

Planning Proposal

BEXHILL REZONING

April 2015



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Table 1 – State Environmental Planning Policies

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Part 1 Objectives or Intended Outcomes

This proposal will enable the orderly expansion of the Bexhill village for residential housing with some additional rural residential development on the more constrained lands.

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 subject land comprises twenty three (23) lots, identified by real property descriptions as follows:

LOT NUMBER	DEPOSITED PLAN
5	733335
11 Sec 11	758102
1-10 Sec 17	758102
17-20 Sec 6	758102
1 Sec 6	758102
1	1036803
175 & 189	755686
1	1125837
1 & 2	1133256

Objectives

To enable the orderly expansion of the Bexhill village for residential and large lot residential housing.

Site context and setting

The site is located 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 area is a 6 minute drive north east of the site via Bangalow Road.

The village primarily consists of a small number of residential dwellings and businesses fronting the eastern side of Bangalow Road. The village also has a 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.

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

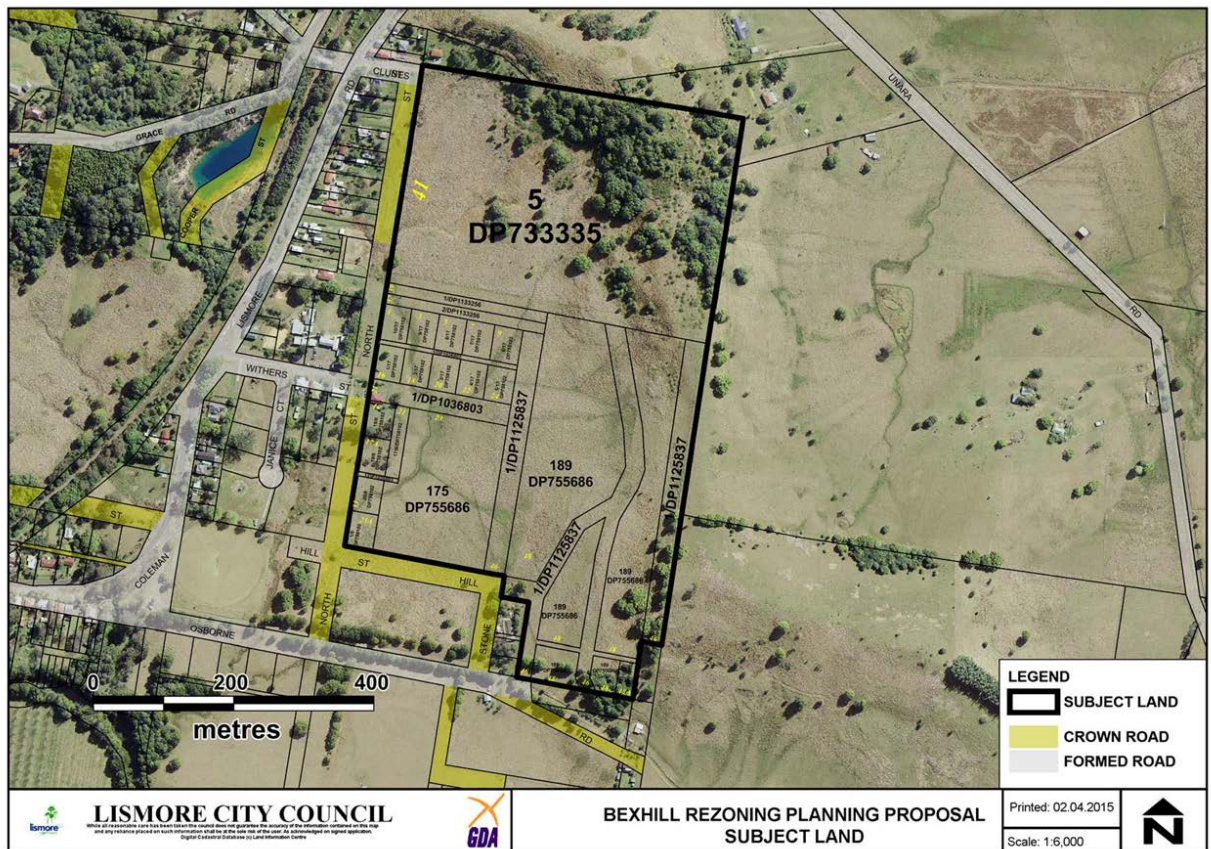


Figure 2 – View of the mid slopes of the land



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 objective of the proposal will be achieved by amending the Lismore Local Environmental Plan 2012 to rezone part of the land to Zone RU5 Village (approximately 21.6 hectares) and part to Zone R5 Large Lot Residential (approximately 8 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 R5 Large Lot Residential to the site with the residue remaining within Zone RU1 Primary Production.
- 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 Zone R5 Large Lot Residential.
- 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 and zone R5 Large Lot Residential.

Part 3 Justification

Section A Need for the Planning Proposal

There is a need for the Planning Proposal to allow for the rezoning of part of the site from rural to village and large lot residential. The population within the Council area is projected to grow by 8,000 additional dwellings by 2031 (Far North Coast Regional Strategy 2006-31, December 2006) (FNCRS) resulting in a demand for additional urban land. The rezoning will assist in meeting this demand for urban land.

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

In early 1997 Lismore City Council adopted its Villages Development Strategy. This Strategy was based on investigations into village land supply and constraints previously carried out and contained in Development Control Plans for each village. The Strategy was re-edited in 2002.

The Strategy concluded that for Bexhill there is potential for expansion of the village zone on the eastern side of Bangalow Road.

The area to be rezoned is identified in the FNCRS as a 'Proposed Future Urban Release Area.'

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 on the site.

A change in zoning 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.

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 FNCRS is the overarching framework for the management of growth for the Far North Coast. The FNCRS identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing network of major urban centres, reinforcing village character and requiring efficient use of existing services and major transport routes.

Among other things, the FNCRS aims to manage the region's projected population growth sustainably and protect the unique environmental assets, cultural values and natural resources of the region. This is planned to occur through responsive future development that retains the regional identity and local character of the area and fosters opportunities for greater economic activity and diversification.

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 Village Strategy 1997 (re-edited 2002)
- 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 draft residential development chapter is on public exhibition at the time of writing. The draft chapter includes provisions regarding design and scale that will assist to enhance and preserve

the village character of Bexhill. 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:

It is proposed that the subject site be supplied with mains potable water from Rous Water's system and to this end Rous Water has commissioned an Infrastructure Delivery Plan (IDP) report. The draft IDP is yet to be reported back to Rous County Council.

Effluent disposal for the existing residences is via individual on-site treatment systems, most commonly septic tanks and trenches.

The proponents commissioned a Preliminary Sewer Options Study by Charlie Hewitt Environmental Engineer. The study looked at the suitability and feasibility of a conventional gravity wastewater collection system with transfer of the wastewater to the South Lismore Sewage Treatment Plant (STP) via a pump station and a 10 kilometre rising main. Significant issues are controlling septicity within the rising main and the economic feasibility in terms of "Whole of Life" costs for the sewerage assets. The proponent has not satisfied Council in regard to these two issues; therefore the Planning Proposal is presented with the future dwelling houses being serviced via on site systems on minimum lots of 2,500m².

Council's Lismore Village Strategy 1997 found that the development capacity for Bexhill was as shown in the table below. It noted that *subdivision of lots below 800m² is unlikely unless reticulated sewerage can be provided.*

Lot Size	800m ²	2,500m ²	5,000m ²	1 ha.
No. of Lots	200	64	32	16

* Assumes 20% allocation of land for roads, drainage etc.

It states in part the following in regard to the future development strategy for Bexhill:

5.1.5 BEXHILL

Topography and Landuse

Bexhill village is ideally located within the parameters of the development principles. It is, however, constrained by the former brickworks site to the west, flood liable land to the south and north, and is bisected by the heavily trafficked Bangalow/Lismore Road.

It does nevertheless have the nucleus for expansion, i.e. a school, small store, and recreation facilities.Land to the east of the village is ideally situated for future village development, i.e. flood free and not prime agricultural land.

Future Development

Land to the east of the village should be identified for village type development. Village style development should not occur on both sides of the road. This would serve to

increase the congestion and traffic conflicts on the Bangalow Road at the “railway bridge” intersection.

Key Issues

Key issues include the future use or remediation of the brickworks site, and the provision of an appropriate buffer around the site.

The management of effluent from future ... village development should comply with Council's Guidelines for On-Site Effluent Management.

Future residential development to the north east should pay particular attention to management of effluent and of stormwater drainage; development should contribute to the rehabilitation and revegetation of the drainage system entering Wilsons Creek.

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.

Imagine Lismore (Community Strategic Plan) 2013 - 2023

The planning proposal is consistent with Imagine Lismore's community visions and aspirations for growth as follows:

- The subject site is identified in the draft 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;
- The residue rural land 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 **Table 1**.

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

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

The site is predominantly cleared of woody native vegetation as a result of past and current agricultural activity. PLACE Environmental was engaged by the proponents to undertake a fauna and flora assessment of the site and to prepare an environmental management report. The proponent's assessment is summarized as follows:

Flora

The assessment identifies that a total of 184 individual taxa were recorded from the Site's three broad plant communities. 67 species (36.4%) are exotic, and three are listed as threatened species (Thorny Pea, Fragrant Myrtle and Arrow-head Vine).

Fauna

The site is not considered to comprise significant habitat for fauna. The PLACE report identifies that:

- *Loss of the site's original vegetation has had a significant impact on the original fauna communities. The fauna which persist are generally adaptive rural species which remain common in the fragmented habitats of this locality*
- *The Endangered Moth *Phyllodes imperialis* (southern subspecies – ANIC 3333) occurs in lower montane rainforest in South-east Queensland and northern New South Wales. *Phyllodes imperialis* is thought to be dependent on the vine *Carronia multisepalea*, a species which occurs (as a single specimen) in the Site's southeastern corner*
- *The western waterway provides the Site's most significant Amphibian habitat, although even this feature is of limited value for this group and is considered unlikely to support any more than common rural species. None of the threatened species known from the locality (or considered potential occurrences) are likely to occur at the Site or be affected by the proposed development*
- *The Site's reptile fauna is likely to be now dominated by a suite of open country species which are common to the area's agricultural landscapes. None of the threatened species known from the locality (or considered potential occurrences) are likely to occur at the Site or be affected by the proposed development*
- *The Site is likely to support many of the common rural bird species known from the locality. Several of the threatened species listed in the database searches are locally nomadic rainforest frugivores which move between highland and lowland habitats (and through latitudes) on a seasonal basis. Rainforest patches, in particular those containing a diversity of fruiting species and keystone habitat trees such as Figs are of particular significance. Surveys found that the Site's vegetation is dominated by Camphor laurel, with only minimal rainforest regrowth. Large fig trees are absent.*

- *The highly cleared nature of the Site will preclude most forest-dependent arboreal mammals, such as the Squirrel Glider, Yellow-bellied Glider and Greater Glider. However, it is likely that common adaptable species such as the Common Ringtail and Common Brushtail Possum persist.*
- *The Site is located to the north of the area covered by the Draft Lismore Koala Plan of Management (Lismore KPOM), and it is generally accepted that Koala occurrence in this area is very rare. Mapping of NPWS data for the Koala tend to support this observation. Surveys recorded the primary Koala feed tree Forest red gum (*Eucalyptus tereticornis*) and the locally significant Pink bloodwood (*Corymbia intermedia*) on the Site's higher northern slopes. Surveys failed to record any recent signs of Koala activity in this area (as evidenced by scats and scratches). The assessment found that the Site does not contain potential or core Koala habitat, and that there is no requirement for a Koala Plan of Management to accompany the application.*
- *A range of Microchiropteran bats (including several threatened species) are known from the locality and may forage over the site. The Site does not provide suitable roost habitat for cave-roosting species. Nor does it support trees with hollows suitable for tree hole roosting bats.*

The assessment was completed in 2007. A review of the assessment and site inspection by Council's ecologist has revealed:

a. Mapping omissions

The map detailing vegetation communities located the subject site (Figure 4 of the report) does not indicate the location and extent of Community 2 Pastoral Expanse and Community 3 Riparian Forb and Sedgeland.

b. Community 1c Camphor laurel +/- Dry Rainforest Regrowth

Given the general description of species recorded in this community (p. 4), this vegetation community may conform to the Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions (TSC Act) and Lowland Rainforest of Subtropical Australia (EPBC Act) EECs. Consideration was not given to whether this community conforms to either scientific determination.

c. Community 2 Pastoral Expanse

- i. The description indicates that this community is dominated by pastoral grasses and that no TSC Act or EPBC Act threatened species were recorded on the subject site. The site inspection indicated that there are at least two derived native grassland communities on this site namely:*
- ii. Kangaroo grass Themeda australis grassland which includes a host of small native herb and forb species. Apart from woody weeds, it appears that this grassland is relatively free of common pasture grasses and other agricultural weeds. This community is located on the south-west slope of the hill located in the north-east of the site and intergrades with the Swamp Foxtail grassland community below. Significantly Themeda grasslands are host to the Austral Toadflax Thesium australe (TSC Act/EPBC Act listed threatened species). Systematic searches for this species were not conducted.*

- iii. *Swamp Foxtail Pennisetum alopecuroides* grassland also includes a range of small native herbs and forbs and varying degrees common pasture grasses and agricultural weeds. Significantly, the Swamp Foxtail grassland is associated Hairy-joint Grass *Arthraxon hispidus* (also TSC Act/EPBC Act listed threatened species). It is surprising that this species was not detected during surveys as this species occurs on substantial areas of the site and the original flora survey was conducted toward the end of the flowering period for this species (i.e. March to July).
- d. *Community 3 Riparian Forb and Sedgeland*
- e. *Given the general description of species recorded in this community (p. 5), this may conform to the Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions EEC (TSC Act). Consideration was not given to whether this community conforms to either scientific determination*
- f. *Fauna*
 - i. *Consideration of fauna issues was limited to database searches and a fauna habitat assessment. It is considered that a comprehensive fauna survey of the site is appropriate for a planning proposal.*
 - ii. *Koala habitat was recorded on the site, however, no assessment of current koala usage was provided.*

While the assessment provides sufficient information for the purpose of the Gateway Determination it will need to be updated post the Gateway Determination. In particular the updated assessment will need to include:

1. Mapping of the location of all vegetation communities.
2. Consideration of whether Community 1 and 3 conform to the EEC determinations above.
3. Systematic search for threatened flora on the site including that maps the location of threatened flora and provides an estimate population size. The search for Hairy-joint Grass will need to be conducted over the March-May period to ensure that the maximum extent of this species is captured.
4. A comprehensive fauna survey that includes a koala habitat assessment that conforms to the minimum method, structure and content requirements detailed in the Comprehensive Koala Plan of Management for south-east Lismore (Table 3).

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

Land Contamination

A contaminated land assessment has been prepared 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. Further targeted sampling is required around the existing slaughter house as this area

has a high potential for residual soil contamination from previous structure treatments (lead based paints etc.). It is appropriate that further sampling occur post the Gateway determination.

Traffic

A Traffic Impact Assessment prepared by Ardill Payne and Associates identified the expected traffic volumes to be generated by the proposal. It assessed the impact of the additional traffic on the existing road network and the capacity of the system.

The report identifies that:

- The Bangalow Road/Withers Street intersection will need to be upgraded;
- The Bangalow Road/Clunes Street intersection does not need to be upgraded; and
- The proposal will not alter the level of service on Bangalow Road.

Again this report is out of date but provides sufficient information to allow the proposal to proceed to a Gateway determination. Council's Development Engineer reports that in particular significant changes have occurred on the Bangalow Road since this report was written. Specifically, the removal of the rail bridge at Binna Burra has removed the height restriction that previously restricted the use of this road by heavy vehicles to Lismore. The report advises that the SIDRA analysis were based on 60kph design for Bangalow Road. The speed limit on Bangalow is 50 kph. The report also refers a superseded Austroad Standards.

Additionally the report has used a modal split of 60:40 Lismore to Bangalow split. This underestimates of the traffic heading to Lismore. The report allows 25% as for internal traffic. This is considered too high for a village area which relies predominantly on Lismore.

It is recommended that a detailed traffic assessment is to be provided post Gateway determination. The report, among other things, is to address the changed nature of the Bangalow Road traffic; provide further information on the Bangalow/Clunes/Corndale staggered "T" intersection; and address the reduced lot yield (amended minimum lot size now 2500m²).

Bush Fire

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

A detailed bush fire threat assessment, in accordance with the requirements of Planning for Bush Fire Protection 2006, will be required post the Gateway determination.

Land use conflict

The planning proposal will result in the creation of an interface between existing rural and proposed village residential land uses which has the potential to generate land use conflict. A *Land Use Conflict Risk Assessment* (LUCRA) will be 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'*.

Geotechnical Hazards

A preliminary geotechnical report for the site was undertaken by Coffey Geotechnics. The assessment undertaken involved a slope analysis, assessment of excavation conditions at the location of proposed cuts for road construction, assessment of the suitability of the soils for use as fill, and the provision of a preliminary recommendation and design parameters for retaining walls and bar slop angles to support permanent and temporary excavations. The investigation included 22 test pits.

The report provides the following conclusions:

- Generally the soils are suitable for re-use as controlled fill
- There is evidence of slope instability and slope wash at the western side of the property. Minor landslide scarps of up to 5 metres in length were also observed along the steeper portions of the hillside to the south

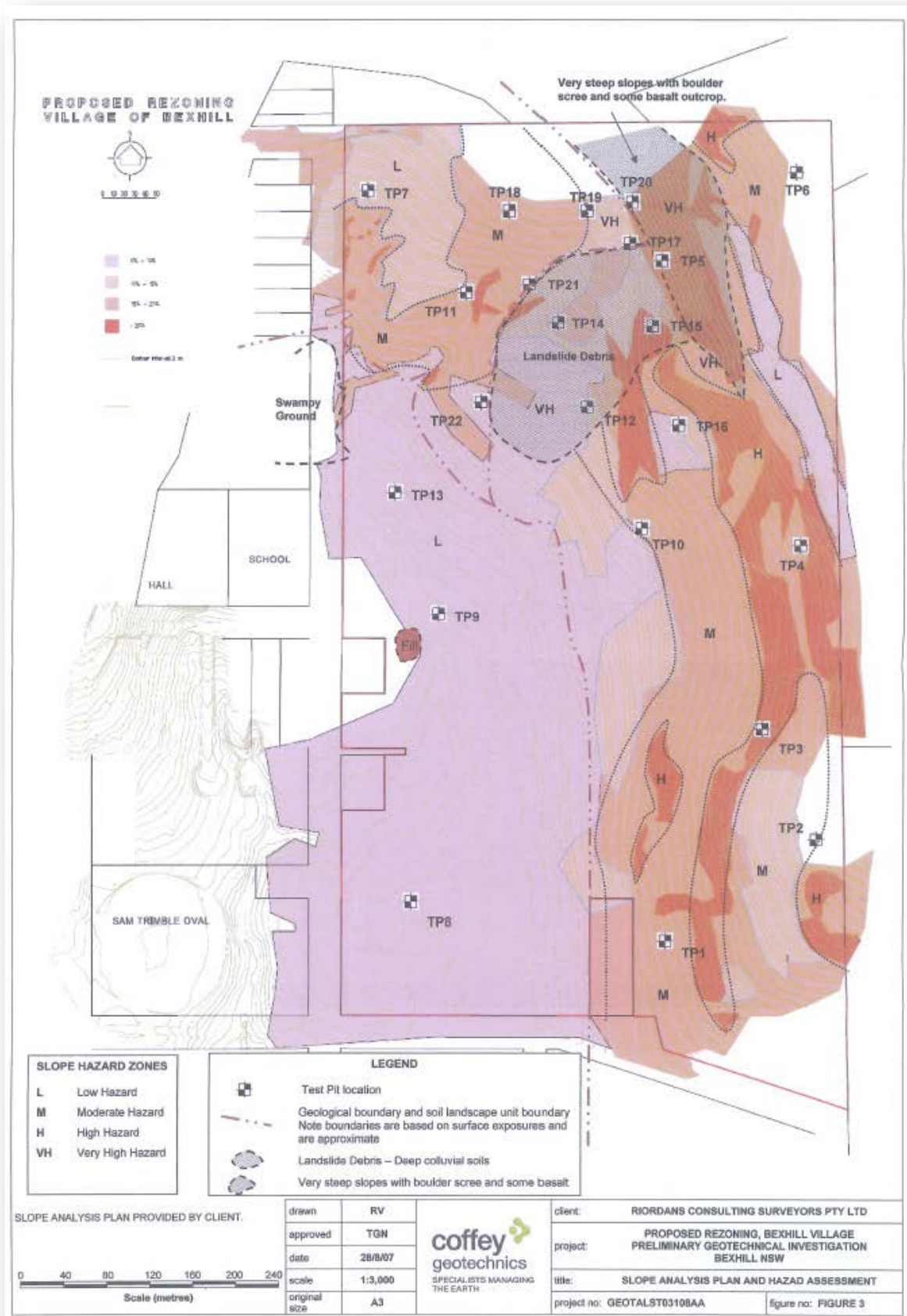
Figure 3 below identifies the assessed hazard rating for the site. The former landslide site and the adjacent very steep slope area are identified as having a very high hazard.

The “High” and “Very High” hazard mapped areas appear over the page. The proposed Zone RU5 Village has generally been excluded from these unstable areas.

Upon review of the geotechnical report and associated constraints mapping it has been determined that Zone R5 Large Lot Residential would be more appropriate for the geotechnically constrained area and the land locked area (without high geotechnical constraints) in the north east corner of the site. Zone R5 permits less intensive development compared with Zone RU5 and is better suited for constrained areas. The boundary between the Zone RU5 and Zone R5 has been adjusted so as to provide a logical consolidated developable area within each zone. The development of high hazard areas remaining in Zone RU5 can be dealt with via a structure plan to be included in the Lismore DCP.

While a 2,500m² minimum lot size is proposed for both zones there is less flexibility under Lismore LEP 2012 Clause 4.6 (Exceptions to development standards) for a variation in Zone R5. Actual lot sizes will be determined at the development application stage; however it is likely that 2500m² may not be achievable in some areas of Zone R5. The 2,500m² for Zone RU5 can be varied at the development application stage under LEP clause 4.6 if warranted.

Figure 3 – Geotechnical risk classification



Flooding

The south-western section of the site has been assessed as being flood liable. The proponent proposed to utilise the flood liable land for open space, environmental protection and stormwater management. Council does not require additional open space area in Bexhill. As such the land is proposed to remain within zone RU1 Primary Production with a minimum lot size of 40ha.

Stormwater

A Concept Stormwater Management Plan has been prepared by Ardill Payne. The plan is based on modeling undertaken to determine the on-site detention requirements for the proposed development as well as potential water quality improvements utilising water sensitive urban design principles.

The report assumes that the catchment will be approximately 45% impervious including roads, and that the increase in impervious area post development will lead to an increase in stormwater runoff therefore requiring attenuation to meet the pre/post development conditions set out in the Northern Rivers Local Government Handbook of Stormwater Drainage Design.

The proposed stormwater management system involves the control of stormwater flow rates in on-site detention basins (OSD).

'Basins will be sized to control all storm events (5, 10, 20, 50 & 100-year annual return interval (ARI) events) as per NRDC requirements.'

'It is proposed that each lot would provide sufficient storage to detain the minor design storm event (5-year ARI) within its boundaries. Modelling indicates that 4m³ of storage will be required on each lot. Storage could be in the form of above or below-ground tanks, a portion of a rainwater tank, infiltration trench or approved equivalent (depending on site topography, soil type, depth to watertable etc.). It is proposed that a large detention basin/s will be utilised for attenuation of major storm events (10-year to 100-year ARI events). Preliminary modelling indicates that approximately 10 000m³ of storage will be required to maintain predevelopment flows during large events (excluding detention on individual lots).'

The report provides sufficient information to inform the Gateway determination. However a more detailed Stormwater Management Assessment should be required post the Gateway determination. This report would need to detail the various quantity and quality issues likely to be encountered on the site and the mechanisms to be employed to address these issues. The report would need to demonstrate that the development can comply with the relevant LCC standards and DCP requirements. The report needs to give due consideration to the geotechnical report recommendations to ensure the method of stormwater detention and treatment is compatible with soil types on the site and will not lead to a change in the geotechnical risk profile.

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 rural environment.
- Residential lots added to the limited available stock.
- Ready access to an existing transport route.
- Minimal impact on agricultural and other land use.
- 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 concludes that the economic benefits of a residential subdivision to the immediate east of Bexhill village are likely to outweigh the economic costs.

Aboriginal and European Cultural Heritage

Place Environmental undertook the preparation of a preliminary heritage assessment for the site. The report concludes that:

- A search of the Aboriginal Heritage Information Management System (AHIMS) database indicates that there are no known Aboriginal objects or declared Aboriginal places on or near the site
- Searches failed to locate surface artefacts, although given the degree of grass cover, it is acknowledged that such features would be difficult to locate
- The Environmental Protection and Biodiversity Conservation Matters of National Environmental Significance database identifies a number of features well removed from the site, and the proposed development is considered unlikely to result in any significant impact

Further assessment is required of European and Aboriginal cultural heritage in order to demonstrate consistency with Section 117 of the EP&A Act 1979, Ministerial Direction 2.3 – Heritage Conservation. In this regard, it is recommended that an Aboriginal and European heritage assessment is undertaken for the site post Gateway determination.

Social Impacts

A Social Impact Assessment (SIA) was prepared as part of the proposal. A component of the SIA was a questionnaire and information night at the Bexhill Hall. The SIA concluded that *the positive impacts associated with this development, and the mitigated negative impacts, suggest the proposal is one that is worthwhile pursuing, and will benefit the village of Bexhill and the City of Lismore as a whole.*

Section D – State and Commonwealth interests

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

Water

Council staff has consulted Rous Water regarding expansion of Bexhill Village. Rous provided commentary to Lismore City Council regarding the original planning proposal which included an anticipated lot yield of 160. The amended planning proposal with a 2500m² minimum lot size would have more than halved the original proposed lot yield.

Rous Water comments regarding the planning proposal dated 10 December 2013:

Rous Water will be able to provide connection to the existing reticulation system for the initial stage of the subdivision. Rous will be able to supply 40 equivalent tenements off this existing reticulation system at Bexhill. However, when the capacity of the existing system is reached the developer will be required to undertake the infrastructure works to meet the future demand imposed by future stages of the development. The subdivision will also attract the payment of section 64 levies for water supply as the development is not included in Rous Water's current Development Servicing Plan.

Rous Water also provided commentary regarding the recent exhibition of the Draft Growth Management Strategy. An extract of the correspondence dated 7 January 2015 follows:

To service the development it will be necessary to construct a service reservoir and reticulation pipework which would be at the full cost of the developer.

As Bexhill is identified as a growth area and can be discretely serviced from a service reservoir rather than directly off the Rous Water trunkmain system, it is no longer appropriate for Rous Water to be the supply authority for this village. As part of the condition to supply water for the growth area in Bexhill, Rous Water requires that the existing reticulation infrastructure in the village be transferred to Lismore City Council.

Further consultation would be undertaken with Rous Water post Gateway determination.

Sewer

As stated above Council is not satisfied with the feasibility of proponent's proposal for a conventional gravity wastewater collection system with transfer of the wastewater to the South Lismore Sewage Treatment Plant (STP) via a pump station and rising main. Therefore the Planning Proposal is presented with the future dwelling houses to be serviced via on site systems on minimum lots of 2,500m².

It is recommended that a land use capability assessment is required post Gateway determination to determine the capacity of the land for the disposal of on-site waste water. The

report is to be prepared in accordance with the requirements of the Lismore City Council On-Site Sewage and Wastewater Management Strategy 2013

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?

It is recommended that the following authorities are consulted during the public exhibition of the Planning Proposal:

- Roads and Maritime Services,
- Department of Education,
- Rural Fire Service,
- Department of Primary Industries,
- Office of Environment and Heritage, and
- Rous Water
- Local Aboriginal community

Part 4 Mapping

Current zoning

The land is currently within RU1 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

It is proposed to rezone part of the land from Zone RU1 Primary Production to Zone RU5 Village and Zone R5 Large Lot Residential. The change to the zoning map will require corresponding changes to:

- a. Height of Buildings Map – 8.5 metres maximum
- b. Lot Size Map – 2.500m² minimum

This will be achieved by amending map sheets:

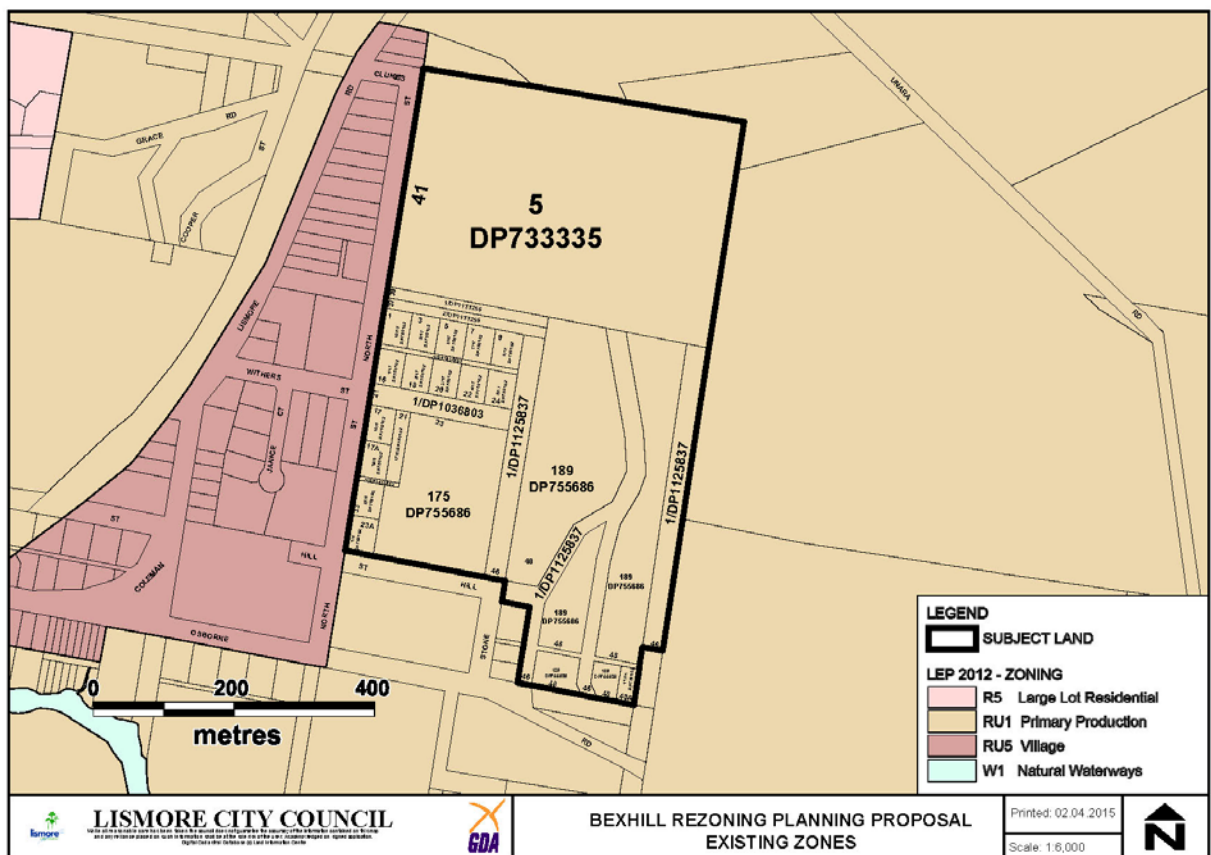
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LZN_005

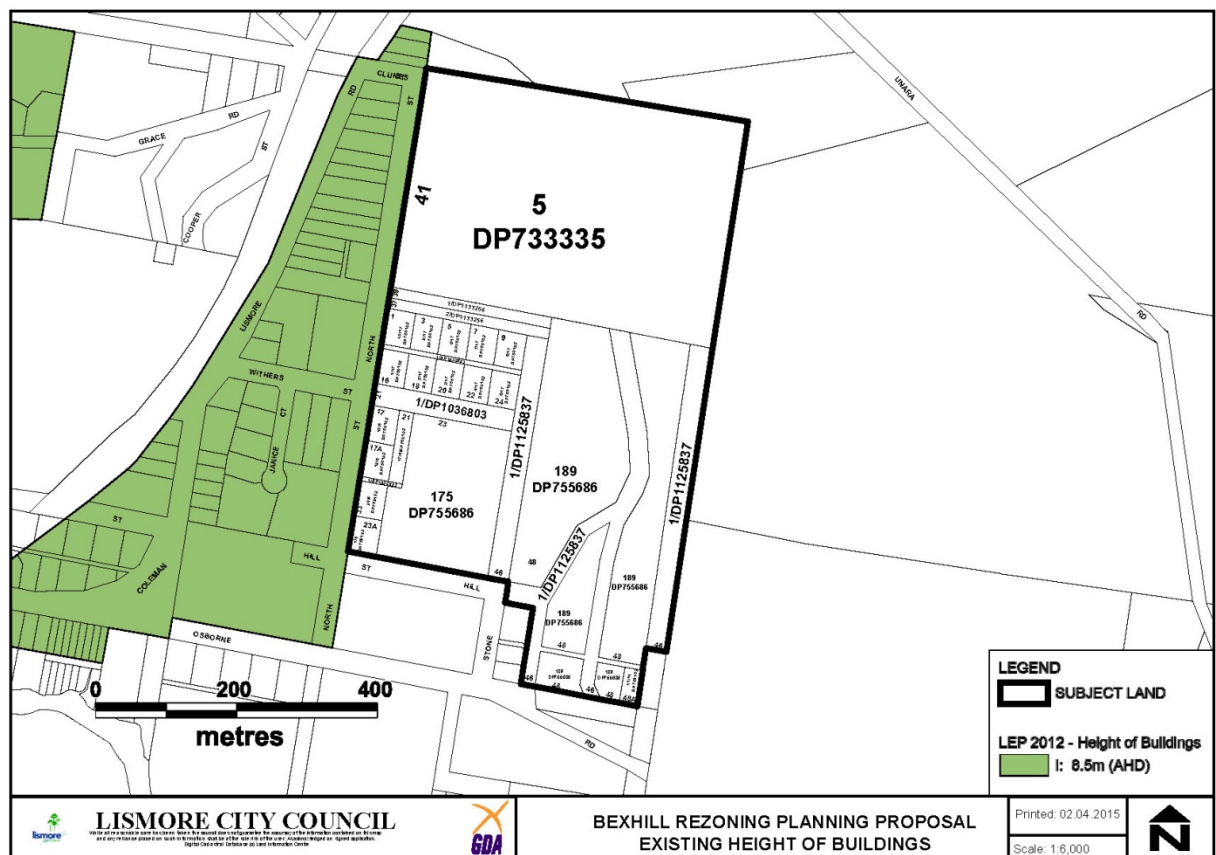
LSZ_005

HOB_005

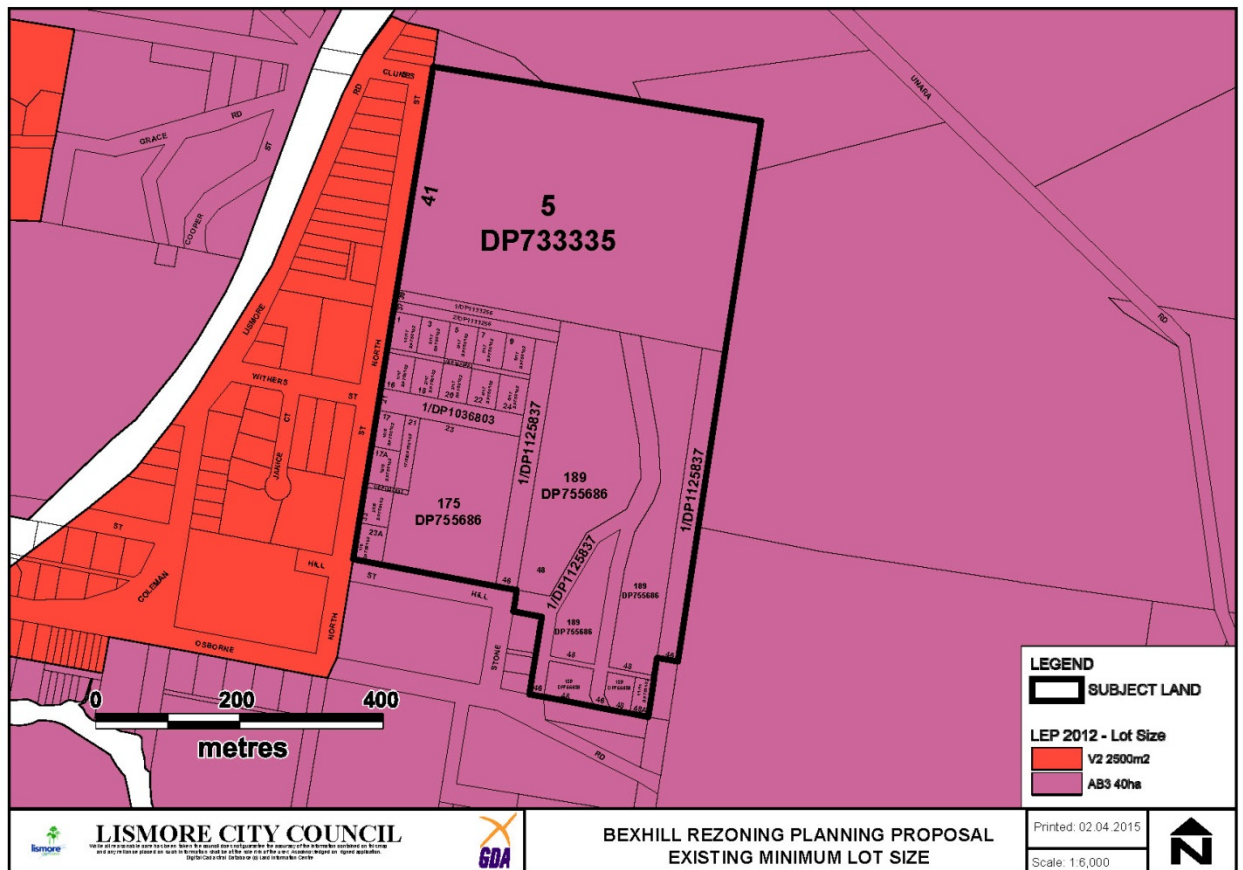
Existing Zoning



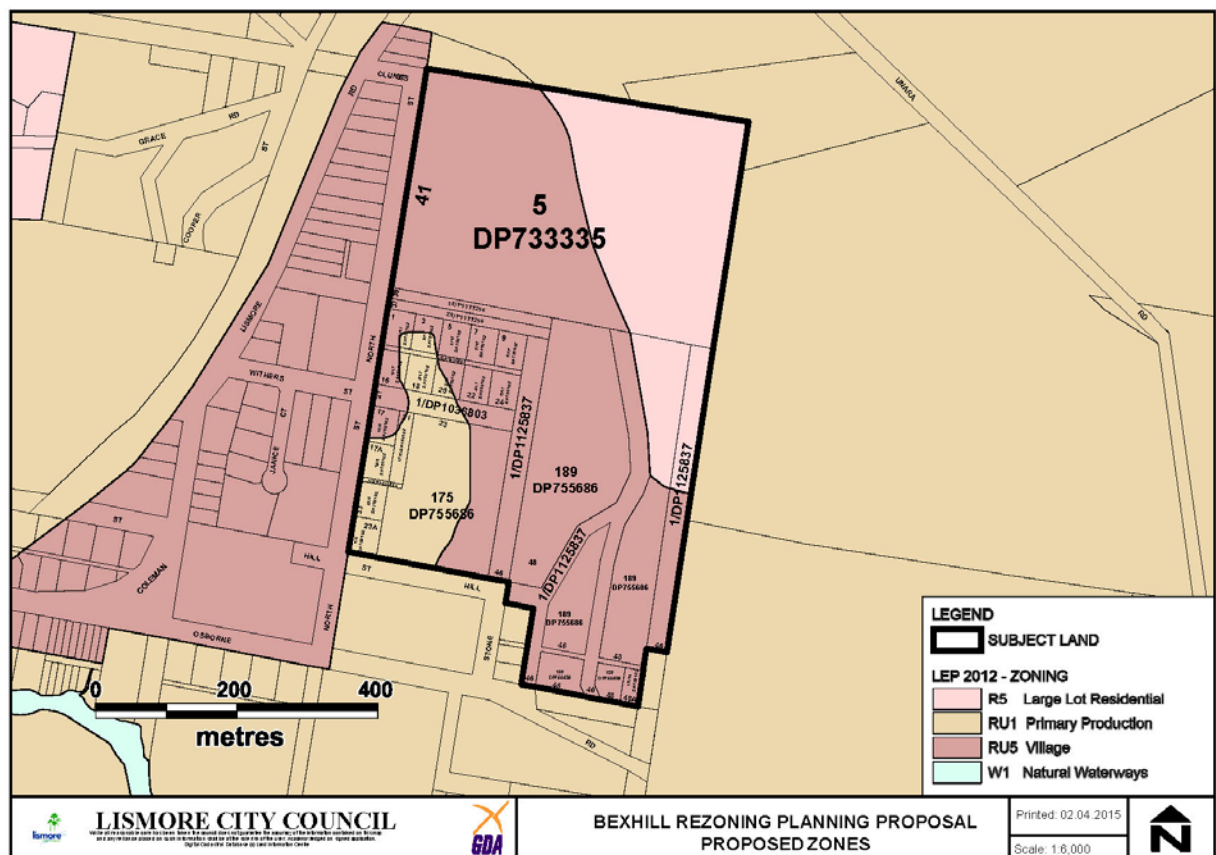
Existing HOB



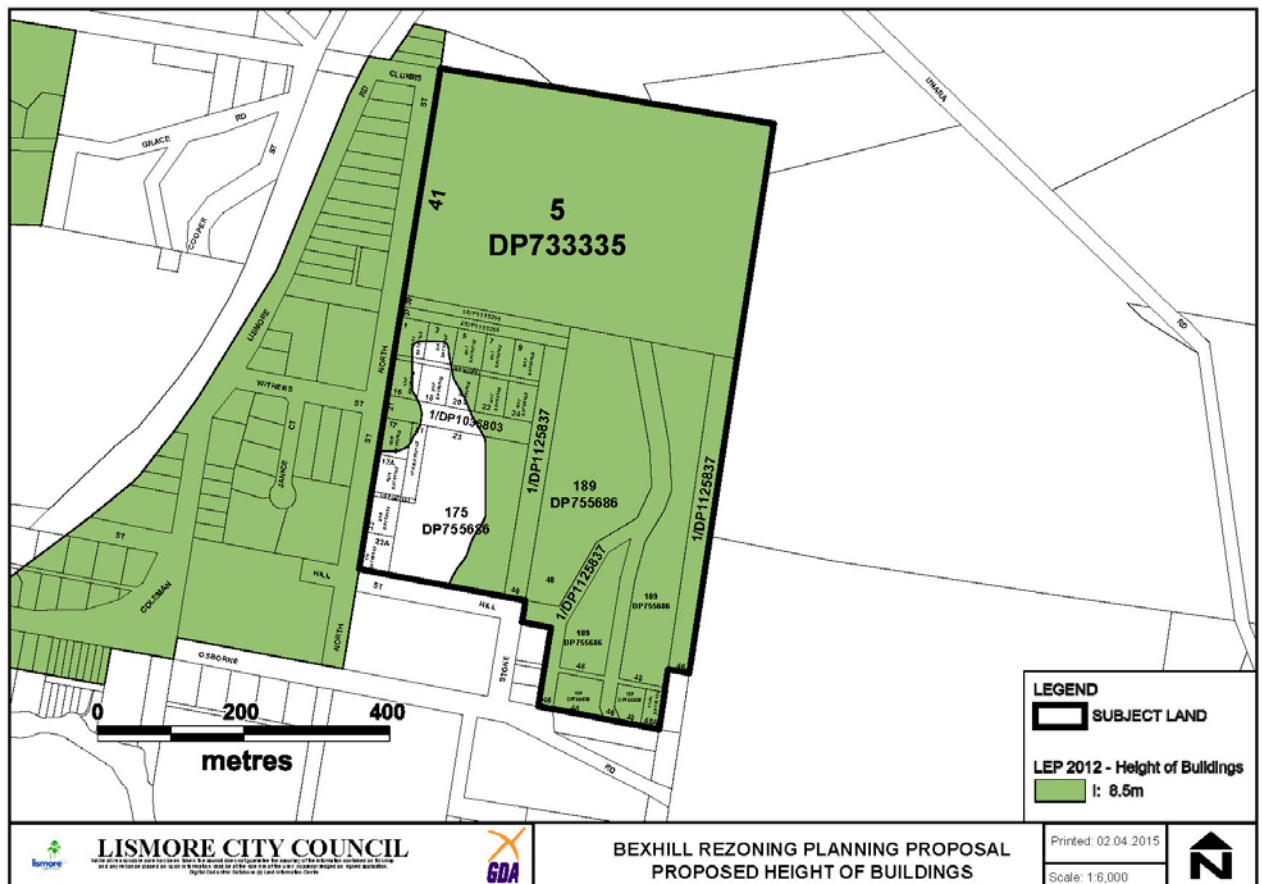
Existing Lot Size



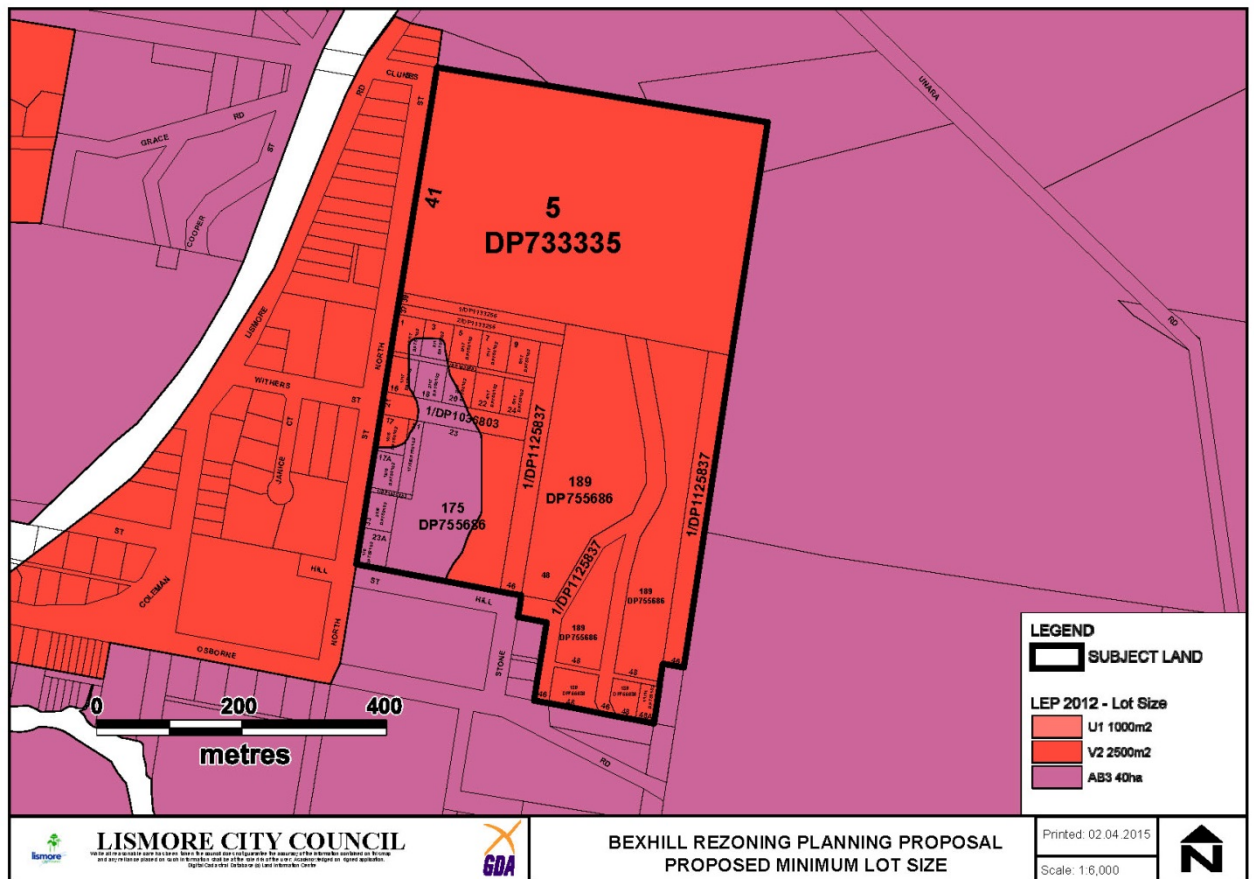
Proposed Zoning



Proposed HOB



Proposed Lot Size



Part 5 Community Consultation

Preliminary Proponent Consultation

As part of the proposal the proponent undertook Community consultation via:

- A letterbox drop of each of 75 houses in Bexhill (both in areas adjacent to the proposal and in the Graces Road area); and
- A community meeting held on 29 August 2006 in the Bexhill Hall.

The letterbox drop invited residents to the meeting and contained a plan and description of the proposal, a questionnaire as well as a reply paid envelope for returning the questionnaire.

The proponent reports that;

- the community meeting was attended by 12 people; apart from two people who asked questions, there was very little by way of enquiry.
- The letterbox drop questionnaire resulted in 13 responses. From the 13 responses, five (5) respondents identified a preference for lots in the range of 801 -1000m² and five (5) respondents identified a preference for lots in the range of 1001-1500m² (subject to the lots not requiring individual on-site effluent disposal).

Public Consultation Post Gateway

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

Notification of the exhibited Planning Proposal will include:

- A newspaper advertisement (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 adjoining landholders.

The written notice will:

- Provide a brief description of the objectives or intended outcomes of the Planning Proposal.
- Indicate the land that is the subject 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 **May 2015**
- Gateway determination issued
June 2015
- anticipated timeframe for the completion of required technical information
October 2015
- timeframe for government agency consultation and public consultation
November 2015 to December 2015
- timeframe for consideration of submissions
January 2016
- timeframe for the consideration of a proposal post exhibition
March 2016
- date of submission to the department to finalise the LEP
March 2016
- anticipated date for plan making
May 2016

Conclusion

The subject land has been identified in the FNCRS 2006-31 and Council's Village Strategy concluded that Bexhill has the nucleus for expansion, i.e. a school, small store, and recreation facilities. Land to the east of the village is ideally situated for future village development, i.e. flood free and not prime agricultural land and Land to the east of the village should be identified for village type development.

The planning proposal is thus consistent with the strategic intent of the Lismore Village Strategy 1997 (re-edited in 2002). A preliminary assessment of the planning proposal indicates that it substantially complies with the relevant SEPP's, s117 Directions and the Far North Coast Regional Strategy Sustainability Criteria.

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

Chris Pratt FPIA
On behalf of Lismore City Council
April 2015

Table 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. Surveys to date failed to record any recent signs of Koala activity in this area (as evidenced by scats and scratches). A flora and fauna assessment has been prepared. An updated, more comprehensive assessment is recommended post Gateway determination.
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 has been prepared and it found no sources of contamination. Though Council staff have identified the need for the sampling density to be increased to be consistent with the NSW EPA Sampling Guidelines to ensure an appropriate confidence in 'hot spot' detection. Further targeted sampling is required around the existing slaughter house as this area has a high potential for residual soil contamination from previous structure treatments (lead based paints etc.). Additional contaminated land

State Environmental Planning Policy	Requirements	Compliance
		assessment is recommended post Gateway determination.
SEPP (Affordable Rental Housing) 2009	No specific requirement regarding rezoning land.	Consistent Rezoning land from rural to village and large lot residential will enable 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 R5 and RU5 zones.
SEPP (Rural Lands) 2008	2 Aims of Policy The aims of this Policy are as follows: (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 (e) to amend provisions	Consistent Residential land proposed to adjoin rural land will be of sufficient dimensions to accommodate required DCP buffer distances. A site specific development control plan will be developed for the land that requires biodiversity values of the riparian lands to be enhanced. The majority of the proposed residential land is located in the Lismore Village Strategy. The land is not listed as Significant agricultural land under schedule 2 of the SEPP.

State Environmental Planning Policy	Requirements	Compliance
	of other environmental planning instruments relating to concessional lots in rural subdivisions.	

Table 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. The inconsistency is justified because the majority of the subject land has been identified for future housing use since 1997. In December 2006, the FNCRS encompassed the current study area.
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. Pursuant to clause 7 SEPP (Mining, Petroleum Production and Extractive Industries) 2007, mining, petroleum production and extractive industries can occur where agriculture or industry may be carried out (with or without development consent). Home industries (a form of industry) are permissible in rural and residential zones, therefore a Planning Proposal to change the zone from rural to village and large lot residential is consistent with the direction as it maintains the permissibility status quo. The land does not incorporate mineral resources or extractive materials which are of State or regional significance.
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	Consistent Residential land proposed to adjoin rural land will be of sufficient dimensions to accommodate required DCP buffer distances. Additionally the proposed development provides

Ministerial Directions	Requirements	Compliance
	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 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	the opportunity to provide a well planned buffer to farmland that does not exist now. A site specific development control plan will be developed for the land that requires biodiversity values of the riparian lands to be enhanced. The proposed residential land is located in the Lismore Village Strategy and FNCRS.

Ministerial Directions	Requirements	Compliance
	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.	
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 A further flora and fauna assessment is recommended post gateway determination to provide base line data for future biodiversity conservation. The Planning Proposal does not involve existing or proposed environmental protection zones. The Planning Proposal will result in the enhancement and preservation of riparian vegetation and pockets of regrowth endemic woody vegetation.
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 Preliminary assessment indicates no items of Aboriginal or European heritage. It is recommended that a detailed archaeological survey occur post the gateway determination.
2.4 Recreation Vehicle Areas	Not applicable	Not applicable
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The Planning Proposal must: Broaden the choice of	Consistent

Ministerial Directions	Requirements	Compliance
	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.	A range of housing types and densities will be permitted. The land is adjacent to existing infrastructure. A range of lot sizes responding to the topography of the site will be provided. A site specific DCP will be developed to provide the required controls. Lismore LEP 2012 contains provisions that require the provision of services prior to development consent for residential development. Proposed RU5 zone permits all forms of residential development from low density dwelling houses to medium density. Dwelling houses and dual occupancies are permissible in the proposed R5 zone.
3.2 Caravan Parks and Manufactured Home Estates	Retain provisions that permit development of caravan park. Appropriate zone for existing caravan parks.	Consistent The concept plan has not identified a caravan park or manufactured home estate on the site. The proposed RU5 General Residential zone permits caravan parks with development consent.
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	Consistent Home occupations are permitted without development consent under LEP 2012 and SEPP (Exempt and Complying Development Codes) 2008
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</i> – Guidelines for planning	Consistent The site has sufficient capacity to provide access to transport for residents. Street layout will accommodate buses, cars, bikes

Ministerial Directions	Requirements	Compliance
	and development (DUAP 2001, and <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i> <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	and pedestrians. Streets will generally be connected to maximise access. 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.

Ministerial Directions	Requirements	Compliance
	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,	
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. A geotechnical assessment was prepared as part of a proposal.
4.3 Flood Prone Land	Not applicable	Not applicable
4.4 Planning for Bushfire Protection	A Planning Proposal in bush fire 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. Have regard to Planning for Bush Fire Protection 2006. Restrict inappropriate development from hazardous areas. Ensure bush fire hazard reduction is not prohibited within the APZ.	Consistent. Parts of the subject land contain bush fire hazards and asset protection zones have been assessed based on slope and existing and proposed vegetation areas. A bush fire threat assessment report in accordance with Planning for Bush Fire Protection 2006 is recommended post Gateway determination. Council is required under section 117 of the EP&A Act 1979, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to undertaking community consultation in satisfaction of

Ministerial Directions	Requirements	Compliance
		section 57 of the EP&A Act, and take into account any comments so made. Bush fire hazard reduction authorised under the <i>Rural Fires Act 1997</i> can be carried out on any land without development consent.
5. Regional Planning		
5.1 Implementation of Regional Strategies	The Planning Proposal must be consistent with the Far North Coast Regional Strategy.	Consistent The Far North Coast Regional Strategy Growth Boundary Map shows a growth area east of the Bexhill village generally consistent with the area the subject of the Planning Proposal. This map is deliberately at a small scale; relying on the detailed local assessment to determine the precise boundaries.
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. Justification for an inconsistency includes consistency with the Far North Coast Regional Strategy 2006 and identification of the land in a council strategy.	Justified inconsistency No areas of State significant farmland are located on the subject land. The majority of the proposed RU5 and R5 land is identified in the Lismore Village Strategy 1997 for potential residential development.
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	Consistent The Planning Proposal does not

Ministerial Directions	Requirements	Compliance
	Minister or public authority without approval from the relevant Minister or public authority; and the Director General of DoPI. Not identify development as designated development unless justified.	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 DoPI.	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 and R5 zones are 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