



Proposed Expansion of Bexhill Village

Proposal Title : **Proposed Expansion of Bexhill Village**

Proposal Summary : **The planning proposal is to rezone rural land to part RU5 Village and part R5 Large Lot Residential to provide for the expansion of the settlement of Bexhill north of Lismore.**

PP Number : **PP_2015_LISMO_003_00**

Dop File No : **15/08598**

Proposal Details

Date Planning Proposal Received : **25-May-2015**

LGA covered : **Lismore**

Region : **Northern**

RPA : **Lismore City Council**

State Electorate : **LISMORE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street : **North Street**

Suburb : **Bexhill**

City :

Postcode : **2480**

Land Parcel : **Lot 5 DP733335, Lots 175 and 189 DP 755686; 16 small lots in DP756102 and others in the vicinity**

DoP Planning Officer Contact Details

Contact Name : **Jim Clark**

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RPA Contact Details

Contact Name : **Paula Newman**

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DoP Project Manager Contact Details

Contact Name : **Jim Clark**

Contact Number : **0266416604**

Contact Email : **jim.clark@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name :

Regional / Sub Regional Strategy : **Far North Coast Regional Strategy**

Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release (Ha) : **35.50**

Type of Release (eg Residential / Employment land) : **Residential**

No. of Lots : **0**

No. of Dwellings (where relevant) : **64**

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department's Code of Practice in relation to communication and meetings with Lobbyists has been complied with to the best of the Region's knowledge.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department of Planning and Environment's Code of Practice in relation to meeting with lobbyists has been complied with to the best of the Region's knowledge.**

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **Expansion of the settlement of Bexhill is provided for in Lismore Council's Village Strategy and the Department's Far North Coast Regional Strategy**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives clearly explains the outcome of the proposal, which is to provide residential living opportunities on land east of the existing village of Bexhill.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **There is a satisfactory explanation of the proposed provisions -**

**-rezone land partly to RU5 Village and partly R5 Large Lot Residential;
-minimum lot size of 2500 sq m in both zones;
-building height limit of 8.5 metres.**

The maps to be amended are clearly indicated.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

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- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP No 70—Affordable Housing (Revised Schemes)
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **Details in "Assessments" section**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Land Zoning, Minimum Lot Size and Height of Building Maps need to be amended to meet the Standard Technical Mapping Requirements prior to finalisation. Copies of maps included in the planning proposal are suitable for public exhibition**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **28 day consultation period suggested by Council is appropriate**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project time line.**

The RPA has provided a project time line which estimates that the plan will be finalised in May 2016, which is approx. 12 months. This period is considered appropriate given that additional studies are required.

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Council has not specifically sought an authorisation to exercise its plan making delegations in this instance. However an evaluation of criteria for delegation has been provided and verbal advice has been received that Council would accept delegation. The proposal is considered to be a local matter with minimal issues of State or regional significance. It is therefore recommended that an authorisation to exercise its plan making delegations be issued to Council.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

This proposal amends Lismore LEP 2012 which is a Principal LEP.

Assessment Criteria

Need for planning
proposal :

The planning proposal is the best way to achieve expansion of the settlement of Bexhill.
The existing provisions for the land require 40 hectares for subdivided lots.

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Consistency with strategic planning framework :

The proposal is consistent with Lismore Council's Village Strategy and is mapped within the Town and Village Growth Boundary under the Far North Coast Regional Strategy.

The proposal involves rezoning most of the site to RU5 Village with an area of R5 Large Lot Residential at the far east of the site. Flood liable land in the south-west corner retains its current RU1 zoning.

LOCAL PLANNING DIRECTIONS

The Council has nominated a number of SEPPs and section 117 directions - There are no inconsistencies with applicable SEPPs.

The applicable provisions in SEPP (Rural Lands) are referred to in direction 1.5 which is considered below. In relation to the directions:

1.2 Rural Zones

The planning proposal is not consistent with this direction as it rezones land from a rural zone to a residential zone and a rural (village) zone. The inconsistency is justified because the rezoning is in accordance with a local strategy (Lismore Villages Strategy) and the Far North Coast Regional Strategy, which give consideration to the objectives of this direction.

1.3 Mining, Petroleum Production and Extractive Industries

The proposal is inconsistent with this direction as it removes land from agricultural zoning / use and therefore removes potential for mining or quarrying which could take place under the Mining SEPP. While there has been no consultation with DPI as the direction requires, no resources in the vicinity of this land appear in DPI's Mineral Audit. The inconsistency can be justified in reference to the local and regional strategies. It is being recommended that consultation with DPI take place

1.5 Rural Lands

The planning proposal is not consistent with this direction as it will affect land within an existing rural zone and changes the minimum lot size on land within a rural zone. The existing land use zone is RU1 Primary Production. The proposal is partly consistent with the Rural Subdivision Principles in SEPP Rural Lands. Where the proposal is inconsistent, the inconsistencies are justified by the strategies described under 1.2 above, which give consideration to this direction.

2.3 Heritage Conservation.

Preliminary assessment according to Council has indicated no items of Aboriginal or European heritage significance - there is therefore no inconsistency with the direction. However Council is proposing to require a detailed archaeological survey post-Gateway and consult with the Local Aboriginal Land Council and OEH.

4.2 Mine Subsidence and Unstable Land.

This direction requires that a planning proposal should not permit development on "unstable land" which has been identified as such in a study or assessment. The Council considers that the proposal is consistent with the direction - however it's not. A geotechnical assessment prepared by Coffey Geotechnics has indicated that some of the eastern area of the site shows evidence of slope instability and slope wash. The assessment concludes that the steeper ground on the ridgeline and nearby slopes is of high or very high hazard for landslip.

This area is generally to be zoned R5 (some RU5) with a 2500 sq m minimum lot size in both zones - which is an appropriate density to avoid issues with hazardous slopes. Some lots may need to be larger than this. The Coffey Geotechnics study meets the requirement of item (6)(b) of the direction to justify an inconsistency. Council advises additional work will be needed at DA stage to determine building sites (to be included in a DCP) and infrastructure construction to avoid hazard. In these circumstances the inconsistency is justified in terms of the direction.

4.3 Flood Prone Land

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The flood liable land in the south-west of the site is not being developed - no inconsistency arises.

4.4 Planning for Bushfire Protection.

The proposal is inconsistent with the direction as the northern part of the land is bushfire-prone and there has been no contact with the NSW Rural Fire Service as the direction requires. Council proposes to require a bushfire risk assessment post Gateway. However the RFS may require the risk assessment before it will endorse the planning proposal. This issue can be resolved before the proposal is finalised - in the meantime inconsistency with the direction is unresolved.

5.1 Implementation of Regional Strategies.

The proposal is within the Town and Village Growth boundary of the Far North Coast Regional Strategy and therefore no inconsistency arises.

5.3 Farmland of State/Regional Significance.

The direction requires that farmland of regional significance not be rezoned for urban or rural residential purposes. Two thirds of the site is regionally significant farmland - including the flood liable land and the steep slopes and ridgeline. Much of this would be of limited agricultural benefit.

As indicated earlier at direction 1.2 the proposal is consistent with the Far North Coast Regional Strategy and accordingly the inconsistency with this direction is justified.

INFRASTRUCTURE

Council has determined that a sewerage scheme which would transport sewage and wastewater to the South Lismore treatment plant may not be feasible. As well such a proposal has been costed as prohibitive at this stage. Septic tanks and trenches meet disposal requirements for the existing village and this is proposed for the new release area also. In view of restrictions on the ability of individual sites to accommodate effective on-site treatment, a minimum lot size of 2500 sq m is set for both R5 and RU5 zones. While lots of this size are unusual in a "village" zone, they are justified in these circumstances. The lot size can be amended by a future planning proposal if a sewerage scheme is ever installed for Bexhill.

Rous Water has advised Council that water supply can be provided - it would need additional contributions to accommodate a shortfall in Rous's current Development Servicing Plan.

Council advises it is not satisfied with the stormwater management suggestions in the original proposal and is to require a detailed stormwater management plan. This need not be provided until development stage.

Environmental social
economic impacts :

Biodiversity

The land is predominantly cleared grazing land although there are some stands of camphor laurel and dry rainforest. Council is not satisfied with the preliminary assessment which omits consideration of possible EECs and threatened species (including Hairy Joint Grass). In addition the possibility of koala habitat on site is not considered.

Council has foreshadowed a request for detailed assessment post Gateway, which is appropriate.

Land Contamination.

Council is also not satisfied with the adequacy of the preliminary land contamination report. Some potential "hot spots" are missed - in particular the area of a discussed slaughterhouse at the north of the site (lead-based paint, asbestos). More detailed sampling is to be required post-Gateway.

Land Use Conflict.

Council is concerned at conflict between existing agricultural operations east of the site and development of the R5 zone adjacent to it. Council is to require a Land Use Conflict Risk Assessment - however this need not occur until development stage.

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Bushfire / Geotechnical / Heritage.

See comments under section 117 directions above.

Social / Economic.

Obvious economic benefits are greater housing stock and choice, positive impact on the village of Bexhill. Disbenefits include a change in rural outlook, possible impact on traffic and inadequate transport options.

According to the Council a survey of residents of the existing village was held and there was a public meeting to explain the proposal - which was positively received.

Assessment Process

Proposal type : Routine Community Consultation Period : 28 Days

Timeframe to make LEP : 12 months Delegation : RPA

Public Authority Consultation - 56(2) (d) : Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Department of Primary Industries - Minerals and Petroleum
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Other

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? Yes

If no, provide reasons :

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Heritage

Bushfire

Other - provide details below

If Other, provide reasons :

The reference to "Other studies" required relates to the proposed Contaminated Land Assessment update.

Council has suggested a number of other studies:

- Stormwater management;
- updated Traffic Assessment; and
- Land Use Conflict Risk Assessment.

It is considered the additional studies can be prepared after the planning proposal is finalised, at the development assessment stage and need not be conditions of the Gateway determination.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons :

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Documents

Document File Name	DocumentType Name	Is Public
2015-05-25 Council meeting 12 May 2015 - Bexhill.pdf	Proposal	Yes
2015-05-25 Planning proposal - Bexhill.pdf	Proposal	Yes
2015-05-25 Geotechnical report Aug 2007 - Bexhill.pdf	Proposal	Yes
Lismore City Council_25-05-2015_Planning proposal Bexhill.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : It is recommended that:

- 1) The planning proposal proceed as a routine planning proposal;
- 2) The Secretary (or an officer nominated by the Secretary) agrees that the inconsistencies with s117 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 4.2 Mine Subsidence and Unstable Land and 5.3 Farmland of State / Regional Significance on the NSW Far North Coast are justified;
- 3) The Secretary (or an officer nominated by the Secretary) note that the inconsistency with s117 direction 4.4 Planning for Bushfire Protection will be resolved through consultation prior to exhibition with the NSW Rural Fire Service;
- 4) Prior to exhibition and community consultation, complete the following:
 - expanded flora and fauna assessment
 - updated preliminary contaminated land assessment
 - bushfire hazard assessment; and
 - Aboriginal and European cultural heritage assessmentto support the planning proposal. This material should be placed on public exhibition with the planning proposal
- 5) Consultation should occur with
 - NSW Rural Fire Service;
 - Department of Primary Industry (Agriculture)
 - Department of Primary Industry (Minerals and Petroleum)
 - Office of Environment and Heritage;
 - Transport for NSW - Roads and Maritime Services; and
 - Rous Water;
- 6) The planning proposal be exhibited for a period of 28 days;

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7) The planning proposal be completed in 12 months; and

8) Delegation to finalise the planning proposal be issued to Lismore City Council.

Supporting Reasons :

This proposal is to expand residential opportunities at Bexhill. Relevant strategies have endorsed rezoning of the land. While the site has constraints these can be readily overcome.

The proposal is relatively minor and suitable for delegation to Council to finalise.

Signature:



Printed Name:

Craig Diss

Date:

1/6/15

