of regrowth dry rainforest in riparian or gully locations and small clumps of North Coast dry sclerophyll forest along higher slopes (vegetation classification from *Ocean Shores to Desert Dunes* by David Keith (2004)). It is likely that fauna is restricted to species common to agricultural landscapes.

There do not appear to be any significant ecological impediments to the proposal proceeding to the next stage of the Gateway process.

It is recommended that the applicant provide a flora and fauna assessment that includes an analysis of both terrestrial and aquatic habitats for the entire site post Gateway Determination and prior to the making of the plan.

The flora and fauna assessment should be prepared by a suitably qualified person and will be assessed in accordance with both the structure and content guidelines specified in the following NSW State Government guidelines:

- DEC (2004). Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities (working draft), Department of Environment and Conservation NSW, Hurstville, NSW.
- DECC (2007). Threatened species assessment guidelines: The assessment of significance, Department of Environment and Climate Change NSW, Sydney South, NSW.

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

Land contamination

A preliminary contaminated lands assessment was undertaken as part of the 2006 rural residential rezoning proposal. This report did not accompany the planning proposal as submitted from Newton Denny Chappelle. Moreover, the proposed residential zone is different from the footprint of the previous rural residential rezoning proposal.

It is recommended that a preliminary contaminated land assessment is undertaken for the entire area proposed for residential zoning post Gateway Determination, prior to the making of the plan. The assessment is to be undertaken in accordance with Guidelines made or approved by NSW EPA in accordance with the *Contaminated Land Management Act 1997*.

Road noise

Council has recently approved the Lismore Strategic Road Review for public exhibition. The review identifies that Pineapple Road will remain a no-through road for the distant future (20 years plus). On this basis it is considered that Pineapple Road will be considered a local road under the provisions of the NSW Roads Noise Policy. Therefore an engineering report is required to address the matter of road noise in accordance with the NSW Roads Noise Policy.

Bush fire

The Pineapple Road precinct is largely cleared of woody vegetation and as such only small areas of the proposed residential land are mapped as bush fire prone land. Perimeter roads, and fuel controlled buffer areas will all be used to ensure the future urban area meets planning standards for bush fire protection contained in Planning for Bush Fire Protection 2006.

Council is required under section 117 of the EP&A Act 1979, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act 1979, and take into account any comments so made.

The requirements of Planning for Bush Fire Protection 2006 can be satisfied with minimal environmental impact.

Land use conflict

The planning proposal will result in the creation of an interface between existing rural and proposed residential land uses which has the potential to generate land use conflict. The planning proposal reporting to date has not addressed this matter in any detail and therefore it is recommended that a *Land Use Conflict Risk Assessment* (LUCRA) be undertaken. The methodology for the assessment should be consistent with that presented in the publication *Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast*.

LUCRA is aimed at complementing development control and buffer requirements by providing a more thorough understanding of the likely land use conflict issues at the development level so as to inform the application of land use conflict and avoidance and buffer measures.

Geotechnical

The applicant refers to a geotechnical report prepared by Shaw Urquhart that accompanied the previous rural residential rezoning proposal for the Pineapple Road precinct. This report did not accompany the current planning proposal.

The planning proposal lists recommendations made by Shaw Urquhart including:

"it is considered that areas of slopes of 20° or less on the site are suitable for proposed residential development within the constraints outlined in this report. Areas where slopes are steeper than 20° are considered to be unsuitable for residential construction (roads and building envelopes)..."

This planning proposal is for residential use of the land, which is a more intensive form of development compared with the previous proposed rural residential use. It is also worth noting that Lismore DCP Chapter 5 (Urban Subdivision) states:

"Residential lots on slopes greater than 20% are not favoured. For lots on land greater than 25% slope provide house plans with the subdivision application."

A 25% slope is equivalent to 14° which is significantly less than the 20° (36.4%) limit referred to in the planning proposal.

It is recommended that a geotechnical report is submitted post gateway determination that reflects the proposed more intensive residential use and addresses existing controls in relation to the slope of the land.

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

Additional economic activity will be generated by urban development of the land both during the construction and operational phases.

Lismore City is a regional hub for social infrastructure such as schools, hospitals and retail centres.

The applicant's assessment of the Far North Coast Regional Strategy Sustainability Criteria includes the following comment on Aboriginal Heritage:

"Preliminary assessment of the land inclusive of consultation with the Ngulingah Local Aboriginal Land Council have identified the land does not contain any Aboriginal cultural heritage significance."

Further assessment is required of European and Aboriginal cultural heritage in order to demonstrate consistency with section 117 of the EP&A Act 1979, Ministerial Direction 2.3 – Heritage Conservation. In this regard it is recommended that a European and Aboriginal heritage assessment is undertaken for the Pineapple Road precinct.

It is recommended that a social impact assessment be provided post Gateway Determination (refer to Part 5 Community Consultation of this report).

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the Planning Proposal?

Stormwater management

The Newton Denny Chapelle report includes the following general comments:

- Appropriate integrated stormwater management will be employed within the Pineapple Road precinct. The integration of landowners as part of the single planning proposal enhances the opportunity for water sensitive urban design principles to be employed.
- Consistent with catchment and stormwater management planning (Catchment Management Authority and Council).

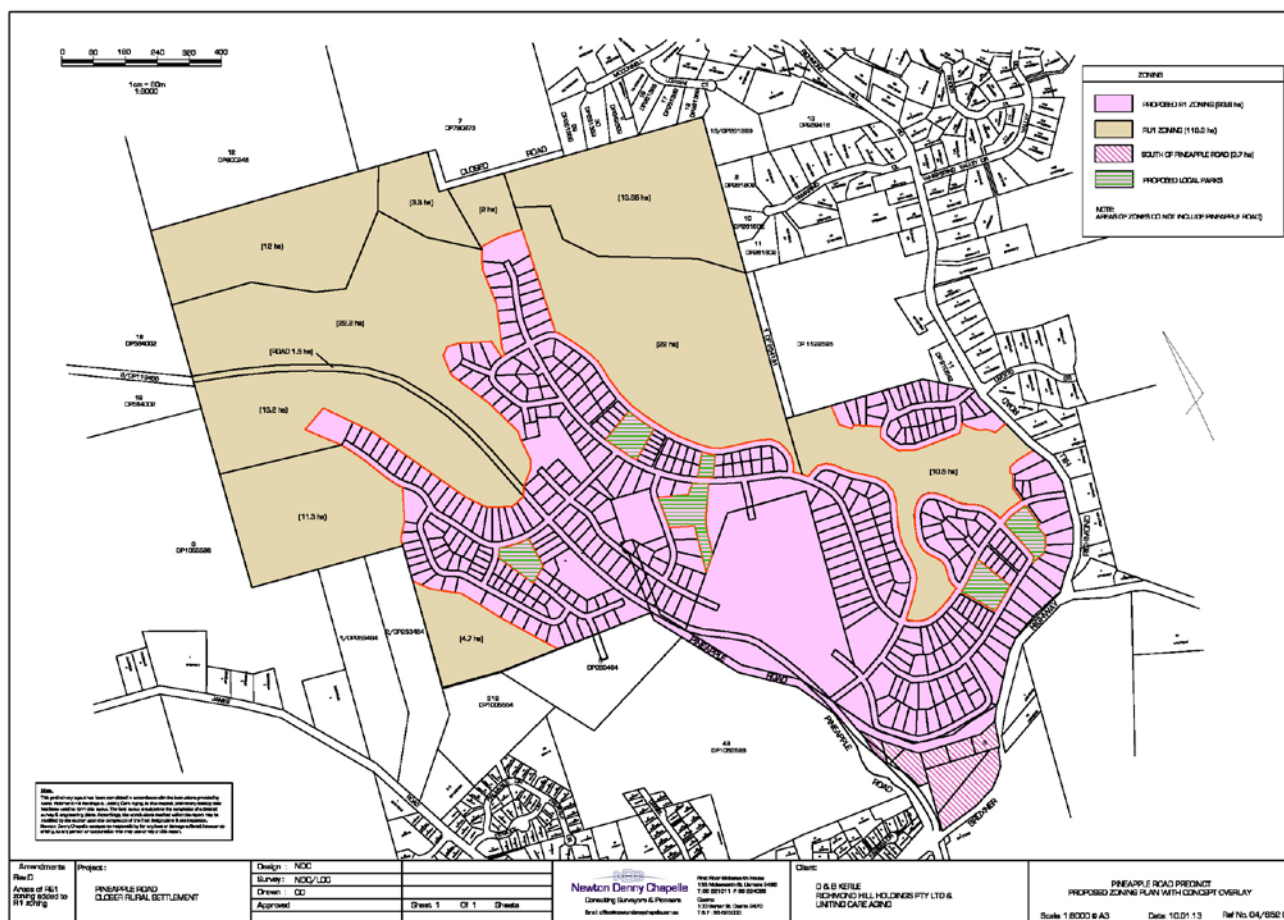
- Stormwater design encourages permeable ground surfaces and water sensitive urban design practices.
- Stormwater treatment to be incorporated into any preliminary design, including at source treatment.

To assess stormwater management associated with residential development of the land a detailed stormwater management plan is required that adequately addresses the issues identified during the design charrette process. The stormwater management plan is to be consistent with the Northern Rivers Catchment Management Authority and Council's guidelines and requirements. Stormwater management is to be integrated throughout the site and based on water sensitive urban design principles including but not limited to:

- retention of storm surface runoff as a mechanism for achieving the goal of hydrological similarity to natural catchment behaviour
- the use of permeable surfaces
- off stream stormwater detention
- source treatment including gross pollutant traps in gully pits
- use of on-road swales/buffers
- on-road bioretention.

Traffic

Figure 3: Indicative lot layout with road network



The proposed concept overlay addresses the traffic and transport issues raised during the June 2012 Pineapple Road precinct design Charrette process.

To service the development the proposal provides for three access points, two from Pineapple Road and the third from Richmond Hill Road.

The applicant proposes to employ the "Complete Streets" concepts for street design. This approach strives to use sustainability principles in which the street system is considered an extension of the open space and is multimodal in that equal priority is given to pedestrian, cycling, public transport and cars. It promotes a healthy life style while reducing traffic congestion by offering alternatives to driving. The indicative street layout is sympathetic to the topography of the site.

Pineapple Road provides the main link between the site and the Bruxner Highway. This road was identified in the Lismore City Wide Road Study as future Sub-arterial Road. Recent traffic studies indicate that the time frame for this is beyond the current 20 year planning horizon for the road network.

Without detailed information from a formal traffic assessment it is reasonable to assume that the larger portion of trips generated by the development will gain access to the Bruxner Highway at the Pineapple Road/Oliver Avenue/Bruxner Highway intersection. The consultant advises that the Roads and Maritime Services (RMS) have agreed that the intersection has a capacity to absorb 40 lots prior to upgrading. Given the recent and proposed expansion of the school, the applicant will be required to reassess the capacity of the intersection to confirm whether the RMS comments remain valid.

Subject to the findings of a detailed traffic impact assessment, the preliminary comments regarding traffic and the concept overlay demonstrate that the Pineapple Road development will not only comply with Council's traffic requirements, it may actually enhance the road network by improving the level of service of the adjoining network.

It is recommended that the proposal be approved to proceed to Gateway Determination on the condition that the applicant provides a detailed traffic impact assessment prior the making of the plan.

It is recommended that the applicant prepare an Infrastructure Delivery Plan post Gateway determination and prior to the making of the plan. The purpose of the IDP will be to consolidate and clarify infrastructure requirements, commitments and expectations specifically for:

- Roads;
- Water Supply;
- Sewerage;
- Stormwater;
- Open Space (including active and passive open space); and
- Community Facilities.

Water and wastewater

Preliminary detail relating to servicing of the proposed residential land with water and wastewater services is adequate and feasible at this stage of the planning process. Wastewater will be directed via the northern trunk main to the East Lismore Sewage Treatment Plant. Detail regarding gravity versus pressurised systems, pipe network route, location of pump stations, potential mechanisms for cost sharing and the like can be determined post Gateway Determination. Council will also need to consider future urban release areas in conjunction with the Pineapple Road planning proposal including Trinity Drive and Lagoon Grass prior to finalising waste water servicing arrangements for the site. The upfront costs associated with a gravity sewer system for Pineapple Road will be significant and would involve a pumping station, rising mains and gravity mains.

A reticulated water supply for the Pineapple Road precinct would involve the construction of a new reservoir and a trunk main upgrade.

It is recommended that the applicant prepare an Infrastructure Delivery Plan (IDP) post Gateway determination and prior to the making of the plan.

The planning proposal can be referred to Rous Water regarding water supply post Gateway Determination.

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

The applicant has not indicated that preliminary views of any Commonwealth or State agency have been sought prior to lodging the planning proposal with Council.

The following table provides a summary of the relevant public authorities, which in the opinion of Council, should be consulted in accordance with the Gateway determination.

Public authority/stakeholder	Issue requiring comment
NSW Rural Fire Service	Section 117 of the EP&A Act 1979, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service
Housing NSW	Housing choice and housing needs
Department of Primary Industries	Use of existing agricultural land for residential development
Local public transport providers	Road network
Members of the local Aboriginal community	Aboriginal heritage
Essential Energy	Electricity supply
Office of Environment and Heritage	Environment and cultural heritage
Roads and Maritime Services	Roads
Rous Water	Water supply
Department of Education and Communities	Capacity of schools
NSW Health	Capacity of hospital

The proposed agency consultation will be confirmed with the Gateway determination. The outcomes of the consultation will be reported back to Council post public consultation.

Part 4 Mapping

Refer to Attachment 4 for the following maps:

- MAP 1 - Aerial view of the subject site
- MAP 2 - Land Zoning Map Lismore LEP 2000
- MAP 3 – Existing Land Zoning Map Lismore Draft LEP 2012
- MAP 4 – Existing Height of Buildings Map Lismore Draft LEP 2012
- MAP 5 - Existing Lot Size Map Lismore Draft LEP 2012
- MAP 6 - Proposed Land Zoning Map
- MAP 7 – Proposed land use zones with indicative lot layout – Lismore Draft LEP 2012
- MAP 8 – Proposed Height of Buildings Map
- MAP 9 – Proposed Lot Size Map

Part 5 Community Consultation

The proponent has indicated that as part of the community consultation a social impact assessment will be undertaken in accordance with Council's policy 5.2.30 Social Impact Assessment. The social impact

assessment will involve community profiling in order to provide socio-demographic characteristics of existing and incoming communities. The key issues associated with the planning proposal will be identified and development options will be explored. The impacts of the various options will be assessed and impact management measures can be formulated. The requirement for this assessment is included in the recommendations of this report.

Council will commence community consultation post Gateway Determination. For the purposes of public notification, Council considers that a twenty eight (28) day public exhibition period is appropriate.

Notification of the exhibited planning proposal will include:

- a newspaper advertisement that circulates in the area affected by the planning proposal
- the website of Lismore City Council and the Department of Planning and Infrastructure
- letter to adjoining landholders.

The written notice will:

- provide a brief description of the objectives or intended outcomes of the planning proposal
- indicate the land that is the subject by the planning proposal
- state where and when the planning proposal can be inspected
- provide detail that will enable members of the community to make a submission.

Exhibition material:

- the planning proposal, in the form approved for community consultation by the Director General of the Department of Planning and Infrastructure
- the Gateway determination
- any studies required as part of the planning proposal.

Key stakeholders will be identified and contacted directly to ensure that they are aware of the planning proposal. The gateway determination will confirm the public consultation requirements.

Sustainability Assessment

Sustainable Economic Growth and Development

Urban expansion in any location will generate costs for the community as it encourages population growth and this in turn creates demand for Council services such as libraries, sporting facilities, open space and utility infrastructure such as roads, water and sewerage. However, it also increases Council's rate base and development contributions can be collected to upgrade or expand services and infrastructure and offset the increased costs that come with population growth. If the Pineapple Road precinct is developed it will generate employment in the land development industry including road and utility construction and building related employment. Residential development of the land will have a positive effect on the Lismore economy. The planning proposal to commence the rezoning of the Pineapple Road precinct is consistent with the land use priorities of the Community Strategic Plan, the Regional City Plan and the Lismore Urban Strategy.

Social Inclusion and Participation

Additional residential land in the Pineapple Road precinct will provide a range of residential densities and types including aged care accommodation. Over time the Pineapple Road precinct will provide for local parks and open space. Any Aboriginal or European cultural heritage or objects or places will be identified (none are currently known) and preserved. As a new urban area the community will fit well socially with the existing Lismore community and use its sporting facilities, schools, hospitals, nearby employment lands and the like. The site is well placed to fit into the existing Lismore City's urban fabric and build on existing infrastructure and facilities. It will reinforce the role of Lismore as a major regional centre.

Protect, Conserve and Enhance the Environment and Biodiversity

The Planning Proposal is consistent with the outcomes of the Far North Coast Regional Conservation Plan, which sets out the conservation priorities for the far north coast region to 2031 in line with the Far North Coast Regional Strategy. Further to this, the proposed residential zone is located well clear of riparian areas and generally clear of isolated areas of regrowth endemic woody vegetation. Development of the site provides an opportunity to rehabilitate the degraded riparian areas of the site. A flora and fauna assessment is required post Gateway Determination.

Stormwater management incorporating water sensitive urban design principles will be used within the development. A stormwater management plan is recommended post Gateway Determination.

The location of the site, adjacent to existing infrastructure and close to all services will allow residential development of the site without unrealistic demands on energy supply and resources, thus minimising the carbon footprint of the proposal.

Best-Practice Corporate Governance

The planning proposal is at the start of a longer process that will require detailed community consultation when more information is available and recommendations on developable areas are confirmed. To date the design workshop has been inclusive of all Council departments to keep them informed and allow participation from the beginning in decisions about the Pineapple Road planning proposal. Servicing and infrastructure will be key factors in the planning proposal and more work is needed post gateway determination and prior to the making of the plan. However, there is sufficient information to allow the planning proposal to proceed to the gateway stage where the Department of Planning and Infrastructure can decide on the extent of additional work required.

Comments

Finance

Not required.

Other staff comments

The planning proposal was reviewed by Council's Senior Strategic Engineer, Ecologist, Environmental Strategies Officer, Environmental Health Officer and Water and Sewer Engineer. These preliminary assessments have been considered in preparing this report and are incorporated in the assessment of the proposal in Part 3 of this report.

LEP delegations

Council resolved at its Ordinary meeting of 11 December 2012 to accept the delegations which will enable Council to process the final stages of a planning proposal (LEP amendment) as outlined in Planning Circular PS12-006.

In accordance with the resolution Council wrote to the Minister of Planning and Infrastructure accepting the delegations under section 59 of the *Environmental Planning and Assessment Act 1979* and informed the Minister that the function is sub-delegated to the General Manager in accordance with section 381 of the *Local Government Act 1993*.

The delegations only extend to routine LEPs as listed below:

- Section 73A amendments (minor errors and anomalies, amending references to documents etc)
- Council land reclassifications
- some local heritage items
- spot rezonings consistent with endorsed strategies and/or surrounding zones
- mapping alterations
- other matters of local significance as determined by the Gateway.

Council does not have the option to exercise delegations for plan making as the planning proposal is inconsistent with the criteria for routine LEPs.

Public consultation

Community consultation for a planning proposal of this nature would normally incorporate an exhibition period of twenty eight (28) days. Notice of the public exhibition will be given:

- in a newspaper that circulates in the area affected by the planning proposal
- on the web site of Council and the DP&I and
- in writing to affected and adjoining landowners.

If approved, the DP&I will prescribe the duration of the public exhibition period in the Gateway determination. The determination will include a list of the various studies required prior to making the plan. The timing for public exhibition will be after all additional information and studies have been completed to the satisfaction of Council.

The proponent will engage in the preparation of a social impact assessment which will involve community consultation in accordance with Council policies.

Conclusion

The Pineapple Road precinct has been zoned in Lismore LEP 1992 and LEP 2000 for the last 20 years as 1(d) (Investigation Zone). One of the objectives of this zone is *to identify land which is to be investigated in respect of its suitability for rezoning*. The planning proposal is consistent with the strategic intent of the Lismore Urban Strategy 2003 and the Regional City Plan 2005.

A preliminary assessment of the planning proposal indicates that it substantially complies with the relevant SEPP's, Section 117 Ministerial Directions and the Far North Coast Regional Strategy Sustainability Criteria.

There is sufficient information to enable Council to support the planning proposal and forward it to the Department of Planning and Infrastructure for its consideration and response.

There are a number of key matters that will be required to be addressed prior to exhibition of the planning proposal and these have been raised throughout the report and are listed in the recommendations.

Attachment/s

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|--|----------------|
| 1. Pineapple Road Planning Proposal - Newton Denny Chapelle | (Over 7 pages) |
| 2. Amended proposed zone plan without RE1 zone | (Over 7 pages) |
| 3. Amended proposed zone plan with conceptual subdivision overlay without RE1 zone | (Over 7 pages) |
| 4. Part 4 Mapping - existing and proposed LEP maps and aerial map | (Over 7 pages) |
| 5. Far North Coast Regional Strategy Sustainability Criteria - compliance table | (Over 7 pages) |
| 6. State Environmental Planning Policy - compliance table | (Over 7 pages) |
| 7. Section 117 Ministerial Directions - compliance table | (Over 7 pages) |

Recommendation

That:

1. Council support the current planning proposal for the Pineapple Road precinct and forward the Planning Proposal to the Department of Planning and Infrastructure to seek a Gateway Determination.
2. Council request as part of this planning proposal an exhibition period of twenty eight (28) days.
3. The proponent is to undertake the following investigations where Council receives a Gateway Determination from the Department that the Planning Proposal may proceed:
 - a) Flora and fauna assessment
 - b) Preliminary contaminated land assessment
 - c) Geotechnical report
 - d) European and Aboriginal heritage assessment
 - e) Social impact assessment
 - f) Stormwater management plan
 - g) Traffic impact assessment
 - h) Infrastructure delivery plan
 - i) Land Use Conflict Risk Assessment
 - j) Noise report in accordance with the NSW Roads Noise Policy.
4. The proponent is to prepare a Development Control Plan for this site in consultation with Council post gateway determination, post community consultation and prior to the making of this plan.
5. The proponent provide, based on the assessments in 3 above, a conceptual lot layout of the future residential development.