

Gateway Planning Proposal

To Permit an Industry (Concrete
Fence Post Manufacturing) on
Lot 2 DP 8877 at
354 Broadwater Road, Dungarubba

ON BEHALF OF
AUSTRALIAN CONCRETE POSTS PTY LTD

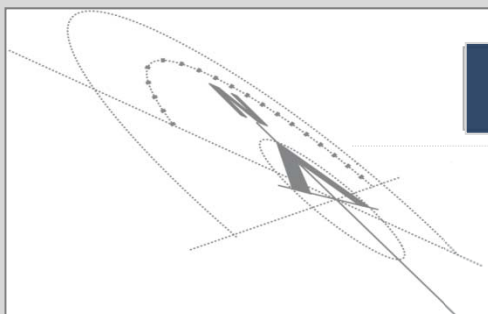
Site: Lot 2 DP 8877

354 Broadwater Road, Dungarubba

Our Ref: 15/308

Date: December 2015





Document Control

Document and Project Details				
Document Title:		Gateway Planning proposal to Permit an Industry (Concrete Fence Post Manufacturing) at 354 Broadwater Road, Dungarubba.		
Author:		Luke Fittock		
Project Manager:		Damian Chapelle		
Date of Issue:		10 December 2015		
Job Reference:		15/308		
Project Outline:		Gateway Planning proposal to Permit an Industry (Concrete Fence Post Manufacturing) at 354 Broadwater Road, Dungarubba.		
Document Distribution				
Date	Status	Distribution – Number of Copies		
		Client	Council	Other
10/12/15	Final	1	3	0
Documentation Verification				
Checked by:	Damian Chapelle Richard Mould (Australian Concrete Posts Pty Ltd)			

USAGE NOTE:

This document was prepared for the exclusive use of Australian Concrete Posts Pty Ltd for the development of land described herein and is not to be used for any other purpose or by any other person or corporation. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

The maps, development plans and exhibits shown in this report are suitable only for the purposes of this report. No reliance should be placed on this information for any purpose other than for the purposes of this report. All dimensions, number, size and shape of lots/buildings as shown on plans in this document are subject to detailed engineering design plans and final survey and may vary subject to conditions of consent issued by Council.

The information contained in this report is based on independent research undertaken by Newton Denny Chapelle. To the best of our knowledge, it does not contain any false, misleading or incomplete information.

1.	Background	Page 1
1.1	Summary of Project	1
1.2	Nature of the Subject Land and Surrounding Rural Precinct	3
1.3	Description of the Development Proposal	3
1.4	Planning Process to Date	4
2.	Planning Proposal	5
	Part 1 –Objectives and Intended Outcomes	5
	Part 2 – Explanation of Provisions	5
	2.1 Proposed Changes to LLEP 2012.....	5
	2.2 Proposed Amendment to Schedule 1 Additional Permitted Uses ...	5
	Part 3 – Justification	6
	Part 4 – Mapping	11
	Part 5 – Community Consultation	11
	Part 6 – Project Timeline	12

Attachments:

Attachment 1 – Statement of Environmental Effects

Attachment 2 – Lismore City Council Pre-lodgement Minutes

Attachment 3 – Assessment Against State Environmental Planning Policies

Attachment 4 – Assessment Against S117 Ministerial Directions

Plans:

NDC Plan 1 – Location

NDC Plan 2 – Area of Development

NDC Plan 3 – Additional Permitted Uses Map

1. Background

1.1 Summary of Project

Newton Denny Chapelle has been engaged by Australian Concrete Posts Pty Ltd to prepare a combined Planning Proposal and Development Application for land identified in the below **Table 1**, being 354 Broadwater Road, Dungarubba.

Plan 1 identifies the location of the subject land whilst **Plan 2** and **Plate 1** identify the area of development on the land.

Table 1: Land Subject to the Planning Proposal

Component	Details
Address	354 Broadwater Road, Dungarubba
Lot & Deposited Plan No.	Lot 2 DP 8877
Lismore LEP 2012 Land Zoning	RU1 Primary Production
Total Site Area	57.09 hectares
Area of Development	2 hectares (refer Plan 2)

Upon finalisation of the Planning Proposal, Development Consent is sought on behalf of Australian Concrete Posts Pty Ltd for a change of use to permit an Industry upon Lot 2 DP 8877 for the purpose of manufacturing concrete fence posts. A temporary approval period of 5 years is sought.

Australian Concrete Posts Pty Ltd is currently operating from the subject site for the purpose of manufacturing concrete fence posts, and it has come to their attention that the existing approval does not cover the land use activity currently being undertaken on the site.

Industrial use of the land is prohibited under the Lismore LEP 2012 by virtue of the RU1 – Primary Production zone. To formalise the land use and to permit the change of use on the property from a rural industry to an industry, a combined Planning Proposal/Development Application has been prepared and lodged by Newton Denny Chapelle on behalf of the proponent.

The purpose of the Gateway Planning Proposal is to change the town planning

provisions applying to Lot 2 DP 8877 by amending Schedule 1 of the Lismore Local Environmental Plan 2012 to permit a site specific use of part of the site. The Planning Proposal seeks to enable an industrial land use within the south eastern corner of the land which relates specifically to the manufacturing of concrete fence posts with a temporary approval period of 5 years.

The land is unique for its proposed purpose by virtue of being identified as having the following key characteristics:

- i. The existing industrial infrastructure on-site;
- ii. The proximity of the site to the Pacific Highway for the immediate servicing of the North Coast and specifically the highway upgrade;
- iii. The non-existence of potentially conflicting land uses; and
- iv. The ongoing employment generation.

As demonstrated by the above points, the circumstances of the case do not provide for a precedence due to existing infrastructure and its locational criteria.

This Planning Proposal has been completed in accordance with the Department of Planning & Infrastructure's guide to preparing Planning Proposals. A Gateway determination under Section 56 of the Environmental Planning and Assessment Act is sought.

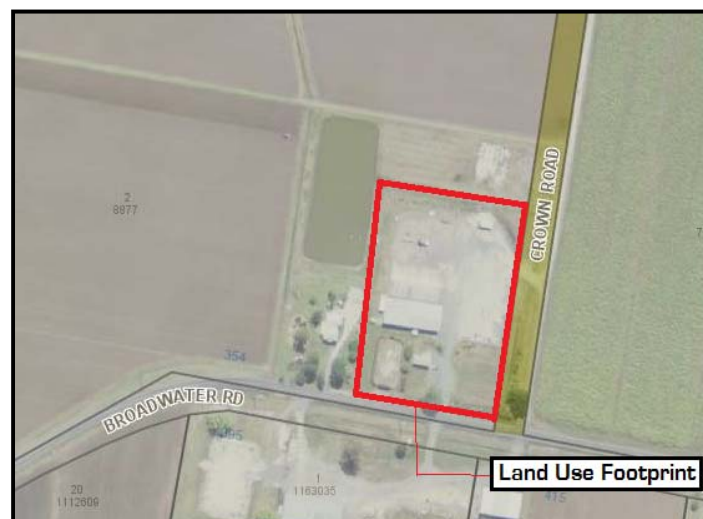


Plate 1: Proposed Area of Development

1.2 Nature of the Subject Land & Surrounding Rural Precinct

Plan 1 provides a Locality plan for the subject site which contains a registered lot size of 57.09 hectares. **Plan 2** illustrates the area of development on the land which comprises 2 hectares.

The subject property is currently embellished with two existing metal buildings, awning and outbuildings, weatherboard cottage, disused tennis court area and dam. The property is also embellished with approximately 50 hectares of sugar cane cropping.

The property gains access from Broadwater Road through an existing internal gravel / bitumen driveway.

The site is adjoined by rural land for the purpose of sugar cane cropping, with Broadwater Road adjoining to the south. The rural precinct in which the subject land is located is predominately utilised for sugar cane production, whilst rural dwellings are interspersed throughout. Some cattle farming enterprises also exist within the locality with a rural industry located to the south across Broadwater Road.

The site has previously been granted development approval by Lismore City Council under Development Consent Notice 2006/466 on April 24, 2007 for a *'Rural Industry (packing and storage of primary products) building works and pole/pylon sign'*.

1.3 Description of the Development Proposal

Upon finalisation of the Planning Proposal, Development Consent is sought on behalf of the Proponent Australian Concrete Posts Pty Ltd for a change of use to permit an Industry upon Lot 2 DP 8877 for the purpose of manufacturing concrete fence posts. An approval period of 5 years is sought.

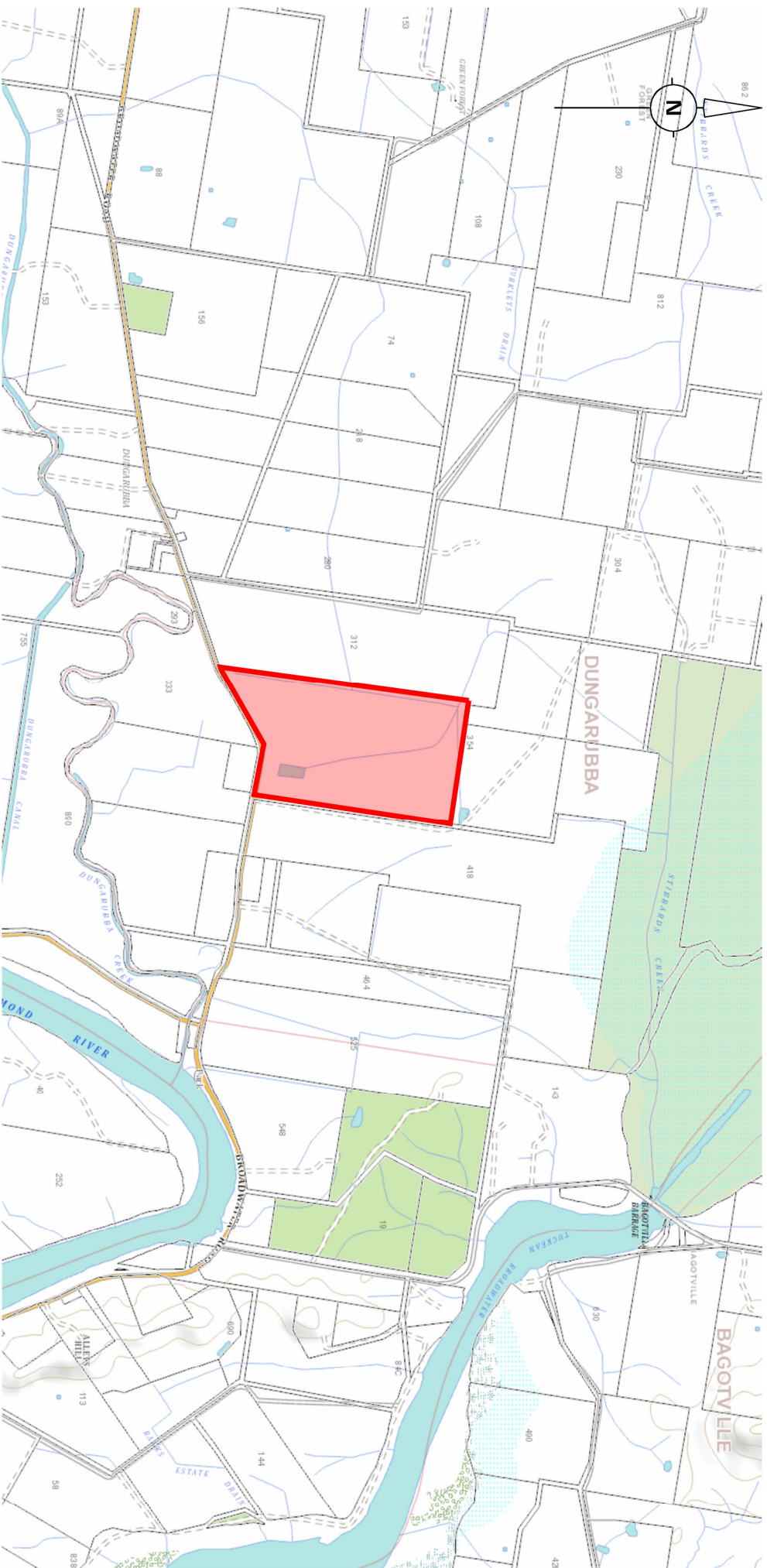
A full description of the development is provided within the Town Planning report which forms **Attachment 1** of the Planning Proposal. The Town Planning report provides a suite of plans which identify the location, nature and scale of the development together with an assessment of the proposal against relevant legislation.

The proponent has identified that the use of the concrete posts are typically for the purpose of farm fencing and have also been used for property boundary re-fencing along the Pacific Highway upgrade route. The uniqueness of the business is in the fact that the fence posts are made of concrete thus differing from the typical timber fence posts generally used for farm and boundary fencing. It is understood from the proponent that this business is the only one of its type within the Lismore LGA and surrounding LGA's.

1.4 Planning Process to Date

The proponent Australian Concrete Posts Pty Ltd, and a representative of Newton Denny Chapelle have completed a formal pre-lodgement meeting with Lismore City Council to discuss the proposal with a copy of the pre-lodgement minutes contained within **Attachment 2**.

Those matters raised within the minutes have been addressed within this combined Planning Proposal and Development Application.



LEGEND:



SITE BOUNDARY

SOURCE PLAN: www.maps.six.nsw.gov.au - accessed 01.09.15

K:\jobs\2015\15308 - Australian concrete posts p\planning\planning plans\ndc plans\cad files\15308 - Australian concrete posts.dwg - plan 1 - location

Newton Denny Chapelle

Surveyors Planners Engineers

Email: office@newtondennychapelle.com.au
LISMORE 31 Carrington St. Lismore 2480 PH: 6622 1071
CASINO 100 Barker St. Casino 2470 PH: 6662 5000

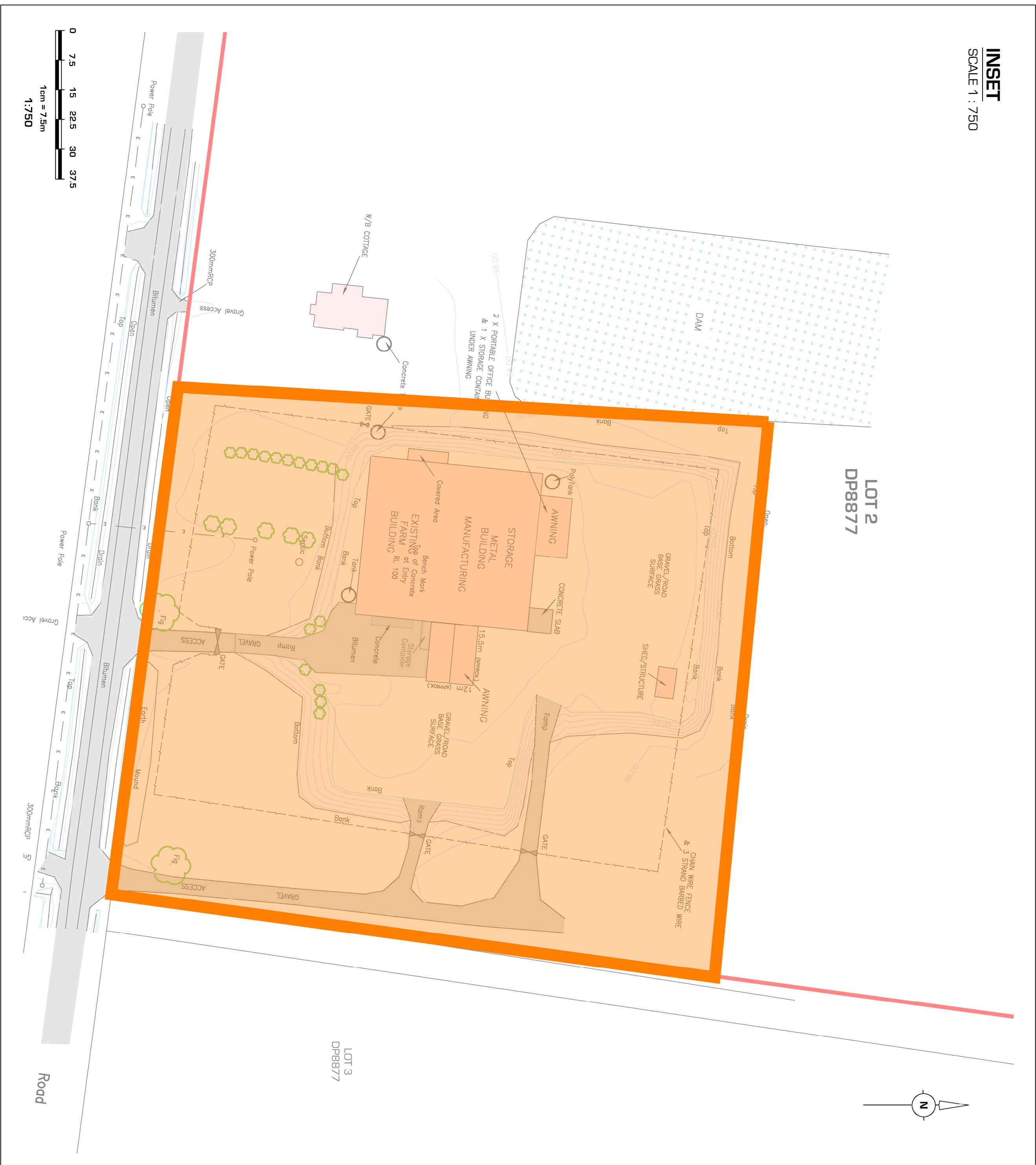
ABN: 86 220 045 469

P L A N 1 - L O C A T I O N

CLIENT: AUSTRALIAN CONCRETE POSTS P/L

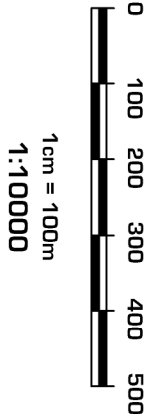
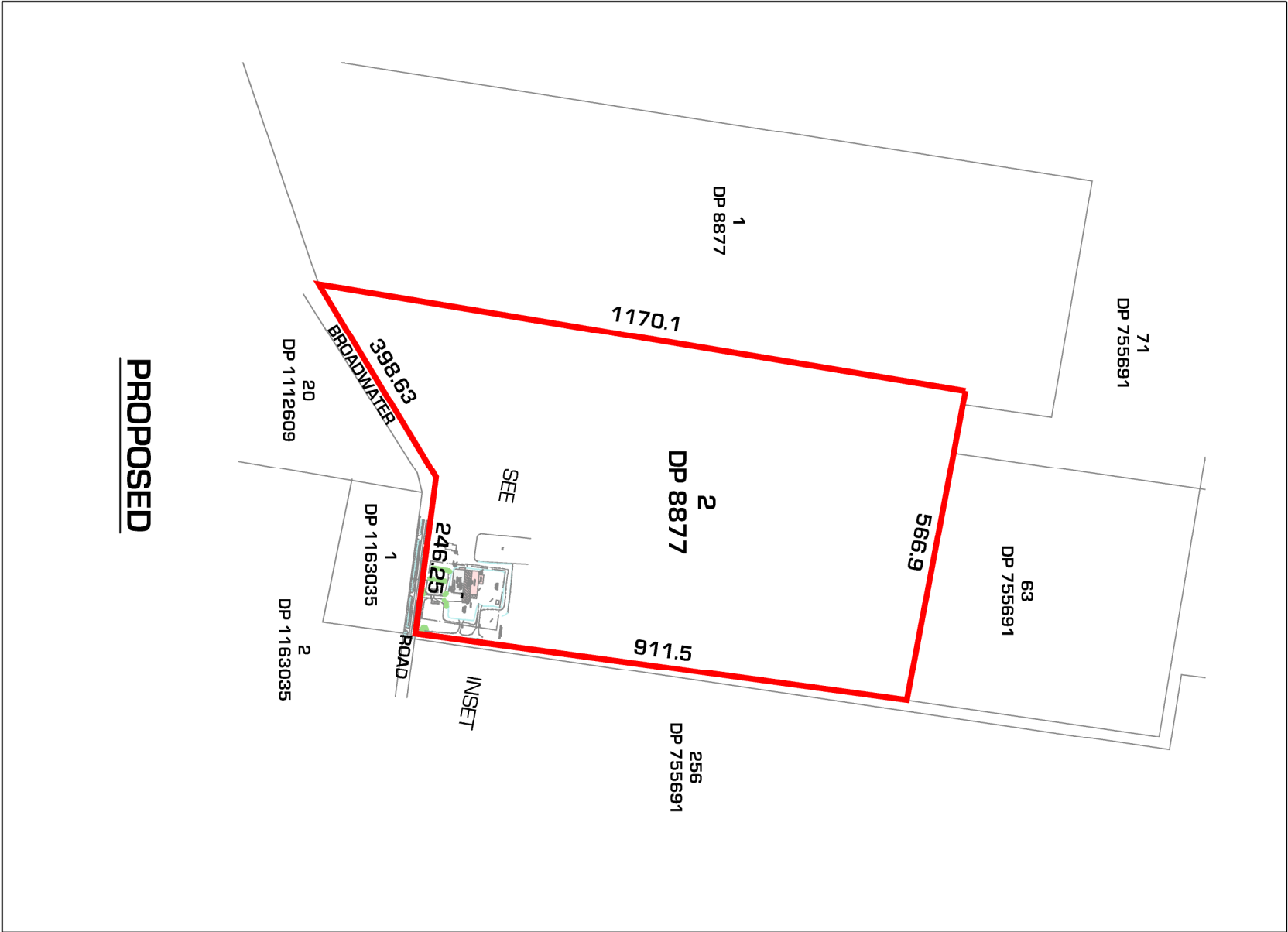
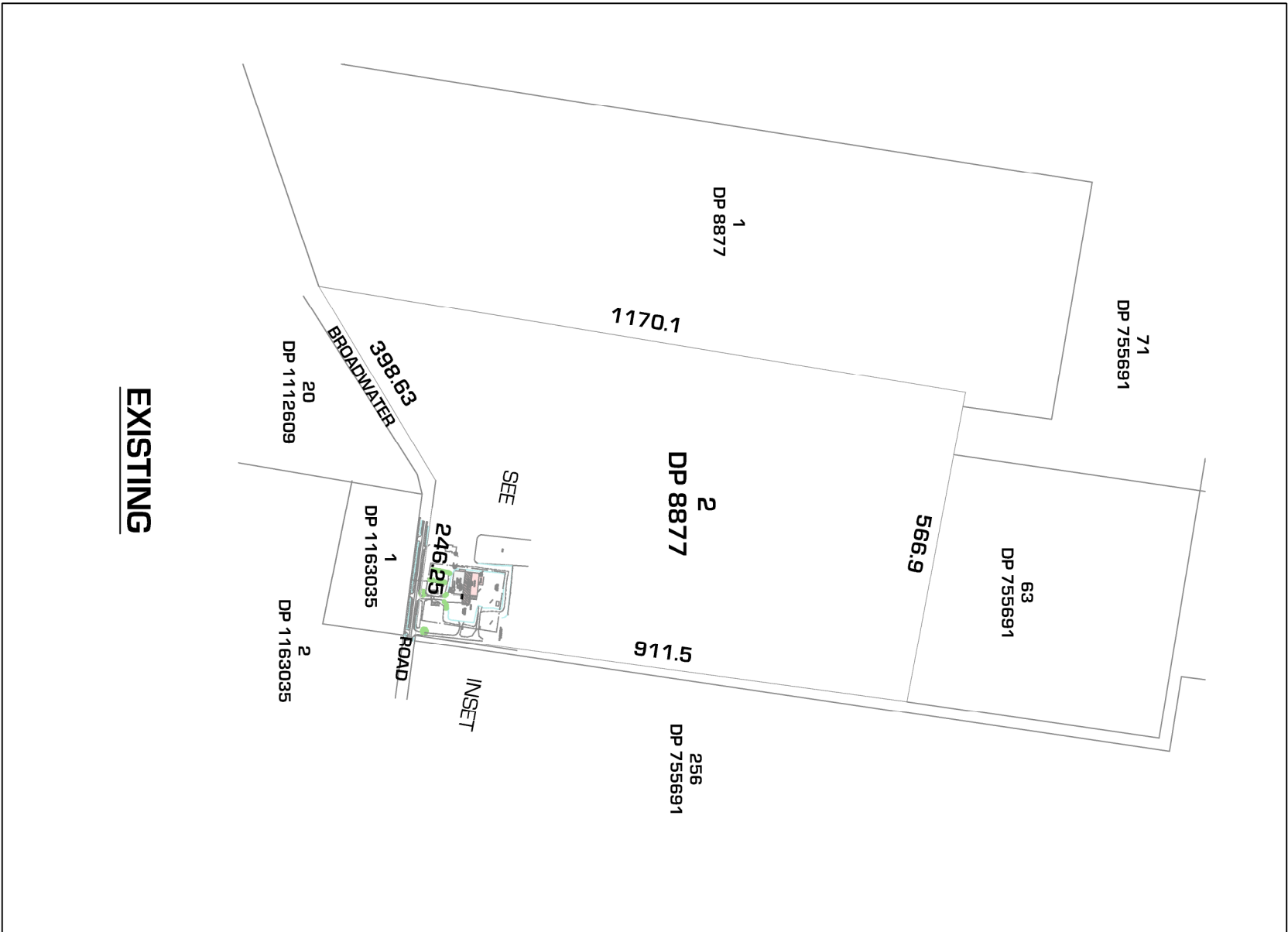
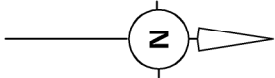
LOCATION: LOT 2 DP 8877
354 BROADWATER ROAD
DUNGARUBBA NSW

DATE: 01.09.15 REF: 15/308
SCALE: nts DRAWN: bk



REV	DATE	AMENDMENT
B		
C		
D		
E		

SOURCE PLAN: N/A



NOTE:
This preliminary layout has been completed in accordance with the instructions provided by Australian Concrete Posts P/L.
In this respect preliminary desktop data has been used to form this layout. The final layout is subject to the completion of a detailed survey & engineering plans. Accordingly, the conclusions reached within this report may be modified by the author upon the completion of the final design plans & site inspection. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered, however so arising, to any person or corporation who may use or rely on this report.

REV	DATE	AMENDMENT
B		
D		
E		
F		

SOURCE PLAN: N/A

k:\jobs\2015\15308 - australian concrete posts p.l\planning\planning plans\ndc plans\card files\15308 - australian concrete posts\dwg - plan 3 - additional permitted uses map

**Newton Denny Chapelle**
Surveyors Planners Engineers
Email: office@newtondennychapelle.com.au
LSMONE 31 Carrington St. Lismore 2480 PH: 6682 1011
5000
ABN: 66 220 045 489

PLAN 3 - ADDITIONAL PERMITTED USES MAP
CLIENT: AUSTRALIAN CONCRETE POSTS P/L
LOCATION: LOT 2 DP 8877
354 BROADWATER ROAD
DUNGARUBRA, NSW
DATE: 08/12/15
SCALE: AS ABOVE

REF: 15/308
DRAWN: bk

2. Planning Proposal

Part 1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to change the town planning provisions applying to Lot 2 DP 8877 by amending Schedule 1 of the Lismore Local Environmental Plan 2012 to permit an industrial land use within the south eastern corner of the land to enable the manufacturing of concrete fence posts with a temporary approval period of 5 years.

Part 2 Explanation of Provisions

2.1 Proposed Changes to Lismore LEP 2012

The proposed outcome will be achieved in the following ways:

- Amend **Schedule 1 Additional Permitted Uses** of the Lismore LEP 2012 to permit industry (manufacturing of concrete fence posts) for a 5 year time period upon 354 Broadwater Road, Dungarubba being Lot 2 DP 8877.
- Amend the Lismore LEP 2012 Additional Permitted Uses Map to identify Lot 2 DP 8877 in accordance with **NDC Plan 3**.

2.2 Proposed Amendment to Schedule 1 Additional Permitted Uses

The proposed amendment of Schedule 1 of the Lismore LEP 2012 is as follows:

4 Use of certain land at Broadwater Road, Dungarubba

(1) This clause applies to land at 354 Broadwater Road, Dungarubba, being Lot 2, DP 8877 and identified as “Item 4” on the Additional Permitted Uses Map:

- (2) Development for the purpose of an Industry (manufacturing of concrete fence posts) with a site area not exceeding 2 hectares is permitted with development consent on the south east corner of the land;
- (3) All operations must cease 5 years after the date of the issue of an Occupation Certificate for the development.

Part 3 Justification

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

No. However this Planning Proposal only seeks to formalise an existing land use on the subject site to enable the temporary manufacturing of concrete fence posts within an area that was previously occupied by a rural industry development.

The nature of the proposal is not considered to be inconsistent with the strategic objectives of the RU1 Primary Production Zone prescribed under the Lismore LEP 2012 as demonstrated within the Section 79(c) assessment completed within the Town Planning Report provided within **Attachment 1..** The consistency of the development against other relevant provisions of the Lismore LEP 2012 and Lismore DCP has also been addressed in the attached Town Planning report.

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

Yes. The Planning Proposal is required in order to amend **Schedule 1 Additional Permitted Uses** of the Lismore LEP 2012 to permit an industry (manufacturing of concrete fence posts) for a 5 year time period upon 354 Broadwater Road, Dungarubba being Lot 2 DP 8877

3. Is the Planning Proposal consistent with the objectives and actions of the Far North Coast Regional Strategy?

The Planning Proposal is not deemed to be inconsistent with the outcomes or actions specified within the Far North Coast Regional Strategy 2006.

The following comments are provided with respect to the Strategy:

Environment and Natural Resources – The proposal retains the land zoned RU1 Primary Production and will not remove any rural zones from the Lismore LEP 2012. In this regard, the proposal only seeks to enable a temporary 5 year use on the site through the amendment of Schedule 1 Additional Permitted Uses of the LEP.

The subject land is identified as Regionally Significant Farmland under the Northern Rivers Farmland Protection Project. However, this application only seeks to formalise development on the land of which occupies an existing building and earth pad already constructed for a previous land use. The development will not remove any cane cropping currently planted and being farmed on the remainder of the property (approximately 50 hectares) and therefore maintains and protects the natural resource base on the site.

The proposal is an adaptive reuse of the site from a previous rural industry development, and the footprint of the proposal is not an area of high biodiversity value. Concerning threatened species, populations and ecological communities or their habitats having regard to Section 5A of the Environmental Planning and Assessment Act 1979, the proposed development does not require the removal of any vegetation.

Cultural Heritage - The subject land is not identified as being nor adjoined by an item of heritage significance pursuant to Lismore LEP 2012 heritage mapping.

An AHIMS search undertaken during the preparation of this application did not identify any Aboriginal sites or places within 50 metres of the subject land.

Natural Hazards – The following comments are provided in relation to the natural hazards identified within Chapter 6 of FNCRS:

- *Flooding* – the Town Planning report provided within **Attachment 1** of this Planning Proposal considers and addresses flooding;
- *Coastal Hazards* - The development is not subject to the SEPP 71 Coastal Policy;
- *Bushfire Hazard* – The subject land is not mapped as being bushfire prone in accordance with bushfire hazard maps adopted by Lismore City Council;

- *Acid Sulfate Soils* - the Town Planning report provided within **Attachment 1** of this Planning Proposal considers and addresses acid sulfate soils.

Settlement and Housing – The proposal does not displace any areas identified for future housing settlement.

Settlement Character and Design – The proposal relates to the adaptive re-use of the existing built form therefore not altering the character of the rural locality.

Economic development and employment growth – The proposal does not displace or adversely impact on any identified employment lands. The planning proposal will permit the ongoing viability of the concrete fence post manufacturing business and the employment of 9 staff.

The proposal does not displace any areas identified for future tourism development.

Water and Energy Resources – The proposal is not located within a defined water catchment area within the Lismore LEP 2012 water catchment mapping.

It is not envisaged that any significant demands will be placed on energy supplies having regard to the adaptive reuse of the site and the proposed temporary consent life of 5 years.

Regional Transport – The proposal will not disrupt the regional transport network, the Pacific Highway upgrade or any identified rail corridor.

The site is within close proximity to primary transport routes.

4. Is the Planning Proposal consistent with the Council's local strategy or local strategic plan?

As provided above under Point 1, this Planning Proposal only seeks to formalise an existing land use to enable the temporary manufacturing of concrete fence posts within an area of the site that was previously occupied by a rural industry development.

The nature of the proposal is not considered to be inconsistent with the strategic

objectives of the RU1 Primary Production Zone prescribed under the Lismore LEP 2012 as demonstrated within the Section 79(c) assessment completed within the Town Planning Report within **Attachment 1**. The consistency of the development against relevant provisions of the Lismore LEP 2012 and Lismore DCP has also been demonstrated in the attached Town Planning report.

The Lismore Growth Management Strategy (GMS) 2015-2035 was adopted by Lismore City Council on 12 May 2015 and enables the release of land that, in conjunction with land already zoned, has the potential to increase Lismore's housing stock by at least 5,000 dwellings. The Lismore GMS provides for the framework for growth, the strategy for land release, how land is to be serviced and how the strategy will be implemented.

The Planning Proposal is not considered to be inconsistent or antipathetic to the objectives and / or implementation of the intent of the Lismore GMS.

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

The Planning Proposal is consistent with the provisions of applicable State Environmental Planning Policies. An assessment of the project against these policies is provided within **Attachment 3**.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s117 Directions)?

Comment: The Planning Proposal is consistent with the provisions of applicable S117 Ministerial Directions. An assessment of the project against these requirements is provided at **Attachment 4**.

7. 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?

Comment: The proposal relates to the adaptive reuse of an area of the site that was previously used for the operations of a rural industry development. Concerning threatened species, populations and ecological communities or their habitats having regard to Section 5A of the Environmental Planning and Assessment Act 1979, the proposed development **does not require** the removal of any vegetation.

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

Comment: Potential environmental impacts in relation to the development have been identified and addressed within the Town Planning report provided within **Attachment 1**.

- *Contamination* - the Town Planning report considers and addresses land contamination;
- *Flooding* – the Town Planning report considers and addresses flooding;
- *Stormwater Drainage* – Stormwater drainage for the development has been considered and addressed within the Town Planning report;
- *Coastal Hazards* - The development is not subject to the SEPP 71 Coastal Policy;
- *Bushfire Hazard* – The subject land is not mapped as being bushfire prone in accordance with bushfire hazard maps adopted by Lismore City Council;
- *Acid Sulfate Soils* - the Town Planning report considers and addresses acid sulfate soils.

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

Comment: Yes. The Planning Proposal and attached Town Planning report considers and addresses social and economic impacts.

Social Impacts - A Land Use Conflict Risk Assessment (LUCRA) is provided within the attached Town Planning report. Separation buffer areas and operational management measures can be implemented into the operational aspect of the development to help lower the risk of creating potential land use conflicts between surrounding rural dwellings and the proposed development.

No social impacts are envisaged in regard to cultural heritage matters. In this regard:

- the subject land is not identified as being nor adjoined by an item of heritage significance pursuant to Lismore LEP 2012 heritage mapping.
- An AHIMS search undertaken during the preparation of this application did not identify any Aboriginal sites or places within 50 metres of the subject land

Economic Impacts - The proposed development does not displace or adversely impact on any employment lands identified within the Far North Coast Regional Strategy. The planning proposal will permit the ongoing viability of the concrete fence post manufacturing business and the employment of 9 staff.

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

Comment: Yes. Section 3.1.5 of the attached Town Planning report identifies the existing level of services to service the development.

The proposal has a driveway connection to Broadwater Road and the site is within close proximity to primary transport routes.

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

Comment: To be completed following receipt of the Gateway Determination.

Part 4 Mapping

The following changes are proposed to the mapping within the Lismore Local Environmental Plan 2012

i. Additional Permitted Uses map

NDC Plan 3 illustrates the land to be included within the Additional Permitted Uses map pursuant to the Lismore Local Environmental Plan 2012.

Note: The Town Planning Report provided within **Attachment 1** provides a suite of plans which identify the location, nature and scale of the development.

Part 5 Community Consultation

It is expected that the Planning Proposal will be exhibited for a period of 28 days in accordance with standard procedures.

Part 6 Project Timeline

Plan Making Step	Estimated Completion
Council Resolution	February 2016
Gateway Determination (Anticipated)	April 2016
Government Agency Consultation	Concurrent with public exhibition
Public Exhibition Period	June 2016
Submissions Assessment	July 2016
Council adopt Planning Proposal	August 2016
Submission of Endorsed LEP to DP&I for finalisation	August 2016
Anticipated date plan is made (if delegated)	September 2016
Forwarding of LEP Amendment to DP&I for notification (if delegated)	September 2016
REFERENCES	
A Guide to Preparing Planning Proposals NSW Planning and Infrastructure 2012.	

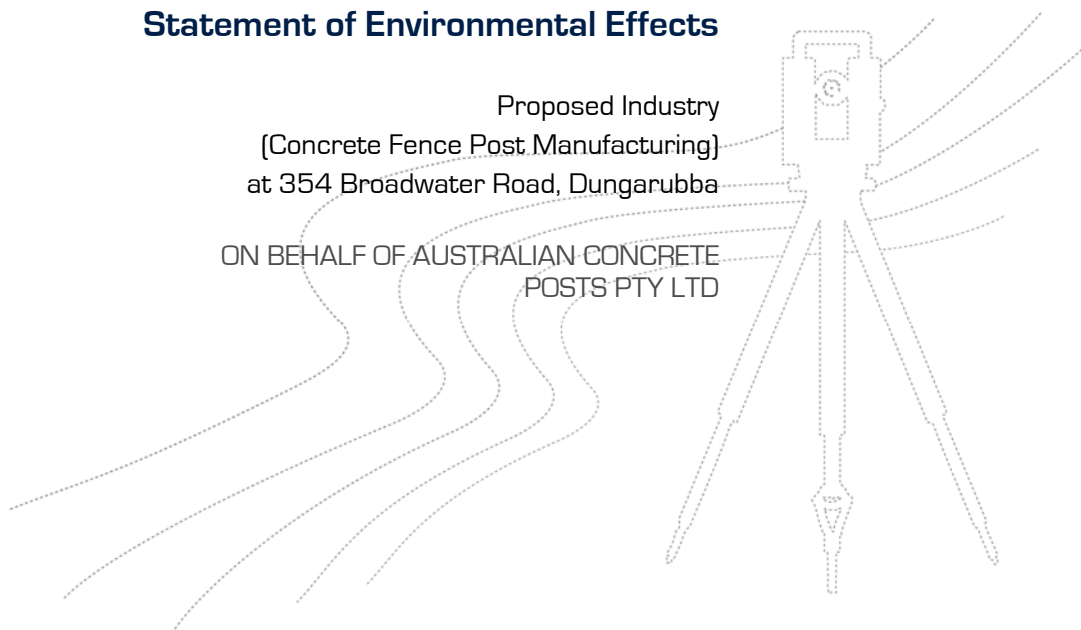
ATTACHMENT 1

Statement of Environmental Effects

Statement of Environmental Effects

Proposed Industry
[Concrete Fence Post Manufacturing]
at 354 Broadwater Road, Dungarubba

ON BEHALF OF AUSTRALIAN CONCRETE
POSTS PTY LTD

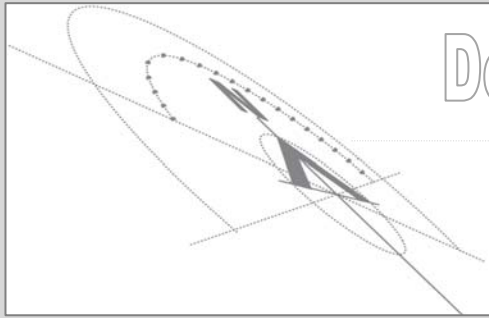


Site: Lot 2 DP 8877

Our Ref: 15/308

Date: December 2015





Document Control Sheet

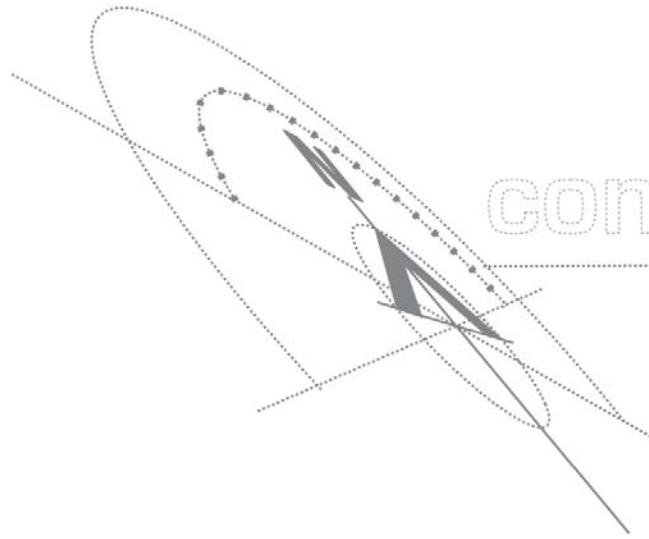
Document and Project Details				
Document Title:		Statement of Environmental Effects for Proposed Industry (Concrete Fence Post Manufacturing)		
Author:		Luke Fittock		
Project Manager:		Damian Chapelle		
Date of Issue:		10 December 2015		
Job Reference:		15/308		
Project Outline:		This document presents a Statement of Environmental Effects for a proposed change of use to permit a proposed Industry for the purpose of manufacturing concrete fence posts. A temporary approval period of five (5) years is sought.		
Document Distribution				
Date	Status	Distribution – Number of Copies		
		Client	Council	Other
10/12/15	Final	1	3	1
Documentation Verification				
Checked by:	Damian Chapelle Richard Mould (Australian Concrete Posts Pty Ltd)			

USAGE NOTE:

The plans to this document were prepared for the exclusive use of Australian Concrete Posts Pty Ltd to accompany a Development Application to Lismore City Council for approval for the development of land described herein and is not to be used for any other purpose or by any other person or corporation. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

The maps, development plans and exhibits shown in this report are suitable only for the purposes of this report. No reliance should be placed on this information for any purpose other than for the purposes of this report. All dimensions, number, size and shape of lots/buildings as shown on plans in this document are subject to detailed engineering design plans and final survey and may vary subject to conditions of consent issued by Council.

The information contained in this report is based on independent research undertaken by Newton Denny Chapelle. To the best of our knowledge, it does not contain any false, misleading or incomplete information.



contents
contents

1.0	Executive Summary	Page 1
1.1	Property Details	1
1.2	Development Application	2
1.3	Purpose	2
1.4	Pre-lodgement	2
1.5	Further Information	3
2.0	Site Details	5
2.1	Location & Land Use	5
2.2	Topography	8
2.3	Vegetation	8
2.4	Landscape & Visual Character	8
2.5	Site History	9
2.6	Services	9
3.0	Development Proposal	11
3.1	Proposal Overview	11
3.1.1	Proposed Change of Use of the Existing Building	12
3.1.2	Proposed Development Components	12
3.1.3	Operational Requirements	13
3.1.4	Vehicular Access & Parking	16
3.1.5	Services and Stormwater Drainage	17
3.1.6	Proposed Civil Works	17

4.0	Assessment of Relevant Planning Instruments	19
4.1	Introduction	19
4.2	Lismore Local Environmental Plan 2012	19
4.2.1	Zone Objectives	19
4.2.2	Lismore LEP 2012 Provisions	21
4.3	Lismore Development Control Plan	24
4.3.1	Chapter 3 – Industrial Development	25
4.3.2	Chapter 7 – Off Street Parking	29
4.3.3	Chapter 8 – Flood Prone Lands	30
4.3.4	Chapter 11 – Buffer Area / LUCRA	32
4.3.5	Chapter 15 – Waste Minimisation.....	32
4.3.6	Chapter 17 – Acid Sulfate Soils	32
4.4	State Environmental Planning Policy (Rural Lands) 2008	33
4.5	Regional Policy for the Management of Contaminated Lands & SEPP55	34
4.6	Planning for Bushfire Protection	36
4.7	Section 79C(i) Matters for Consideration – General	36
5.0	Conclusion	41

Appendices:

Appendix 1: Pre lodgement Minutes

Lismore City Council

Appendix 2: AHIMS Search

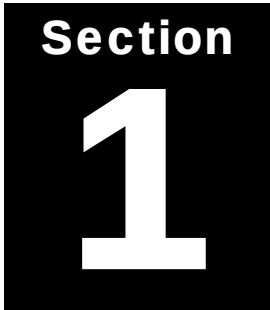
Appendix 3: Land Use Conflict Risk Assessment (LUCRA)

Newton Denny Chapelle

Appendix 4: Waste Management Plan (WMP)

Newton Denny Chapelle

Executive Summary



1.1 Property Details

Property Description:	Lot 2 DP 8877 Parish of Broadwater County of Rous
Property Address:	354 Broadwater Road, Dungarubba
Registered Owner:	P & M Foster
Proponent:	Australian Concrete Posts Pty Ltd
Applicant:	Newton Denny Chapelle for and on behalf of the Proponent
Local Authority:	Lismore City Council
Site Area:	57.09 hectares
Property Zoning:	RU1 – Primary Production
Integrated Referrals:	Nil

1.2 Development Application

Development Consent is sought on behalf of the Proponent Australian Concrete Posts Pty Ltd for a change of use to permit a proposed Industry upon Lot 2 DP 8877 for the purpose of manufacturing concrete fence posts. A temporary approval period of 5 years is sought.

1.3 Purpose

The purpose of this report is to describe the site, its existing and proposed uses and to address all the issues relevant to the application's assessment and approval.

This report should be read in conjunction with the following plans;

- Newton Denny Chapelle: **Plan 1** Location (15/308)
- Newton Denny Chapelle: **Plan 2** Detail Survey (15/308)
- Newton Denny Chapelle: **Plan 3** Area of Development (15/308)
- Newton Denny Chapelle: **Plan 4** Site Plan (15/308)
- Newton Denny Chapelle: **Plan 5** Articulated Vehicle Path

1.4 Prelodgement

A pre-lodgement meeting was held at Lismore City Council on Tuesday, 1 September 2015 (82.2015.23.1) between Council, the Proponent and a representative from Newton Denny Chapelle.

A copy of the minutes are provided with **Appendix 1** of this report. The matters raised within the minutes have been addressed within this Combined Planning Proposal and Development Application.

1.5 Further Information

Should Council require any additional information, or wish to clarify any technical matter raised by this proposal or submissions made to same, Council is requested to consult with **Damian Chapelle** on (6622 1011) prior to determination of this application.

This Page is Intentionally Left Blank

Site Details

Section

2

2.1 Location & Land Use

The subject land is described as Lot 2 DP 8877 and located at 354 Broadwater Road, Dungarubba. **Plan 1** provides a Location plan for the subject site which comprises a registered lot size of 57.09 hectares.

Plate 1 provides an aerial photo of the subject land in a local context. **Plates 2 - 4** provide photographs of the site in its current state.

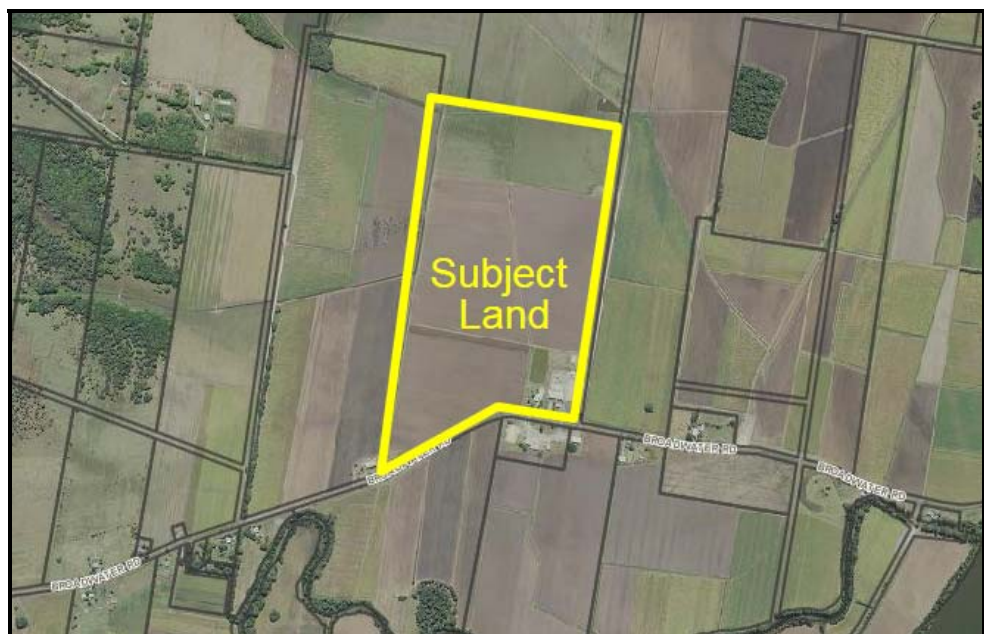
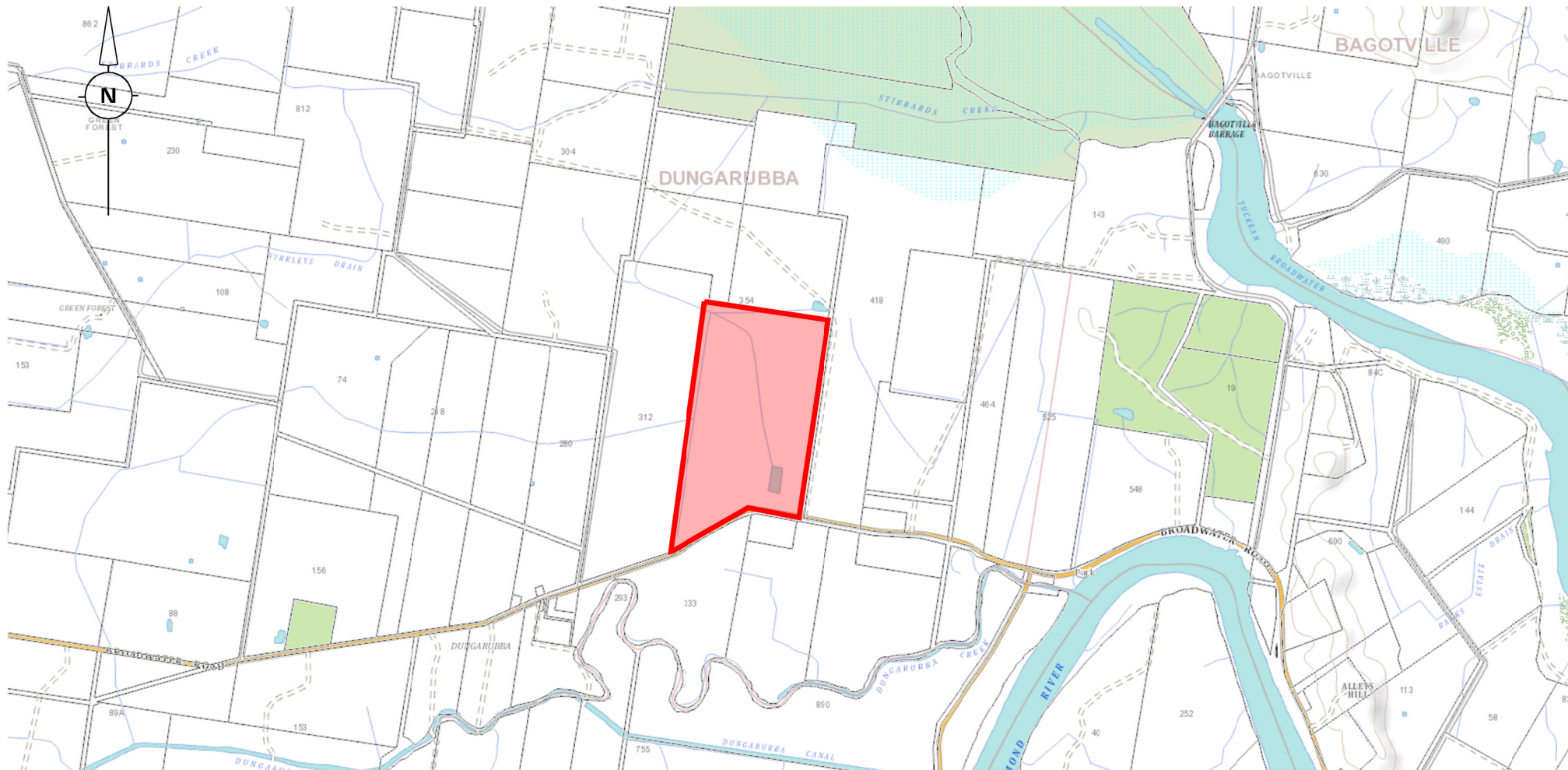


Plate 1 - Aerial view of the subject land (Source: LCC Intramaps)



LEGEND:



SITE BOUNDARY

SOURCE PLAN: www.maps.six.nsw.gov.au - accessed 01.09.15

k:\jobs\2015\15308 - australian concrete posts pf\planning\planning plans\ndc plans\cad files\15308 - australia in concrete posts.dwg - plan 1 - location

NBS
Newton Denny Chapelle
 Surveyors Planners Engineers

Email: office@newtondennychapelle.com.au
 LISMORE 31 Carrington St. Lismore 2480 PH: 6622 1011
 CASINO 100 Barker St. Casino 2470 PH: 6662 5000
 ABN: 86 220 045 469

PLAN 1 - LOCATION

CLIENT: AUSTRALIAN CONCRETE POSTS P/L

LOCATION: LOT 2 DP 8877
 354 BROADWATER ROAD
 DUNGARUBBA NSW

DATE: 01.09.15
 SCALE: nts

REF: 15/308
 DRAWN: bk

The subject property is currently embellished with two existing metal buildings, awnings, outbuildings, weatherboard cottage, disused tennis court area and dam. The property is also embellished with approximately 50 hectares of sugar cane cropping.

The south eastern corner of the site is used for the purpose of an industry for the manufacture of concrete fence posts. In this regard, the purpose of the combined planning proposal/development application seeks to formalise the current land use.

The property gains access from Broadwater Road through an existing internal gravel/bitumen driveway.

The land is adjoined by rural land for the purpose of sugar cane cropping, with Broadwater Road adjoining to the south. The rural precinct in which the subject land is located is predominately utilised for sugar cane production, whilst rural dwellings are interspersed throughout. Some cattle farming enterprises also exist within the locality with a rural industry located south across Broadwater Road.



Plate 2 – View looking towards the manufacturing shed from the north east



Plate 3 – View of existing internal driveway looking south towards Broadwater Road.



Plate 4 – Looking north west towards the site from Broadwater Road.

2.2 Topography

Newton Denny Chapelle have previously completed a detail survey with a detail survey provided within **Plan 2**.

The curtilage area proposed for the development is established at approximately RL 98 metres with the elevated building pad established between RL 99 – 100 metres.

Generally, the lower land is associated with driveway access and parking with the higher land comprising an existing elevated building pad.

2.3 Vegetation

The property is embellished with approximately 50 hectares of sugar cane. Mature forms of vegetation and some ornamental landscaping are contained to the front of the property within the curtilage of the existing dwelling house.

Having regard to the cleared nature of the area proposed for development, no vegetation removal is required.

2.4 Landscape & Visual Character

The site contains a mix of sugar cane cropping, mature and ornamental vegetation species, together with existing built structures. The surrounding properties are also generally planted out for the purpose of sugar cane cropping and used to support rural dwelling houses and associated farm sheds.

The proposed development will occupy the existing built form and therefore the existing visual amenity of the site will be retained when viewed from the public domain.

2.5 Site History

Preliminary investigations with Lismore City Council during the preparation of this development application provide that Development Consent Notice DA2000/673 granted development consent for a farm shed.

The site has also previously been granted development approval by Lismore City Council under Development Consent Notice 2006/466 on April 24, 2007 for a *'Rural Industry (packing and storage of primary products) building works and pole/pylon sign'*.

2.6 Services

Existing development on-site is currently serviced by tank water supply and an on-site wastewater service, electricity and telephone, with access into the site achieved from Broadwater Road. Services locations are identified within **Plan 2 Detail Survey**.

This Page is Intentionally Left Blank

Development Proposal

Section

3

3.1 Proposal Overview

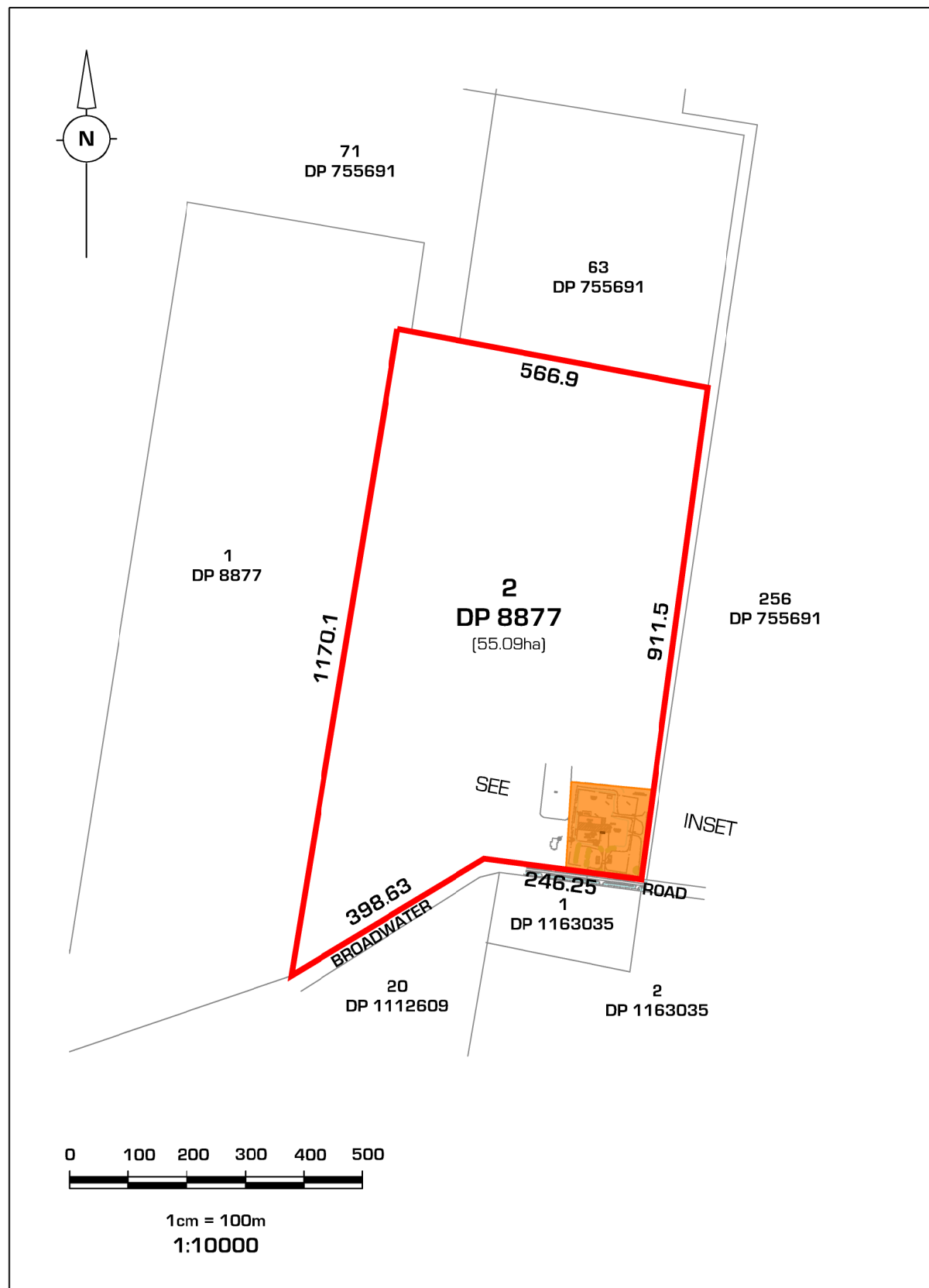
Development Consent is sought on behalf of the Proponent Australian Concrete Posts Pty Ltd for a change of use to permit a proposed Industry upon Lot 2 DP 8877 for the purpose of manufacturing concrete fence posts. A temporary approval period of 5 years is sought.

Plan 3 identifies the area of development on the land, whilst **Plan 4** provides a site layout plan for the development as prepared by Newton Denny Chapelle.

The proponent has identified that the use of the concrete fence posts are typically for the purpose of farm fencing and have also been used for property boundary re-fencing along the Pacific Highway upgrade route. Fence posts are made of concrete thus differing from the typical timber fence posts generally used for farm and boundary fencing. It is understood from the proponent that the business operated at the subject site is the only one of its type within the Lismore LGA and surrounding LGA's.

The land is unique for its proposed purpose by virtue of being identified as having the following key characteristics:

- i. The existing industrial infrastructure on-site;
- ii. The proximity of the site to the Pacific Highway for the immediate servicing of the North Coast and specifically the highway upgrade;
- iii. The non-existence of potentially conflicting land uses; and



LEGEND

AREA OF LAND SUBJECT TO DEVELOPMENT (2 ha)

NOTE:
This preliminary layout has been completed in accordance with the instructions provided by Australian Concrete Posts P/L.
In this respect preliminary desktop data has been used to form this layout. The final layout is subject to the completion of a detailed survey & engineering plans. Accordingly, the conclusions reached within this report may be modified by the author upon the completion of the final design plans & site inspection. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered, however so arising, to any person or corporation who may use or rely on this report.



REV	DATE	AMENDMENT
B		
C		
D		
E		
F		

SOURCE PLAN: N/A

k:\jobs\2015\15308 - australian concrete posts pl\planning\planning plans\ndc plans\cad files\15308 - australian concrete posts.dwg - plan 3 - area of development I

PLAN 3 - AREA OF DEVELOPMENT

CLIENT: AUSTRALIAN CONCRETE POSTS P/L

LOCATION: LOT 2 DP 8877
354 BROADWATER ROAD
DUNGARUBBA NSW

DATE: 08.12.15 REF: 15/308
SCALE: AS ABOVE DRAWN: bk


Newton Denny Chapelle
Surveyors Planners Engineers

Email: office@newtondennychapelle.com.au
LISMORE 31 Carrington St. Lismore 2480 PH: 6622 1011
CASINO 100 Barker St. Casino 2470 PH: 6662 5000

NDC

LEGEND

AREA SUBJECT TO PROPOSED DEVELOPMENT

LOADING/UNLOADING AREA

PROPOSED OUTDOOR STORAGE AREAS

NOTE:
This preliminary layout has been completed in accordance with the instructions provided by Australian Concrete Posts P/L. In this respect preliminary desktop data has been used to form this layout. The final layout is subject to the completion of a detailed survey & engineering plans. Accordingly, the conclusions reached within this report may be modified by the author upon the completion of the final design plans & site inspection. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered, however so arising, to any person or corporation who may use or rely on this report.

The site plan for Lot 3 DP8877 illustrates the proposed development layout. Key features include:

- Proposed Development Areas (Pink):** Storage, Manufacturing, and a Covered Area.
- Loading/Unloading Area (Hatched):** Located adjacent to the Manufacturing building.
- Proposed Outdoor Storage Areas (Yellow):** Two large areas, one at the top and one on the right side.
- Existing Structures:** Existing Farm Building, W/B Cottage, and a Shed/Structure.
- Infrastructure:** Concrete Tanks, Amenities, Power Pole, and a Relocated Portable Office Building.
- Access and Easements:** Gravel Access, Bitumen, and various gates.
- Topography:** Contour lines indicating elevation (e.g., 98.00, 99.00, 99.90).
- Boundaries:** Chain wire fence & 3 strand barbed wire along the perimeter.
- Other Features:** Dam, Gravel/Road Base Grass Surface, Gravel Carparking, and New Gravel Carparking (shaded green for shade tree bays).

REV	DATE	AMENDMENT
B		
C		
D		
E		
F		

SOURCE PLAN: N/A
k:\jobs\2015\15308 - australian concrete posts p\planning\planning plans\ndc plans\cad files\15308 - australian concrete posts.dwg - plan 4 - site plan

NDC

Newton Denny Chapelle

Surveyors Planners Engineers

Email: office@newtondennychapelle.com.au

LISMORE 31 Carrington St. Lismore 2480 PH: 6622 1011

CASINO 100 Barker St. Casino 2470 PH: 6662 5000

ABN: 86 220 045 469

PLAN 4 - SITE PLAN

CLIENT: AUSTRALIAN CONCRETE POSTS P/L

LOCATION: LOT 2 DP 8877
354 BROADWATER ROAD
DUNGARUBBA NSW

DATE: 08.12.15
SCALE: 1 : 750 @ A3

REF: 15/308
DRAWN: bk

- iv. The ongoing employment generation.

As demonstrated by the above points, the circumstances of the case do not provide for a precedence due to existing infrastructure and its locational criteria.

Outside of the development footprint, the subject land will retain an existing dwelling house and dam within the south eastern corner of the property together with the current cane farming paddocks which total in the order of 50 hectares. The existing farm building that adjoins to the south of the building subject to a proposed change of use within this application will be retained for farm storage purposes.

3.1.1 Proposed Change of Use of the Existing Building

The development involves the change of use of the existing metal building as illustrated on **Plan 4**. The southern portion of the building is used for the manufacturing and production component of the concrete fence posts with the northern portion utilised for covered storage space.

3.1.2 Proposed Development Components

The area proposed for development is contained to the south eastern corner of the property (refer **Plan 3** and **Plate 5**) and the operations of the development will utilise the existing built form existing on-site that is currently in use by the proponent.

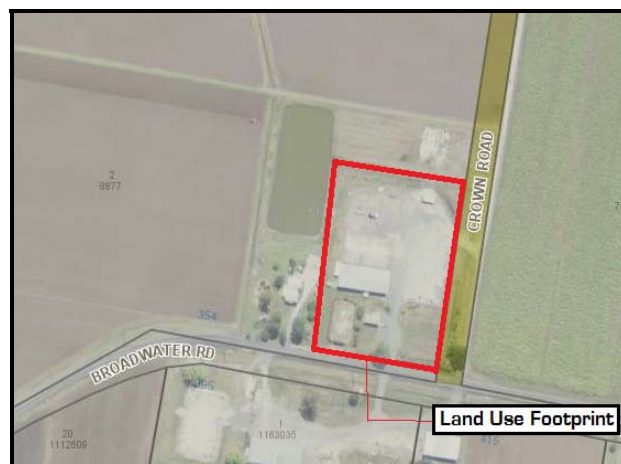


Plate 5: Land use footprint on 354 Broadwater Road.

As illustrated on **Plan 4**, the development involves numerous site layout components including:

- Use of the existing metal building for manufacturing/production purposes [refer to section 3.1.1];
- Manufacturing and production under the existing awning attached to the eastern end of the building;
- Provision of outdoor storage, loading/unloading area on a road base/gravel surface;
- Use of the existing amenities within the adjoining southern farm building for use by workers;
- Use of the covered area on the western end of the farm building for work breaks i.e. morning tea and lunch;
- Use of the existing driveway access connection to Broadwater Road with staff and visitor parking located either side of the driveway upon entering the site;
- Provision of car-parking to the east of the shed;
- Use of portable office buildings and storage containers; and
- Use of existing site fencing.

3.1.3 Operational Requirements

The business primarily involves the manufacturing of concrete fence posts for distribution off-site in bulk supply and does not generally provide a service individually to the public. However, products may be sold to an individual of the public with an estimated 1-5 visits per week and Saturday's between 7am – 1pm.

Business operations will occur weekdays Monday – Friday between the times of 6.30am – 5.30pm.

In terms of vehicular movements, typically 2 – 3 (maximum of 4) Boral concrete trucks arrive at the site daily to pour pre-mixed concrete, with 1 – 2 delivery trucks also arriving per day to pick up the concrete fence posts for distribution off-site. The delivery trucks typically comprise of 2 semi-trailers per week with the

balance of deliveries undertaken by a 12 tonne truck.

The proposed Industry will comprise of nine (9) employees to assist in the daily operations of the business including office staff.

Australian Concrete Posts Pty Ltd has prepared the following typical daily activities of the business in order to provide Council with the operational details of the proposal.

- 6.45am - 9 employees with vehicles arrive at work



- 7am - 9pm Concrete posts from previous days pour removed from steel moulds using jacks. The concrete posts are then strapped together.



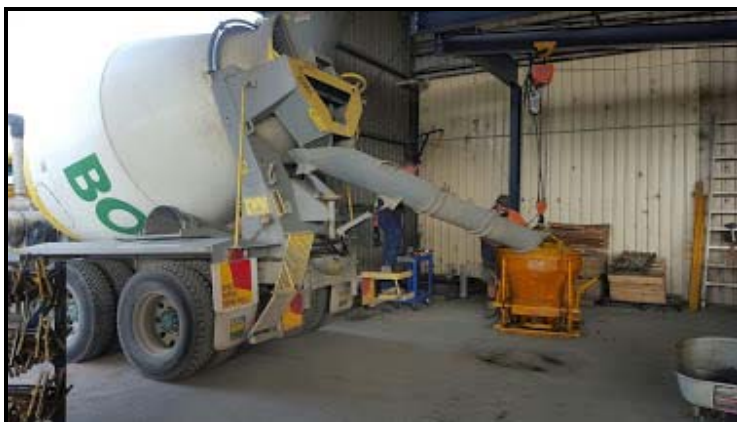
- Once strapped the concrete posts are forklifted and stacked in the yard.



- 9am - 12pm steel wire placed in moulds and prepared for next pour of concrete.



- 12pm - 2pm 2-3 concrete trucks arrive from Boral Concrete to pour premixed concrete into steel moulds using overhead concrete kibble.



- 1-2 delivery trucks per day arrive to pick up concrete posts.



- At 4pm seven of the production staff finish work for the day
- 5pm – 5:30 pm the office staff leave.

3.1.4 Vehicular Access and Parking

Vehicular access to the development is to be achieved from an existing driveway connection to Broadwater Road. The driveway surface comprises a combination of gravel and bitumen.

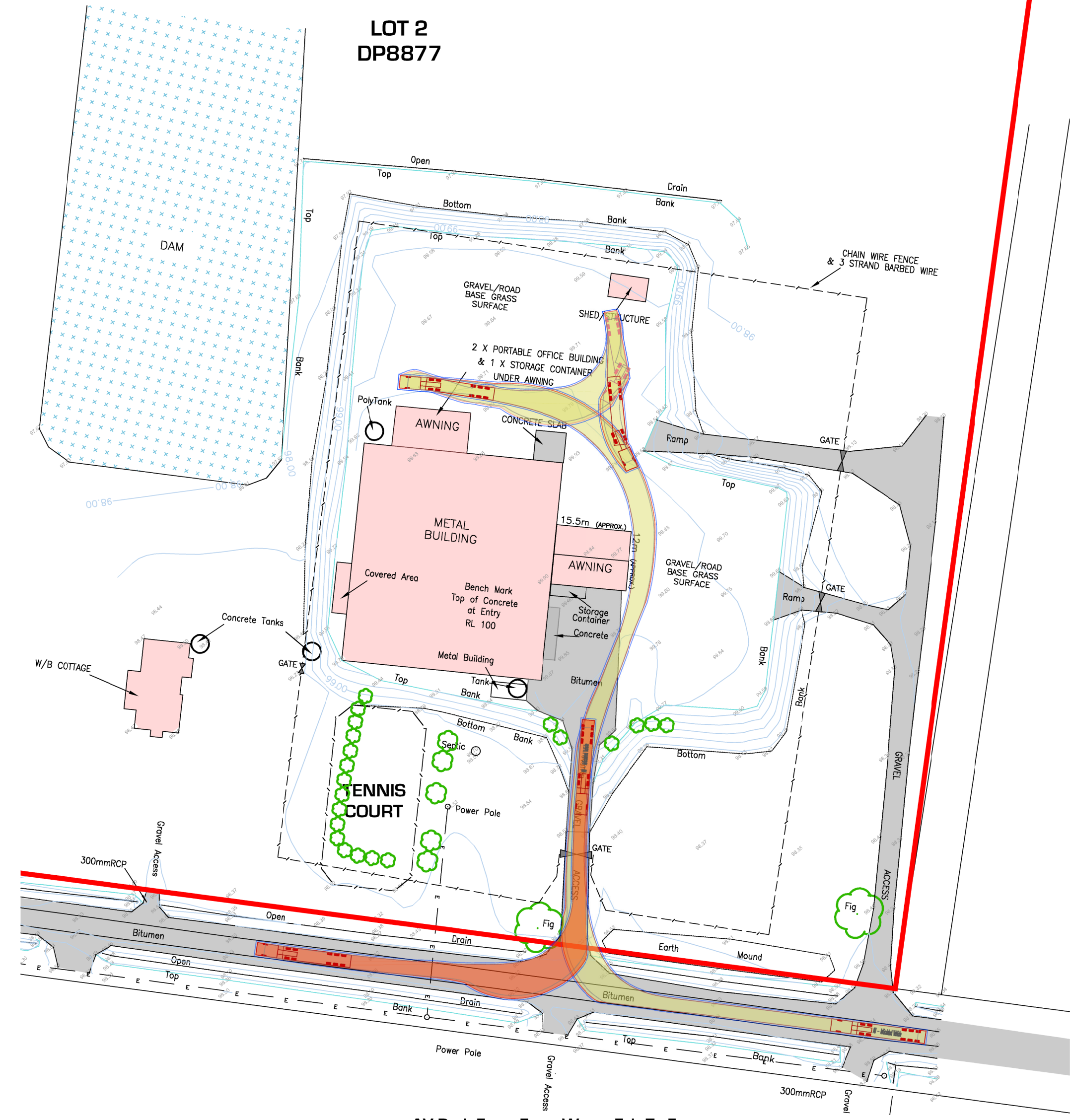
The driveway has been constructed with an access ramp to connect the natural ground level with the finished level of the building pad and the outdoor storage areas.

In terms of manoeuvrability, it is submitted that all delivery vehicles have the capacity to ingress and egress from the site in a forward direction. A turning template catering to Semi-trailer sized vehicles has been provided within **Plan 5** of this report.

Whilst the site adjoins a Crown Road reserve, the proponent does not utilise the road reserve for access into the site.

A loading/unloading area has been provisioned on the northern side of the manufacturing building for ease of accessibility to the open bays and covered storage area.

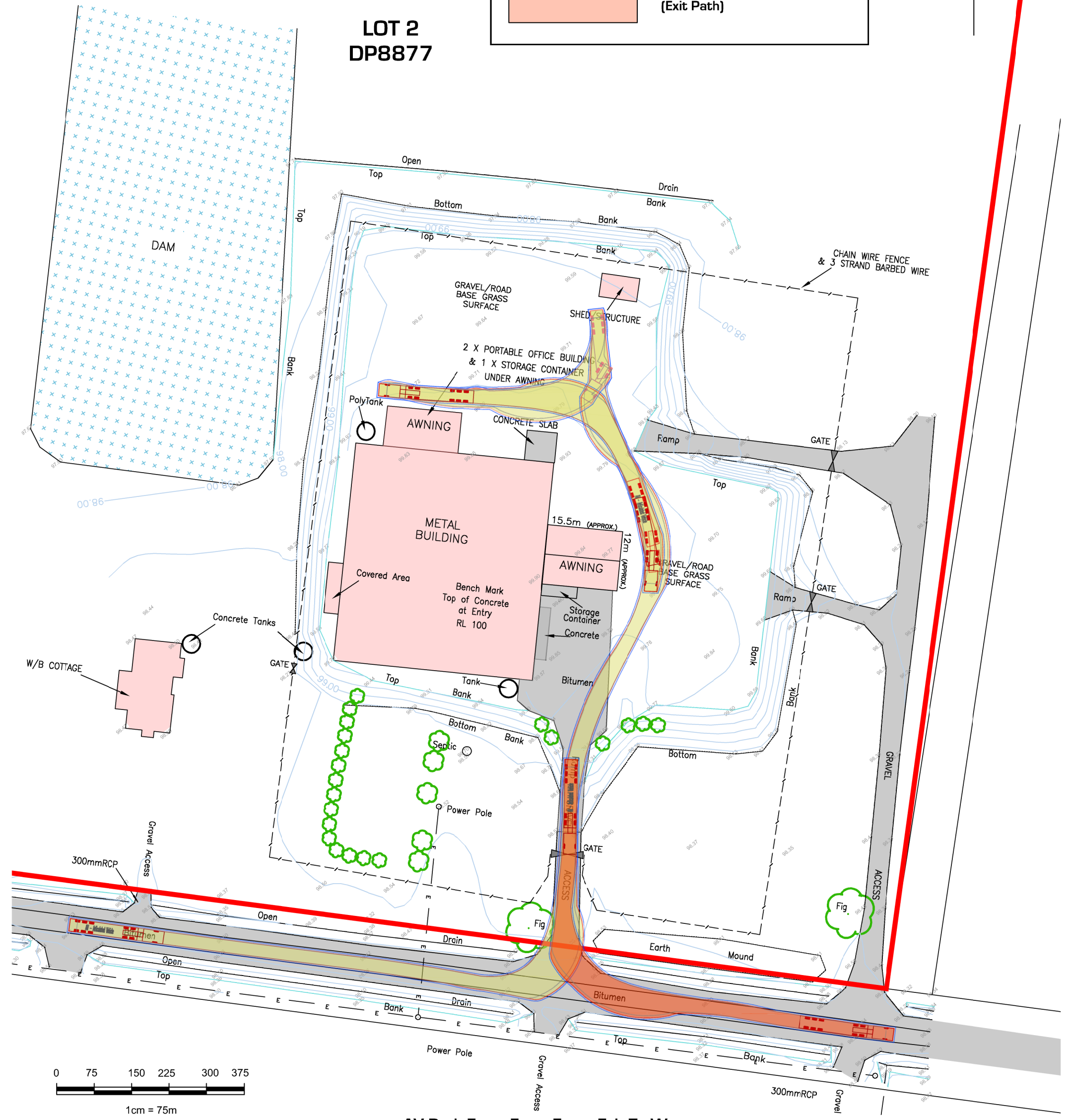
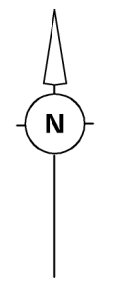
INSET
SCALE 1 : 750



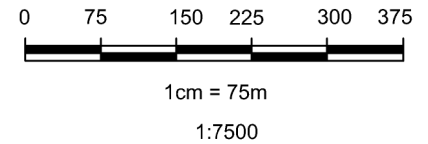
AV Path Entry From West - Exit To East

Legend

- Articulated Vehicle (AV) Path (Entry & Internal Manoeuvring)
- Articulated Vehicle (AV) Path (Exit Path)



AV Path Entry From East - Exit To West



Truck delivery/pick up times will be managed in a manner to prevent unmanageable queuing on-site of delivery vehicles.

It is proposed to provide a total of twelve (12) on-site car parking spaces to comply with the Lismore DCP Chapter 7 – Off Street Car Parking rates for industrial development. Eight (8) spaces are proposed adjacent to the internal driveway with four (4) spaces located immediately to the east of the shed. The car parking spaces are proposed to be constructed on a road base/gravel surface.

3.1.5 Services and Stormwater Drainage

Services

With respect to utility services, the property is served by a telephone service, with overhead electricity providing a power supply.

Water supply will continue to occur via existing concrete and poly water tanks whilst an existing on-site septic system will service wastewater disposal generated from the amenities located within the farm building.

Stormwater Drainage

It is proposed that grassed filter strips be maintained adjacent to the car parking area and around the existing building pad. Concerning Table 6.4 'Recommended Grass Filter Strip Widths' from Soils and Construction Volume 1 (i.e. the blue book) the minimum grass filter width is 2 metres. For this proposal the filter width has been nominated at 3 metres which exceeds that as required. Surplus water runoff will also be directed to the existing dam to the west of the development footprint.

Existing water storage tanks located on the property will also be used to collect rain water runoff from the roof catchment areas of on-site buildings.

3.1.6 Proposed Civil Works

Minor civil works will generally be limited to profiling the land for the purpose of establishing the proposed car parking areas on the eastern and western sides of the internal driveway.

This Page is Intentionally Left Blank

Assessment of Relevant Planning Instruments

Section

4

4.1 Introduction

Section 4 documents the range of statutory instruments and policies applicable in the subject case pursuant to Section 79C (1) (a) of the Act and tabulates the effect of these instruments in the circumstances of the development proposal described at Section 3.

4.2 Lismore Local Environmental Plan 2012

4.2.1 Zone Objectives

The subject property is zoned RU1 – Primary Production pursuant to the Lismore Local Environmental Plan 2012. The RU1 zone contains several objectives that are addressed below:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To preserve rural resources by ensuring that the viability of rural land is not extinguished by inappropriate development or incompatible uses.*
- *To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment.*

Comment: This application seeks to formalise an industry development on the land of which occupies an existing building and earth pad already constructed on the site from a previous land use. The development will not involve the removal of any cane cropping currently planted and being farmed on the remainder of the property and therefore maintains the natural resource base on the site.

By virtue of occupying the existing footprint the development will not fragment any current agricultural cropping activities carried out on the subject land or surrounding land, and no agricultural land uses will be displaced in this regard.

The proposal is not considered to adversely impact on any existing agricultural land uses or reduce the potential long term viability of agricultural activity within the locality. In this regard, post the five (5) year temporary use of the development, the infrastructure established on the site will have the capacity to be used for farm storage or another ancillary agricultural land use such as a Rural Industry subject to Council consent.

The proposal relates to the manufacturing of concrete fence posts that will be used for farm fencing purposes, and therefore the proposal provides an enterprise that supports and is ancillary to various primary production farming operations throughout the Lismore LGA and other LGA's.

In respect to land use conflicts within the RU1 zone, an assessment has been made within Appendix 3 of this report against the general industry buffer provisions contained within Chapter 11 – Buffer Areas of the Lismore DCP. No issues are raised concerning land use conflict between the proposed development and land uses within an adjoining zone. In this regard, the subject site is located within an RU1 Primary Production zone and is well removed from another adjoining zone.

The proposal is not considered to result in conflict with existing or potential agriculture that would reduce any areas set aside for future agricultural production in the locality. The development retains an existing footprint that maintains the ongoing cane farming pursuits carried out on the remainder of the subject site and therefore preserves the viability of this rural resource.

The rural character and scenic amenity of the locality is being preserved as the

proposal utilises the existing built form that already forms part of the rural landscape. The traffic generation to and from the development site is considered commensurate to the previous rural industrial land use carried out on the property and therefore retains the status quo in this regard.

4.2.2 Lismore LEP 2012 Provisions

Clause 5.9AA – Trees or Vegetation not Prescribed by a Development Control Plan

The proposed development will not require the removal of any on-site vegetation or any areas of Koala habitat.

Clause 4.3 – Height of Buildings

The Lismore LEP mapping does not specify a maximum building height limit for the site. However, the application relates to the use of an existing building on-site.

Clause 4.4 – Floor Space Ratio

The Lismore LEP mapping does not specify a FSR for the subject site.

Clause 5.10 – Heritage Conservation

The subject land is not identified as being nor adjoined by an item of heritage significance pursuant to Lismore LEP 2012 heritage mapping.

An AHIMS search undertaken during the preparation of this application did not identify any Aboriginal sites or places within 50 metres of the subject land (Refer **Appendix 2**)

Clause 6.1 – Acid sulfate soils

The subject site is identified as containing Class 3 acid sulfate soils on the Lismore LEP 2012 Acid Sulfate Soils Map – Sheet ASS_006.

Sub-clause [1] provides that *“the objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage”*.

Whilst the development will occupy the existing building pad and buildings on-site, some minor profiling will occur with respect to the profiling of the surface to

create a car parking area. However, in response to sub-clause (2), the profiling of the car parks will involve minor shaping with no proposal at present to undertake works 1 metre below the natural ground level.

Sub-clause (3) states that *“Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.”*

As part of the previous development application 2006/466, Environmental Analysis Laboratory (EAL) prepared a Preliminary Contaminated Land and Acid Sulfate Soil Assessment (Report No. E6255 and E6256, Date: October 2006). In response to the objective prescribed by sub-clause (1) and the provisions of sub-clause (3), this application has drawn on the conclusion offered in the EAL report and is provided below for Council’s assessment purposes:

“The proposed development site has been assessed for acid sulphate potential as per the Acid Sulphate Soils Manual and results have clearly indicated that the site sampled do not contain potential acid sulphate soils. It is possible that some of the imported fill material did or currently does contain potential acid sulfate soils but a management option for potential acidity is to limit exposure to air. Hence, the construction of the cement shed flooring over some of the site would limit this exposure.

The site has also been assessed for actual acid sulfate soils as per the Acid Sulfate Soils Manual and results have clearly indicated that the site sampled does contain actual acid sulfate soils (refer to glossary attached for difference between potential and actual acid sulfate soils).

Treatment of actual acidity is required during any excavation of the fill material, using agricultural lime at a rate of 10kg lime/m². To currently reduce the potential of acidity release from the site, it is proposed that lime is incorporated under the mulch around the perimeter of the site at a rate of approximately 1kg lime/m² (to a depth of approximately 100mm into the surface soil). Also it is proposed that any drainage from the site be directed to a catchment pond and be monitored for pH on a regular basis (i.e. daily during rainfall events). Lime is to be stored onsite to neutralise this pond to a pH between 6.5 and 7.5. Further

actual acidity monitoring of the surface soils around the site may be required depending on the acidity of the leachate from the site.”

Given the time passed since the completion of the Acid Sulfate Soils investigation by EAL in October 2006, Council may require the preparation of an updated Acid Sulfate Soil Assessment and/or Acid Sulfate Soil Management Plan. This may form a condition of consent on the development consent notice.

Clause 6.2 – Earthworks

As provided in Section 3.1.6, minor civil works will generally be limited to profiling for the purpose of establishing the proposed car parking areas on the eastern and western sides of the internal driveway.

Clause 6.3 – Flood Planning

The subject land is mapped as being located within a Flood Planning Area of the Lismore LEP 2012. Council pre-lodgement minutes indicate that the Q100 flood level at the site is RL4.5 metres AHD.

The south eastern corner of the subject land has been previously bulked filled for the purpose of providing an elevated building pad which was constructed with the aim to allow the floor levels of the development to remain free of low lying flooding.

The curtilage area proposed for the development is established at approximately RL 98 metres with the elevated building pad established between RL 99 – 100 metres. These levels have previously been obtained through detail survey completed by Newton Denny Chapelle however have not been related to AHD.

In response to the flood planning objectives prescribed by Sub-clause (1) and the provisions applicable to Sub-clause (3):

- The proposal seeks an adaptive reuse of the existing building on-site which is located on the elevated building pad, and in this regard is considered compatible with the flood hazard of the land;
- Despite the above, any fixtures or materials associated with the development below the flood planning level will be of flood compatible materials;

- The building utilised for the development is already constructed and therefore the proposal is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affection of other development or properties;
- Appropriate measures can be put in place through a flood management plan to manage risk to life from flood. At a minimum this will involve the relocation of vehicles parked within the car park to the elevated building pad until flood waters recede;
- The proposal relates to an adaptive reuse of the site and is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;
- The proposal is not considered likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Clause 6.4 – Drinking Water Catchments

The subject land is not located within a drinking water catchment having regard to the LEP drinking water catchment map.

Clause 6.9 – Essential Services

The proposed development will be serviced by all listed essential services as described in Section 3.1.5 of this report.

The site retains vehicular access to service the development with a driveway connection to Broadwater Road.

4.3 Lismore Development Control Plan (DCP)

The Lismore Development Control Plan contains controls that apply to particular forms or aspects of development throughout Lismore. The relevant provisions of the Lismore DCP are discussed below.

4.3.1 Chapter 3 – Industrial Development

The following **Table 4.1** illustrates the proposal's consistency with the relevant provisions of Chapter 3: Industrial Development.

Table 4.1 – Chapter 3 Industrial Development

DCP Provision	DCP Criteria	Proposal
3.3 Design Standards	Building Line Setbacks	The proposal maintains the existing setback to the front property boundary to Broadwater Road. Existing landscaping will be retained within the front property setback comprising of grassland, large fig tree at the property entrance and landscape trees to the south of the existing farm shed. The DCP provides that generally car parking will not be permitted in the landscape setback area. However, car parking is proposed within this application between the existing building and front property boundary which reflects the location of the previously Council approved car parking location under Development Consent Notice 2006/466. The location of the car parking spaces preserves sufficient area for additional landscaping within the property setback should Council deem required through a condition of development consent. The proposal is not located on land which is adjoining an existing residential use. In this regard, Broadwater Road adjoins to the south, Crown road reserve to the east, and cane farming land to the north and west. The structure located within the south eastern corner of adjoining Lot 1 DP 8877 is a farm shed. In this regard, the provision of a 2 metre wide landscape strip is not deemed necessary as per the DCP.

	Site Coverage	The Lismore LEP 2012 does not prescribe an FSR limit for the site. Having regard to the site land area and nature of the proposal, the resulting development raises no issues concerning site coverage. The proposal contains a compliant front building line setback, with adequate vehicular parking, circulation and loading area provided. Landscaped areas will be retained within the front setback of the property.
	Access & Parking	Access in to the site will be achieved from the existing driveway connection to Broadwater Road. Parking and loading/unloading areas will permit all vehicles associated with the development to enter and exit the site in a forward direction. A turning template catering to Semi-trailer sized vehicles (articulated) has been provided within Plan 5 of this report. The proposed car parking area is separated from the loading/unloading areas within the site. The driveway to Broadwater Road will be appropriately signposted as required should it be deemed necessary through a condition of development consent. <u>Chapter 7 – Off Street Car Parking</u> Chapter 7 of the DCP requires 1 parking space per 100m² GFA. This requires 12 spaces (1146m² of GFA). Scope exists to provide 12 parking spaces on-site as shown on Plan 4. The car park provides for the planting of shade trees with one landscape bay per 5 spaces as shown in Plan 4. Loading and manoeuvring areas are discussed above and shown on Plans 4 & 5 which caters for an articulated vehicle. The car parking area has been located to enable ready access to Broadwater Road, and as noted above is separated from the loading/unloading area within the site to manage potential conflict for users of the car park.

		The parking spaces, loading and manoeuvring areas are proposed on road base / gravel. Due to the temporary 5 year consent period proposed as part of the development, it is requested from Council that no additional sealing of the driveway, car parking or manoeuvring areas are imposed due to the temporary nature of the consent. Council have advised within the pre-lodgement minutes that the access will be required to be sealed to the property boundary from the edge of Broadwater Road. The car parking location preserves sufficient area for landscape plantings within the property setback should Council deem required through a condition of development consent. The development does not propose use of the adjoining Crown road reserve to the east and therefore no upgrading of this adjoining carriageway is warranted. As per the pre-lodgement minutes, due to the proposed 5 year temporary nature of the consent notice, the consent conditions previously applied to DA 2006/466 appear too onerous to be applied to the subject proposal with regard to road upgrading.
	Open Storage Areas	This development incorporates the provision of outdoor storage of concrete fence posts awaiting distribution off-site (Refer Plan 4) with these areas located behind the building line as required by the DCP. A storage area is located behind the existing building to the north to assist in view screening from Broadwater Road. A storage area is also located to the east of the building which assists in screening views from vehicles approaching from the west along Broadwater Road.

Landscaping	Existing landscaping will be retained within the front property setback comprising of grassland, large fig tree at the property entrance and landscape trees to the south of the existing farm shed. The location of the car parking preserves sufficient area for additional landscaping within the property setback should Council deem required through a condition of development consent.
External Appearance	The proposal seeks a change of use of an existing shed building that already forms part of the rural landscape along Broadwater Road.
Fencing	No additional fencing is proposed as part of this application.
Signage	No signage is proposed as part of this application.
Trade waste (Effluent) Disposal	The use of the shed for its intended purpose will not require the provision of a trade waste agreement.
Stormwater Disposal	Stormwater drainage will occur in the manner outlined in Section 3.1.5 of this report.
Solid Waste Storage & Disposal	Waste generated from the site will be stored, collected and removed in accordance with the waste management plan which is provided within Appendix 4 of this report. Waste storage areas are located behind the building line.
Environmental Safeguards	Stormwater management will occur in the manner outlined within Section 3.1.5 of this report. In respect to the control of offensive noise, reference should be made to the LUCRA provided within Appendix 3.
Services	All necessary utility services will be provided to the development as identified within Section 3.1.5 of this report.
Flood Prone Land	The flood planning provisions of Clause 6.3 of the LLEP 2012 have been addressed within this report. Chapter 8 Flood Prone Lands has been addressed in Section 4.3.3 of this report.

3.4 Other Provisions	Zoning Controls	The development application forms part of a Planning Proposal to enable the development to occur on the subject land through the amendment of Schedule 1 of the Lismore LEP 2012.
-----------------------------	-----------------	---

4.3.2 Chapter 7 – Off Street Car Parking

Chapter 7 of the Lismore DCP provides the car parking provisions for particular land use items within the Lismore Local Government Area. The relevant provisions of Chapter 7 pertaining to the subject proposal are discussed below.

The proposed development is defined as General Industry. Schedule 1 prescribes the expected car parking rates for specific land uses as follows in **Table 4.2**:

Table 4.2 – Car parking

Parking Requirement	Proposal
General Industry – 1 per 100m² GFA or part thereof. <i>Loading bays and manoeuvring area for large rigid vehicles.</i>	The proposal requires 12 spaces (1146m² of GFA). Scope exists to provide 12 parking spaces on-site as shown on Plan 4. Parking and loading/unloading areas will permit all vehicles associated with the development to enter and exit the site in a forward direction. A turning template catering to Semi-trailer sized vehicles (articulated) has been provided within Plan 5 of this report.

The following points are submitted:

- The car parking area has been located to enable ready access to Broadwater Road, and as noted above is separated from the loading/unloading areas of the site to manage potential conflict for users of the car park.
- The parking spaces, loading and manoeuvring areas are proposed on road base/gravel. Due to the temporary 5 year consent period proposed as part of the development, it is requested from Council that no additional sealing of the driveway, car parking or manoeuvring areas

are imposed due to the temporary nature of the consent.

- Council have advised within the pre-lodgement minutes that the access will be required to be sealed to the property boundary from the edge of Broadwater Road.
- The car park provides for the planting of shade trees with one landscape bay per 5 spaces as shown in **Plan 4**.
- The car parking location preserves sufficient area for landscape plantings within the property setback should Council deem required through a condition of development consent.
- The development does not propose use of the adjoining Crown road reserve to the east and therefore no upgrading of this adjoining carriageway is warranted.

4.3.3 Chapter 8 – Flood Prone Lands

The objectives of Chapter 8 – Flood Prone Lands of the Lismore DCP are to:

- 1. To permit development on flood prone land that is appropriate to the degree of flooding hazard experienced on that land;*
- 2. To minimise the risk to life and damage to property as a result of floods*
- 3. To provide guidelines for determination of the merit of development on flood prone land as required by Section 79C of the Environmental Planning and Assessment Act 1979.*

The DCP does not identify the subject land as being located within a defined flood hazard category (i.e. high flood risk, floodway, flood fringe, low flood risk) and therefore the Rural Area development provisions within Clause 8.8 have been reviewed for the purpose of the proposal. Clause 8.8 provides the following:

Where development is proposed on rural land that is identified as Flood Planning Area on the LEP 2012 Flooding Map, the applicant will be required to submit a report from a registered surveyor establishing a level at the site equivalent to the estimated 1 in 100 year ARI flood level. The habitable floor level of all new dwellings is to be at or above the Flood Planning Level.

Comment: This application is not for the purpose of a new habitable dwelling.

The subject land is mapped as being located within a Flood Planning Area of the Lismore LEP 2012 and Council pre-lodgement minutes indicate that the Q100 flood level at the site is RL4.5 metres AHD.

The curtilage area proposed for the development is established at approximately RL 98 metres with the elevated building pad established between RL 99 – 100 metres. These levels have previously been obtained through detail survey completed by Newton Denny Chapelle however have not been related to AHD.

In order to address the objectives of Chapter 8 of the DCP, the flood planning provisions of Clause 6.3 of the Lismore LEP 2012 have been drawn on, with the following comments provided:

- The proposal seeks an adaptive reuse of the existing building on-site which is located on the elevated building pad, and in this regard is considered compatible with the flood hazard of the land;
- The development footprint has been previously bulked filled for the purpose of providing an elevated building pad for the site with the aim to allow the floor levels of the development to remain free of low lying flooding.
- Any fixtures or materials associated with the development below the flood planning level will be of flood compatible materials;
- The building utilised for the development is already constructed and therefore the proposal is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affection of other development or properties;
- Appropriate measures can be put in place through a flood management plan;
- The proposal relates to an adaptive reuse of the site and is not likely to

significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;

- The proposal is not considered likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

4.3.4 Chapter 11 – Buffer Areas / Land Use Conflict Risk Assessment (LUCRA)

Reference should be made to the Land Use Conflict Risk Assessment (LUCRA) within **Appendix 3** as prepared by Newton Denny Chapelle.

4.3.5 Chapter 15 – Waste Minimisation

Reference should be made to the Waste Management Plan (WMP) contained within **Appendix 4** as prepared by Newton Denny Chapelle.

4.3.6 Chapter 17 – Acid Sulfate Soils

Chapter 17 of the Lismore DCP applies to all land identified as Classes 1, 2, 3, 4 and 5 of the Lismore Local Environmental Plan 2012 Acid Sulfate Soils Map.

The subject land is identified as containing Class 3 acid sulfate soils pursuant to the Lismore LEP 2012 Acid Sulfate Soils Map – Sheet ASS_006.

Clause 17.3 'Assessment' of Chapter 17 outlines matters with respect to assessment requirements, works that require development consent and when a soils assessment and/or management plan is required. In response to Clause 17.3, reference should be made to Section 4.2.2 of this report which addresses Clause 6.1 – Acid sulfate soils of the Lismore LEP 2012.

4.4 State Environmental Planning Policy (Rural Lands) 2008

The Rural Planning Principles listed in SEPP (Rural Lands) 2008 have been considered and addressed within Attachment 4 of the Planning Proposal against Section 117 Direction 1.5 Rural Lands.

The Rural Lands SEPP applies to the proposed development with Clause 10 outlining matters for which the consent authority is to consider in determining Development Applications.

Clause 10(3) nominates the following matters for consideration.

(a) The existing uses and approved uses of land in the vicinity of the development,

Comment: The subject land is adjoined by rural land for the purpose of sugar cane cropping, with Broadwater Road adjoining to the south. The rural precinct in which the subject land is located is predominately utilised for sugar cane production, whilst rural dwellings are interspersed throughout. Some cattle farming enterprises also exist within the locality with a rural industry located to the south across Broadwater Road.

(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development:

Comment: The proposed development is not considered to adversely modify the context of land uses within the immediate rural locality. In this respect, the proposed use of the land has been assessed within the attached LUCRA which considers and addresses the relevant general industry buffers within Chapter 11 – Buffer Areas of the Lismore DCP. To further assist in the preservation of the rural amenity, The LUCRA identifies operational mitigation/management measures that have capacity to be implemented into the development to lower the risk of potential land use conflict issues relating to noise and dust.

(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),

Comment: Refer to comments provided within (a) & (b).

(d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,

Comment: The subject land is not situated within nor adjoined by a rural residential zone.

(e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).

Comment: As per the comments provided within the attached LUCRA, separation buffer areas and operational management measures can be put in place to lower the risk of creating potential land use conflicts between surrounding rural dwellings and the proposed development.

4.5 Regional Policy for the Management of Contaminated Land & SEPP 55

To address the provisions of SEPP 55 and the Regional Policy for the Management of Contaminated Land as adopted by Lismore City Council, the following information is provided to assist Council in assessment of the application.

What are all known land uses, including the current uses, to which the site has been put?

Comment: Preliminary investigations have indicated that the footprint of the proposed development has been used previously for a Rural Industry for the purpose of packing and storage of a primary product. A Rural Industry (packing and storage of primary products), building works, and a pole/pylon sign was approved under Development Consent Notice 2006/466.

A dwelling house is located within the south eastern corner of the subject site

whilst the remainder of the property located outside of the curtilage of the development is planted out as cane farm.

LCC Intramaps also identifies Dungarubba dip site located on the south eastern corner of the property adjacent to Broadwater Road.

Is the applicant aware of uses to which properties adjoining the site have been put? If so please specify.

Comment: The land is adjoined by rural land for the purpose of sugar cane cropping, with Broadwater Road adjoining to the south. A Crown road reserve also adjoins to the east.

Is the applicant aware of any contamination on the site, or any adjoining site?

Comment: As part of the previous development application 2006/466, Environmental Analysis Laboratory (EAL) prepared a Preliminary Contaminated Land and Acid Sulfate Soil Assessment (Report No. E6255 and E6256, Date: October 2006). The executive summary of the report stated that *"the objective of the investigation is to determine if land contamination has occurred from past land usage and establish if the site contains acid sulfate soils. To determine the type of contaminants that may be present in the soil profile, a basic history search was undertaken."*

The report at the time identified that the site was currently being used as a landscaping business, and in the past may have been used for grazing agriculture or was vacant.

Section 10 'Conclusions and Recommendations' of the EAL report stated that *"The soil-sampling regime was based on a systematic sampling pattern. The soil analysis confirmed the background site history of no metal or pesticide contamination of the soil."*

All composite analysis results had contaminant levels well below the modified Column 1 HBIL and therefore no individual soil analysis of metals or pesticides was required and a detailed investigation or site remediation is not required"

No detailed contaminated land assessment has been carried out in preparation of this application having regard to the nature of the proposed development and the

results of the previous EAL assessment conducted on the site. In this regard, the application does not propose any significant change in sensitivity (i.e. to residential development) from the previous rural industrial use.

4.6 Planning for Bushfire Protection

A review of Lismore City Council mapping identifies that the proposed development footprint is located in excess of 100 metres from mapped bushfire prone land.

It is understood the development will be assessed under Section 79C of the EPA Act 1979 and does not trigger assessment against Section 79BA or NSW RFS Planning for Bushfire Protection Guidelines 2006.

4.7 Section 79C(i) Matters for Consideration – General

(a) the provisions of:

(i) any environmental planning instrument, and

Relevant provisions of the Lismore Local Environmental Plan 2012 have been addressed within Section 4.2 of this report.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

No draft EPI is considered to adversely impact upon the development proposal.

(iii) any development control plan, and

Relevant chapters from the Lismore Development Control Plan are addressed in Section 4.3 of this report.

(iv) the regulations (to the extent that the prescribed matters for the purposes of this paragraph),

No prescribed matters are considered to adversely impact on this proposal.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Primary Matters	Proposal
Context & Setting	The proposed development is located within an RU1 zone and seeks consent to operate within the zone through a combined planning proposal/development application. Based on the information contained within this report, the proposal is not likely to compromise the relationship or continued use of the adjoining rural lands. Having regard to the adaptive re-use of the existing built form, the proposal is not likely to have an adverse impact on the scenic qualities, landscape features, character and amenity of the surrounding locality and is considered compatible with adjoining/surrounding rural land uses.
Access, Transport & Traffic	Vehicular access into the development will be achieved from the existing driveway connection to Broadwater Road. Plan 5 – Articulated Vehicle Paths contained within this report identifies scope for an articulated vehicle to access the site in a forward direction, and manoeuvre within the site to exit in a forward direction to Broadwater Road.
Utilities	All necessary utility services can be provided for the development as identified within this report.
Heritage	The subject land is not identified as containing a heritage item pursuant to the Lismore LEP 2012 heritage mapping. An AHIMS search undertaken during the preparation of this application did not identify any Aboriginal sites or places within 50 metres of the subject land (Refer Appendix 2).
Flora & Fauna	Concerning threatened species, populations and ecological communities or their habitats having regard to Section 5A of the Environmental Planning and Assessment Act 1979, the proposed development does not require the removal of any on-site vegetation.
Waste	A Waste Management Plan is contained within Appendix 4 of this report that addresses Chapter 15 – Waste Minimisation of the Lismore DCP.
Energy	It is not envisaged that any significant demands will be placed on energy supplies having regard to the adaptive reuse of the site and the proposed temporary consent life of 5 years.
Natural Hazards	Flooding has been considered and addressed within this report. The proposed industry development is not located on mapped bushfire prone land.

Social & Economic Impacts	The positive economic impacts will be recognised through the formalisation of the concrete fence post manufacturing business.
Site Design & Internal Design	The site contains a suitable area to facilitate the proposed development as presented in Plan 4 of this report. Plan 5 – Articulated Vehicle Paths contained within this report identifies scope for an articulated vehicle to access the site in a forward direction, and manoeuvre within the site to exit in a forward direction to Broadwater Road.
Construction	Appropriate management of any construction activities will occur pursuant to Work Cover requirements and Lismore City Council conditions of consent. Construction activities are expected to relate to the construction of the car parking area. Appropriate sedimentation and erosion controls will be provided during the construction phase of the development.

(c) the suitability of the site for the development

Primary Matters	Proposal
Does the proposal fit in the locality	The subject land is adjoined and surrounded by rural land uses. In accordance with the attached LUCRA, separation buffer areas and operational management measures can be put in place to help lower the risk of creating potential land use conflicts between surrounding rural dwellings and the proposed development. All necessary utility services can be provided to the proposed development as required
Site Attributes conducive to the development	The proposal does not require the removal of any native vegetation. The subject land is not identified as a heritage item within the Lismore LEP 2012 heritage mapping. An AHIMS search undertaken during the preparation of this application did not identify any Aboriginal sites or places within 50 metres of the subject site. The proposed development is not considered to result in the loss of any viable productive agricultural land.

(d) any submission made in accordance with this Act of the regulations,

Primary Matters	Proposal
Public Submissions Submissions from Public Authorities	All issues deemed relevant to the proposal, having regard to the location, nature and impacts, have been addressed in this report.

(e) the public interest

Primary Matters	Proposal
Federal, State, Local Government Interest & Community Interest	It is submitted that the proposed development is of a satisfactory nature, and it is not likely to compromise the public interest.

This Page is Intentionally Let Blank

Conclusion

Section

5

The Statement of Environmental Effects, when read in conjunction with the accompanying design plans, successfully addresses the issues relevant to Council's assessment of this application to permit an Industry (manufacturing of concrete fence posts) upon Lot 2 DP 8877 being 354 Broadwater Road, Dungarubba.

In consideration of the issues and information provided, approval of the development application is warranted in the manner prepared, subject to the imposition of reasonable and relevant conditions.

The grounds for this approval are summarised below:

- The proposal satisfactorily addresses the relevant provisions of the Lismore Local Environmental Plan 2012 and will be permitted with consent within the RU1 Primary Production zone following the finalisation of the Planning Proposal.
- The proposal considers and adequately addresses the requirements of the Lismore Development Control Plan as are of relevance to the development.
- Separation buffer areas and operational management measures can be implemented into the operational aspect of the development to help lower the risk of creating potential land use conflicts between surrounding rural dwellings and the proposed development.
- Adequate vehicular access into the development can be provided from an existing driveway connection to Broadwater Road.
- The proposal only seeks consent for a temporary period of 5 years.


LUKE FITTOCK
Town Planner (BRTP)
Date: 10th December 2015


DAMIAN CHAPELLE
Town Planner. BTP CPP

APPENDIX 1

Pre-lodgement Minutes

Lismore City Council

LISMORE CITY COUNCIL MINUTES OF PRE-LODGEEMENT MEETING

Held on Tuesday, 1 September 2015

82.2015.23.1

Present: Development Assessment Officer (Planning) (R Mallam) Chairperson
Development Assessment Engineer (J Willey)
Manager Economic Development (M Batten)

In attendance: Secretary (S Strachan)

Apologies: Environmental Health Representative (M Kelly)
Development Assessment Co-ordinator (C Watts)

Presentation

Guests: Mr Damian Chapelle – Newton Denny Chapelle
Mr Richard Mould – Business Owner

Property: DP 8877 lot 2, 354 Broadwater Road DUNGARUBBA
Zone: RU1 Primary Production Zone

Brief Outline of Proposed Development provided by proponent:

Australian Concrete Posts Pty Ltd are currently using the subject site for the production / manufacture of concrete posts. However it has come to their attention that the existing development consent does not cover the industrial land use activity currently being undertaken on the site. Furthermore, the industrial use of the land is prohibited under the Lismore LEP 2012 on RU1 – Primary Production zoned lands. Accordingly, application seeks to have an industrial land use permitted on the site through the lodgement of a combined Planning Proposal/Development Application. In particular, the application will seek a proposed change of use of an existing shed on the subject land from a rural industry to an industry associated specifically with the production / manufacture of concrete posts. During the meeting it was discussed that the combined Planning Proposal/Development Application was likely seek approval only for a limited period of 5 years (sunset clause), which would then give the company time in which to look for an alternative site.

Summary Information

Advertising / Notification required: Yes

Planning Constraints:

- **Heritage Item:** No
- **Flood** Yes
- **Section 64 contributions** No
- **Section 94 contributions** Yes
- **Tree preservation order** No

Relevant Planning Controls:

SEPPs

- **SEPP 44 Koala Habitat Protection**
- **SEPP 55 Remediation of Land**

LEP

- **LEP Zone – RU1 Primary Production**
- **LEP Clause 6.1 – Acid Sulfate Soils**
- **LEP Clause 6.3 – Flood Planning**

About Pre-Lodgement Meeting Advice

No pre-application meeting can provide an authoritative statement as to the likely outcome of an application. A determination can only be made following the lodgement of an application and the completion of the assessment process. Whilst every attempt has been made to provide as much assessment advice on the proposal as possible, there may be additional issues that have not been identified due to the nature of the plans submitted for comment with the meeting request or lack of readily available information about the subject site. The above advice is not a detailed compliance audit of the proposal, and does not cover further issues that may arise from public notification, referrals or detailed assessment of the final proposal submitted to Council for assessment.

LISMORE CITY COUNCIL MINUTES OF PRE-LODGEEMENT MEETING
Held on Tuesday, 1 September 2015
82.2015.23.1

- **LEP Clause 6.9 – Essential Services**

DCPs

Part A

- **Chapter 3 – Industrial Development**
- **Chapter 7 – Off-Street Car Parking**
- **Chapter 8 – Flood Prone Lands**
- **Chapter 11 – Buffer Areas**
- **Chapter 17 – Acid Sulfate Soils**

Strategic Planning Co-ordinator (P Newman)

As identified in the Pre-Lodgement Application, the proposed industrial land use is prohibited in the RU1 Primary Production Zone. An amendment of the Lismore LEP to either rezone the land or change the land use table to make 'industry' a permitted use is not supported. However, given the (apparently) unique nature of the use and the advantages this location offers in connection with the highway upgrades there is potential for a use and site specific amendment of Schedule 1 of the Lismore LEP 2012.

The planning proposal will need to clearly identify the area proposed for the additional permitted use and describe the use clearly. It will also need to provide good supporting information for why this use is so unique that it should be enabled in this location and won't set any sort of precedent in other parts of the RU1 Primary Production Zone. In addition, impacts on primary production potential of the land and in the LGA (removing land from agricultural use) in general will need to be identified.

If there is a sunset on the operations (i.e. ceases after 5 years), this should be identified as well (see Port Stephens Schedule 1 below). This would also assist in supporting arguments for a use of this nature in the Primary Production zone.

The Department of Planning and Environment does not encourage the use of Schedule 1, however there have been recent planning proposals that have used Schedule 1 and have been accepted by the Department. The Department requires clear justification of why Council has not zoned the land or changed the permissible uses for the zone as it is still the Department's preference for land to be appropriately zoned or amend permissible uses in a zone. Examples include Port Stephens (see extract below), Clarence Valley LEP 2011, Tamworth Regional LEP 2010 and Ballina LEP – Teven Road, West Ballina.

Port Stephens LEP 2013 - Schedule 1 Additional permitted uses

1 Use of certain land at Italia Road, Balickera

- (1) This clause applies to land at Italia Road, Balickera, being Part Portion 66, DP 753200.*
- (2) Development for the purpose of a pre-cast concrete operating facility with a site area not exceeding 1.6 hectares is permitted with development consent.*
- (3) All operations must cease when the associated quarry operations cease.*

Development Assessment Officer (Planning) (R Mallam) Chairperson

- The combined Planning Proposal/Development Application is to provide a detailed description of the proposed use, including: manufacturing process, hours of operation, number of employees, traffic movements (cars and heavy vehicles), proposed works (building and/or civil) and the time period approval/consent is being sought (i.e. 5 years).

About Pre-Lodgement Meeting Advice

No pre-application meeting can provide an authoritative statement as to the likely outcome of an application. A determination can only be made following the lodgement of an application and the completion of the assessment process. Whilst every attempt has been made to provide as much assessment advice on the proposal as possible, there may be additional issues that have not been identified due to the nature of the plans submitted for comment with the meeting request or lack of readily available information about the subject site. The above advice is not a detailed compliance audit of the proposal, and does not cover further issues that may arise from public notification, referrals or detailed assessment of the final proposal submitted to Council for assessment.

LISMORE CITY COUNCIL MINUTES OF PRE-LODGEEMENT MEETING
Held on Tuesday, 1 September 2015
82.2015.23.1

The application is also to demonstrate that the existing shed and infrastructure proposed to be used has been approved by Council.

- The combined Planning Proposal/Development Application needs to describe the specific and unique circumstances that merit the proposed planning proposal and justification as to why it won't create a planning precedent.
- The combined Planning Proposal/Development Application is to comment on the consistency of the proposed development with the RU1 Zone Objectives.
- Chapter 3 – Industrial Development of the Lismore DCP sets out the planning controls for industrial development. The DA is to demonstrate compliance with the provisions of this chapter that are relevant to the proposed change of use or alternatively provide written justification supporting any proposed non-compliance.
- Chapter 7 of the Lismore DCP sets the parking requirement for an 'industrial' use at: 1 car space per 100m² GFA or part thereof. The DA is to demonstrate compliance with this parking requirement or alternatively provide written justification supporting any proposed non-compliance.
- The subject allotment is mapped as being flood prone and accordingly needs to address Clause 6.3 Flood Planning of the Lismore LEP 2012. In particular the combined Planning Proposal/Development Application is demonstrate that the development:
 - is compatible with the flood hazard of the land;
 - is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, an
 - incorporates appropriate measures to manage risk to life from flood.
- The combined Planning Proposal/Development Application is to include a Land Use Conflict Risk Assessment (LUCRA).
- The combined Planning Proposal/Development Application is to demonstrate that the existing on-site effluent disposal system is adequate to accommodate the demand generated by the proposed development.

Development Assessment Engineer (J Willey)

- A car parking layout plan is required to be submitted with the combined Planning Proposal/Development Application demonstrating the turning paths of the required heavy vehicles. This will need to be based on the determined numbers of spaces. In addition, justification as to why the spaces and manoeuvring areas will not require sealing as specified in the DCP Chapter 7 will need to be submitted.
- It was suggested to provide the proponent an idea of Section 94 Contributions that could be applied to the development. In order to present an estimate a detailed breakdown of vehicle movements is to be submitted prior to the formal submission of an application. This would also assist in determining the minimum intersection treatment at the entrance to the site.
- The access road will be required to be sealed to the property boundary, prior to the commencement of the use.
- Where the proposed use is to be limited to 5 years (as discussed during the pre-lodgement meeting) then the consent conditions specified in DA2006/466 would appear too onerous. However, should the proposal not be time limited or the proponent decide to extend the consent further than the 5 years, then a review of the roadworks conditions / contributions will need to be carried out with the possibility of upgrading roadworks being required.
- The Q100 flood level at the site is RL4.5. During pre-lodgement discussions, it was highlighted that all the shed area is above the flood level. This is to be confirmed as part of the application.

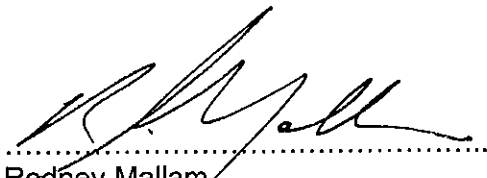
About Pre-Lodgement Meeting Advice

No pre-application meeting can provide an authoritative statement as to the likely outcome of an application. A determination can only be made following the lodgement of an application and the completion of the assessment process. Whilst every attempt has been made to provide as much assessment advice on the proposal as possible, there may be additional issues that have not been identified due to the nature of the plans submitted for comment with the meeting request or lack of readily available information about the subject site. The above advice is not a detailed compliance audit of the proposal, and does not cover further issues that may arise from public notification, referrals or detailed assessment of the final proposal submitted to Council for assessment.

LISMORE CITY COUNCIL MINUTES OF PRE-LODGEEMENT MEETING
Held on Tuesday, 1 September 2015
82.2015.23.1

Environmental Health Officer (Matt Kelly)

- The combined Planning Proposal/Development Application is to include a Waste Management Plan that details how the proposal manages all wastes generated from the manufacturing process.
- It is understood that the site is already developed and that the proposal will not result in any disturbance of potentially acid sulfate soils.
- The combined Planning Proposal/Development Application is to provide comment in relation to the likely environmental and amenity impacts (i.e. noise and dust) of the proposed development upon the surrounding locality.



.....
Rodney Mallam
Chairperson

Council strongly encourages proponents for large or potentially controversial developments to undertake pre-consultation with communities or organisations likely to be affected by a proposed development. This assists with identifying issues of concern and enables design responses to those concerns to be included at an early stage in any proposal lodged with Council for consideration or comment. Pre-consultation can also reduce costs and potential submissions in relation to applications lodged for assessment.

The following community organisations hold high quality local information that is likely to be of great assistance and can potentially save costs in preparing an application. This information may also reduce delays due to relying on assumptions or information of lesser quality. Council strongly recommends that you contact these organisations at an early stage for pre-consultation purposes in preparing your proposal to assist you in navigating the development assessment process.

- Friends of the Koala Inc – Contact: Mark Wilson, Trees Officer, 0413 339 554.
- Ngulingah Aboriginal Land Council – CEO Cedrick Hinton, PO Box 981, Lismore, 02 6621 5541

About Pre-Lodgement Meeting Advice

No pre-application meeting can provide an authoritative statement as to the likely outcome of an application. A determination can only be made following the lodgement of an application and the completion of the assessment process. Whilst every attempt has been made to provide as much assessment advice on the proposal as possible, there may be additional issues that have not been identified due to the nature of the plans submitted for comment with the meeting request or lack of readily available information about the subject site. The above advice is not a detailed compliance audit of the proposal, and does not cover further issues that may arise from public notification, referrals or detailed assessment of the final proposal submitted to Council for assessment.



APPENDIX 2

AHIMS Search



Damian Chapelle

Date: 04 December 2015

Po Box 1138

LISMORE New South Wales 2480

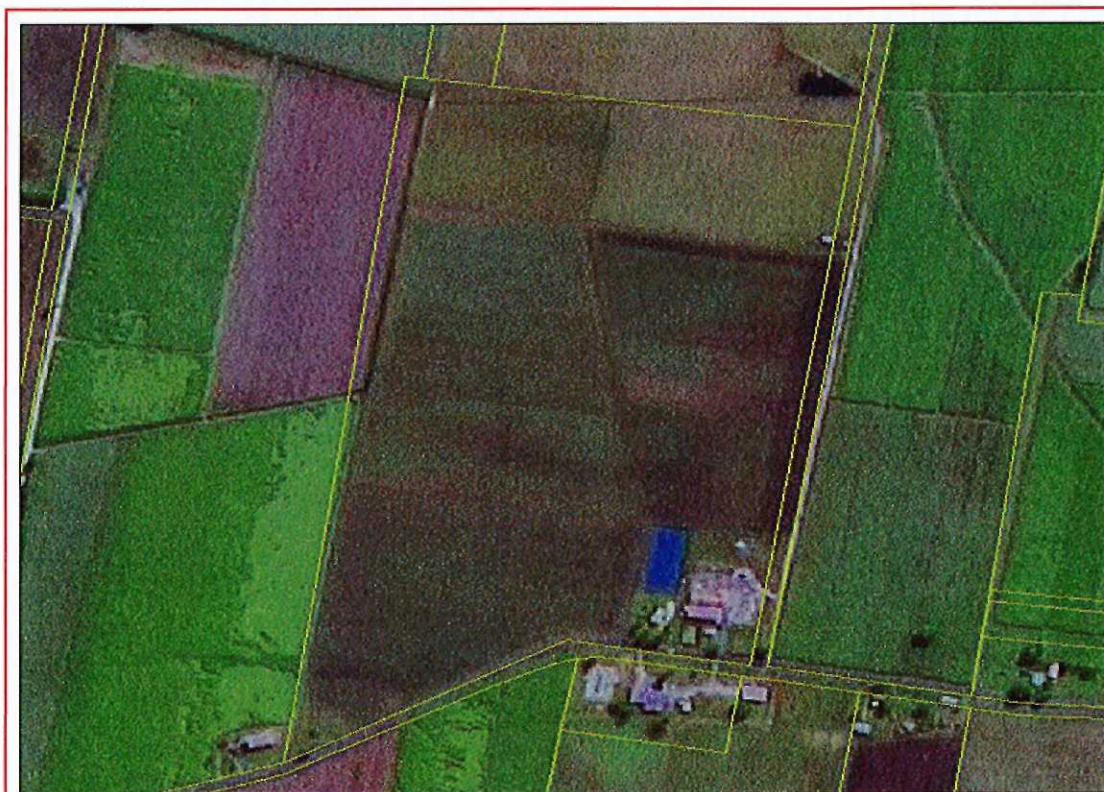
Attention: Damian Chapelle

Email: dchapelle@newtondennychapelle.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 2, DP:DP8877 with a Buffer of 50 meters,
conducted by Damian Chapelle on 04 December 2015.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

APPENDIX 3

Land Use Conflict Risk Assessment (LUCRA)

Newton Denny Chapelle

Land Use Conflict Risk Assessment (LUCRA)

1 Introduction

This Land Use Conflict Risk Assessment (LUCRA) has been prepared with respect to the proposed industry development (manufacturing of concrete fence posts) upon Lot 2 DP 8877 as part of a combined planning proposal/development application.

Pursuant to the LUCRA, operational management measures and separation buffer distances have been identified with the aim to help lower the risk of the identified potential land use conflicts.

To preserve the amenity of the rural environment, this LUCRA has identified:

- potential sources of land use conflict in respect to surrounding sensitive receivers;
- compliance with the Lismore DCP Chapter 11 General Industry buffer requirements; and
- operational/management measures that have the capacity to be implemented into the development.

This LUCRA has taken into account and considered relevant guidelines associated with land use conflict including:

- Learmonth, R., Whitehead, R. Boyd, B & Fletchers (2007) 'Living and Working in Rural Areas' A handbook for managing land use conflict on the NSW North Coast
- Lismore City Council, Lismore Development Control Plan – Part A: Chapter 11 – Buffer Areas

In applying the LUCRA the following steps were undertaken:

Step 1 – Information Gathering

This included such elements as:

- Understanding the nature of the land use change and development proposed;
- Understanding the nature of the precinct where the development is proposed;
- Acknowledging the land uses in the vicinity of the proposed development;
- Understanding of the main activities of surrounding land uses that have the potential to be a source of conflict.

Step 2 – Identification and Evaluation of the risk of activities

Step 3 – Identifying the management strategies and responses that could help lower the risk of the issue resulting in conflict.

Step 4 – Providing the results of the LUCRA assessment

2. Information Gathering (Step 1)

i. The subject site's previous land use

The subject land is zoned RU1 – Primary Production.

Preliminary investigations during the preparation of this development application provide that Development Consent Notice DA2000/673 granted development consent for a farm shed.

The subject site was previously occupied by a rural industry development which provided for the processing, storage, packing bagging and deliveries of a primary product associated with cane leaf, Lucerne and tea tree which was understood to be for the purpose of providing landscape supplies.

To formalise the previous use, development consent was granted by Lismore City Council under Development Consent Notice 2006/466 on April 24, 2007 for a *'Rural Industry (packing and storage of primary products) building works and pole/pylon sign'*.

ii. Surrounding land uses

Surrounding land uses generally comprise of rural land entertaining agricultural cane farming, rural dwellings, rural farm buildings, cattle farming with a rural industry located to the south across Broadwater Road (395 Broadwater Road, Dungarubba). Surrounding landuses are identified below in **Plate 1**.

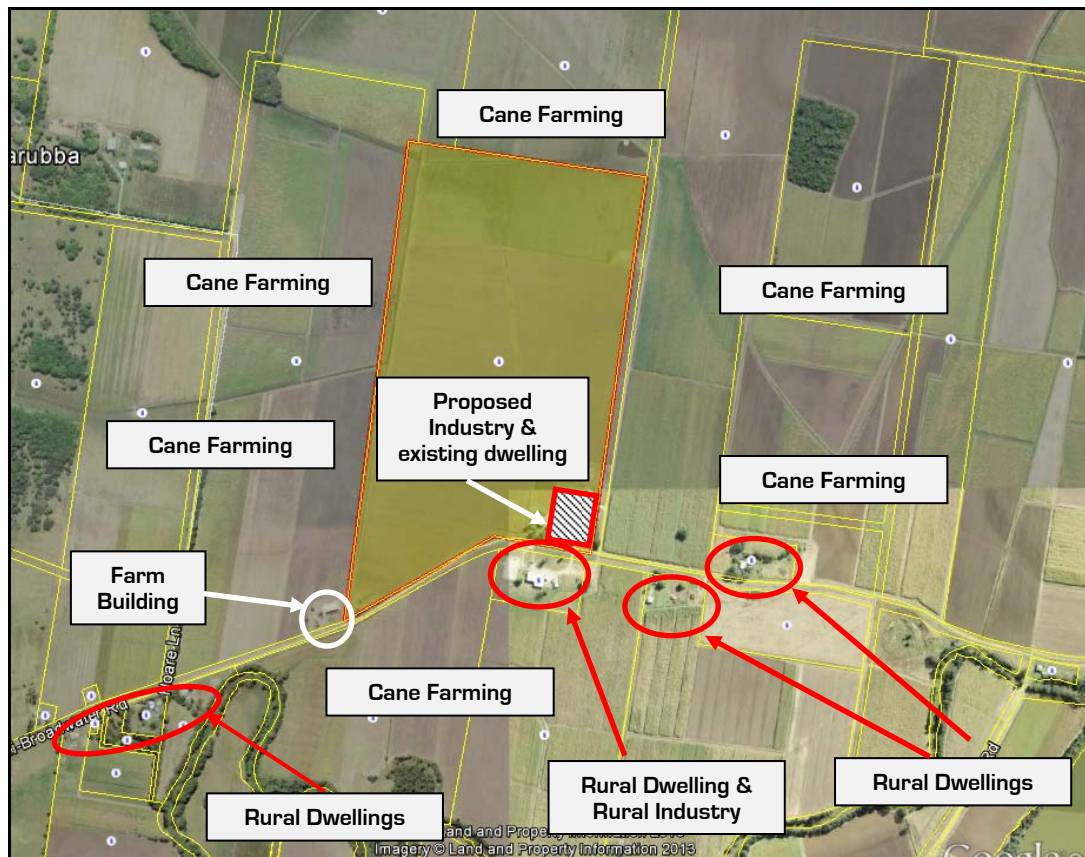


Plate 1 – Surrounding Land Uses

iii. Proposed land use change

The application seeks to formalise an industrial development on the subject land for the manufacturing of concrete fence posts. This is proposed to be achieved by way of a combined planning proposal/development application which will enable the south eastern corner of the subject land (identified above in **Plate 1** as hatched) to be used for the industry.

It is acknowledged that a rural industry development previously operated from the site, whilst a rural industry also operates south of the subject site on 395 Broadwater Road (refer **Plate 1**). In this respect, the identified potential land use conflicts identified below in relation to noise and dust have to some extent already existed within the immediate locality.

3. Identification and evaluation of the risk of activities (Step 2)

In regards to the identified surrounding landuses, potential land use conflicts concerning noise and dust are deemed relevant to be assessed only to those sensitive receivers (i.e. rural dwellings) that are not associated with the proposed industry development – that is those dwellings not located on the same land parcel as the proposed industry. No issues are raised regarding the remaining surrounding land uses with respect to cane farming land, farm buildings, cattle farming or the rural industry located south of the site at 395

Broadwater Road due to their agricultural land use nature.

Potential conflict risks have been identified as follows in **Table 3.1**

Table 3.1 – Potential Land Use Conflict Risks

Source	Identified Conflict
Proposed Industry upon Lot 2 DP 8877	Potential Land Use Conflicts have been identified as: Noise – resulting from the production and manufacturing of the concrete fence posts. Specific sources of noise may relate to: • Vehicles entering and leaving the site. Including staff vehicles, and delivery vehicles • Use of the forklift to stack product in the outdoor storage area • Use of equipment and machinery inside the building to manufacture the concrete fence posts Dust – resulting from the use of the outdoor gravel/road base storage area by vehicles loading/unloading, and forklift.

4 Identifying the Management Strategies and Responses that could help to lower the risk of the identified land use conflicts (Step 3)

As the NSW DPI 'Living and Working in Rural Areas' handbook does not prescribe buffers between industries and rural dwellings, the recommended buffers identified within this LUCRA have been obtained from Chapter 11 – Buffer Areas of the Lismore DCP.

Table 4.1 identifies the prescribed Lismore DCP buffers for General Industries and compliance of the proposed development:

Table 4.1 – Lismore DCP Buffer for General Industry

DCP Land Use Buffer	Compliance
General Industry: Minimum 20 metres Preferred 40 metres	Yes. The proposed manufacturing shed, loading / unloading and outdoor storage areas of the industrial development comply with the preferred 40 metre separation buffer to those identified sensitive residential receivers being those surrounding dwellings not located on the same land parcel as the proposed industry.

	There is an existing dwelling on the subject land Lot 2 DP 8877 located to the south west of the proposed industrial footprint, which is not deemed to be a source of land use conflict given it is located on the same parcel of land as the development. In addition, the following points are also noted: • The dwelling is located approximately 35 metres from the south western corner of the proposed manufacturing shed, and therefore a majority of the manufacturing operational areas are located in excess of the preferred 40 metre separation buffer. • The dwelling existed on the same parcel of land as the previous rural industry.
--	---

In addition to the separation buffers afforded to the development as identified in the above table, **Table 4.2** below identifies the potential sources of noise and dust generation further to the operational mitigation/management measures that have capacity to be implemented into the development to preserve the surrounding rural amenity.

Table 4.2 – Noise/Dust Sources & Management Measures

Component	Management Measures
Deliveries, Haulage, & Waste Collection (including noise/dust sources associated with vehicles, arrivals and departures, starting up, and idling, and use of forklift within the outdoor gravel storage areas)	Typically 2 – 3 (maximum of 4) Boral concrete trucks arrive at the site daily to pour pre-mixed concrete, with 1 – 2 delivery trucks also arriving per day to pick up the concrete fence posts for distribution off-site. The delivery trucks typically comprise of 2 semi-trailers per week with the balance of deliveries undertaken by a 12 tonne truck. Waste collection trucks will be limited to: • Council collection: 1 per week/fortnightly; • Richmond Waste and Contractor collection trucks: limited to approximately 1 collection each every 6 weeks. There will be no traffic movements associated with the business on Sundays or public holidays. Arriving and departing vehicles utilising the loading/unloading areas will not be left turned on or idling at the site for

	longer than the minimum amount of time required. All delivery and waste collection trucks will access the site from the sealed Broadwater Road with no access occurring from the adjoining gravel surface crown road reserve. Truck delivery/pick up times will be managed in a manner to prevent unmanageable queuing of delivery vehicles which will negate potential cumulative noise impacts generated by idling trucks. The consent relates only to a temporary use of the site for a 5 year period.
Production/Manufacturing Times	Business operations will occur weekdays Monday – Friday between the times of 6.30am – 5.30pm, and Saturday's between 7am – 1pm. Potential noise generating activities would typically not commence until 7am when concrete posts from the previous days pour are removed from steel moulds using jacks, and strapping of the posts occur.
Building Design	The longer open bay side of the shed is orientated to the north thereby directing noise away from the identified sensitive receivers within Plate 1.
Property Maintenance	Maintenance Works (noise generating): Monday to Saturday 7am–5.30pm Sundays & Public Holidays No noise generating activities Strict adherence to approved times for noise generating maintenance works. Maintenance works will be scheduled, where practical, to avoid simultaneous noisy activities occurring on site

5 Summary and Conclusion (Step 4)

This Land Use Conflict Risk Assessment (LUCRA) has been prepared with respect to the proposed industry development (manufacturing of concrete fence posts) upon Lot 2 DP 8877 as part of a combined planning proposal/development application.

To preserve the amenity of the rural environment, this LUCRA has identified:

- potential sources of land use conflict in respect to surrounding sensitive receivers;
- compliance with the Lismore DCP Chapter 11 General Industry buffer requirements; and
- operational/management measures that have the capacity to be implemented into the development.

Pursuant to the LUCRA, operational management measures and separation buffer distances have been identified with the aim to help lower the risk of the identified potential land use conflicts.

APPENDIX 4

Waste Management Plan (WMP)

Newton Denny Chapelle

Waste Management Plan

In accordance with the Lismore DCP Chapter 15 – Waste Minimisation, a Waste Management Plan for the operational phase of the development has been completed below. Due to the adaptive reuse nature of the proposal, a Construction Waste Management Plan and Demolition Management Plan is not considered necessary for the development.

1 Ongoing Operation Phase

i. Background/Assumptions

Existing & Proposed

The application relates to the formalisation of an existing industry currently operating on Lot 2 DP 8877 for the purpose of manufacturing concrete fence posts.

Newton Denny Chapelle have been made aware of the current operational waste management actions implemented by Australian Concrete Posts Pty Ltd which will continue to be implemented during the 5 year temporary consent life of the development.

The proponent has implemented the following actions to manage the ongoing generation of waste from the business:

- Richmond Waste collects scrap steel from the site (collected in a skip bin) – Approximately 1 collection every 6 weeks.
- Private contractor collects concrete scrap material - Approximately 1 collection every 6 weeks.
- Domestic waste (general and recyclable) collected in accordance with rural collection bin days by Lismore City Council (weekly/fortnightly basis).

As Chapter 15 'Waste Minimisation' of the Lismore DCP does not prescribe waste generation rates for general industry, the amount of bins and storage area used by the proponent and collection frequencies have been adapted to meet the user requirements of the development.

A bin storage area catering for a total of 2 x 240L wheelie bins for general waste and also for recyclables is available within the confines of the shed building used for the development which will allow the bin storage area to be visually screened from surrounding properties

and Broadwater Road.

The designated waste bin storage area is sufficient to accommodate 2 x 240L wheelie bins with dimensions of 1.06m (height), 730mm (depth), and 535mm width.

A skip bin is placed on the northern side of the shed which is to be used for scrap steel generated from the development. An area has been designated within the north western corner of the development curtilage for the storage of concrete scrap material. The placement of these storage areas are sited in a manner to allow the existing shed to provide a visual screen from Broadwater Road.

The waste storage areas are indicated below in **Plate 1**.

In accordance with the acceptable solutions of Section 4.5 of Chapter 15, the location of the designated waste and recycling storage areas are sized to meet the waste and recycling needs of the tenant. Waste has been separated into four (4) streams including:

- General waste (1 x 240L wheelie bin)
- Recyclables (1 x 240L wheelie bin)
- Scrap steel
- Scrap concrete

The wheelie bins will be placed on the side of Broadwater Road for Council collection. A Richmond Waste collection vehicle will access the site to collect steel scrap material from the skip bin approximately once every 6 weeks, and a private contractor will also access the site approximately once every 6 weeks for the collection of concrete scrap material.

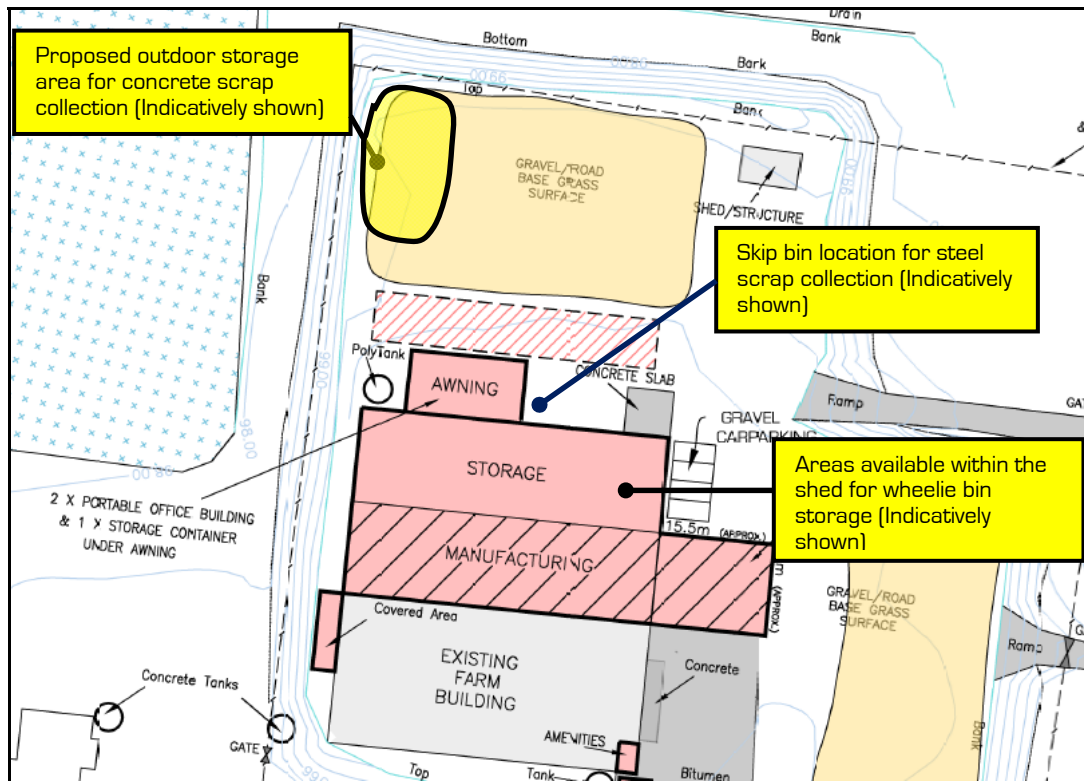


Plate 1 - Proposed waste storage areas

ii. Total Volume of Waste Expected (Estimated)

As Appendix C of Chapter 15 'Waste Minimisation' of the Lismore DCP does not prescribe waste generation rates for general industry, the amount of bins and waste storage areas used by the proponent and collection frequencies have been adapted to meet the user requirements of the development.

Newton Denny Chapelle have been made aware of the current operational waste management actions implemented by Australian Concrete Posts Pty Ltd which will continue to be implemented during the 5 year temporary consent life of the development. In this regard, the proponent has implemented the following actions to manage the ongoing generation of waste from the business:

- Richmond Waste collects scrap steel from the site (collected in a skip bin) – Approximately 1 collection every 6 weeks.
- Private contractor collects concrete scrap material - Approximately 1 collection every 6 weeks.
- Domestic waste (general and recyclable) collected in accordance with rural collection bin days by Lismore City Council (weekly/fortnightly basis).

Table 1.1 provides a summary of waste generation, storage and collection details of the proposal.

Table 1.1 – Waste Generation, Storage, Collection Summary

<i>Proposed Industry (Production of Concrete Fence Posts)</i>			
Amount Generated (L per unit/week)	Recyclables	Concrete/ Steel Waste	General Waste
Amount generated Total:(Approx)	Not identified in Appendix C of DCP. Assumed: Rate adopted by the proponent based on the ongoing business operations.	Not identified in Appendix C of DCP. Assumed: Rate adopted by the proponent based on the ongoing business operations.	Not identified in Appendix C of DCP. Assumed: Rate adopted by the proponent based on the ongoing business operations.
Any reduction due to compacting equipment	Nil	Nil	Nil
Frequency of collections	- Richmond Waste to collect scrap steel from the site (collected in a skip bin) – Approximately 1 collection every 6 weeks - Private contractor to collect concrete scrap material - Approximately 1 collection every 6 weeks - Domestic waste (general and recyclable) collected in accordance with rural collection bin days by Lismore City Council (weekly/fortnightly basis)		
Number and size of storage bins required/ utilised	1 x 240L bin	1 x skip bin for scrap steel storage 1 x open storage area within the north western corner of the curtilage for concrete scrap material	1 x 240L bin
Floor area required for storage bins (m ²)	A bin storage area catering for a total of 2 x 240L wheelie bins for general waste and also for recyclables is available within the confines of the shed building used for the development which will allow the bin storage area to be visually screened from surrounding properties and Broadwater Road. The designated waste bin storage area is sufficient to accommodate 2 x 240L wheelie bins with dimensions of 1.06m (height), 730mm (depth), and 535mm width.		
Floor area required for manoeuvrability (m ²)	Waste storage/collection bins (ie. wheelie bins) will be placed at the side of Broadwater Road for collection service by Council. Richmond Waste and private contractor waste collection trucks will access the site for collection of steel scrap waste and concrete scrap waste respectively. Plan 5 – Articulated Vehicle Paths contained within the town planning report identifies scope for an articulated vehicle to access the site in a forward direction, and manoeuvre within the site to exit in a forward direction to Broadwater Road		

Height required for manoeuvrability (m ²)	Waste storage/collection bins (ie. wheelie bins) will be placed at the side of Broadwater Road for collection service by Council. Richmond Waste and private contractor waste collection trucks will access the site for collection of steel scrap waste and concrete scrap waste respectively. Plan 5 – Articulated Vehicle Paths contained within the town planning report identifies scope for an articulated vehicle to access the site in a forward direction, and manoeuvre within the site to exit in a forward direction to Broadwater Road. The trucks do not require a travel path underneath any built structures.
---	---

iii. Details of the arrangement appropriate for the ongoing use of waste facilities as provided in the development.

Ongoing Waste Management will occur via the following Management Plan:

- a) Quantum of waste generated will be monitored by the Manager of the premises as required.
- b) Waste storage areas will be provided as identified above in **Plate 1**.
- c) The Manager will be responsible for:
 - the collection and storage of waste on site;
 - ensuring wheelie bins are placed at the Broadwater Road frontage for collection as required by Council collection trucks;
 - maintenance of the waste storage areas within the shed (2 x wheelie bins) in a clean and tidy manner; and
 - maintenance of the skip bin (metal scraps) and designated storage area (concrete scraps) in a clean and tidy manner at all times to prevent debris leaving the site.
 - ensure unobstructed paths of travel are maintained for Richmond Waste and private contractor waste collection trucks.

iv. Ongoing Operations

The following **Table 1.2** provides a summary of ongoing operation details concerning the development.

Table 1.2 – Ongoing Operation Details

Component	Comment
Space	
Size and locations(s) of waste storage areas	A bin storage area catering for a total of 2 x 240L wheelie bins for general waste and also for recyclables is available within the confines of the shed building used for the development which will allow the bin storage area to be visually screened from surrounding properties and Broadwater Road. The designated waste bin storage area is sufficient to accommodate 2 x 240L wheelie bins with dimensions of 1.06m (height), 730mm (depth), and 535mm width. A skip bin is placed on the northern side of the shed which is to be used for scrap steel generated from the development, whilst an area has been designated within the north western corner of the development curtilage for the storage of concrete scrap material. These locations are shown in Plate 1 of this WMP.
Recycling bins placed next to waste bins	The recycling bin is to be placed together with the general waste bin in the shed as shown in Plate 1 above.
Space provided for access to and the manoeuvring of bins/equipment	Wheelie bin collection will occur from the side of Broadwater Road which will negate Council garbage trucks entering the site. Richmond Waste and private contractor waste collection trucks will access the site for collection of steel scrap waste and concrete scrap waste. Plan 5 – Articulated Vehicle Paths contained within the town planning report identifies scope for an articulated vehicle to access the site in a forward direction, and manoeuvre within the site to exit in a forward direction to Broadwater Road.
Any additional facilities	N/A.
Access	
Access route(s) to deposit waste in storage room/ area	Pedestrian access routes will be provided to the waste storage areas for the wheelie bins for staff within the shed. Carting paths will be typically in the order of 120 metres in length from the bin storage area within the shed to the side of Broadwater Road.
Access route(s) to collect waste from storage room/ area	Pedestrian access routes will be provided to the waste storage areas for the wheelie bins for staff within the shed. Carting paths will be typically in the order of 120 metres in length from the bin storage area within the shed to the side of Broadwater Road.

Bin carting grade	Bin carting grade is appropriate for carting purposes.
Location of final collection point	Wheelie bins will be collected from the side of Broadwater Road by Council garbage trucks. Richmond Waste and private contractor waste collection trucks will access the site for collection of steel scrap waste and concrete scrap waste.
Clearance, geometric design and strength of internal access driveways and roads	Wheelie bin collection will occur from Broadwater Road which will negate Council garbage trucks entering the site. Plan 5 – Articulated Vehicle Paths contained within this report identifies scope for an articulated vehicle to access the site in a forward direction, and manoeuvre within the site to exit in a forward direction to Broadwater Road.
Direction of traffic flow for internal access driveways and roads	Wheelie bin collection will occur from Broadwater Road which will negate Council garbage trucks entering the site. Plan 5 – Articulated Vehicle Paths contained within this report identifies scope for an articulated vehicle to access the site in a forward direction, and manoeuvre within the site to exit in a forward direction to Broadwater Road.
Amenity	
Aesthetic design of waste storage areas	A bin storage area catering for a total of 2 x 240L wheelie bins for general waste and for recyclables is available within the confines of the shed building used for the development which will allow the bin storage area to be visually screened from surrounding properties and Broadwater Road. A skip bin is placed on the northern side of the shed which is to be used for scrap steel generated from the development, whilst an area has been designated within the north western corner of the development curtilage for the storage of concrete scrap material. The placement of these storage areas are sited in a manner to allow the existing shed to provide a visual screen from Broadwater Road.
Signage – type and location	No specific signage proposed unless otherwise required by Council within the development consent conditions.
Construction details of storage rooms/areas (including floor, walls, doors, ceiling design, sewer connection, lighting, ventilation, security, wash down provisions etc)	The application does not propose the construction of additional bin storage structures.

ATTACHMENT 2

Pre-lodgement Meeting Minutes

Lismore City Council

LISMORE CITY COUNCIL MINUTES OF PRE-LODGEEMENT MEETING

Held on Tuesday, 1 September 2015

82.2015.23.1

Present: Development Assessment Officer (Planning) (R Mallam) Chairperson
Development Assessment Engineer (J Willey)
Manager Economic Development (M Batten)

In attendance: Secretary (S Strachan)

Apologies: Environmental Health Representative (M Kelly)
Development Assessment Co-ordinator (C Watts)

Presentation

Guests: Mr Damian Chapelle – Newton Denny Chapelle
Mr Richard Mould – Business Owner

Property: DP 8877 lot 2, 354 Broadwater Road DUNGARUBBA

Zone: RU1 Primary Production Zone

Brief Outline of Proposed Development provided by proponent:

Australian Concrete Posts Pty Ltd are currently using the subject site for the production / manufacture of concrete posts. However it has come to their attention that the existing development consent does not cover the industrial land use activity currently being undertaken on the site. Furthermore, the industrial use of the land is prohibited under the Lismore LEP 2012 on RU1 – Primary Production zoned lands. Accordingly, application seeks to have an industrial land use permitted on the site through the lodgement of a combined Planning Proposal/Development Application. In particular, the application will seek a proposed change of use of an existing shed on the subject land from a rural industry to an industry associated specifically with the production / manufacture of concrete posts. During the meeting it was discussed that the combined Planning Proposal/Development Application was likely seek approval only for a limited period of 5 years (sunset clause), which would then give the company time in which to look for an alternative site.

Summary Information

Advertising / Notification required: Yes

Planning Constraints:

- **Heritage Item:** No
- **Flood** Yes
- **Section 64 contributions** No
- **Section 94 contributions** Yes
- **Tree preservation order** No

Relevant Planning Controls:

SEPPs

- **SEPP 44 Koala Habitat Protection**
- **SEPP 55 Remediation of Land**

LEP

- **LEP Zone – RU1 Primary Production**
- **LEP Clause 6.1 – Acid Sulfate Soils**
- **LEP Clause 6.3 – Flood Planning**

About Pre-Lodgement Meeting Advice

No pre-application meeting can provide an authoritative statement as to the likely outcome of an application. A determination can only be made following the lodgement of an application and the completion of the assessment process. Whilst every attempt has been made to provide as much assessment advice on the proposal as possible, there may be additional issues that have not been identified due to the nature of the plans submitted for comment with the meeting request or lack of readily available information about the subject site. The above advice is not a detailed compliance audit of the proposal, and does not cover further issues that may arise from public notification, referrals or detailed assessment of the final proposal submitted to Council for assessment.

LISMORE CITY COUNCIL MINUTES OF PRE-LODGEEMENT MEETING
Held on Tuesday, 1 September 2015
82.2015.23.1

- **LEP Clause 6.9 – Essential Services**

DCPs

Part A

- **Chapter 3 – Industrial Development**
- **Chapter 7 – Off-Street Car Parking**
- **Chapter 8 – Flood Prone Lands**
- **Chapter 11 – Buffer Areas**
- **Chapter 17 – Acid Sulfate Soils**

Strategic Planning Co-ordinator (P Newman)

As identified in the Pre-Lodgement Application, the proposed industrial land use is prohibited in the RU1 Primary Production Zone. An amendment of the Lismore LEP to either rezone the land or change the land use table to make 'industry' a permitted use is not supported. However, given the (apparently) unique nature of the use and the advantages this location offers in connection with the highway upgrades there is potential for a use and site specific amendment of Schedule 1 of the Lismore LEP 2012.

The planning proposal will need to clearly identify the area proposed for the additional permitted use and describe the use clearly. It will also need to provide good supporting information for why this use is so unique that it should be enabled in this location and won't set any sort of precedent in other parts of the RU1 Primary Production Zone. In addition, impacts on primary production potential of the land and in the LGA (removing land from agricultural use) in general will need to be identified.

If there is a sunset on the operations (i.e. ceases after 5 years), this should be identified as well (see Port Stephens Schedule 1 below). This would also assist in supporting arguments for a use of this nature in the Primary Production zone.

The Department of Planning and Environment does not encourage the use of Schedule 1, however there have been recent planning proposals that have used Schedule 1 and have been accepted by the Department. The Department requires clear justification of why Council has not zoned the land or changed the permissible uses for the zone as it is still the Department's preference for land to be appropriately zoned or amend permissible uses in a zone. Examples include Port Stephens (see extract below), Clarence Valley LEP 2011, Tamworth Regional LEP 2010 and Ballina LEP – Teven Road, West Ballina.

Port Stephens LEP 2013 - Schedule 1 Additional permitted uses

1 Use of certain land at Italia Road, Balickera

- (1) This clause applies to land at Italia Road, Balickera, being Part Portion 66, DP 753200.*
- (2) Development for the purpose of a pre-cast concrete operating facility with a site area not exceeding 1.6 hectares is permitted with development consent.*
- (3) All operations must cease when the associated quarry operations cease.*

Development Assessment Officer (Planning) (R Mallam) Chairperson

- The combined Planning Proposal/Development Application is to provide a detailed description of the proposed use, including: manufacturing process, hours of operation, number of employees, traffic movements (cars and heavy vehicles), proposed works (building and/or civil) and the time period approval/consent is being sought (i.e. 5 years).

About Pre-Lodgement Meeting Advice

No pre-application meeting can provide an authoritative statement as to the likely outcome of an application. A determination can only be made following the lodgement of an application and the completion of the assessment process. Whilst every attempt has been made to provide as much assessment advice on the proposal as possible, there may be additional issues that have not been identified due to the nature of the plans submitted for comment with the meeting request or lack of readily available information about the subject site. The above advice is not a detailed compliance audit of the proposal, and does not cover further issues that may arise from public notification, referrals or detailed assessment of the final proposal submitted to Council for assessment.

LISMORE CITY COUNCIL MINUTES OF PRE-LODGEEMENT MEETING
Held on Tuesday, 1 September 2015
82.2015.23.1

The application is also to demonstrate that the existing shed and infrastructure proposed to be used has been approved by Council.

- The combined Planning Proposal/Development Application needs to describe the specific and unique circumstances that merit the proposed planning proposal and justification as to why it won't create a planning precedent.
- The combined Planning Proposal/Development Application is to comment on the consistency of the proposed development with the RU1 Zone Objectives.
- Chapter 3 – Industrial Development of the Lismore DCP sets out the planning controls for industrial development. The DA is to demonstrate compliance with the provisions of this chapter that are relevant to the proposed change of use or alternatively provide written justification supporting any proposed non-compliance.
- Chapter 7 of the Lismore DCP sets the parking requirement for an 'industrial' use at: 1 car space per 100m² GFA or part thereof. The DA is to demonstrate compliance with this parking requirement or alternatively provide written justification supporting any proposed non-compliance.
- The subject allotment is mapped as being flood prone and accordingly needs to address Clause 6.3 Flood Planning of the Lismore LEP 2012. In particular the combined Planning Proposal/Development Application is demonstrate that the development:
 - is compatible with the flood hazard of the land;
 - is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, an
 - incorporates appropriate measures to manage risk to life from flood.
- The combined Planning Proposal/Development Application is to include a Land Use Conflict Risk Assessment (LUCRA).
- The combined Planning Proposal/Development Application is to demonstrate that the existing on-site effluent disposal system is adequate to accommodate the demand generated by the proposed development.

Development Assessment Engineer (J Willey)

- A car parking layout plan is required to be submitted with the combined Planning Proposal/Development Application demonstrating the turning paths of the required heavy vehicles. This will need to be based on the determined numbers of spaces. In addition, justification as to why the spaces and manoeuvring areas will not require sealing as specified in the DCP Chapter 7 will need to be submitted.
- It was suggested to provide the proponent an idea of Section 94 Contributions that could be applied to the development. In order to present an estimate a detailed breakdown of vehicle movements is to be submitted prior to the formal submission of an application. This would also assist in determining the minimum intersection treatment at the entrance to the site.
- The access road will be required to be sealed to the property boundary, prior to the commencement of the use.
- Where the proposed use is to be limited to 5 years (as discussed during the pre-lodgement meeting) then the consent conditions specified in DA2006/466 would appear too onerous. However, should the proposal not be time limited or the proponent decide to extend the consent further than the 5 years, then a review of the roadworks conditions / contributions will need to be carried out with the possibility of upgrading roadworks being required.
- The Q100 flood level at the site is RL4.5. During pre-lodgement discussions, it was highlighted that all the shed area is above the flood level. This is to be confirmed as part of the application.

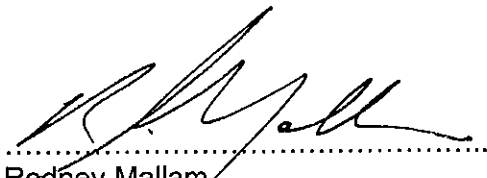
About Pre-Lodgement Meeting Advice

No pre-application meeting can provide an authoritative statement as to the likely outcome of an application. A determination can only be made following the lodgement of an application and the completion of the assessment process. Whilst every attempt has been made to provide as much assessment advice on the proposal as possible, there may be additional issues that have not been identified due to the nature of the plans submitted for comment with the meeting request or lack of readily available information about the subject site. The above advice is not a detailed compliance audit of the proposal, and does not cover further issues that may arise from public notification, referrals or detailed assessment of the final proposal submitted to Council for assessment.

LISMORE CITY COUNCIL MINUTES OF PRE-LODGEEMENT MEETING
Held on Tuesday, 1 September 2015
82.2015.23.1

Environmental Health Officer (Matt Kelly)

- The combined Planning Proposal/Development Application is to include a Waste Management Plan that details how the proposal manages all wastes generated from the manufacturing process.
- It is understood that the site is already developed and that the proposal will not result in any disturbance of potentially acid sulfate soils.
- The combined Planning Proposal/Development Application is to provide comment in relation to the likely environmental and amenity impacts (i.e. noise and dust) of the proposed development upon the surrounding locality.



.....
Rodney Mallam
Chairperson

Council strongly encourages proponents for large or potentially controversial developments to undertake pre-consultation with communities or organisations likely to be affected by a proposed development. This assists with identifying issues of concern and enables design responses to those concerns to be included at an early stage in any proposal lodged with Council for consideration or comment. Pre-consultation can also reduce costs and potential submissions in relation to applications lodged for assessment.

The following community organisations hold high quality local information that is likely to be of great assistance and can potentially save costs in preparing an application. This information may also reduce delays due to relying on assumptions or information of lesser quality. Council strongly recommends that you contact these organisations at an early stage for pre-consultation purposes in preparing your proposal to assist you in navigating the development assessment process.

- Friends of the Koala Inc – Contact: Mark Wilson, Trees Officer, 0413 339 554.
- Ngulingah Aboriginal Land Council – CEO Cedrick Hinton, PO Box 981, Lismore, 02 6621 5541

About Pre-Lodgement Meeting Advice

No pre-application meeting can provide an authoritative statement as to the likely outcome of an application. A determination can only be made following the lodgement of an application and the completion of the assessment process. Whilst every attempt has been made to provide as much assessment advice on the proposal as possible, there may be additional issues that have not been identified due to the nature of the plans submitted for comment with the meeting request or lack of readily available information about the subject site. The above advice is not a detailed compliance audit of the proposal, and does not cover further issues that may arise from public notification, referrals or detailed assessment of the final proposal submitted to Council for assessment.

ATTACHMENT 3

Assessment Against State Environmental Planning Policies

Assessment Against State Environmental Planning Policies

State Environmental Planning Policy	Applies?	Comments
SEPP 1 Development Standards.	N/A	-
SEPP 14 Coastal Wetlands.	N/A	-
SEPP 15 Rural Land-Sharing Communities.	N/A	-
SEPP 19 Bushland in Urban Areas.	N/A	-
SEPP 21 Caravan Parks.	N/A	-
SEPP 26 Littoral Rainforests.	N/A	-
SEPP 29 Western Sydney Recreation Area.	N/A	-
SEPP 30 Intensive Agriculture	N/A	-
SEPP 32 Urban Consolidation (Redevelopment of Urban Land).	N/A	-
SEPP 33 Hazardous & Offensive Development.	N/A	-
SEPP 36 Manufactured Home Estates.	N/A	-
SEPP 39 Split Island Bird Habitat.	N/A	-
SEPP 44 Koala Habitat Protection.	Applies	The application does not require the removal of any identified koala habitat.
SEPP 47 Moore Park Showground.	N/A	-
SEPP 50 Canal Estate Development.	N/A	-
SEPP 52 Farm Dams & Other Works in Land & Water Management Plan Areas.	N/A	-
SEPP 55 Remediation of Land.	Applies	Reference should be made to Section 4.5 of the Town Planning report provided within Attachment 1 which addresses land contamination.
SEPP 59 Central Western Sydney Economic & Employment Area.	N/A	-
SEPP 62 Sustainable Aquaculture.	N/A	-
SEPP 64 Advertising & Signage.	N/A	-
SEPP 65 Design Quality of Residential Flat Buildings.	N/A	-

State Environmental Planning Policy	Applies?	Comments
SEPP 70 Affordable Housing (Revised Schemes).	N/A	-
SEPP 71 Coastal Protection	N/A	-
SEPP (Affordable Rental Housing) 2009	N/A	-
SEPP (Building Sustainability Index: BASIX) 2004	N/A	-
SEPP (Exempt and Complying Development Codes) 2008	N/A	-
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	-
SEPP (Infrastructure) 2007	N/A	-
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N/A	-
SEPP (Kurnell Peninsula) 1989	N/A	-
SEPP (Major Development) 2005	N/A	-
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	-
SEPP (Miscellaneous Consent Provisions) 2007	N/A	-
SEPP (Penrith Lakes Scheme) 1989	N/A	-
SEPP (Rural Lands) 2008	Applies	Reference should be made to Section 4.4 of the Town Planning report provided within Attachment 1 which addresses SEPP Rural Lands. The Rural Planning Principles listed in SEPP (Rural Lands) 2008 are considered and addressed within Attachment 4 against Section 117 Direction 1.5 Rural Lands.
SEPP (SEPP 53 Transitional Provisions) 2011	N/A	-
SEPP (State and Regional Development) 2011	N/A	-
SEPP (Sydney Drinking Water Catchment) 2011	N/A	-
SEPP (Sydney Regional Growth Centres) 2006	N/A	-
SEPP (Three Ports) 2013	N/A	-

State Environmental Planning Policy	Applies?	Comments
SEPP (Urban Renewal) 2010	N/A	-
SEPP (Western Sydney Employment Area) 2009	N/A	-
SEPP (Western Sydney Parklands) 2009	N/A	-

ATTACHMENT 4

Assessment Against S117 Ministerial Directions

Assessment Against S117 Ministerial Directions

Section 117 Direction	Applies?	Comments
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	-
1.2 Rural Zones	N/A	In addressing Clause 4(a), the application proposes an enabling use within the RU1 Primary Production zone that occupies an area of land previously approved by Council for a primary industry development. The following comments are submitted to satisfy the objectives of the Direction and clause 4(a): • The subject land is identified as Regionally Significant Farmland under the Northern Rivers Farmland Protection Project. However, this application only seeks to formalise an industry development on the land of which occupies an existing building and earth pad already constructed on the site from a previous land use. The development will not remove any cane cropping currently planted and being farmed on the remainder of the property (approximately 50 hectares) and therefore maintains and protects the natural resource base on the site; • The proposal does enable a temporary industrial development on the site but preserves the RU1 Primary Production rural land zoning; • The proposal is limited to a temporary 5 year land use within the RU1 Primary Production zone.
1.3 Mining, Petroleum Production and Extractive industries	N/A	-
1.4 Oyster Aquaculture	N/A	-
1.5 Rural Lands	Applies	The following comments are submitted to satisfy the objectives of the Direction and also clause 4(a): Clause 4(a) provides that a planning proposal must be consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008. • <i>the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.</i> • <i>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.</i>

		• <i>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</i> • <i>in planning for rural lands, to balance the social, economic and environmental interests of the community.</i> • <i>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.</i> • <i>the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.</i> • <i>the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.</i> • <i>ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i> The following comments are provided: • The subject land is identified as Regionally Significant Farmland under the Northern Rivers Farmland Protection Project. However, this application only seeks to formalise an industry development on the land of which occupies an existing building and earth pad already constructed on the site from a previous land use. The development will not remove any cane cropping currently planted and being farmed on the remainder of the property (approximately 50 hectares) and therefore maintains and protects the natural resource base on the site. • The proposal relates to the manufacturing of concrete fence posts that will be used for farm fencing purposes and therefore the proposal provides an enterprise that supports and is ancillary to various primary production farming operations throughout the Lismore LGA and other LGA's. • The relevant site and surrounding environmental aspects in relation to the development have been considered and addressed within the Town Planning Report contained within Attachment 1; • With regard to social impacts on the community, a LUCRA assessment is provided within the attached Town Planning Report. Separation buffer areas and operational management measures can be implemented into the operational aspect of the development to help lower the risk of creating potential land use conflicts between surrounding rural dwellings and the proposed development. • No issues have been identified concerning cultural
--	--	---

		heritage impacts. • The proposal is an adaptive reuse of the site from a previous rural industry development, and the footprint of the proposal is not considered an area of high biodiversity value. Concerning threatened species, populations and ecological communities or their habitats having regard to Section 5A of the Environmental Planning and Assessment Act 1979, the proposed development does not require the removal of any vegetation. • The proposal does not displace any areas identified for future housing settlement; • The site is within close proximity to primary transport routes. • Services can be provided to the development as per Section 3.1.5 of the attached Town Planning report. • The Planning Proposal is not deemed to be inconsistent with the outcomes or actions specified within the Far North Coast Regional Strategy 2006.
2. Environment and Heritage		
2.1 Environmental Protection Zones	N/A	-
2.2 Coastal Protection	N/A	-
2.3 Heritage Conservation	N/A	The subject land is not identified as being nor adjoined by an item of heritage significance pursuant to Lismore LEP 2012 heritage mapping. An AHIMS search undertaken during the preparation of this application did not identify any Aboriginal sites or places within 50 metres of the subject land
2.4 Recreation Vehicle Areas	N/A	-
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	N/A	-
3.2 Caravan Parks and Manufactured Home Estates	N/A	-
3.3 Home Occupations	N/A	-
3.4 Integrated Land Use and Transport	N/A	-
3.5 Development Near Licensed Aerodromes	N/A	-

4. Hazard and Risk		
4.1 Acid Sulfate Soils	Applies	The site is mapped as containing Acid Sulfate Soils in accordance with the Lismore LEP 2012 mapping. The s117 direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. Acid Sulfate Soils with respect to the development site have been addressed within the Town Planning Report within Attachment 1 for Council review and consideration.
4.2 Mine Subsidence and Unstable Land	N/A	-
4.3 Flood Prone Land	Applies	The site is mapped as being flood prone. Clause (6) of the s117 direction states that a planning proposal must not contain provisions that apply to the flood planning areas which: (a) Permit development in floodway areas; (b) Permit development that will result in significant flood impacts to other properties (c) Permit a significant increase in the development of that land (d) Are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) Permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. Flooding has been considered and addressed against Clause 6.3 of the Lismore LEP 2012 and the Lismore DCP Chapter 8 Flood Prone Lands with respect to the development. These assessments are contained within the Town Planning Report within Attachment 1 for Council review and consideration. The proposal occupies an area of the site previously operating as a rural industry and therefore the proposal is not considered to be a significant increase in the development of the land.
4.4 Planning for Bushfire Protection	N/A	The subject land is not mapped as bushfire prone on Lismore City Council's adopted bushfire hazard mapping.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Applies	As submitted within the Planning Proposal, the development is not deemed to be inconsistent with the outcomes or actions specified within the Far North Coast Regional Strategy 2006.

5.2 Sydney Drinking Water Catchments	N/A	-
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Applies	The subject land is identified as Regionally Significant Farmland under the Northern Rivers Farmland Protection Project. In addressing the objectives of this direction and the provisions of clause (4); • This application seeks to formalise an industry development on the land of which occupies an existing building and earth pad already constructed on the site from a previous land use. The development will not remove any cane cropping currently planted and being farmed on the remainder of the property (approximately 50 hectares) and therefore maintains and protects the natural resource base on the site. • The proposal enables a temporary industrial development on the site but preserves the RU1 Primary Production rural land zoning.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	-
5.5 Development in the Vicinity of Ellalong, Paxton and Milfield (Cessnock LGA).	N/A	-
5.6 Sydney to Canberra Corridor	N/A	-
5.7 Central Coast	N/A	-
5.8 Second Sydney Airport: Badgerys Creek	N/A	-
6. Local Plan Making		
6.1 Approval and Referral Requirements	Applies	No referral or concurrence requirements proposed within the Planning Proposal.
6.2 Reserving Land for Public Purposes	N/A	-
6.3 Site Specific Provisions	N/A	-
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	-