

Planning Proposal

BEXHILL REZONING

June 2017



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Executive Summary

At the 12 May 2015 Ordinary meeting of Lismore City Council, a Planning Proposal to rezone land adjacent to the Bexhill village was endorsed by the Council for the purposes of seeking a Gateway determination. The proposal was to rezone the 35 hectare site to RU5 Village and R5 Large Lot Residential with a minimum lot size for subdivision of 2,500m². The anticipated lot yield was around 80 lots.

The Council resolution also sought the submission of a number of studies and site investigations, including an expanded flora and fauna assessment. A Gateway determination was issued by the Department of Planning and Environment on 2 June 2015. The applicant was requested to provide the information required by the Gateway determination and following submission of the information the Planning Proposal was forwarded to state agencies for review and comment.

The flora and fauna report submitted by the applicant showed that large areas of the site are constrained for development by the presence of threatened flora species and endangered ecological communities. This led to a number of discussions between Council staff, the applicant and the Office of Environment and Heritage (OEH) and a significant change in the proposed zoning of the land.

This amended Planning Proposal is to rezone the site to the RU5 Village and E3 Environmental Management zones. The proposal aims to enable the development of part of the site for village housing while supporting the conservation of habitat for threatened species and endangered ecological communities.

In addition to the flora and fauna assessment, the proponents prepared a number of other reports to support the first rezoning proposal along with additional investigations as required by the Gateway determination. Studies that were not included in the original Gateway determination but which, in the opinion of staff or a state agency, are still required are recommended for completion.

All state agencies provided responses to the 12 May 2015 Planning Proposal with the RMS objecting and requesting a traffic assessment, which has been provided by the applicant. Other agencies either raised no concerns or any issues raised could be addressed. Referral of this amended Planning Proposal will be necessary as it is substantially different to the 12 May 2015 Proposal, unless the Department of Planning and Environment advises to the contrary.

Part 1 Objectives or Intended Outcomes

This proposal will enable an expansion of the Bexhill village for residential housing while supporting the conservation of habitat for threatened species and endangered ecological communities.

The proponent seeks to provide additional residential dwellings adjacent to the existing Bexhill village, consequently expanding the village footprint. The rezoning will allow for the orderly expansion of the village by ensuring the development permits village uses, where appropriate. The areas constrained for development due to threatened flora species and endangered ecological communities are proposed to be conserved through applying an E3 Environmental Management zone.

The subject land comprises 22 lots, identified by street address and real property descriptions as follows:

STREET ADDRESS	CADASTRAL DESCRIPTION
41 North Street, Bexhill	Lot 5, DP733335
37 and 39 North Street, Bexhill	Lot 1 and Lot 2, DP1133256
21 North Street, Bexhill	Lot 1, DP1036803
46 and 48 and 48A Osborne Road, Bexhill	Lot 189, DP755686 and Lot 1, DP1125837 and Lot 11 Sec 11, DP758102
1, 3, 5, 7 and 9 Numulgi Street and 16, 18, 20, 22 and 24 Withers Street, Bexhill	Lots 1 to 10 Sec 17, DP758102
17, 17A and 21 Withers Street, Bexhill	Lots 17-19 Sec 6, DP758102
23A Withers Street, Bexhill	Lot 1 Sec 6, DP758102
23 Withers Street, Bexhill	Lot 175 and Lot 189, DP755686

Objectives

The objectives of this proposal are:

- to enable the future expansion of Bexhill Village through the rezoning of part of the land to Zone RU5 Village; and
- to protect, manage and restore areas of the site that have special ecological significance through the application of the E3 Environmental Management zone.

Site context and setting

The site is to the immediate east of Bexhill village, with access from Withers Street. The Lismore urban area is a 12 minute drive south of the site via Bangalow Road. Clunes village is a 6 minute drive north east of the site via Bangalow Road. Bexhill village primarily consists of a small number of residential dwellings and businesses fronting the eastern side of Bangalow Road. The village also has a general store, Primary School, public hall and sporting fields.

The subject land is bounded partly by Coleman Street to the north, North Street road reserve to the west and Osborne Street road reserve to the south. The land generally has west to south

westerly slopes and rises up to a ridgeline of about 80m AHD. About 10 hectares of the land in the north-eastern corner are classified as having high to very high geotechnical constraints. The developable area is generally clear of woody vegetation; however, there are significant areas of native grasslands, threatened species and endangered ecological communities. The land is bounded by mostly rural land uses to the east, south and north. To the west is village zoned land. Rural residential housing is located on the western side of the Lismore Bangalow Road.

Figure 1 below provides an aerial photograph of the site and the adjoining Bexhill village. Figures 2 – 5 provide images of the land and surrounds.

Figure 1 – The Site

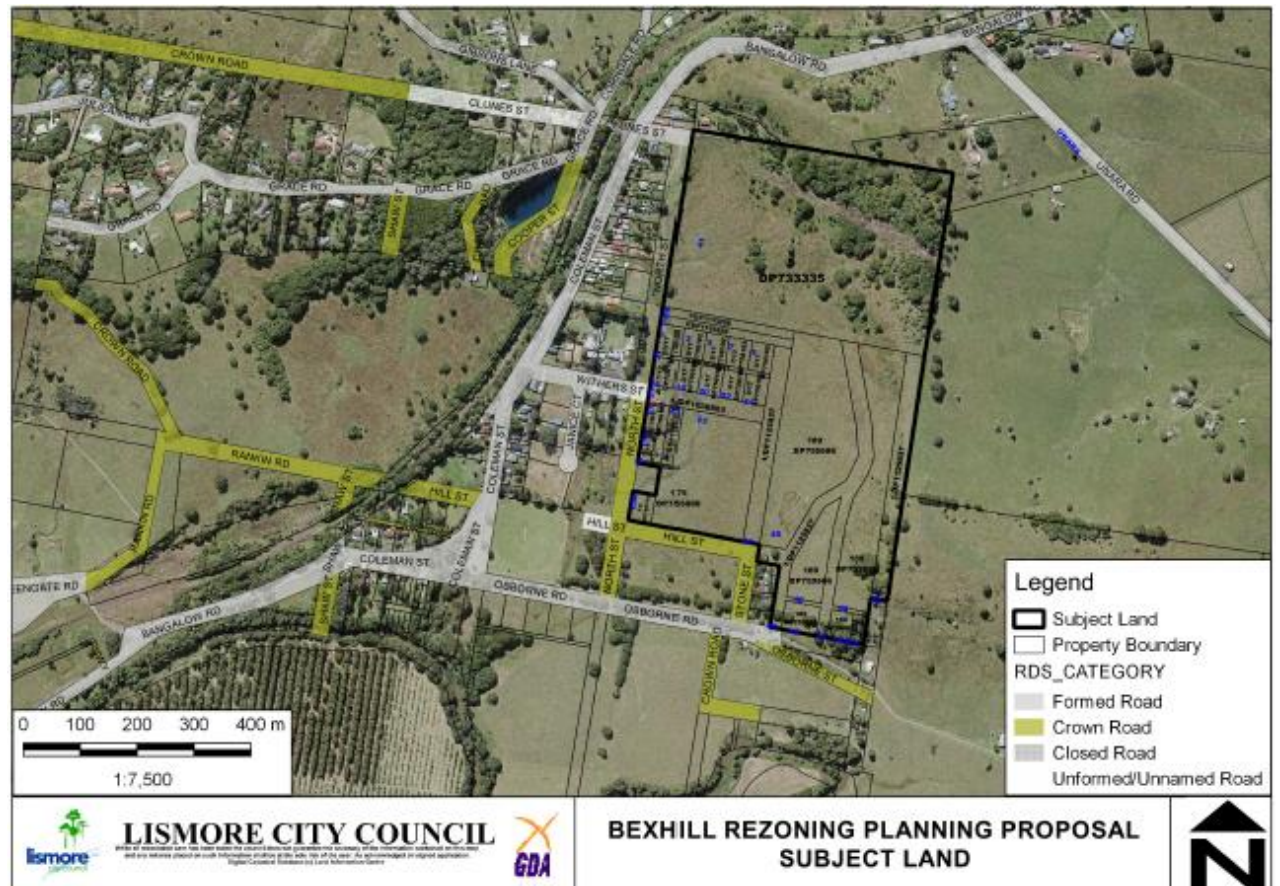


Figure 2 – View of the mid slopes of the land



Figure 3 - Views to the south across the middle of the land



Figure 4 - Views to the west towards the existing village



Figure 5 – Views to the north west towards the general store



Part 2 Explanation of Provisions

The objectives of the proposal will be achieved by amending the Lismore Local Environmental Plan 2012 to rezone part of the land to Zone RU5 Village (15.3 hectares) and part to Zone E3 Environmental Management (19.7 hectares). The following map sheets are proposed for amendment:

- Land Zoning Map – Sheet LZN_005 and LZN_005A to apply Zone RU5 Village and Zone E3 Environmental Management to the site.
- Lot Size Map – Sheet LSZ_005 to apply a 2500m² minimum lot size to the part of the site proposed for Zone RU5 Village and a 15 hectare minimum lot size to the north and eastern part of Zone E3 Environmental Management. A 40 hectare lot size will continue to apply to the land to which the E3 zone is proposed to apply in the south-western corner.
- Height of Buildings Map – Sheet HOB_005 to apply an 8.5m maximum building height to the part of the site proposed for Zone RU5 Village.

Part 3 Justification

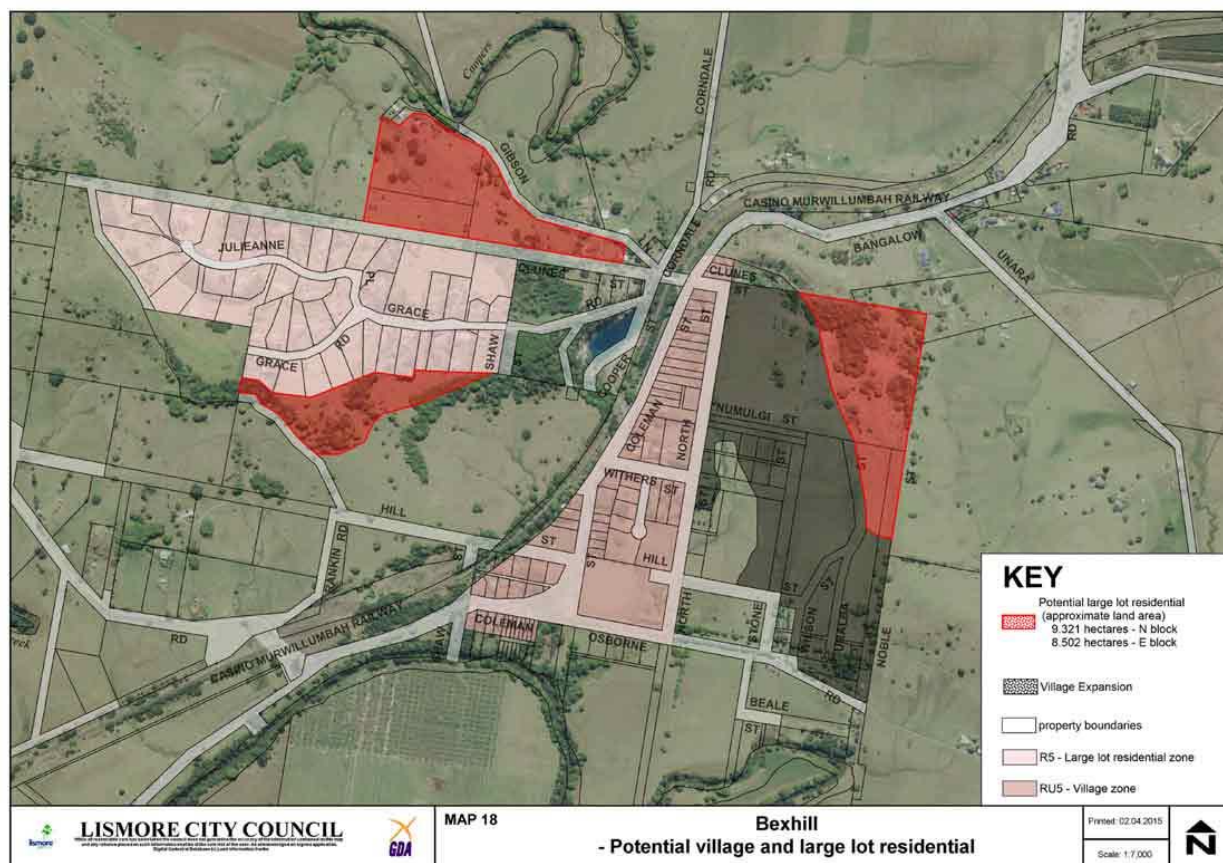
Section A Need for the Planning Proposal

There is a need for the Planning Proposal to allow for the rezoning of the site from RU1 Primary Production to RU5 Village and E3 Environmental Management. The population within the Lismore LGA area is projected to need at least an additional 3,350 dwellings by 2036 (North Coast Regional Plan 2016-36) resulting in a demand for additional land. The rezoning of part of the site to RU5 Village will assist in meeting this demand for housing in a location that is next to an existing village and close to the Lismore urban area. Including areas of high ecological significance in an E3 Environmental Management Zone will assist in their longer term conservation.

Q1. Is the planning proposal a result of any strategic study or report?

The Lismore Growth Management Strategy 2015-2035 clearly identifies the subject land on Map 18 “Bexhill – Potential Village and Large Lot Residential” as shown in Figure 6 below. The GMS states on page 88 that, *“the rezoning of identified village and large lot residential expansion areas will occur by way of landowner initiated planning proposals.”* The Lismore Growth Management Strategy 2015-2035 was adopted by Lismore City Council on 12 May 2015. It was conditionally approved by the Department of Planning and Environment on 11 August 2015.

Figure 6 – Bexhill in Lismore Growth Management Strategy



Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, as the current zoning of RU1 Primary Production only allows dwelling houses if each is on an allotment of at least 40 hectares. This severely limits the potential for residential development to occur and the village to expand. A change in zoning of part of the land to the RU5 Village zone will further rationalise the village zone in this locality, is consistent with Council strategic policy and therefore is considered to be the most appropriate means of enabling the development of the land.

Changing the zoning of the area that contains threatened flora and endangered ecological communities to an environmental protection zone will provide greater protection for these species and ecological communities.

Section B – Relationship to strategic planning framework.

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The North Coast Regional Plan (NCRP) is the overarching framework for the management of growth for the North Coast. The NCRP identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing network of regional cities, strategic centres and coastal and hinterland centres, reinforcing urban and village character and requiring efficient use of existing services and major transport routes.

In relation to the natural environment, the NCRP includes Actions 1.1 and 2.1 to:

1.1 Focus future urban development to mapped urban growth areas.

2.1 Focus development to areas of least biodiversity sensitivity in the region and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value.

The Lismore Growth Management Strategy maps the land at Bexhill as a future growth area. The site investigations on the original planning proposal for this land revealed ecologically significant attributes. The inclusion of more than half of the site in an E3 Environmental Management zone with recommendations for vegetation and threatened species management plans to be prepared alongside a site specific Structure Plan for future development of the site implements the 'avoid, minimise, offset hierarchy to biodiversity.

With respect to housing choice and diversity, the NCRP states at Action 23.2 that local growth management strategies will be developed to respond to changing housing needs, including household and demographic changes, and support initiatives to increase ageing in place. Bexhill is identified in the Lismore local growth management strategy as noted in the preceding paragraph. The NCRP also provides an Urban Growth Area Map for the Lismore LGA and Bexhill is identified as an investigation area.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

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

- Lismore Local Environmental Plan 2012
- Lismore Growth Management Strategy 2015-2035
- Imagine Lismore (Lismore Community Strategic Plan) 2013-2023.

Lismore LEP 2012 RU5 Zone objectives

Development on the land can be designed to be compatible with the zone objectives Council has set for its rural villages. Those objectives are:

To provide for a range of land uses, services and facilities that are associated with a rural village.

Comment:

The Planning Proposal will result in a variety of land uses including residential and large lot residential housing.

To encourage development that is of a design and scale that will enhance and preserve village character.

Comment:

A site specific structure plan will be prepared for the site and appended to Lismore DCP to ensure appropriate development.

To ensure that adequate provision is made for water supply, effluent disposal and refuse disposal.
Comment:

Future housing will be provided with on-site water supply through rainwater tanks. Effluent disposal for future residences will be via individual on-site treatment systems, most commonly septic tanks and trenches. Additional assessment is required post Gateway determination.

Imagine Lismore (Lismore Community Strategic Plan) 2013-2023

Imagine Lismore 2013-2023 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 Imagine Lismore's community visions and aspirations for growth as follows:

- The subject site is identified in the Lismore Growth Management Strategy;
- The proposal is close to existing development and services;
- The loss of agricultural land is offset by the net benefit of the residential development close to services;
- The developable land is not flood prone or subject to geotechnical constraints;
- The land proposed to be included in the environmental management is large enough to accommodate any vegetation offset requirements that may be needed as a result of future development of the land.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the relevant SEPPs. Refer to the SEPP compliance assessment at **Appendix 1**.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent or any inconsistency can be justified with applicable Section 117 Directions. Refer to the Ministerial Directions compliance table provided as **Appendix 2**.

Section C – Environmental, social and economic impact

Q7. 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?

Yes. The flora and fauna assessment found two (2) endangered ecological communities and four (4) threatened flora species on the site. Most will be retained in the E3 Environmental Management zone; however, some of the Hairy Joint-grass habitat is proposed for inclusion in the RU5 Village zone. A summary of the key findings of the applicant's flora and fauna assessment is as follows:

- Site vegetation: six vegetation communities were recorded at the site as described below:
 - *Camphor-dominated closed forest*
 - *Exotic regrowth shrubland*
 - *Camphor-dry rainforest*
 - *Riparian sedgeland-grassland-forbland*
 - *Derived grassland*
 - *Managed grassland*
- Endangered Ecological Communities (EECs): two EECs listed under the *Threatened Species Conservation Act 1995* (TSC Act) were recorded at the subject site, consisting of Freshwater Wetland EEC (vegetation community *Riparian sedgeland-grassland-forbland*, occurring in the low-lying south-western part of the site – 0.37 ha) and Lowland Rainforest EEC (vegetation community *Camphor-dry rainforest*, occurring in a small area in the far south-eastern corner of the site – 1.25 ha).
- Threatened Flora: Four (4) threatened flora species listed under the TSC Act/ EPBC Act were recorded at the site:
 - Hairy Joint-grass (*Arthraxon hispidus*) - has a widespread occurrence in tussock grassland/ sedgeland on hills and footslopes with drainage soaks/springs. Occupies 21.72 ha of the subject site (occurs across approximately 61% of the subject site).
 - Fragrant Myrtle (*Gossia fragrantissima*) - three individuals recorded within the Lowland Rainforest EEC patch in the SE of the subject site.
 - Thorny Pea (*Desmodium acanthocladum*) – occurs in the Lowland Rainforest EEC patch and is also more broadly scattered in the Camphor Laurel dominated forest in the NE of the site.
 - Arrowhead Vine (*Tinospora tinosporoides*) – three individuals recorded within the Lowland Rainforest EEC patch in the SE of the subject site.
- Fauna habitat: due to the considerable past disturbance of the site and general lack of key habitat features for threatened fauna (e.g. tree hollows), the potential for the subject site to provide habitat for threatened fauna is generally limited. The fauna survey recorded the (probable) occurrence of two microbat species, as well as Grey-headed Flying-fox. Rose-crowned Fruit-dove has also previously been recorded at the site. In addition, the flora and fauna assessment indicated that several other threatened birds and bats are possible occurrences on occasion; however, none of these fauna species would be resident at the site.

Comments on Hairy Joint-grass

Hairy Joint-grass occupies a substantial area within the subject site (21.72 ha of a total of 35.5 ha). The population may extend off-site, as similar suitable habitat occurs on adjacent farmland to the south-east (although this was not surveyed as part of the current proposal). Due to its cryptic nature, Hairy Joint-grass is likely to have previously been under-recorded in the North Coast region, with most records being made in the last 15 years in association with residential

development and infrastructure projects. Of the known occurrences, the population on the subject land appears to be one of the largest. For comparison, some previously identified occurrences are:

- Between Lennox Head and Skennars Head (Ballina LGA) - 32.38 ha;
- Tintenbar to Ewingsdale Pacific Highway Upgrade (Byron LGA/ Ballina LGA) - 6.78 ha;
- North Lismore Plateau - 2.83 ha.

Following discussions with the Office of Environment and Heritage and the applicant and their specialist consultant, the following areas were recommended for exclusion from rezoning for village development:

- The area of Lowland Rainforest in the SE corner of the site supporting the threatened species, Fragrant Myrtle, Thorny Pea and Arrowhead Vine.
- Areas of Camphor Laurel regrowth in the NE section of the site supporting Thorny Pea and Koala food trees.
- Part of the HJG habitat extending down the eastern part of the site between the two abovementioned areas.
- The flood-prone section of the site in the south-west, also mapped as Freshwater Wetlands and containing Hairy Joint-grass.

The proponent responded to these recommendations and Figure 7 below is the revised plan nominating areas for conservation and rehabilitation along with a proposed environmental protection zone represented by the purple line on the figure.

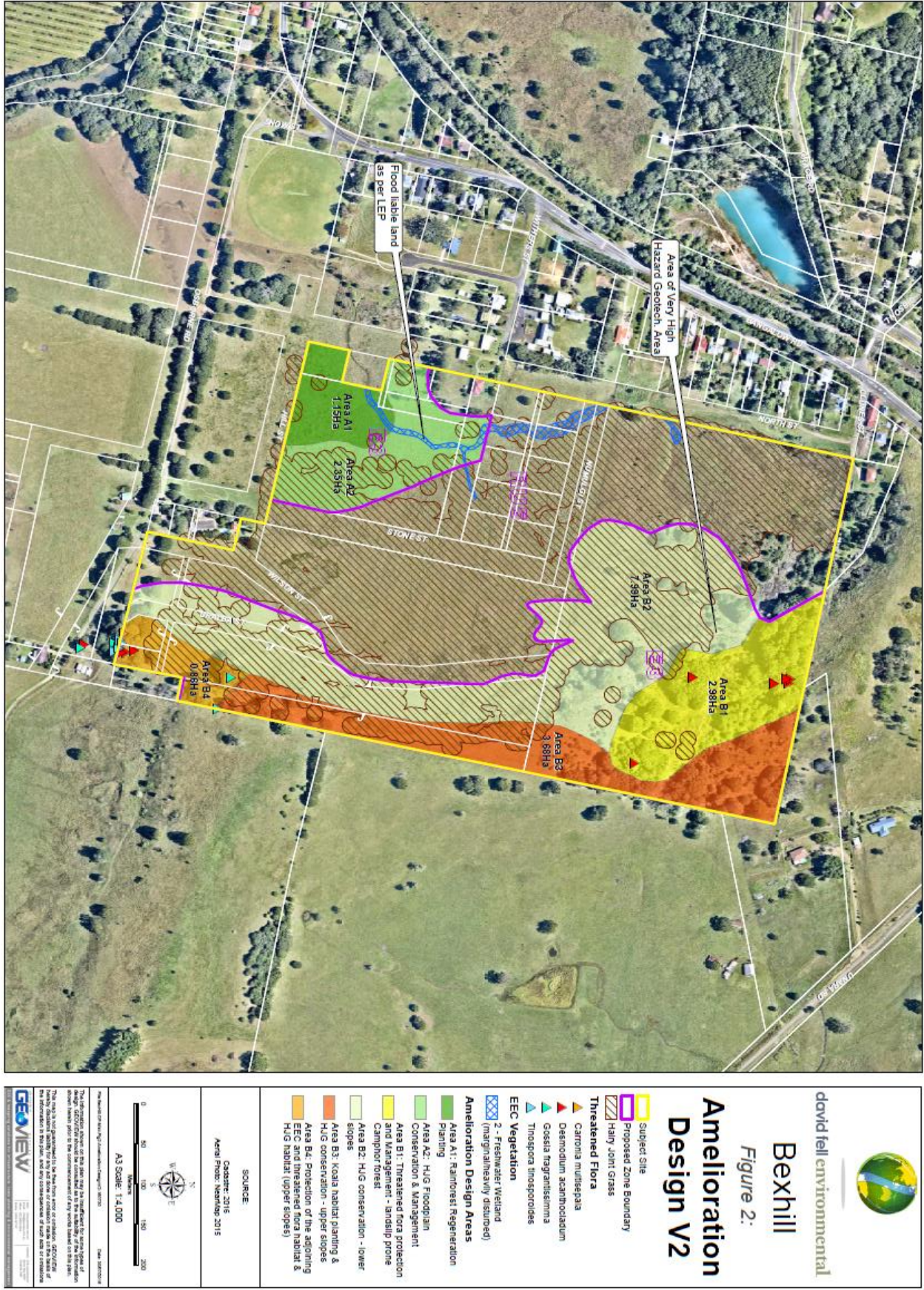
Council staff consider that the E3 Environmental Management zone is the most appropriate environmental protection zone as the attributes of the site satisfy the criteria in the E zone review final recommendations report.

While Hairy Joint-grass habitat will be removed in the proposed RU5 Village zone, around 33% of the mapped Hairy Joint-grass habitat will be retained to provide for a viable population of HJG at the site into the future, provided that appropriate management regimes for this species is incorporated into a threatened species management plan. It is therefore recommended that:

- A threatened species management plan will be required for Hairy Joint Grass. This may include detail of:
 - Protection of a viable population of Hairy Joint-grass at the site (guided by the agreed area of acceptable loss determined in association with OEH) to be protected in perpetuity by an appropriate legal mechanism;
 - A best practice management strategy likely to consist of annual biomass removal/ weed control; and
 - Enhancement by way of translocation/ seed collection (if required) within an onsite or offsite offset area.
- A Vegetation Management Plan would be required detailing protection/ enhancement of threatened flora and fauna habitat, EECs and Koala habitat.

These management plans can be provided post a Gateway determination for this amended Planning Proposal.

Figure 7: Ecological Conservation Plan



Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Contaminated land

A contaminated land assessment was prepared to support the original Planning Proposal and it found no sources of contamination, though Council staff identified the need for the sampling density to be increased for consistency with the NSW EPA Sampling Guidelines to ensure an appropriate confidence in 'hot spot' detection. The additional assessment prepared by Melaleuca Group Pty Ltd included further targeted sampling around an existing slaughter house in the northern part of the property post the Gateway determination.

Consistent with the use of lead based paints in the past, this report found high levels of Lead within the immediate vicinity of the structure (approximately 30 cm from the external walls) and approximately 5m from the north-west corner of the structure. As this sample was within close proximity to the current access track it was surmised that flakes of Lead-based paint were either transported on tyres of vehicles traversing the area or during the painting process paints were spilt in the area.

The report states that, *'the contaminant of concern is Lead and it is well documented that Lead is found within close proximity of buildings and is usually from Lead-based paints and subsequent delineation of the contamination is usually within close proximity to the external wall (i.e. approximately 30cm from the outside circumference of buildings).'*

The slaughterhouse is proposed to be removed. Once the structure is removed, soils across the area should occur to a depth of approximately 10cm. The area should encompass an area measuring at least 2-3 m from the eastern and southern walls of the structure and at least 6m from the north-west corner of the structure.

All other metal concentrations in the soils are within expected background levels. No pesticides were present above analytical detection limits in the samples analysed.

Based on the findings of this investigation, it is considered the subject site would not represent a significant risk of harm to end users of the proposed rezoning and a future subdivision development. Appropriate management of the area surrounding the slaughterhouse can be implemented with the area validated in due course'.

The old slaughter house is located in the area that is proposed to be included in the E3 Environmental Management zone, which has very limited development potential. The report's conclusions are supported and further reporting on potential contaminated land issues is not required at this stage.

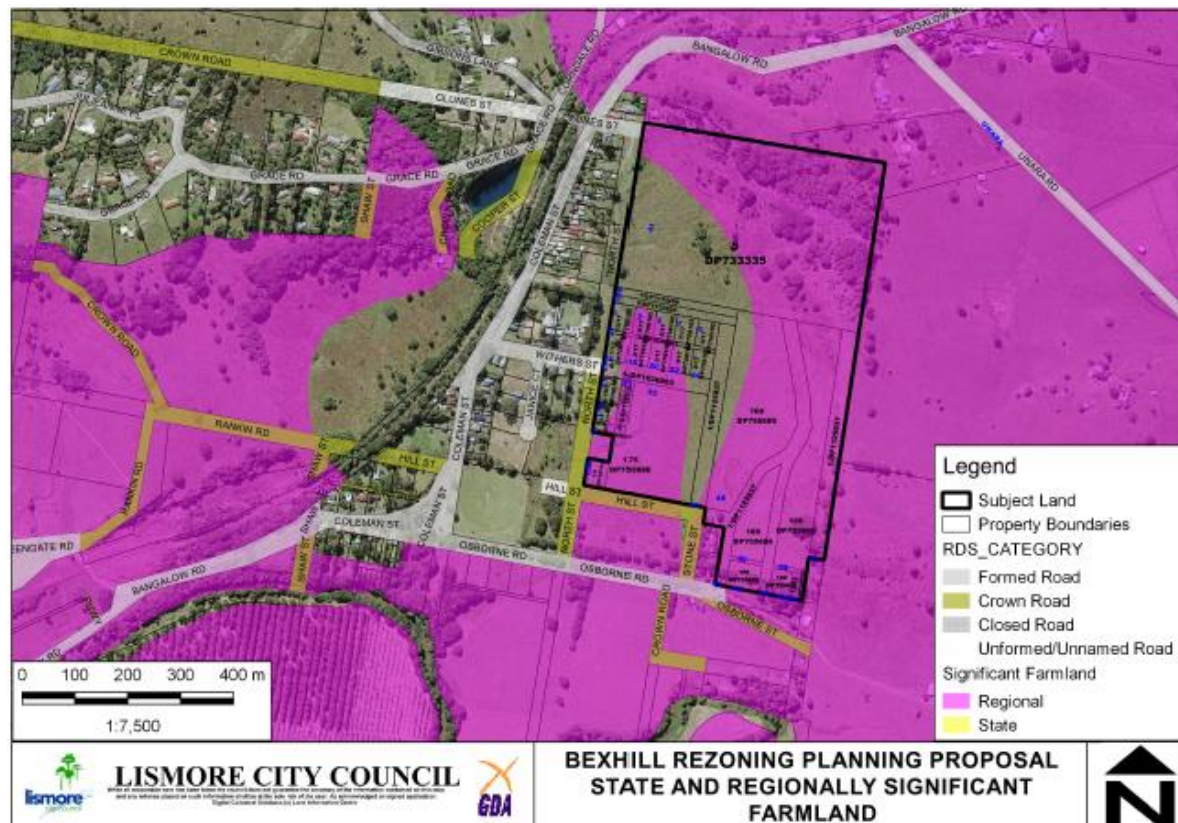
Significant Farmland

Figure 8 shows that a substantial part of the land is mapped as regionally significant farmland under the Northern Rivers Farmland Protection project (2005). This land has been included in an approved local growth management strategy since 1997 (Village Development Strategy), prior to the Northern Rivers Farmland Protection Mapping (2005) that designated part of the site as regionally significant farmland. The land was also approved as a release area in the Far North Coast Regional Strategy and is now included in the Lismore LGA Urban Growth Area Map in the North Coast Regional Plan as suitable for urban expansion.

The Planning Proposal will lead to the loss of this land from agriculture. However, the inclusion of this land in a land release strategy approved by the Department of Planning and Environment, shows that this will be offset by the development of land for housing adjacent to an existing village and in close proximity to the wide range of employment, recreation and services available in the Lismore urban centre.

Potential land use conflicts with other agricultural uses to the east, north and south will be mitigated by the use of the proposed E3 Environmental Management zone which will serve as a buffer between residential and adjoining rural land uses.

Figure 8 – Farmland Classification Map



Land use conflict

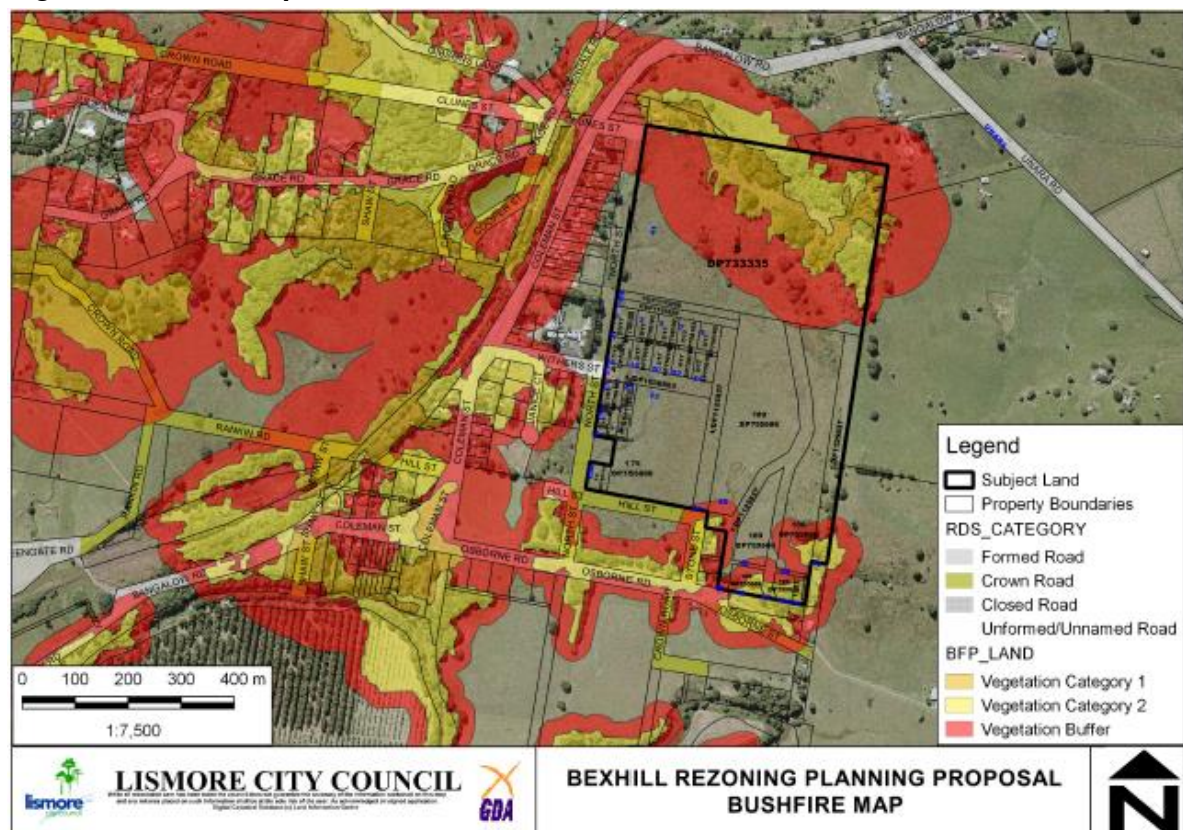
The first planning proposal would have resulted in the creation of an interface between existing rural and proposed village residential land uses which had the potential to generate land use conflict. The Gateway determination did not require a Land Use Conflict Risk assessment (LUCRA), although staff had recommended that one be undertaken. The Department of Primary Industries also commented that a LUCRA should occur.

The potential for land use conflict between village residential uses and rural uses is significantly reduced with the use of the proposed E3 Environmental Management zone between the village zone and the rural uses to the east in particular. While the E3 zone is intended to allow for the conservation of threatened species and endangered ecological communities over time, it is noted that extensive agriculture is a permitted use in that zone. It is therefore recommended that a LUCRA is required post Gateway determination 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'*.

Bush Fire Hazard

Part of the land is identified as bush fire prone, as shown on Figure 9 below, which will largely be contained within the proposed E3 Environmental Management zone. In accordance with s117 Ministerial Direction 4.4, a bush fire risk assessment under *Planning for Bush Fire Protection 2006* was provided by the applicant with respect to the original Planning Proposal. That Planning Proposal and the bushfire hazard assessment report provided by the applicant post the Gateway determination were referred to the Rural Fire Service. The RFS advised that it had no requirements. It is considered that further reporting on bushfire hazard is not required at this stage although referral of the amended Planning Proposal to the Rural Fire Service will be necessary.

Figure 9 – Bushfire prone land



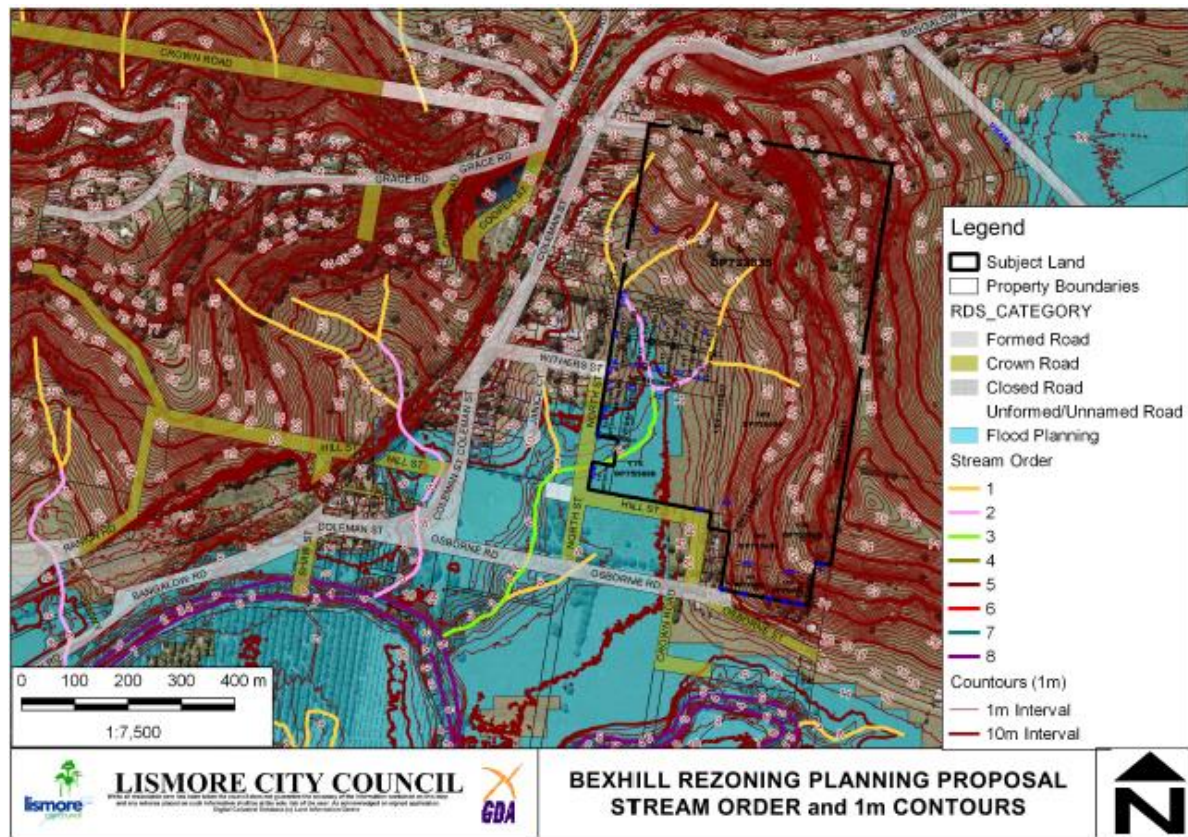
Geotechnical

A preliminary geotechnical report for the site was undertaken by Coffey Geotechnics for the proponents. The “High” and “Very High” geotechnical risk areas provided in the slope analysis plan are now contained within the proposed E3 Environmental Management zone. The only development envisaged in this zone would be for the purpose of one dwelling. If necessary, more detailed geotechnical information will be required at development application stage.

Flooding

Approximately 3.5 hectares of the south western portion of the site are within the flood planning area under LEP 2012, as shown in Figure 10 below. Under the original planning proposal, this area was to remain in the RU1 Primary Production zone. This area is now proposed to be included in the E3 Environmental Management zone due to the presence of Hairy Joint Grass and the Freshwater Wetlands EEC. A minimum lot size of 40ha is proposed for this part of the E3 zone.

Figure 10: Contour, flood planning area and stream order map



Q9. Has the planning proposal adequately addressed any social and economic effects?

Economic Impacts

Additional economic activity will be generated by urban development of the land both during the construction and operational phases. Dr Chris McDowell was engaged by the proponents to prepare an economic impact study for the proposal identifying the key economic benefits and costs associated with the proposal.

The following are potential key positive economic impacts associated with the proposal:

- Greater housing choice providing urban housing with a rural outlook and connection to the natural and rural environment.
- Residential lots added to the limited available stock.
- Ready access to an existing transport route.
- Some residents may perceive a positive impact on village character.

Potential negative economic impacts include:

- Loss of outlook to rural land adjacent to a number of existing residents.
- Some residents may perceive an adverse impact on village character.
- Housing that has a higher reliance on private cars for transport than housing provided in Lismore.

The report concluded that the economic benefits of a residential subdivision to the immediate east of Bexhill village are likely to outweigh the economic costs.

Social Impact

A social impact assessment (SIA) was submitted in accordance with Council's Policies which require an SIA for rezoning proposals that will enable the creation of 20 or more lots. The SIA concludes that the positive impacts associated with the proposal suggest that the rezoning is worthwhile pursuing.

Aboriginal and European Cultural Heritage

An Aboriginal and European cultural heritage assessment prepared by Everick Heritage Consultants has been provided by the applicant. With respect to Aboriginal cultural heritage, the report concludes:

'As a result of the desktop study and field inspection the following conclusions were established with Noel King, the Ngulingah LALC Sites Officer.

- *No Indigenous cultural heritage sites or relics were identified within the Project Area.*
- *No areas have been identified that are considered to contain potential archaeological deposits of significant Aboriginal heritage.*
- *All of the Project Area has been disturbed in a manner which constitutes 'disturbance' within the meaning of the Due Diligence Code and is consistent with the Due Diligence Code.*

Ngulingah Local Aboriginal Land Council has also formally advised that there is little likelihood the proposal will impact on Aboriginal cultural heritage.

With respect to 'historic cultural heritage', the report advises that, *a number of historic features were located during the survey including a former Abattoir Shed and Corralling Yard Complex, vehicular tracks, yard infrastructure and dumped brewery tanks. The significance assessment in Section 10 confirmed that these features do not meet the threshold for local significance. As such, no further recommendations for historic heritage are required.*

No further reporting on cultural heritage is required at this time.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Water

Council staff have had a number of discussions with Rous Water and now Rous County Council (RCC) regarding the future water supply for an expansion of the Bexhill village. The water supply function of RCC was formerly known as Rous Water. These discussions are summarised in Attachment 3 to this report.

Council's Strategic Engineer, Water and Wastewater has advised as follows:

There are two options available for providing a sustainable water supply to proposed development at Bexhill. One of these options would be the provision of on-site water supply, such as rainwater tanks. The other would be to connect with the existing Bexhill reticulated water supply.

The current water reticulation within Bexhill is connected to trunk water mains owned and operated by RCC. Owners of properties connected to this reticulation are currently customers of RCC, which remains the water supply authority for this area.

RCC have stated that further connection of properties to the Bexhill water supply would be contingent on additional infrastructure being constructed that would enable all customers to be connected to a reticulation separate from their trunk main system. This would require the construction of a new reservoir and trunk mains, in addition to amendment of the existing reticulation. A new metering point would also need to be installed at the offtake from the trunk mains to the new reservoir. Following completion of this work, it would then be likely that RCC would seek to transfer all reticulation assets, located downstream of the new metering point, to Lismore City Council.

As an initial stage of preparing an Infrastructure Delivery Plan (IDP), RCC have commissioned a report that identifies the preferred option for the provision of new infrastructure. However, a final IDP that identifies how these assets are to be provided is yet to be completed by RCC.

At present, if developers wish to connect to the existing Bexhill water supply, they must make suitable arrangements with Rous Water. If a development application was lodged that proposed connection to this water supply, the applicant would need to demonstrate that satisfactory arrangements with Rous Water were in place.

In summary, the development is capable of being supplied with water, either on-site via rainwater tanks, or by connecting to the reticulated supply at Bexhill. The latter option may not be economically feasible for the developer.

Further consultation is recommended to occur with Rous County Council post Gateway determination.

On-site wastewater disposal

Effluent disposal for the existing residences in Bexhill village are via individual on-site treatment systems, most commonly septic tanks and trenches. The amended Planning Proposal includes a minimum lot size of 2500m² to incorporate the on-site disposal of wastewater for the proposed expanded area of RU5 Village zoned land. A land use capability assessment is required post Gateway determination to assess the capacity of the land for the disposal of wastewater. This assessment is supported by the DPI (Water)

Traffic

An updated traffic assessment was submitted by the applicant on 20 April 2017 following the objection from the RMS to the original Planning Proposal and Council staff support for the assessment. Council's Strategic Engineer has advised that the report assessed traffic impacts from a possible 64 lot development, access to which is from Withers Street and Clunes Street. The report concluded:

- *The proposed rezoning plan allows for approximately 64 residential allotments with road connections to Withers Street and Clunes Street. This scale of development is significantly lower than that previously considered under a previous application which allowed for up to 167 lots and a relatively large commercial/retail use.*
- *Since the previous rezoning application was approved, the Bangalow Road/Withers Street intersection has been upgraded to include a right turning lane for traffic approaching Withers Street from the north. The provision of this right turn lane was recommended by the previous traffic report prepared by Ardill Payne and Partners.*

- *A capacity analysis using up to date traffic count data indicates that the Bangalow Road/ Withers Street intersection will function satisfactorily under projected future traffic conditions with the inclusion of traffic generated by the proposal.*
- *The Northern Rivers Buslines provide a regular service along Bangalow Road between Lismore and Byron Bay, Mullumbimby and Brunswick Heads. Buses stop near the existing pedestrian crossing located just north of Withers Street. The location of the site in relation to Bangalow Road and the Bexhill Public School, together with the scale of the proposal, is such that additional public bus services will not be warranted.*

Council's Strategic Engineer has concluded that the technical report submitted for assessment confirms the existing road network and external road infrastructure has sufficient capacity to accommodate the development of the area to be rezoned. The traffic assessment's conclusions are supported and has not identified issues that cannot be addressed through the development application process.

Stormwater Management

The site is drained by several gullies which direct water to an intermittent water course near the western boundary. The lower portions of the site are inundated during a major flood event. The report submitted by the proponents with the original planning proposal proposes that stormwater quantity can be addressed by a sequence of at source detention ponds or tanks and larger detention ponds in a now superseded proposed sporting field area. Staff did not consider this would be sufficient particularly in light of the geotechnical risk profile, and recommended a detailed stormwater management plan post Gateway Determination.

As the areas of high geotechnical hazard are now proposed to be included in the E3 Environmental Management zone, more detailed stormwater management assessment is not required for the Planning Proposal but can be addressed at the subdivision development application stage. At that stage, stormwater management will need to be integrated throughout the site and based on water sensitive urban design principles.

Education, Health and Emergency Services

There is a primary school in Bexhill. Otherwise health, education and emergency services are available nearby in Lismore.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Planning Proposal endorsed by Lismore City Council on 12 May 2015 along with supporting information were referred to the following agencies as required by the Gateway determination issued on 2 June 2015:

- Department of Primary Industries - Agriculture
- Department of Primary Industries - Fisheries
- NSW Department of Industry – Geological Survey of New South Wales (GSNSW)
- Department of Primary Industries - Water
- NSW Rural Fire Service
- Office of Environment and Heritage
- Transport for NSW - Roads and Maritime Services
- Rous County Council

The responses of these agencies are summarised in Appendix 3. Two (2) written responses were made by the OEH. Consultation with the OEH led to the amended rezoning plan in this Planning Proposal. The RMS submitted an objection and requested a traffic assessment. This assessment has been provided by the applicant and will be referred to the RMS following a Gateway determination for this amended planning proposal. Other agencies either raised no concerns or any issues raised could be addressed.

As this amended Proposal is substantially different to the Planning Proposal reviewed by the above agencies it is recommended that it is referred to the same agencies following a Gateway determination, with the exception of GNNSW.

Federal Department of Environment and Energy

Due to Hairy Joint-grass being listed as a threatened species on the federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), it is possible that the future subdivision may be considered a controlled action under that Act. OEH advised that it may be useful to better understand the likely position of the federal Government on this matter at the rezoning stage to inform the rezoning process.

Council staff therefore held a tele conference with relevant staff from the federal Department of Environment and Energy and discussed the implications of the EPBC Act for any future subdivision application. The applicant provided an EPBC Act Assessment of Significance for Hairy Joint Grass. Council's Ecologist has confirmed that this assessment is adequate and has been prepared in accordance with the EPBC Act significant impact guidelines (EPBC Act Policy Statement 1.1).

Part 4 Mapping

Current Zoning and Lot Size

The land is currently within the RU1 Primary Production zone under the provisions of Lismore Local Environmental Plan 2012. The land is also mapped on the Lot Size Map with a minimum lot size of 40ha.

Extracts of the relevant Lismore LEP 2012 maps are included over the page.

Proposed Zoning, Height of Buildings and Lot Size

It is proposed to rezone part of the land from Zone RU1 Primary Production to Zone RU5 Village and Zone E3 Environmental Management. The change to the zoning map will require corresponding changes to:

- a. Height of Buildings Map – 8.5 metres maximum for the RU5 Village zone.
- b. Lot Size Map – 2,500m² minimum in the RU5 Village zone and 15 hectares and 40 hectares in the E3 Environmental Management zone.

This will be achieved by amending map sheets:

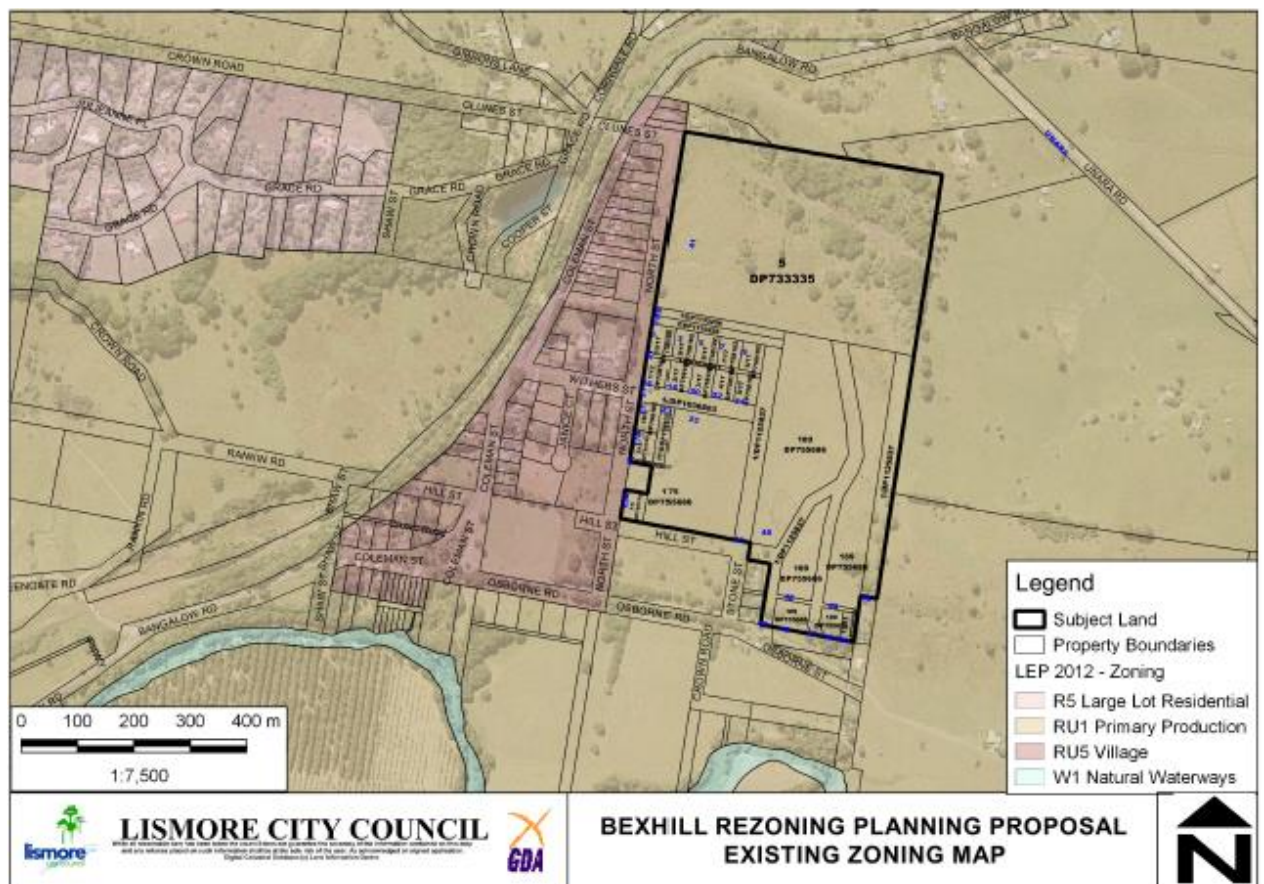
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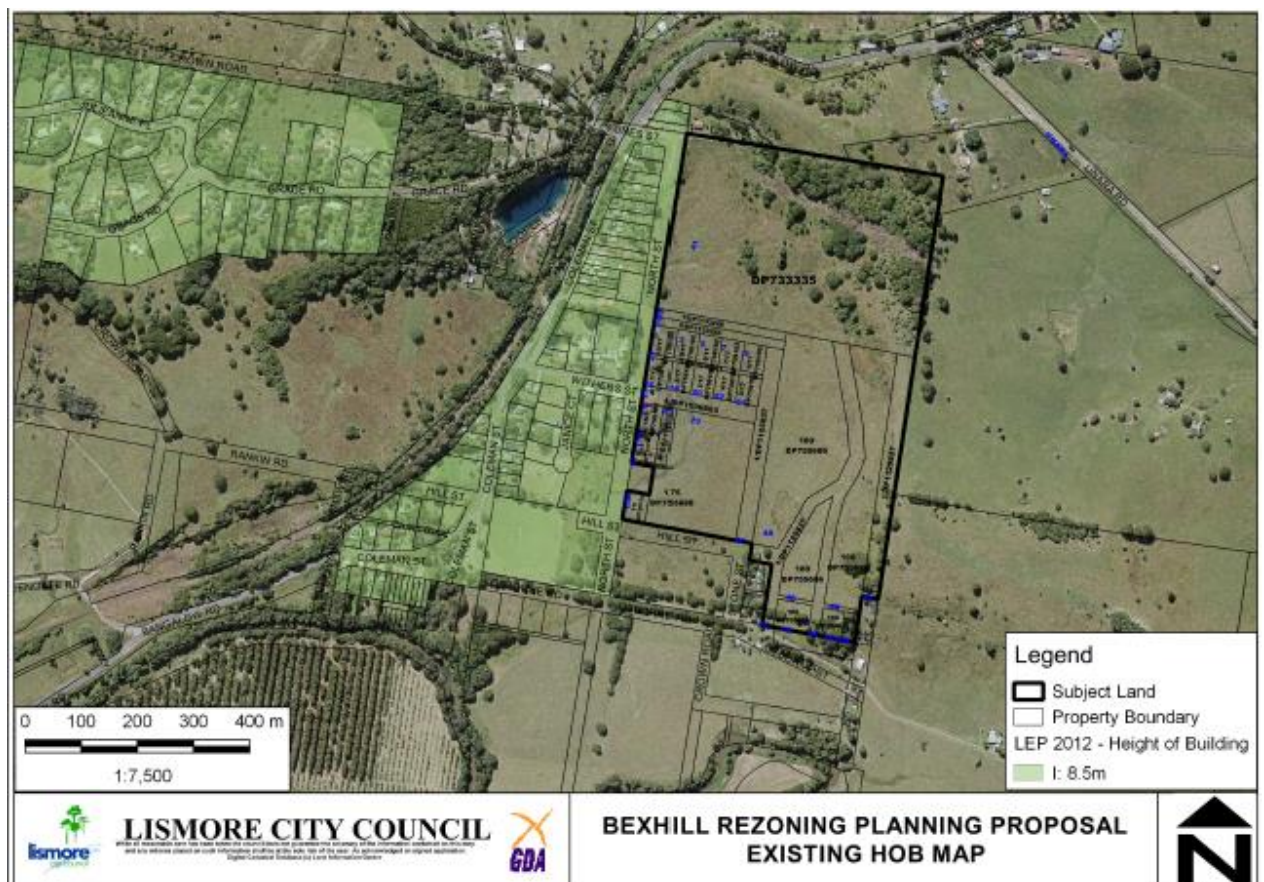
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HOB_005

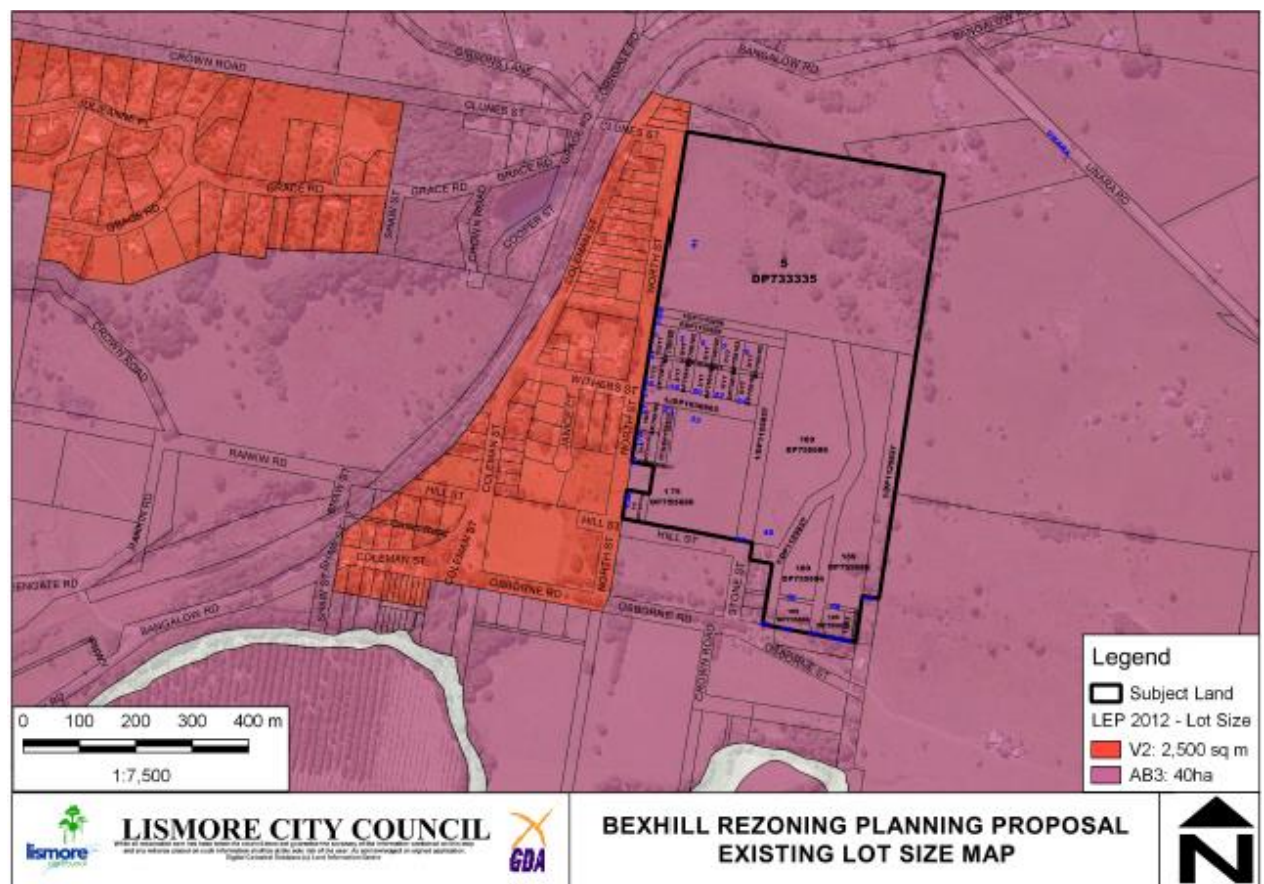
Existing Zoning



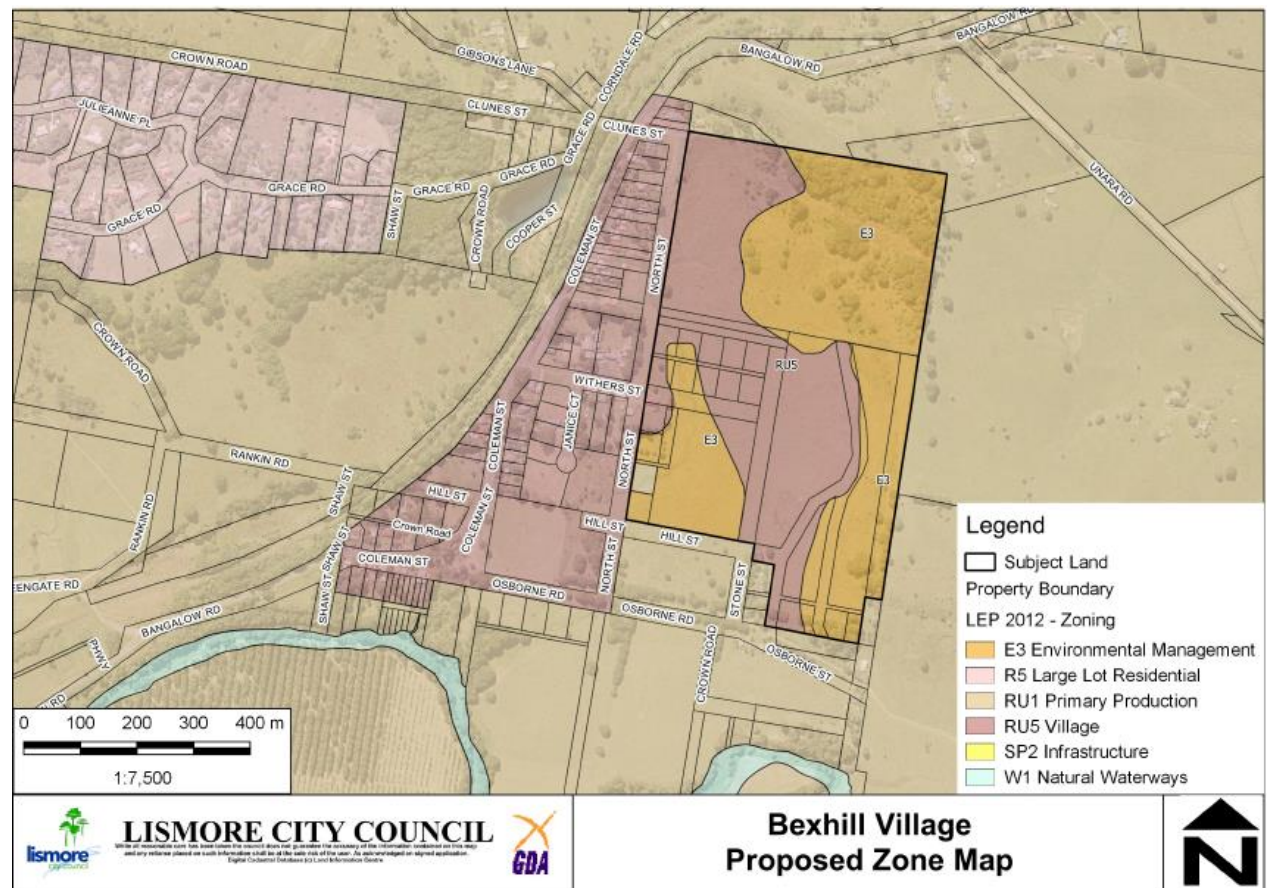
Existing Height of Buildings



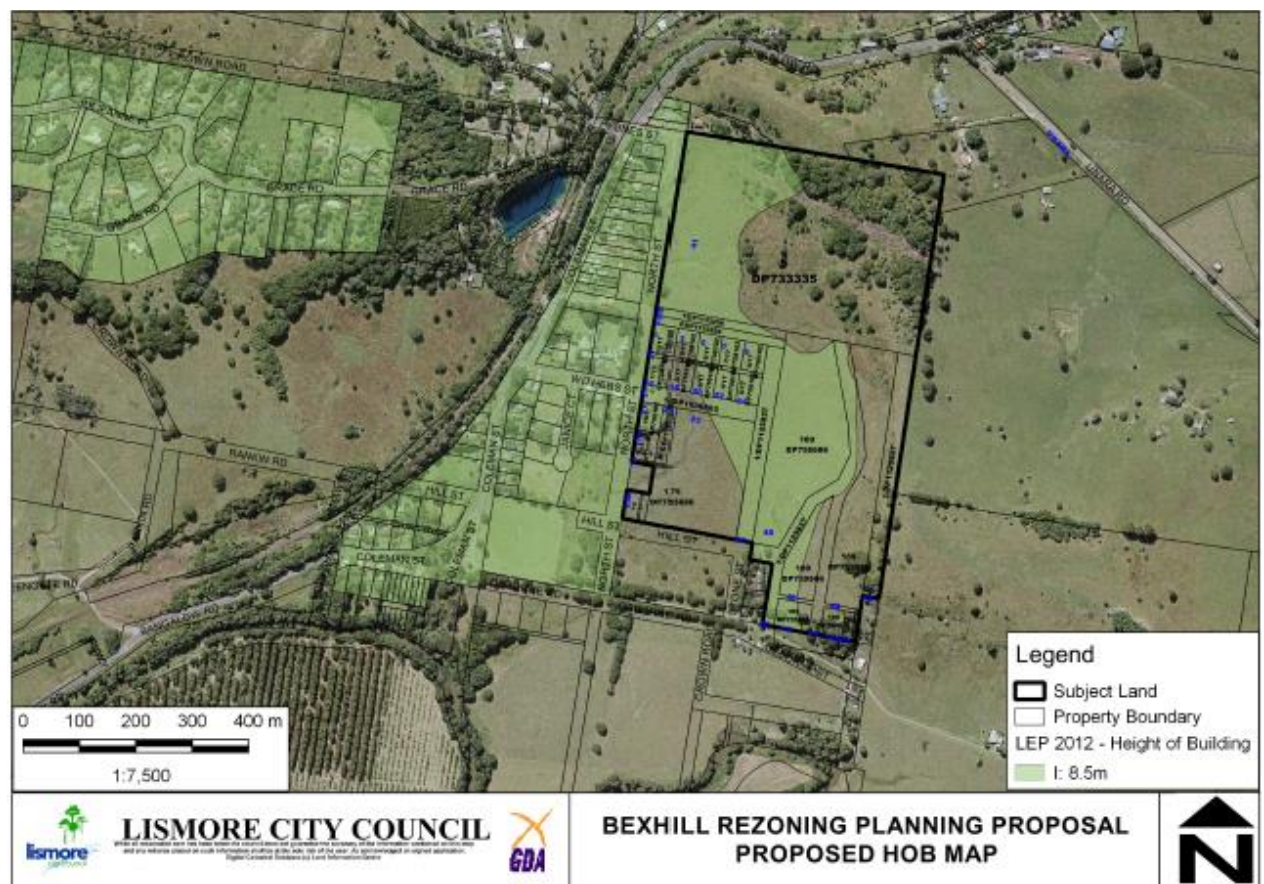
Existing Lot Size



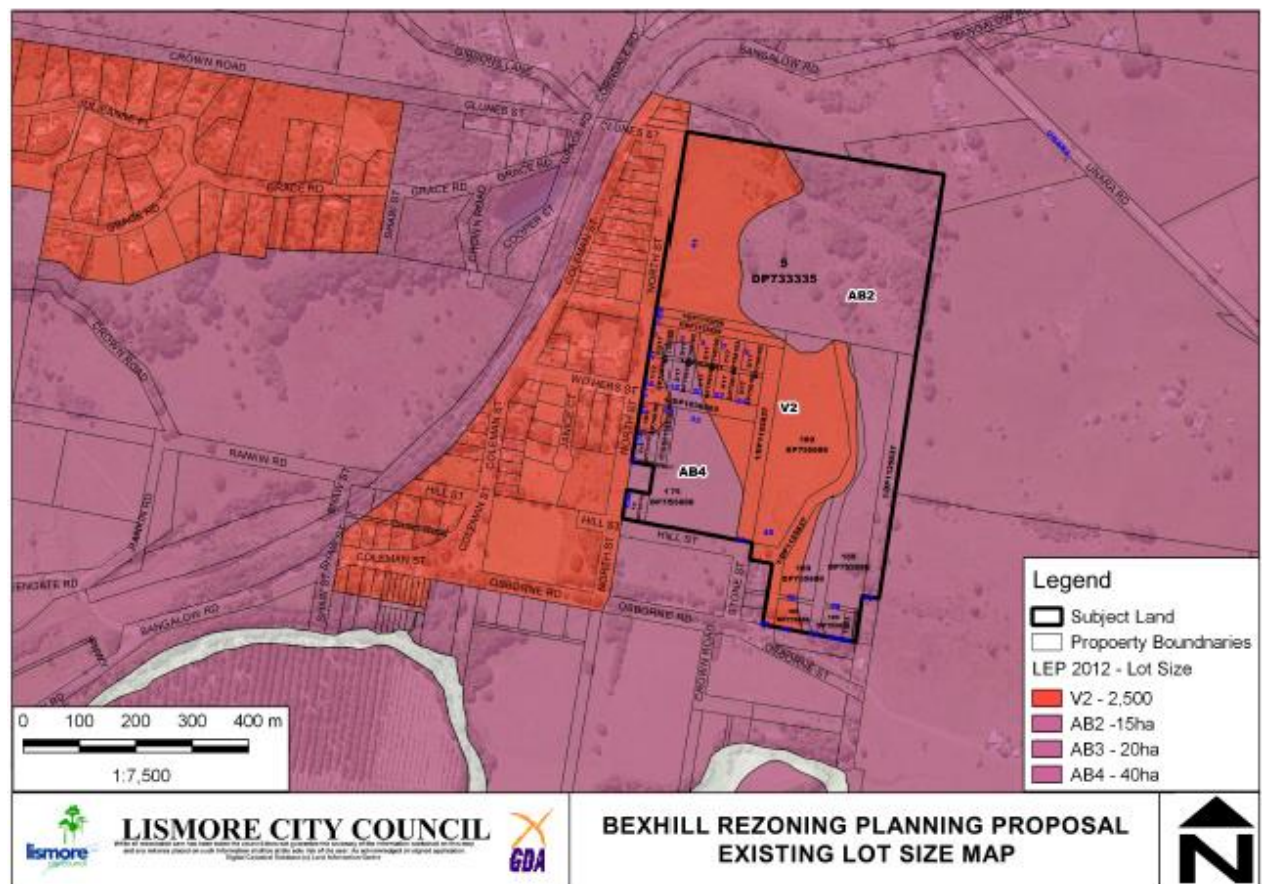
Proposed Zoning



Proposed Height of Buildings



Proposed Lot Size



Part 5 Community Consultation

Council will commence community consultation post a Gateway determination and following the provision by the applicant of the additional assessments proposed on land use capability for on-site wastewater disposal and land use conflict risk. 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 (Local Matters) that circulates in the area affected by the Planning Proposal.
- The website of Lismore City Council and the Department of Planning and Environment.
- Letter to landholders in the adjoining village zoned land.

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 of 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 Environment.
- 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.

Part 6 Project Timeline

- Report to Council **13 June 2017**
- Gateway determination issued **July 2017**
- Anticipated timeframe for the completion of required technical information **August-September 2017**
- Anticipated timeframe for government agency consultation and public consultation **October 2017 to November/December 2017**
- Anticipated timeframe for consideration of submissions **January 2018**
- Timeframe for the Council consideration of a proposal post exhibition **March 2018**
- Date of submission to the department to finalise the LEP **March 2018**
- Anticipated date for plan making **May 2018**

Conclusion

The subject land has been identified in the North Coast Regional Plan 2016-2036 and Council's Growth Management Strategy concluded that Bexhill has the nucleus for expansion, i.e. a school, small store, and recreation facilities. The land proposed for inclusion in the RU5 Village zone is situated for future village development and the part of the site identified as having high ecological significance is to be included in the E3 Environmental Management zone to ensure its longer term conservation and regeneration.

The planning proposal is thus consistent with the strategic intent of the Lismore Growth Management Strategy 2015-2036. A preliminary assessment of the planning proposal indicates that it substantially complies with the relevant SEPP's, s117 Directions and the North Coast Regional Plan.

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

Appendix 1 - Compliance with State Environmental Planning Policies

State Environmental Planning Policy	Requirements	Compliance
SEPP 44 – Koala Habitat Protection	3 Aims, objectives etc (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones. 16 Preparation of local environmental studies The Director General may require that potential or core koala habitat not proposed for environmental protection zoning is the subject of an environmental study.	Consistent Surveys recorded the primary Koala feed tree Forest red gum (<i>Eucalyptus tereticornis</i>) and the locally significant Pink bloodwood (<i>Corymbia intermedia</i>) on the site's higher northern slopes. This area is to be included in an E3 Environmental Management zone and a vegetation management plan is to be submitted post Gateway determination detailing protection/ enhancement of threatened flora and fauna habitat, EECs and Koala habitat.
SEPP 55 – Remediation of Land	6 Contamination and remediation to be considered in zoning or rezoning proposal Council is required to consider whether the land is contaminated when rezoning for residential development.	Consistent A contaminated land assessment was prepared to support the original Planning Proposal and it found no sources of contamination, though Council staff identified the need for the sampling density to be increased for consistency with the NSW EPA Sampling Guidelines to ensure an appropriate confidence in 'hot spot' detection. The additional assessment prepared by Melaleuca Group Pty Ltd included further targeted sampling around an existing slaughter house in the northern part of the property post the Gateway determination. Consistent with the use of lead based paints in the past, this report found high levels of Lead within the immediate vicinity of the structure (approximately 30 cm from the external walls) and approximately 5m from the north-west corner of the structure. As this sample was within close proximity to the current access track it was surmised that flakes of Lead-based paint were either transported on tyres of vehicles traversing the area or during the painting process paints were spilt in the area. The report states that, <i>'the contaminant of concern is Lead and it is well documented that Lead is found within close proximity of buildings and is usually from Lead-based paints and subsequent delineation of the contamination is usually within close</i>

State Environmental Planning Policy	Requirements	Compliance
		proximity to the external wall (i.e. approximately 30cm from the outside circumference of buildings). The slaughterhouse is proposed to be removed. Once the structure is removed, soils across the area should occur to a depth of approximately 10cm. The area should encompass an area measuring at least 2-3 m from the eastern and southern walls of the structure and at least 6m from the north-west corner of the structure. All other metal concentrations in the soils are within expected background levels. No pesticides were present above analytical detection limits in the samples analysed. Based on the findings of this investigation, it is considered the subject site would not represent a significant risk of harm to end users of the proposed rezoning and a future subdivision development. Appropriate management of the area surrounding the slaughterhouse can be implemented with the area validated in due course'. The old slaughter house is located in the area that is proposed to be included in the E3 Environmental Management zone, which has very limited development potential. The report's conclusions are supported and further reporting on potential contaminated land issues is not required at this stage.
SEPP (Affordable Rental Housing) 2009	No specific requirement regarding rezoning land.	Consistent. Rezoning land from rural to the Village zone will enable the potential for the development of various forms of affordable housing.
SEPP (Housing for Seniors or People with a Disability) 2004	No specific requirement regarding rezoning land.	Consistent. Rezoning land from rural to village and large lot residential will provide some increase in the opportunity for the development of housing for seniors or people with a disability.
SEPP (Infrastructure) 2007	No specific requirement regarding rezoning land.	Consistent The planning proposal is consistent with the aims of the SEPP. Various forms of infrastructure are either permissible with or without development consent in the proposed RU5 zones.
SEPP (Rural Lands) 2008	2 Aims of Policy The aims of this Policy are as follows:	Consistent The village zoned land will adjoin the E3 Environmental Management zoned land. This will minimise any potential land use

State Environmental Planning Policy	Requirements	Compliance
	(a) orderly and economic use and development of rural lands, (b) regard to Rural Planning Principles and the Rural Subdivision Principles, (c) to implement measures designed to reduce land use conflicts, (d) to identify State significant agricultural land (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.	conflict risk but as low level agricultural uses are permitted in the E3 zone a land use conflict risk assessment will be required post Gateway determination. In addition, the Lismore DCP provides for buffers between residential uses and potentially conflicting uses. The proposed village land is located in the Lismore Growth Management Strategy and identified on the Lismore LGA Urban Growth Area map in the North Coast Regional Plan. The land is not listed as Significant agricultural land under schedule 2 of the SEPP.

Appendix 2 - Compliance Table Section 117 Ministerial Directions

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	Not applicable	Not applicable
1.2 Rural Zones	A Planning Proposal must not rezone land from a rural zone to a residential zone unless it is justified under clause 5 of the direction. Such justification includes the identification of the land in a strategy.	Justified inconsistency. This land has been included in an approved local growth management strategy since 1997 (Village Development Strategy), prior to the Northern Rivers Farmland Protection Mapping that designated part of the site as regionally significant farmland. The land was also approved as a release area in the Far North Coast Regional Strategy and is now included in the Lismore LGA Urban Growth Area Map in the North Coast Regional Plan as suitable for urban expansion.
1.3 Mining Petroleum Production and Extractive Industries	This direction applies when the Planning Proposal: Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials; Restricting the potential of State or regionally significant mineral resources	Consistent. The Planning Proposal does not have the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials. In addition, the GSNSW has advised it has no concerns to raise in regards to the proposal as there are no current mineral, coal or petroleum titles over the site and the proposal should have no impact upon mineral, coal or petroleum resources.
1.4 Oyster Aquaculture	Not applicable	Not applicable
1.5 Rural Lands	The Planning Proposal must be consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008. Rural Planning Principles The Rural Planning Principles are as follows: (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas, (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State, (c) recognition of the significance of rural land uses	Consistent Residential land proposed to adjoin rural land will be of sufficient dimensions to accommodate required DCP buffer distances. Additionally the proposed development provides the opportunity to provide a well-planned buffer through the E3 Environmental Management zone to farmland that does not exist now. A class 3 waterway is located in the area that is also subject to flooding, which was to remain in the RU1 Primary Production zone in the first Planning Proposal. This area is recommended to be included in the E3 Environmental Management zone in the amended Planning Proposal discussed in the following sections of the report. A 10 metre

Ministerial Directions	Requirements	Compliance
	to the State and rural communities, including the social and economic benefits of rural land use and development, (d) in planning for rural lands, to balance the social, economic and environmental interests of the community, (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land, (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities, (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing, (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	buffer as required by the DPI (Fisheries) is achievable and will need to be nominated on the Structure Plan to be provided by the applicant following the receipt of a Gateway determination. The proposed residential land is located in the Lismore Growth Management Strategy and North Coast Regional Plan.
2. Environment and Heritage		
2.1 Environment Protection Zones	The Planning Proposal must include provisions that facilitate protection of environmentally sensitive areas. Must not reduce protection standards for environmental protection zones.	Consistent The Planning Proposal includes the E3 Environmental Management zone which will incorporate the endangered ecological communities and retain more than 30% of the Hairy Joint-grass which will ensure a viable population. The Planning Proposal will result in the enhancement and conservation of riparian areas and the above mentioned communities and threatened species.
2.2 Coastal Protection	Not applicable	Not applicable
2.3 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	Consistent A report prepared by Everick Heritage Consultants shows that there are no items or areas of Aboriginal or European cultural heritage. Ngulingah LALC has also advised that the Planning Proposal

Ministerial Directions	Requirements	Compliance
		will not adversely impact on Aboriginal cultural heritage.
2.4 Recreation Vehicle Areas	Not applicable	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	A planning proposal that introduces or alters an E Zone or an overlay must apply the Zone and overlay in accordance with the Northern Councils E Zones Review Final Recommendations.	Consistent. This planning proposal introduces the E3 Zone to areas contained ecologically endangered communities, koala food trees and threatened flora species. Some could be regarded as worthy of an E2 zone as they represent the habitat of a key threatened species. However, the primary use of the land over the last two years is for agricultural uses. This zone is also agreed to as part of a development outcome by the landowners. On balance the E3 zone is considered appropriate.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The Planning Proposal must: • Broaden the choice of housing types and locations. • Make efficient use of existing infrastructure and services. • Reduce consumption of land. • Housing of good design. • Residential development not permitted until land is adequately serviced. • Not contain provisions that will reduce residential density.	Consistent A range of housing types and densities will be permitted in the RU5 Village zone The land is adjacent to existing infrastructure. A range of lot sizes responding to the topography of the site are able to be provided. Lismore LEP 2012 contains provisions that require the provision of services prior to development consent for residential development.
3.2 Caravan Parks and Manufactured Home Estates	Requirements for provisions that apply to development of caravan parks and Manufactured Home Estates.	Not applicable.
3.3 Home Occupations	The planning proposal must permit home occupations in dwelling houses without development consent.	Not applicable.
3.4 Integrating Land Use and Transport	The Planning Proposal must give effect to and be consistent with the aims, objectives and principles of: <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001, and</i>	Consistent The site has sufficient capacity to provide access to transport for residents. Street layout will accommodate buses, cars, bikes and pedestrians. Streets will generally be connected to maximise access.

Ministerial Directions	Requirements	Compliance
	<i>The Right Place for Business and Services</i> – Planning Policy (DUAP 2001) <i>Improving Transport Choice</i> better integrate land use and transport planning and development, provide transport choice and manage travel demand to improve the environment, accessibility and livability, reduce growth in the number and length of private car journeys, make walking, cycling and public transport use more attractive. <i>The Right Place for Business and Services</i> This policy aims to encourage a network of vibrant, accessible mixed use centres which are closely aligned with and accessible by public transport, walking and cycling. Objectives include • help reduce reliance on cars and moderate the demand for car travel • encourage multi-purpose trips • encourage people to travel on public transport, walk or cycle • provide people with equitable and efficient access • protect and maximise community investment in centres, and in transport infrastructure and facilities • foster growth, competition, innovation and investment confidence in centres,	The site is adjacent to existing residential development and associated infrastructure. The site is proximal to all existing services including education, retail, recreation, medical, religious, sporting, trade and professional services. The proposed residential development will to some extent have the potential to increase car journeys. However it may well be that residents that choose to live in Bexhill will be those that travel to work to the east but want to have easy access to the Lismore CBD.
3.5 Development Near Licensed Aerodromes	Not applicable	Not applicable
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Not applicable	Not applicable
4.2 Mine Subsidence and Unstable Land	Applies to mine subsidence areas Applies to areas identified as unstable	Consistent The land is not within a mine subsidence area. Areas of potentially

Ministerial Directions	Requirements	Compliance
		unstable land are to be incorporated into the E3 Environmental Management zone where there is limited development potential.
4.3 Flood Prone Land	The objectives of this Direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Consistent. The flood prone land in the south-western part of the site is to be included in the E3 Environmental Management zone and will not be developed. No further analysis is required.
4.4 Planning for Bushfire Protection	A planning proposal that will affect bushfire prone land: • Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination prior to community consultation. • Must have regard to Planning for Bush Fire Protection 2006. • Must introduce controls that avoid placing inappropriate development in hazardous areas. • Must ensure bushfire hazard reduction is not prohibited within the APZ.	Inconsistent pending consultation with RFS. Some of the subject land is mapped as bushfire prone land and this land will largely be contained in the E3 Environmental Management zone. A bushfire hazard assessment has been undertaken for the site and the original planning proposal to rezone the land was referred to the RFS which advised it had no requirements. Refer to attached Appendix 3. The planning proposal will not prohibit bushfire hazard reduction. Referral of this planning proposal to the RFS is recommended post any Gateway determination.
5. Regional Planning		
5.1 Implementation of Regional Strategies	This direction applies to land to which the following regional strategies apply: (a) South Coast Regional Strategy (excluding land in the Shoalhaven LGA) (b) Sydney–Canberra Corridor Regional Strategy	The Direction does not apply to this land. However, the North Coast Regional Plan Urban Growth Area Map for the Lismore LGA shows a growth area east of the Bexhill village generally consistent with the area the subject of the Planning Proposal.
5.2 Sydney Drinking Water Catchments	Not applicable	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	The Planning Proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.	Justified inconsistency. This land has been included in an approved local growth management strategy since 1997 (Village Development Strategy), prior to the Northern Rivers Farmland Protection

Ministerial Directions	Requirements	Compliance
	Justification for an inconsistency includes consistency with areas contained within the "urban growth areas" mapped in the North Coast Regional Plan 2036.and identification of the land in a council strategy.	Mapping Project (2005) that designated part of the site as regionally significant farmland. The land was also approved as a release area in the Far North Coast Regional Strategy and is now included in the Lismore LGA Urban Growth Area Map in the North Coast Regional Plan as suitable for urban expansion.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	Not applicable	Not applicable
6. Local Plan Making		
6.1 Approval and Referral Requirements	A Planning Proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of DP&E. Not identify development as designated development unless justified.	Consistent. The Planning Proposal does not introduce new concurrence, consultation or referral requirements. Nor does it propose new forms of designated development.
6.2 Reserving Land for Public Purposes	A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DP&E.	Consistent. No additional public land is required.
6.3 Site Specific Provisions	A Planning Proposal to allow a particular land use (residential development) must rezone the site to an existing zone already applying to the LEP that allows the land use, without additional development standards to those already in use in that zone.	Consistent The proposed RU5 zones is the most appropriate for future residential development on the land. No additional development standards are applied that are not already in use.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Not applicable	Not applicable

Appendix 3: Summary of Agency Comments - 12 May 2015 Bexhill Planning Proposal

State Agency	Comment Summary	Staff Response
Department of Primary Industries - Agriculture	The subject site contains a large contiguous area of regionally significant farmland. This land is considered a highly important agricultural resource for the North Coast region identified due to its inherent qualities. It is acknowledged that a large portion of the subject site has been identified as part of local strategic planning processes and as a proposed future urban release area in the Far North Coast Regional Strategy. Whilst this is recognised and therefore noted as being inconsistently justified in the planning context, the cumulative removal of important agricultural resources in perpetuity within Lismore LGA is a growing concern. Agriculture is a significant land use in the Lismore LGA providing considerable input to the local economy. Maintaining access to important agricultural resources into the future is necessary to ensure agricultural industries continue to grow, contribute to the local and state economy and provide food security. Protection of large contiguous parcels of farmland is important for biosecurity purposes, reducing land use conflict potential, and to allow farmers to upscale. Therefore, the extent of regionally significant farmland to be removed from RU1 zoning as a result of this planning proposal is not supported. A reduction in the scale of rezoning is suggested, particularly in consideration of the land constraints. Consideration should also be given to extending the residual RU1 area within the proposal to incorporate some higher ground for flood refuge purposes given that the residual area is flood liable land. The NSW Government recently released the NSW Right to Farm Policy that provides actions the NSW Government has committed to in order to reduce land use conflict between agricultural and non-agricultural land use. The absence of a Land Use Conflict Risk Assessment (LUCRA) at this important stage of a planning proposal does not assist with the objectives of this policy. It is recommended that a LUCRA should be completed given the regional significance of the site and surrounding land.	This land has been included in an approved local growth management strategy since 1997 (Village Development Strategy), prior to the Northern Rivers Farmland Protection Mapping Project (2005) that designated part of the site as regionally significant farmland. The land was also approved as a release area in the Far North Coast Regional Strategy and is now included in the Lismore LGA Urban Growth Area Map in the North Coast Regional Plan as suitable for urban expansion. The Planning Proposal will lead to the loss of this land from agriculture. However, the inclusion of this land in a land release strategy approved by the Department of Planning and Environment, shows that this will be offset by the development of land for housing adjacent to an existing village and in close proximity to the wide range of employment, recreation and services available in the Lismore urban centre. Potential land use conflicts with other agricultural uses to the east, north and south will be mitigated by the use of the proposed E3 Environmental Management zone which will serve as a buffer between residential and adjoining rural land uses. The amended planning proposal that is discussed in the Council report reduces the extent of land proposed for future housing although it is recommended to be included in an environmental protection zone. With respect to the flood prone land, the area proposed to be excluded is consistent with the flood planning area in the Local Environmental Plan. Council staff concur with the DPI with respect to a land use conflict risk assessment (LUCRA). The Gateway determination did not support the provision of a LUCRA; however, it is recommended that it be provided for the amended/ new rezoning planning proposal.

Department of Primary Industries – Water	DPI Water recommends Council carefully consider the water supply to service this area to ensure there will be a secure (quality and quantity) reliable and manageable water supply for any future developments. Aerial photographs and maps of the site show a watercourse traversing the site, which could be impacted by future development on the site. It is recommended that Council incorporate appropriate buffers to maintain the integrity of the watercourse on the site. Council should consider the impacts of future developments on the site on groundwater. In coastal areas the groundwater is quite shallow and there is the potential for contamination. Council should consider locating future settlement intensification (in particular new subdivisions) away from vulnerable groundwater resources and existing groundwater users. DPI Water notes that where landholdings are subdivided, creating new basic landholder rights for water extraction, there is the potential to impact on existing water users, including the environment. Council should give consideration to the potential increase in basic landholder rights (BLRs) and the impacts on other users and the environment. Whilst the planning proposal outlines any future developments will be supplied by town water supply, it is recommended that a clause be included in the LEP to prevent the proliferation of BLRs resulting from the subdivision of land, along the frontage of waterways and over vulnerable aquifers. Consideration should be given to the potential increase of effluent disposal systems as a result of additional dwellings. There is the potential for groundwater impacts if onsite sewerage disposal systems are used.	Water supply for the proposed development has been and will continue to be considered by Council. A reticulated supply via a new reservoir may prove not to be financially viable for the developer. However, water supply can be achieved through provision of rainwater tanks. The comments regarding watercourses are noted and impact on these especially through buffers to on-site wastewater systems will be managed. Staff recommend that the applicant provide further information with respect to this issue.
Department of Primary Industries - Fisheries	The present proposal includes rezoning of an area adjacent to a 3rd order waterway which is considered a Key Fish Habitat. It is acknowledged that the waterway is in a degraded state with no over-storey of riparian vegetation. The waterway generally satisfies the criteria for type 3, class 3 Minimal Key Fish Habitat categories using the criteria in DPI Fisheries Policy and Guidelines. DPI Fisheries recommends riparian buffer zones measured from the top of	The class 3 waterway is located in the area that is also subject to flooding, which was to remain in the RU1 Primary Production zone in the first Planning Proposal. This area is recommended to be included in the E3 Environmental Management zone in the amended Planning Proposal discussed in the following sections of the report. A 10 metre buffer is achievable and will need to be nominated on the Structure Plan to be

	the bank be applied to rezoning proposals and new subdivisions. Based on the type of habitat and class of waterway a minimum 10 metre buffer of native endemic riparian vegetation is recommended.	provided by the applicant following the receipt of a Gateway determination.
NSW Department of Industry – Geological Survey of New South Wales (GSNSW)	The GSNSW has no concerns to raise in regards to the proposal as there are no current mineral, coal or petroleum titles over the site and the proposal should have no impact upon mineral, coal or petroleum resources.	Comments noted. If adopted, it is recommended that the amended planning proposal does not need to be referred to this agency.
NSW Rural Fire Service	The Service has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire.	Noted. The amended Planning Proposal will be referred to the RFS as there may be implications with respect to proposals for vegetation regeneration in the north and north-eastern parts of the site.
Office of Environment and Heritage	OEH provided formal responses in two (2) letters dated 3 May 2016 and October 2016. In the 3 May 2016 letter OEH advised that, it had no concerns about NPWS estate or flood management, a number of issues are apparent with respect to the assessments for biodiversity and Aboriginal cultural heritage. In summary, the OEH recommended that: 1. Applicant to clarify whether the vegetation in the north-east of the site meets the definition for the Lowland Rainforest endangered ecological community (EEC). 2. The parts of the site in the north-east, east and south-east should not be zoned for more intensive land uses. These areas should be considered for environmental protection zoning or the application of a biodiversity overlay to improve or maintain their biodiversity values. These parts of the planning area and the low-lying land associated with the watercourse in the south-west, could also provide suitable on-site offsets for biodiversity impacts of future development. 3. A smaller RU5 and R5 zone will need to be considered to reduce the impacts on the biodiversity values of the planning area. 4. Suitable onsite offsets should be rehabilitated and secured in the planning area as part of the Planning Proposal. The offset areas should incorporate an appropriate proportion of the identified biodiversity values of the planning area.	Council's Ecologist advised that the applicant had mostly addressed the issues raised by OEH in the first response (May 2016) and requested further revisions which the applicant has since accepted and a revised plan submitted as the basis of an amended planning proposal. The changes made incorporated: • The discrepancy between Figure 1 of the report where the community in the NE section of the site is named as "Lowland Rainforest (disturbed)", and the Issues and Responses section of the report where it is discussed as not being consistent with the <i>Lowland Rainforest EEC</i> was clarified. • The proportion of mapped HJG habitat proposed for retention was increased from 22.19% of the area to around 33% of the mapped HJG habitat to provide for a viable population of HJG at the site into the future. • The primary management objective in Area B4 should be to undertaken rainforest plantings to buffer and enhance threatened flora habitat and adjacent (offsite) Lowland Rainforest EEC. • Potential HJG conservation area on Council Land was excluded from the report and maps. • An indication was provided of the proposed environmental protection zoning. • Correction of grammatical errors. In response to the second letter from the OEH: • The comment regarding the Lowland Rainforest EEC is noted.

	5. The comments from the Ngulingah Local Aboriginal Land Council should be provided to the OEH for review. The OEH was provided with a proposed revised rezoning plan and in response sent a further letter dated 30 November 2016. The OEH advised that it had reviewed the updated planning proposal which responds to our previous letter dated 3 May 2016 and recommended that prior to finalising the planning proposal for a revised Gateway Determination the council should: 1. Update the planning proposal to discuss and potentially include the description and mapping of the Lowland Rainforest EEC. 2. Consider applying the environmental protection zone to the northern patch of trees currently proposed for the residential zone. 3. Rationalise the zone boundary line work to reduce complexity in determining where the different zones are on the ground and to align the zone boundaries with future property boundaries. 4. Consider avoiding split zones over lot parcels to reduce complexity in managing the different zones on a property. 5. Apply the E2 (Environmental Conservation) rather than the E3 (Environmental Management) zone to the proposed environmental protection areas. 6. Identify and apply a suitable mechanism to ensure the rehabilitation and in-perpetuity protection of the environmental protection area is achieved. The OEH looks forward to another opportunity to comment on the planning proposal before it is finalised. OEH also noted that the hairy-joint grass is listed as a threatened species on the Australian Government <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). Although the planning proposal does not trigger the EPBC Act, it is possible that the future subdivision may be considered a controlled action under that Act. It may be useful to better understand the likely position of the Australian Government on this matter at the rezoning stage to inform the rezoning process. We understand that the council has contacted the Australian Government in relation to this proposal.	Council staff do not agree with this determination. • The E3 zone is recommended for the areas that meet the criteria in the Department of Planning and Environment's section 117 direction for E zoning. • The zone boundary referred to was proposed by the applicant. This area has been 'smoothed' to reduce complexity. • It is agreed that split zones should be avoided. • Council staff consider that the areas proposed for the E3 zone meet the criteria for E zoning and this zone has been agreed to by the landowners. • The mechanism proposed at this stage will connect rehabilitation works with subdivision development approval. <u>EPBC Act</u> Staff discussed the implications of the EPBC Act with the Department of Environment and Energy and advised the applicant of the implications of this legislation at subdivision stage. The applicant submitted an EPBC Act Assessment of Significance for Hairy Joint Grass (<i>Arthraxon hispidus</i>). Council's ecologist has confirmed that the assessment is adequate and prepared in accordance with the EPBC Act significant impact guidelines (EPBC Act Policy Statement 1.1). <u>Cultural Heritage</u> <i>Ngulingah advised 'Upon review of maps and report we recommend that there is little chance of Aboriginal object being impacted by the proposed land use'.</i> It is recommended that the amended planning proposal is referred to the OEH post any Gateway determination.
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Transport for NSW - Roads and Maritime Services	The proposed land release accesses the Bangalow Lismore Road at Withers Street and Clunes Street in Bexhill. Both these intersections have limitations in terms of sight distance and capacity. The offset stagger of Clunes Street and Corndale Road means there is limited opportunity to provide storage for turning vehicles without creating conflict with through traffic. Sight distance to the north is limited. The Withers Street intersection with the Bangalow Lismore Road is located just north of a crest and right hand curve limiting sight distance to the south. The right hand curve to the south of Withers Street creates sight problems for vehicles using rear view mirrors to merge. This precludes this intersection from being upgraded to a seagull type treatment to increase right turn capacity. The suitability of Withers Street as a main access for the land release is further complicated by access to Bexhill Public School and the need to provide a safe road environment in and around the school. Therefore, at this time Roads and Maritime Services objects to the proposal due to the safety implications of increasing traffic through the Withers Street and Clunes Street intersections with the Bangalow Lismore Road. Mitigation of safety risks and capacity constraints needs to be considered before the land release proceeds. It is suggested an updated traffic impact statement be prepared to identify suitable locations for increased traffic generated by the land release to safely and efficiently access the Bangalow Lismore Road. It will also be essential for the study to identify viable intersection treatments that will be able to be constructed in the constrained road environment through Bexhill.	Staff agree with the RMS regarding the need for a traffic impact assessment. At the 12 May 2015 meeting, Council had resolved that the applicant provide an updated traffic assessment, in particular considering the changed nature of the Bangalow Road traffic and providing further information on the Bangalow/Clunes/Corndale staggered "T" intersection. However, as the Gateway determination did not require this assessment, it was not sought from the applicant. While the amended Planning Proposal discussed in the Council report includes a much reduced area for future housing, staff and the RMS considered that an updated traffic assessment was still necessary. The applicant was advised of this and has provided this assessment, which is discussed in the Council report. The amended Planning Proposal will be referred to the RMS for comment along with the updated traffic assessment.
Rous Water	Rous Water has no comment on the planning proposal for the rezoning of land at Bexhill at this stage.	Since 2013 Council staff and the proponents have had a number of discussions with (then) Rous Water regarding water supply to service the proposed expansion of Bexhill Village. The 'no comment' response simply reflects that there has been a number of options considered. Rous provided commentary to Lismore City Council regarding the original planning proposal, which included an anticipated lot yield of 167 lots. Council's approval of a planning proposal with a 2500m² minimum lot

		size more than halved the original proposed lot yield. Prior to receipt of the Planning Proposal for comment, Rous Water had commissioned an Infrastructure Delivery Plan (IDP) report, which was reported to Rous County Council in June 2015. Rous resolved that <i>'it does not consider it is the long-term water reticulator for Bexhill and that staff initiate communication with Lismore City Council regarding Bexhill reticulation supply and report back to Council in due course. Concerning the provision of water supply to the proposed subdivision in Bexhill, Council does not consider itself to be the long-term water reticulator for Bexhill nor does the development require connection to the Rous Water system.'</i> As an initial stage of preparing an Infrastructure Delivery Plan (IDP), RCC commissioned a report that identifies the preferred option for the provision of new infrastructure. However, a final IDP that identifies how these assets are to be provided is yet to be completed by RCC. At present, if developers wish to connect to the existing Bexhill water supply, they must make suitable arrangements with Rous County Council. If a development application was lodged that proposed connection to this water supply, the applicant would need to demonstrate that satisfactory arrangements with Rous County Council were in place. The report to Rous Water noted that water supply can also be provided on-site, that is, through rain water tanks. It is suggested that the amended Planning Proposal is referred to Rous County Council for any further comments.
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