

Planning Proposal

Rezoning of 1055 and 1055A Bruxner Highway,
Lismore (Lot 42, DP 868366 and Lot 1, DP 957677).

November 2023



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Please see separate document for attachments A through T

Executive Summary

In November 2022 Lismore City Council received a Planning Proposal from landowners at 1055 and 1055 Bruxner Highway, Goonellabah (hereby 'the site'). The Planning Proposal seeks to amend the land zones, minimum lot size and height of building controls within the Lismore Local Environment Plan 2012 to enable future residential, commercial, industrial, and recreational development across the 75 hectares of the site.

The site is identified in Lismore Council's Growth and Realignment Strategy 2022 (GRS) and the supporting Addendum that specifically addresses the need for new flood free employment lands in the region. The GRS has been endorsed by the Department of Planning and Environment.

The mix of zonings proposed across the site will allow for the integration of new housing, employment, recreation and community facilities. A Draft Voluntary Planning Agreement (VPA) will also ensure there are opportunities for the affordable relocation of dwellings from high flood-risk areas, as well as the provision of environmental benefits along Tucki Tucki Creek.

The proposal is considered to facilitate suitable and sustainable growth in a strategically situated location for Lismore's future.

List of Attachments

Attachment	Title
C	Urban Design Report
E	Social Infrastructure Needs Assessment
F	Economic Benefits Assessment
G	Aboriginal and Historic Heritage Due Diligence Assessment
H	Ecological Assessment Report
Ha	Hairy Joint Grass Survey
I	Agricultural Assessment
J	Land Use Conflict Risk Assessment
K	Bushfire Constraints Assessment
L	Preliminary Site Investigations
La	Land Contamination Detailed Site Investigations (response to additional information request)
Laa	Contaminated Land Studies Summary (response to additional information request)
M	Acid Sulphate Soil Investigation
N	Noise Impact Assessment
O	Geotechnical Investigations Report
P	Traffic and Transport Study
Pa	Traffic and Transport Study (response to additional information request)
Q	Water Servicing Assessment
R	Sewer Servicing Assessment
S	Stormwater Management Report
T	Site Survey

Introduction

Background

In November 2022 a planning proposal was received from Nimble Estates to amend the zoning and associated development standards on two lots at 1055 and 1055A Bruxner Highway, Goonellabah (Lot 42, DP 868366 and Lot 1, DP 957677).

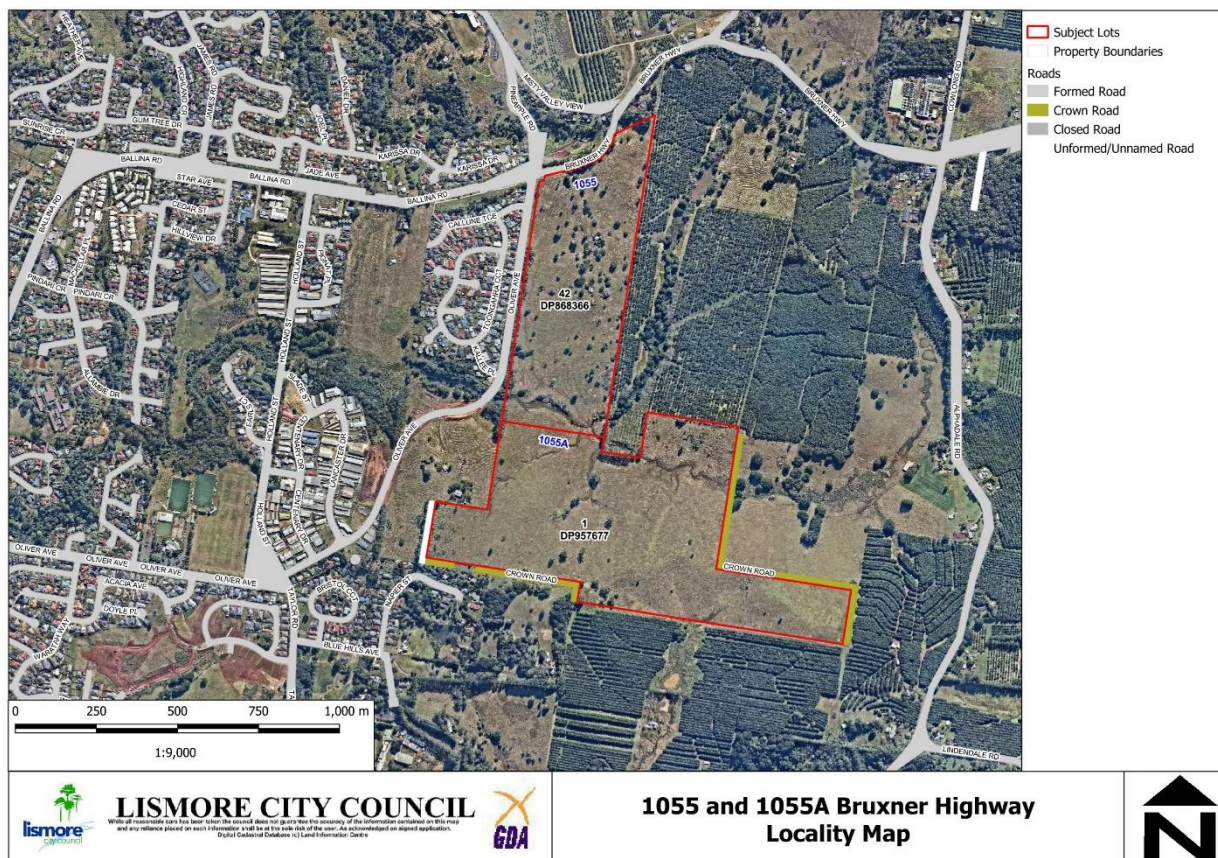
The planning proposal intends to facilitate the future development of the site for residential, industrial, and commercial use. It is expected that the proposal will lead to the creation of around 350 residential lots and 150 industrial/ commercial lots. The controls included in the Planning Proposal and an associated site-specific Development Control Plan (DCP) aim to deliver a range of housing opportunities including some medium density housing and a range of industrial / commercial opportunities.

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) with consideration of DPE's 'Local Environmental Plan Making Guideline' (August 2023).

Site description

The site is a large (75 ha) landholding located on the eastern fringe of Goonellabah, abutting established residential and industrial land uses. To the north, west and south of the site is residential land, and to the east and south of the site is agricultural land currently containing macadamia farms. The site is approximately 8km to the Lismore CBD and 3km to the Goonellabah shopping precinct.

Figure 1 - Locality and Parcels



The two lots (1055 and 1055A) are divided by the Tucki Tucki creek which includes a corridor of vegetation on the NSW Biodiversity Values Map. Across the site there are a number of fragmented mature paddock trees that have some biodiversity value.

The majority of the site has a slope of 10-20%, referred to as rolling, however there some areas that are considered gently undulating with a slope of 2-5%.

The site is currently used as grazing land and is mapped as State Significant Farmland. It is currently zoned as RU1 Primary Production.

Delegation of plan making functions

In accordance with the Gateway Conditions, the Department of Planning, Housing and Infrastructure has plan making functions pursuant to Section 3.36 of *the EP&A Act*.

Part 1 - Objectives or Intended Outcomes

Objective

The objective of this planning proposal is to amend the Lismore LEP 2012 to enable residential, mixed use and industrial land to meet the needs of the Lismore community.

Intended Outcomes

The intended outcome of this Planning Proposal is to rezone the site to a combination of R1 *General Residential*, MU1 *Mixed Use*, E4 *General Industrial* and RE1 *Public Recreation*

The intended outcomes of the rezoning are to:

- Provide a diversity of housing options;
- Provide commercial and community land to meet the needs of the new residential community;
- Provide open space areas to meet the needs of the residential community, including, but not limited to, a pedestrian/cycling link along the Tucki Tucki creek reserve;
- Provide a diversity of industrial lots; and
- Retain, enhance and protect the existing environmental qualities on the site.

Part 2 - Explanation of Provisions

The objectives and intended outcomes of the Planning Proposal will be achieved through the following amendments to the Lismore Local Environmental Plan 2012 (LLEP):

1. Amend the LLEP 2012 Land Use Zoning Map (Sheet LZN_005 and Sheet LZN_006) from RU1 Primary Production to part:
 - R1 General Residential
 - MU1 Mixed Use
 - E4 General Industrial
 - RE1 Public Recreation

See existing and proposed land zoning maps at figure 2 and 3 in Part 4.

2. Amend the Lot Size Map (Sheet LSZ_005 and Sheet LSZ_006) to remove the current minimum lot size requirement of 40ha and 20ha and impose the following minimum lot sizes:
 - R1 zoned land: a minimum lot size of 400m²,
 - MU1 zoned land: a minimum lot size of 300m²,
 - E4 zoned land: a minimum lot size of 1,500m².

See existing and proposed minimum lot size maps at figure 4 and 5 in Part 4.

3. Amend the LLEP 2012 Height of Building Map (Sheet HOB_005 and Sheet HOB_006) to impose the following maximum height of building control (excluding the RE1 and IN1 zoned land):
 - MU1 zoned land maximum building height of 13m
 - R1 zoned land: maximum building height of 8.5m

See existing and proposed height of building maps at figure 6 and 7 in Part 4.

4. Introduce a new map sheet to the LLEP 2012 to identify the site as an Urban Release Area (map sheet name and number to be confirmed)
5. Amend the LLEP 2012 to include a new Part 7 on Urban Release Areas to include controls applicable to the site as identified in a new map sheet as an urban release area. The proposed wording is:

Part 7 Urban Release Areas

7.1 Arrangements for designated State public infrastructure

(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

Note—

When this Plan was made the urban release area had not been finalised.

(2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

(3) Subclause (2) does not apply to—

- (a) any lot identified in the certificate as a residue lot, or
- (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
- (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
- (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

(4) This clause does not apply to land in an urban release area if all or any part of the land is in a region within the meaning of the Act, Division 7.1, Subdivision 4.

(5) In this clause—

designated State public infrastructure means public facilities or services of the following kinds to the extent the facilities or services are provided or financed by the State—

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) rail infrastructure and land,
- (d) regional parks and public space,
- (e) social infrastructure and facilities, including schools, hospitals, emergency services and justice facilities.

7.2 Public utility infrastructure

(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

7.3 Development control plan

(1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.

(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.

(3) The development control plan must provide for all of the following—

- (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
- (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
- (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
- (d) a network of active and passive recreation areas,
- (e) stormwater and water quality management controls,
- (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
- (g) detailed urban design controls for significant development sites,
- (h) measures to encourage higher density living around transport, open space and service nodes,
- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,

(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

(4) Subclause (2) does not apply to development for any of the following purposes—

- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
- (b) a subdivision of land if all of the lots proposed to be created are to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
- (c) a subdivision of land in a zone in which the erection of structures is prohibited,
- (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

7.4 Relationship between Part and remainder of Plan

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

7.5 Application of this Part

In this Part, *urban release area* means the following land—

- (a) land identified as “1055 and 1055A Bruxner Highway” on the [Urban Release Area Map](#)

Part 3 - Justification

Section A - Need for the Planning Proposal

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes. The site is the result of Council's adopted and endorsed Growth and Realignment Strategy 2022 (GRS) and its Addendum.

At the Council meeting of 13 December 2022 Councillors adopted the GRS and resolved to publish it following DPE's endorsement.

In June 2023, the DPE endorsed part of the site (1055 Bruxner) and conditionally endorsed part of the site (1055A Bruxner) requesting additional information around the need for local industrial land before full endorsement could be provided.

To address the request for additional information, Lismore City Council prepared an Addendum to the GRS. The Addendum highlights the need for additional flood-free industrial land and addressed DPE concerns for this part of the site. This was submitted to the DPE in August 2023 and endorsed in September 2023.

The entirety of the site is therefore endorsed in an adopted growth strategy that is published on Lismore City Council's website.

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

Yes. The site is currently zoned RU1 Primary Production and as such the Planning Proposal is the best way to enable the zone change and allow the intended outcomes to be met.

Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal will give effect to many objectives and intentions of the regional plans and strategies listed below.

North Coast Regional Plan 2041

The NCRP is the overarching framework for the management of growth on the NSW North Coast. The NCRP represents a review of the region's strategic planning settings and considers some of the key land use challenges and opportunities over the last five years including drought, flooding, bushfire and the effects of the COVID-19 pandemic. The plan reflects the recent changes in community attitudes and expectations for the region.

The Proposal sits outside the urban growth area for Lismore shown in Figure 19 of the NCRP. This is because the NCRP was prepared and adopted prior to Lismore's Growth and Realignment Strategy being adopted and endorsed in December 2022. For this reason, appendix 3 outlines how the proposal meets the NCRP's Urban Growth Area Variation Principles.

The Proposal contradicts Objective 8, Goal 1 of the North Coast Regional Plan 2041 (NCRP) and the Northern Rivers Farmland Protection Project 2005 in that it seeks the rezoning of State Significant Farmland.

Objective 8, Goal 1 of the NCRP is to *Support the productivity of agricultural land*. However the NCRP recognises that agricultural production may not be suitable on some small pockets of state and regionally significant mapped farmland. It allows Councils to make a variation to the mapped farmland boundary, where important farmland is unlikely to contribute significantly to future agricultural production. The variation criteria is set out within the Urban Growth Area Variation Principles. These Urban Growth Area Variation Principles in relation to the rezoning of land identified as Important Farmland for non-agricultural land uses were addressed in the Addendum to Council's Growth and Realignment Strategy and are also addressed in appendix 3.

The Proposal has been designed and prepared in accordance with Objective 11 of the NCRP 2041 *'to support cities and centres coordinate the supply of well-located employment land'*. The objective directs new commercial precincts, outside of existing centres to be of appropriate size and scale relative to the area they will be servicing. In accordance with requirements under the objective, the proposal's Economic Benefit Study outlines how the proposal will benefit the community and the regional economy. The addendum to Lismore City Council's Growth and Realignment Strategy also offers support and evidence for the suitability of this proposal.

The proposal:

- Identifies a small area of 'village centre' through a structure plan shown in an accompanying Development Control Plan chapter, the village centre is of a size and scale to meet the needs of the local area only and not compete with the existing city centre of Lismore,
- Responds to supply and demand, particularly the local demand for flood-free commercial land and the regional demand for new industrial land,
- Enables the relocation of industrial businesses
- Is located within close proximity of existing industrial land in Goonellabah,
- Is accompanied by a Development Control Plan and a Voluntary Planning Agreement that will ensure the provision and enhancement of public realm,
- Is well located in terms of regional freight routes and industries.

Aside from objective 8, the proposal complies with all other objectives within the three goals of the NCRP and will directly contribute to achieving the sustainability (objectives 1, 5, 18 and 19), affordable housing (objective 2) and employment (objectives 11 and 14) aspirations of the NCRP.

The proposal directly contributes toward achieving the narrative for Lismore in the NCRP as it will:

- *support the development of employment lands, including commercial and industrial employment opportunities outside of the Lismore CBD;*
- deliver housing across Lismore including at Goonellabah and within urban investigation areas; and
- *support the delivery of enhanced housing diversity including medium density housing, affordable housing and housing appropriate to the climate of the region.*

Northern Rivers Farmland Protection Project 2005

The Northern Rivers Farm Protection Project (NRFPP) was prepared by the NSW Department of Primary Industries and seeks to:

"protect the best agricultural from urban and rural residential rezoning development by mapping farmland and developing planning principles."

The NRFPP classifies the site as State Significant Farmland (SSF) on the NRFPP mapping. Despite this classification, a site-specific agricultural assessment found that the site fails to meet the definitive attributes of SSF and is not suitable for productive cultivation or agriculture.

Furthermore, the NRFPP acknowledges that there may be errors in the SSF mapping and states:

“The maps were prepared for regional planning purposes. The minimum mappable area is 40 hectares. Farmland significance identified may not necessarily be accurate at the property scale. It is possible that there will be some inclusions of lower quality lands. Some degree of boundary verification will be necessary in assisting councils to overcome these limitations when defining boundaries for future settlement strategies.”

As identified in the Agricultural Assessment (Attachment I), the subject site was found to contain 60% of either Class 4 or Class 5 Agricultural Land and is unsuitable for agriculture, or light grazing with the potential agricultural productivity being very low or zero as a result of severe constraints. Approximately 40% of the site contained Class 3 Agricultural Land which is suitable for some speciality crops. However, the Class 3 Agricultural Land is sporadically dispersed throughout the site.

This assessment confirmed that the site is not land that “*is important currently or in the future.*” The incorrectly mapped SSF in this instance has caused sterilisation of the site from economically sustainable development.

The NSW Department of Primary Industries is currently reviewing the mapping with an early draft being consulted on in 2021/2022. It is not known when the final mapping will be published and if the site will remain mapped as SSF.

Given there are recognised errors in the SSF mapping, and the site does meet several of the criteria that contribute toward SSF, this request for a Planning Proposal will not prevent the aims and objectives of the NRFPP from being delivered as the site has been demonstrated to be of little to no agricultural importance currently or in the future due to its significant constraints.

Lismore Regional City Action Plan

The Lismore Regional City Action Plan 2036 (the RCAP) supports the vision and goals of the North Coast Regional Plan 2036 and subsequently the North Coast Regional Plan 2041. The RCAP will guide growth and change in the city. The objectives relevant to this Planning Proposal are discussed below:

Objective 1: Support community aspirations for greater housing diversity and choice.

The indicative layout for the site proposes a mix of diverse housing typologies to cater for the changing needs of future communities. Housing types proposed include:

- Townhouse, dual occupancies, dwelling houses, group homes, multi dwelling housing, and semidetached dwellings (up to 600sqm), and
- Medium to high density residential apartments.

The proposal recognises Lismore as one of the four regional cities that is a popular place to live and work and will accommodate a large portion of the North Coast region’s population growth.

Objective 3: Strengthen resilience to natural hazards and climate change.

Objective 3 aims to avoid development in high-risk areas, mitigate natural hazards particularly bushfires and flooding and incorporate resilience measures. The site is not flood prone land. The bushfire report confirms the requirement of Planning for Bush Fire Protection 2019 can be satisfied with minimal environmental impact and suitable APZ’s are available. Further, any future development applications on the site will need to achieve all relevant standards in terms of resilience planning measures set by State and local government policy.

Objective 7: Deliver local jobs through the city's employment lands and industry sectors.
The proposed MU1 Mixed Use zone and E4 General Industrial zone will deliver a range of commercial and industrial uses including minor and major retail services, warehouse and distribution centres, general and light industries.

The Economic Benefits Assessment prepared by Urbis (Attachment F) indicates that the employment generating lands on site will deliver 4,336 total ongoing jobs and contribute a total GVA of \$759.0 million per annum. The proposal will facilitate new job opportunities in proximity to a range of residential developments resulting in a productive centre within the Precinct.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes, the Planning Proposal is consistent with the following strategic planning documents:

Inspire Lismore 2040 (LSPS)

Inspire Lismore 2040 is the overarching principle strategic planning document for Lismore City Council. It sets out the vision for Lismore and the land use priorities and actions that will enable the vision to be realised. The LSPS sets out five key themes and 14 planning priorities.

The Planning Proposal aligns with the following themes and priorities:

Theme 1, Liveable Places

Priority 1: *Growth is consolidated around Lismore City, CBD and villages*

The site will form a natural progression of Goonellabah and is set within the newly adopted Growth and Realignment Strategy.

Priority 2: *Create a city and villages that support active and healthy living*

The Proposal includes the provision of open space to meet the needs of the new community as well as provision of a walking/ cycling track along Tucki Tucki creek reserve to link up in the future with the existing walking/ cycling track to the west of the site. The Proposal also includes Mixed Use areas where it is proposed that live/work opportunities will exist. The provision of a commercial core will also ensure local services can be provided within walking distance of the new community

Theme 2, Productive Economy

Priority 5: *Identify & support the expansion of emerging industries*

The Proposal includes land to be rezoned to E4 General Industrial and MU1 Mixed Use. The DCP enables a range of lot sizes to suit varying business sizes and facilitate the growth of existing start-ups and small-scale businesses.

Priority 8: *Consolidate existing industries & support their continued growth*

The Proposal will be a natural progression to the existing Goonellabah Industrial Area. The varied lot sizes will provide opportunities to a range of new industries.

Theme 4, Sustainable Environment

Priority 11: *Waterways, riparian areas and water*

The Proposal includes the revegetation of the Tucki Tucki Creek Corridor that is within the site boundaries.

catchments are protected and enhanced.

The Proposal does not align, or is neutral with the following:

Theme 2, Productive Economy

Priority 6: *Expand agriculture and agribusiness while protecting productive agricultural land*

By providing new industrial land with a range of lot sizes, there could be opportunities to support agribusiness.

However, the site is currently zoned RU1 Primary Production and mapped as State Significant Farmland.

The rezoning is therefore inconsistent with the priority of protecting productive agricultural land however it is justified – see response to question 2 above.

Theme 4, Sustainable Environment

Priority 12: *Protect and improve productive agricultural land and other natural resources*

As above.

Growth and Realignment Strategy

After the natural disaster flood events of 2022, Lismore Council reviewed and revised its growth strategy, prioritising investigation into new flood-free land for business and residential land uses. At the Council meeting of 13 December 2022 the Growth and Realignment Strategy (GRS) was adopted.

In June 2023, the DPE conditionally endorsed the strategy but requested additional information around the need for additional local industrial land before full endorsement could be provided. To address this and carry out the further investigation, Lismore City Council prepared an addendum to the GRS to highlight the need and address concerns for this part of the site. This was submitted to the DPE in August 2023 and endorsed in September 2023. The entirety of the site is therefore endorsed in the adopted and published Growth and Realignment Strategy as suitable for urban development. This proposal is consistent with and can facilitate the vision of the GRS to accommodate future residential and employment growth outside of flood-affected areas.

The site is referenced within the GRS at map 4 and map 18.

Map 4: “Oliver Avenue Potential Residential / Mixed Use Area” identifies 1055 Bruxner Highway for residential development.

Map 18: “Potential expansion area of the Goonellabah Industrial Precinct” identifies 1055A Bruxner Highway for industrial uses.

The GRS and associated Addendum acknowledges that the site would form a logical eastern expansion to the Goonellabah Industrial Precinct and benefitting from the \$14 million State Government investment to construct the Oliver Avenue Link as part of the Lismore Employment Lands Project.

Imagine Lismore (Community Strategic Plan) 2022-2032

The Imagine Lismore Community Strategic Plan (CSP) was developed and adopted by Council in accordance with the *Local Government Act 1993*. The plan identifies the main priorities and aspirations for the future of the LGA for a period of 10 years. Imagine Lismore includes a list of challenges that the plan aims to address. Those of relevance to the proposal include:

- Limited public transport restricts the community from accessing the services they need.
- Limited housing choice impacts Council's ability to attract a diverse range of people to live and work in the region.
- Changing social structures require public spaces, activities and facilities to help bring people together and build social connections in the community.
- To retain Regional City status, Lismore must retain key regional institutions in sectors such as education and health.
- The current lack of resources to maintain community assets has resulted in a maintenance backlog for Council that cannot be addressed adequately.

Several key directions were developed to address the above challenges and to incorporate the community's vision for Lismore, these include ensuring:

- Sporting and recreational spaces encourage active and passive community participation.
- The community has access to essential services.
- The city, villages and riverbank precincts are vibrant and provide diverse activity that strengthens social connections.
- The community has a diverse and thriving arts and cultural life.
- The community is connected, and the city is accessible.
- The city and village facilities and services are well managed and maintained.
- The built environment is managed and enhanced to meet the needs of the growing community.
- Land-use planning caters for all sectors of the community.

The Planning Proposal accords with the following objectives in the CSP;

Community Strategic Plan Objective	Planning Proposal alignment
B1 <i>Our community has diverse business and industry, as well as opportunities for investment and growth</i>	The Proposal includes zones MU1 Mixed Use and E4 General Industrial zones. The proposal could accommodate 100 new industrial lots, enabling opportunities for business and industry.
C1 <i>Our waterways and catchments are healthy</i>	The Proposal will see the revegetation of the Tucki Tucki Creek corridor within the land parcels.
D2 <i>Our built environment is managed and enhanced to meet the needs of our growing community</i>	The Proposal will enable up to 346 new residential lots, made up of predominantly medium density housing typologies, and 100 industrial lots, therefore ensuring the needs of the built environment growing community are met.
D3 <i>Our land-use planning caters for all sectors of the community</i>	The Proposal will contribute to the availability of serviced land to meet the Lismore population growth and flood relocation.
D4 <i>Our community has a diversity of affordable housing options</i>	The proposal sets out to facilitate a range of housing types, from residential flat buildings to single detached dwellings. This will increase the diversity of Lismore's housing stock and contribute to meeting community needs. Furthermore, a voluntary planning agreement has been drafted to provide affordable housing and enable house relocations from within high risk flood areas.

Innovate Lismore, Economic Development Strategy 2019 – 2024

The Innovate Lismore Economic Development Strategy 2019-2024 (the Economic Strategy) sets a vision to facilitate the growth and diversity of businesses across sectors such as industry, business and community services. The strategy is underpinned by the six following economic opportunities:

1. Enabling the Agri-Economy
2. Innovative and Connected City
3. Tourism, Culture and Sport
4. River City Lifestyle
5. Village Lifestyle
6. Growing Professional Services

Relevant to this planning proposal is the aspiration to enable interconnections between precincts to support business stimulation and growth and attract appropriate businesses. The site will be rezoned to part MU1 Mixed use and part E4 General Industrial, being employment generating land uses. The proposal seeks to deliver 23.27ha of employment generating land including the local centre, commercial developments within MU1 Mixed Use lots and industrial developments.

The economic strategy identifies retail trade as the third highest employer (11.5%). The proposal will facilitate the expansion of retail trade and businesses through the proposed local centre, and business and retail premises as part of MU1 Mixed Use lots. Therefore, increasing the number of registered businesses will play a key role in the economic strength and diversity of the region. As such, the proposal will be consistent with Opportunity 2 which seeks to create centres that are connected, accessible, and distinctive.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Yes, the Proposal is consistent and will positively contribute to the following state and regional Strategies.

NSW Housing Strategy, Housing 2041

The NSW Housing Strategy sets out a 20 year vision for housing in NSW. It sets out the government's goals and ambitions for future housing that meets the current needs of residents. Its vision is set around four pillars; supply; diversity; affordability; and resilience.

The Proposal will positively contribute to the achievement of the strategy by increasing housing supply and diversity, by providing affordable housing on site through the VPA and by enabling housing development on flood-free land and in accordance with its environment.

Making it Happen in the Regions: Regional Development Framework

The Regional Development Framework provides a framework to provide appropriate services and infrastructure in regional NSW. It seeks to support growing regional centres and identify and activate economic potential across regional NSW for opportunities to improve economic outlook and activate local economies.

The Regional Framework focuses on ensuring regional economic growth can be captured through the implementation of the following programs:

- Improved regional structures to facilitate regional development.
- Building an evidence-base for investment in regional development.
- Attracting investment and co-investment.
- Building regional workforce capability.

The planning proposal is consistent with the above programs for the following reasons:

- Recent flooding and natural disasters in the region have highlighted the urgent need to facilitate release of flood free land for new residential and employment development. The timely release of flood-free land is critical to Lismore's future function as a regional city for the Northern Rivers.
- The location of the site provides for strategically located and accessible employment land for the Northern Rivers.
- The Economics Benefits Assessment demonstrates that future development of the site facilitated by this planning proposal generates approximately \$345M during construction and \$759M annually during ongoing operations in gross value add to the economy.
- The Economics Benefits Assessment also demonstrates that future development of the site facilitated by this proposal generates approximately an average of 4,336 annual ongoing jobs for local and regional residents.

NSW State Infrastructure Strategy 2018-2036

Infrastructure NSW published the Building Momentum State Infrastructure Strategy 2018-2038 (SIS), a 20- year Strategy that sets out Infrastructure NSW's advice on the needs and priorities over the next 20 years. It establishes six strategic directions which inform the recommendations contained within the SIS.

Direction 1 of the SIS seeks to continuously improve the integration of land use and infrastructure planning. Built upon this direction is Infrastructure NSW's recommendation that NSW Government Agencies integrate the infrastructure priorities necessary to support Growth Areas, Planned Precincts, and Growth Infrastructure Compacts. This includes factoring infrastructure and the associated costs into decisions about land rezoning and land release and maximizing opportunities for the co-location of different services.

The proposal is designed to ensure that planned physical and human infrastructure and services are appropriate to service the requirements of the proposed development.

Upgrades will be required to Council's water and sewer networks to be able to service the site. The site is included in the NRRC's Resilient Lands Strategy and is the subject of future investment which may contribute to the cost of the necessary upgrades. Additionally, Lismore City Council has applied for round 2 funding of the Regional Housing Strategic Planning fund to be able to prepare detailed design and costings for the upgrades as well as an Infrastructure Delivery Plan for the site that can support this Planning Proposal post-Gateway and be used by Lismore City Council to update its Section 64 Contributions Plan.

Urban Design Guide for Regional NSW

The Urban Design for Regional NSW provides guidance in the design, planning, and development of the building environment across regional NSW. The guide provides 7 urban design strategies for regional NSW, including:

- Engage with the history and culture of places.
- Integrate with the natural environment and landscape.
- Revitalise main streets and town centres.
- Prioritise connectivity, walkability, and cycling opportunities.
- Balance urban growth.
- Increase options for diverse and healthy living.
- Respond to climatic conditions and their impacts.

The planning proposal, structure plan and supporting DCP has been developed based on extensive technical advice including heritage, ecology, bushfire, and stormwater considerations as well as primarily the needs of the community to be able to reside in the new release area with an exemplary quality of life.

The proposal recognises the biodiversity and ecological features of the site, and the importance of protecting and enhancing these features has informed the structure planning.

The proposal promotes development of a walkable neighbourhood, containing a northern residential neighbourhood with access to a local centre. The southern employment land also provides the opportunity for people to work in a well-connected neighbourhood with proximity and ease of access to employment opportunities.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent, or justifiably inconsistent, with the requirements of the applicable State Environmental Planning Policies (SEPPs). An assessment against relevant SEPPs is provided at Appendix 1.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The proposal is inconsistent with direction 9.1 and 9.4 regarding Rural Land and State Significant Farmland. These inconsistencies can be justified. An assessment against the Ministerial Directions is provided at Appendix 2.

Section C – Environmental, social and economic impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The site contains two small patches of Lowland Rainforest EEC under the NSW Biodiversity Conservation Act, 2016. But these areas would not meet threshold requirements under the Commonwealth EPBC Act. Similarly, there are patches of vegetation that could be recognised as 'Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions – Endangered Ecological Community'. Council's ecologist notes that the majority of the vegetation on the site is unmapped and that there is a high chance that scattered paddock trees are rainforest remnant trees and recommends that the scattered trees assessment of the BAM 2020 should be applied when assessing impacts on clearing any native vegetation at the Development Application stage.

An ecology report has been provided by Bower Ecology (Attachment H). It identifies the existence of one threatened flora species (scrub turpentine, *Rhodamnia rubescens*) and evidence of one fauna species (koala, *phascogaleus cinereus*) were confirmed on site. The potential impacts on these species as a result of the proposal, with mitigation measures is unlikely to require referral.

A Council-owned strip of land adjacent to the site (which will provide access into 1055 Bruxner Highway) and the Tucki Tucki creek corridor are identified in the NSW Biodiversity Values Map, see Figure 11 in Part 4 Maps. It is considered that the Biodiversity Offset Scheme will be triggered due to a combination of a minor impact to the Biodiversity Values Mapping (approximately 260m²) and the native clearing threshold likely being exceeded due to clearance of native paddock trees. Based on the current proposal, the associated DA will be required to undertake a Biodiversity Development Assessment Report and calculate offset requirements in accordance with the NSW Biodiversity Assessment Method (2020).

The attached ecological report also identifies that a targeted survey for Hairy Joint Grass (*Arthraxon hispidus*), will be required as part of any future development application process and that Tucki Tucki Creek is mapped as habitat for the Purple Spotted Gudgeon (*Mogurnda adspersa*) which is a threatened freshwater species. Whilst not identified on the site, future restoration along Tucki Tucki Creek may assist with local recovery of the species.

In response to condition (C) of the Gateway Determination, the applicant has commissioned a Hairy Joint Grass survey (now included as Appendix Ha). The survey found Hairy Joint Grass present alongside the creek and concluded "that impacts to

this species can be appropriately avoided and mitigated. With appropriate measures, it is feasible that the species can persist in this location after development occurs.”

Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Contaminated Land and Acid Sulphate Soils

A technical report (Attachment M) has been provided by HMC Environmental Consulting Pty Ltd, it notes “Acid sulfate soil has not have been identified as being a constraint to the proposed Planning Proposal for Lot 42 DP 868366 & Lot 1 DP 957677, 1055 Bruxner Highway, Goonellabah NSW. No further investigation or management is required”.

Land contamination studies demonstrate that the site is suitable for development. The initial Preliminary Site Investigations report (Attachment L) identified that agricultural activities have taken place on the subject land however focused on the existing and past structures and did not undertake a systematic sampling design across the identified agricultural area.

A further Land Contamination DSI (Attachment La and Laa) was submitted to Council that satisfactorily addressed Councils request for information. The additional report concludes that:

“Based on the information presented, in relation to potential site contamination associated with the current and former land use, the proposed Planning Proposal site... is considered suitable for the proposed future mixed-use development subject to the recommendations proposed as part of the Preliminary Site Investigation including:

- 1. Prior to the submission of a development application for development in the area shown as AoC 1 and AoC 2 in this report, a Detailed Site Investigation is to be prepared by a suitably qualified environmental consultant to further delineate the potential contaminants of concern identified in and around the existing dwellings and associated structures.*
- 2. Following the preparation of the Detailed Site Investigation in 1 above, a Remedial Action Plan is to be prepared providing details on required remediation and validation of lead-impacted soil and other identified potential contaminants of concern.”*

Geotechnical Considerations

The site is defined by several ridges and gullies with a distinct creek line which bisects centrally through the site. Slopes vary on the site but are generally in the order of 7 – 15% with some localised areas being in the order of 26%. These slopes are such that they would all fit within current DCP guidelines that would not exclude any residential, commercial, and industrial development.

Soil Profile

The site testing determined that the soil profile consists of a silty clay topsoil, silty clay residual layer and weather rock. Testing further determined that the topsoil will not be suitable for reuse as controlled fill, however the other layers will be suitable for controlled fill. Topsoil will be appropriate for landscaping uses which include topsoiling the land once earthworks are completed.

Slope Stability

The applicant has provided a slope stability assessment from November 2016 for the previous proposal on site along with an updated Geotechnical Assessment (Attachment O). Both assessments demonstrate that with the implantation of appropriate engineering controls applied during the construction process the site will be suitable for residential, commercial, and industrial development. The low categories of hazards H1 and H2 also suggest that the land is currently geotechnically stable and suitable for development.

Further geotechnical assessment will be required during the DA process to ensure that specific designs of areas will still maintain slope stability.

Potential Land Use Conflict

This proposal has the potential to impact upon residential zoned land to the north (about 80m) and west (about 70m) and South (about 40m). There is primary production zoned land adjoining the site, including the north (which includes dwellings), south and east. There is intensive agriculture (macadamia plantations) directly to the east, 20m south and 180m to the north. The plantation to the north is situated on R1 General residential land which is subject to an approved residential subdivision.

A technical Land Use Conflict Risk Assessment (LUCRA) report (Attachment J) was submitted to Council support the planning proposal. The discussion has considered the visual impact, odour impact, pests, chemical use and noise impacts and recommended buffers in Council's DCP chapter. The LUCRA notes that:

"the design of the proposed rezoning area has been informed via the recommended buffers with Lismore City Council's Development Control Plan 2012 Chapter 11 buffers. The design includes buffers to areas adjacent to macadamia crops including 80 metres to residential lots, including a 30-metre vegetated buffer and 30 to 40 metres to proposed industrial lots. This also includes a mounded and vegetated buffer. These buffers are in accordance with those recommended by the DCP."

It is considered that these buffers are suitable in preventing land use conflict.

Stormwater

The applicant has provided a Stormwater Management Report (SWMR) for the full site and proposal (Attachment S). The SWMR has considered the 346 residential lots along with 105 industrial lots and applied the following percentages for impervious areas;

- 40% impervious area for standard residential lots (600m²)
- 70% impervious for smaller residential lots (200m²)
- 65% impervious for road reserves within the industrial lots
- 90% impervious for industrial/commercial lots

These areas were compared against the pre-development condition of 0% impervious area for the site and to comply with DCP Chapter 22 and the Northern Rivers Development and Design Manual the following onsite detention is required.

Basin	Basin Volume (m ³)	Biofiltration Area (m ²)	Arrangement
Basin 1	117	81	Bioretention basin
Basin 2	1047	400	
Basin 3 / 4	3086	1250	
Basin 5	448	188	
Basin 6	538	225	
Basin 7	822	360	
Basin 8	489	200	Underground tank and biotreatment basin
Basin 9	170	64	
Basin 10	334	120	

Table 1 - OSD Details

For both the 10% and 1% AEP all post development flows from the site have been reduced from the predeveloped conditions.

The basins and underground storage have been located as such that they will not affect any proposed allotment and will be able to discharge water without affecting any neighbouring property. The use of underground storage tanks would be allowed subject to specific requirements during the Development Application stage.

Flooding

The site is not mapped within the Lismore Flood Planning Area, however, does show on mapping to be affected by creek swelling. In this regard the data suggests that the creek might swell to a level of 140m AHD. Similar to other areas of Goonellabah a hydraulic/flood assessment is not required, and the applicant has demonstrated that all residential and industrial lots are situated above the 146m AHD contour line which provides adequate freeboard.

Acoustic

A 'Noise Impact Assessment' (NIA) report (Attachment N) has been provided by ATP consulting and has assessed the noise impacts from Bruxner Highway on the proposed residential lots and noise impacts of the proposed employment lots to the proposed and existing surrounding lots. The NIA has not assessed the impacts of traffic noise from Oliver Avenue on the proposed residential lots and it is proposed that this be done post-Gateway.

Bruxner Highway: Compliance with the NSW Road Noise Policy criterion has been achieved for all the proposed residential lots in the development through the addition of a noise barrier fence along the northern boundary of the proposed development. The NIA proposes a height and alignment of the noise barrier fence to meet the compliance. A section of the land at the boundary of the existing Bruxner Highway has been excluded from the proposal to allow for a potential future realignment of the Bruxner that may necessitate TfNSW acquiring this section of the land. It is expected that future realignment works would include noise buffer solutions within that section of reserved land.

Existing Surrounding Residents: Noise mitigation measures will be required along the southern boundary of the proposed development to protect existing residents from noise impacts from the employment lands. The NIA proposes two scenarios for compliance that can achieve project trigger levels.

Internal design: The NIA states that "the indicative development layout provides sufficient setback distance between the proposed industrial and residential lots. Within the proposed setback distance, it includes mixed use and public recreation lots, which provides a transitional section to reduce the industrial noise impact on the proposed residential lots." This is considered suitable.

The noise impact assessment is to be amended post-gateway to include an assessment of the traffic noise from Oliver Avenue as per the NSW Road Noise Policy. The assessment should consider the growth scenarios modelled in the Traffic and Transport Study by Barker Ryan Stewart Pty Ltd. Additionally, it should be demonstrated post-gateway that all noise treatment solutions can be designed to be koala sensitive and in accordance with the Biodiversity SEPP and Lismore's KPOM. This will involve collaboration from the NIA and ecology consultants.

Bushfire Hazard

The site is partially mapped as being bushfire prone (as shown in Figure 8, Part 4). A Bushfire Constrains and Opportunities Assessment (Attachment K) has been prepared that outlines a package of asset protection zones (APZs) suitable for development on the site to ensure the proposal aligns with the Planning for Bush Fire Protection 2019 guide as legislated by the Environmental Planning and Assessment Act 1979.

Q10. Has the planning proposal adequately addressed any social and economic effects?

Aboriginal and European Cultural Heritage

An Aboriginal Heritage Information Management Systems (AHIMS) search was undertaken and no Aboriginal sites or places were identified within 50 metres of the subject land. The land is also not listed as a heritage item in Schedule 5 of the Lismore LEP 2012. The Cultural Heritage Assessment (Attachment G) identified five PADs where it is likely for aboriginal items to be present. The Assessment recommends that these PADs be avoided or excavated and investigated prior to development.

The assessment has been referred to the Ngulingah Local Aboriginal Land Council for a Local Knowledge Holder to review. Ngulingah recommend and request that LCC place a condition on any development approval to ensure that the developer contract or employ an Aboriginal Cultural Heritage Officer that has experience in Aboriginal Cultural Heritage Surveys to observe and identify any artifacts that may be unearthed in the earth works stage. NLALC should also be invited.

Social and Economic Impact

The Proposal is supported by a Social Infrastructure Needs Assessment and an Economic Benefit Assessment.

Social

The Social Infrastructure Needs Assessment (Attachment E) focuses on the needs of incoming residents, while also considering local services and facilities to support incoming workers, such as outdoor spaces and childcare. Based on this, a number of key recommendations to be considered have been suggested, including, but not limited to, the following:

- Consider the provision of a childcare centre on-site, either within the residential or business area to meet the needs of the incoming residential and worker population, and the surrounding community.
- Review the location of the public open space. It was recommended the park be co-located with the proposed Local Centre (e.g. on the lot immediately to the east). Co-locating the Local Centre and park would create a focal point and activity hub within the proposed residential area. This hub would provide an important meeting and gathering point for the local community. This has been addressed in the current structure plan and DCP.
- Consider the provision of amenities within the cleared buffer zone e.g. walking/jogging and cycling path, outdoor fitness equipment, dog park) to increase access to open space and recreational opportunities for the incoming population. This has been addressed in the current structure plan and DCP.
- Investigate opportunities to provide a pedestrian/cycling connection along the Tucki Tucki Creek riparian corridor to provide an east-west connection through the site. Work with Council to explore opportunities to coordinate with any Council plans for the extension of the Tucki Tucki Creek pathway and other walking and cycling networks. This has been addressed in the structure plan, DCP and via the VPA.

The proposal has been designed to support a thriving community whereby residents are supported by well-designed public spaces and facilities. The site-specific DCP (to be considered separately by Council) and the VPA will ensure deliver high-quality, embellished open spaces along the riparian corridor and in the open spaces as well as a co-located community facility and services within the village centre.

The assessment also calculated the need for 68sqm of community facility and 36 sqm of library space. Council will need to consider how these additional services can be delivered in the Goonellabah area.

Economic

The Economic Benefits Assessment (Attachment F) considers that the construction of the development over a 10-year period is expected to generate 214 jobs per year. Beyond construction, the proposal will generate an additional 4,336 jobs per year, made up of direct and indirect jobs.

The Assessment considers that this will generate an additional \$345.1 million Gross Added Value during construction and \$759 million Gross Added Value through the ongoing jobs and operation as a result of the Proposal.

Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

No. Currently, the site does not have direct access to water and sewer services. This is because prior to 2022, development was not expected to occur in this area. However, as documented in earlier questions, Lismore's 2022 GRS has identified the site as necessary for Lismore's future and as such, water and sewer servicing requirements have only just commenced.

Council expect water and sewer servicing could be partly enabled by the Northern Rivers Reconstruction Corporation's (NRRC) Resilient Lands Package and dialogue between the NRRC and the landowner is underway.

Alternatively, if the NRRC are unable to fund or fully fund the water and sewer servicing Lismore City Council will seek alternate state or federal funding. Further details on the infrastructure needs is set out below.

Water

The proposed development can be readily serviced for reticulated water following upgrades of the existing water supply network. There are at least two options available, boosted or additional ground storage, both of which can be achieved using land already available to Council and/or the proponents.

LCC's review of the Water Servicing Assessment (Attachment Q) concludes that upgrades will be necessary to accommodate the full proposal. LCC are committed to undertaking a modelling update for water and sewer. The updated modelling will help in fine tuning of hydraulic distribution and minor changes from previous modelling. Council have sought grant funding to cover the costs of the model as well as to prepare detailed design and costings for the preferred upgrades.

Sewer

Upgrades to the sewer system will be needed to accommodate the full scale of the proposal with a final preferred option for infrastructure upgrades not yet decided upon.

LCC's review of the Sewer Servicing Assessment (Attachment R) concludes that sufficient information has been provided at this stage. Detail on preferred options and estimated costs will need to be determined post-Gateway and Council have sought grant funding to cover the costs of preparing detailed design and costings for the preferred upgrades.

Transport

The Traffic and Transport Study (Attachment P and Pa) demonstrates that the transport network, with upgrades, can suitably accommodate the proposal.

Due to the potential for the Bruxner Highway to be realigned, and based on some modelling requests from TfNSW, a further scoping study was requested of the landowner and submitted (Attachment Pa). Additionally, land at the northern end of the site, adjoining the Bruxner Highway, has not been proposed for rezoning to enable that land to be used by Transport for NSW in the future.

The Traffic and Transport Study concludes that the subject site is suitable for the proposed rezoning as a staged development in relation to the impact of traffic. The updated transport study concluded that the current intersections surrounding the proposal site can operate with acceptable average delays for a 10-year growth scenario with stage 1 of development.

For stages 1 and 2 of the development, it was concluded that consideration would need to be given to upgrade the Oliver Avenue/ Bruxner Highway roundabout after the 5-year growth scenario (2028). This would be by potentially providing two north bound lanes of an estimated 150m in length in Oliver Avenue leading into the roundabout to enable the Bruxner Highway and Oliver Avenue roundabout to function adequately.

The addition of the two north bound lanes of an estimated 150m in length in Oliver Avenue leading into the roundabout would also be able to cater for the proposed stage 3 in the 10-year growth scenario.

Lismore City Council's review of the Traffic and Transport studies raises concerns that the modelling did not sufficiently consider and cater for the full quantity of development expected north of the site within the Pineapple Road precinct. In liaison with Transport for NSW, Lismore City Council will request revised modelling post-gateway. It is expected that the revised modelling may change the growth scenarios but that the site is still capable and suitable for the proposed rezoning.

Vehicle Access

The northern residential/ mixed-use area (1055 Bruxner Highway) of the proposal has identified two vehicle access points off Oliver Avenue.

Access to the southern commercial/ industrial area of the proposal (1055A Bruxner Highway) has not been secured as this parcel is landlocked by land in private ownership at 245 Oliver Avenue. Nimble Estates has engaged in negotiations with this third-party landowner but has not reached any agreement.

As such, there are two options for access to this area:

1. A third access route into 1055 Bruxner Highway is provided with a bridge over the Tucki Tucki creek into 1055A Bruxner. This would be at the landowners cost and is considered achievable by Lismore City Council.
2. Lismore City Council enter into negotiations with the third-party landowner at 245 Oliver Avenue and potentially other landowners with properties fronting Oliver Avenue with the aim to enable access from Oliver Avenue directly into 1055A Bruxner Highway. Lismore City Council may consider compulsory acquisition of a strip of land to enable suitable and direct vehicular access to the site to release the commercial/ industrial land for the public benefit.

It is proposed that the final access route to the southern part of the site at 1055A Bruxner Highway can be determined prior to development application stage.

Section E – State and Commonwealth Interests

Q12. What are the views of State and Commonwealth public authorities and government agencies consulted in order to inform the Gateway determination?

The proponent held pre-lodgement meetings with Transport for NSW and the Department for Planning and Environment. Details of the meetings are below.

Transport for NSW

The proponent and representatives of the project team held a meeting with Transport for New South Wales (TfNSW) on 26 August 2022. The purpose of the meeting was to provide an overview of the intended objectives and outcomes of the planning proposal and to present the Indicative Layout Plan for future residential and employment land development supported by social and commercial facilities. Furthermore, the meeting sought to confirm any details TfNSW could provide on the proposed upgrades to Bruxner Highway and if there is anything that TfNSW specifically wanted to be addressed in the Traffic and Transport Study. The key outcomes from the meeting include:

- TfNSW has funding committed to taking the Bruxner Highway upgrade project through to Final Business Case. There is no current funding allocated for construction.
- TfNSW has undertaken modelling to inform the Strategic Business Case and is able to share the base Sidra model for the intersection of Oliver Ave and Bruxner Highway with the applicant under a Deed.
- Applicant to undertake further modelling to identify the capacity of the existing roundabout to cater for the proposed development for a ten-year design horizon and what, if any, intersection upgrades are required.
- There may be a need to model various scenarios to understand infrastructure requirements, in relation to the staging of lot release, to facilitate the full development.
- Depending on the outcome of the modelling there may (or may not) be a need to secure infrastructure upgrades at specific staging triggers and this is best managed via a VPA.

Following the meeting, TfNSW prepared a draft Deed Poll that has been signed by the proponent and returned to TfNSW who shared the base model. This base model and the other information has been incorporated into the Traffic and Transport Study prepared in support of the proposal.

Department of Planning and Environment

Representatives of the project team held a meeting with the Department of Planning and Environment (DPE) on 11 August 2022. The purpose of the meeting was to provide an overview of the intended objectives and outcomes of the planning proposal and to present the proposal for a future residential and employment land development supported by social and commercial facilities, in order to meet the established housing and employment land needs after the recent flooding in Lismore.

Post-Gateway Consultation

It is recommended that the following agencies are consulted following the Gateway Determination:

- the Rural Fire Service,
- Transport for NSW,
- Heritage NSW,
- DPE Biodiversity and Conservation Division,
- Natural Resource Access Regulator,
- Department of Primary Industries,
- Essential Energy, and
- NBN.

Part 4 - Maps

Figure 1: Locality of the subject site.

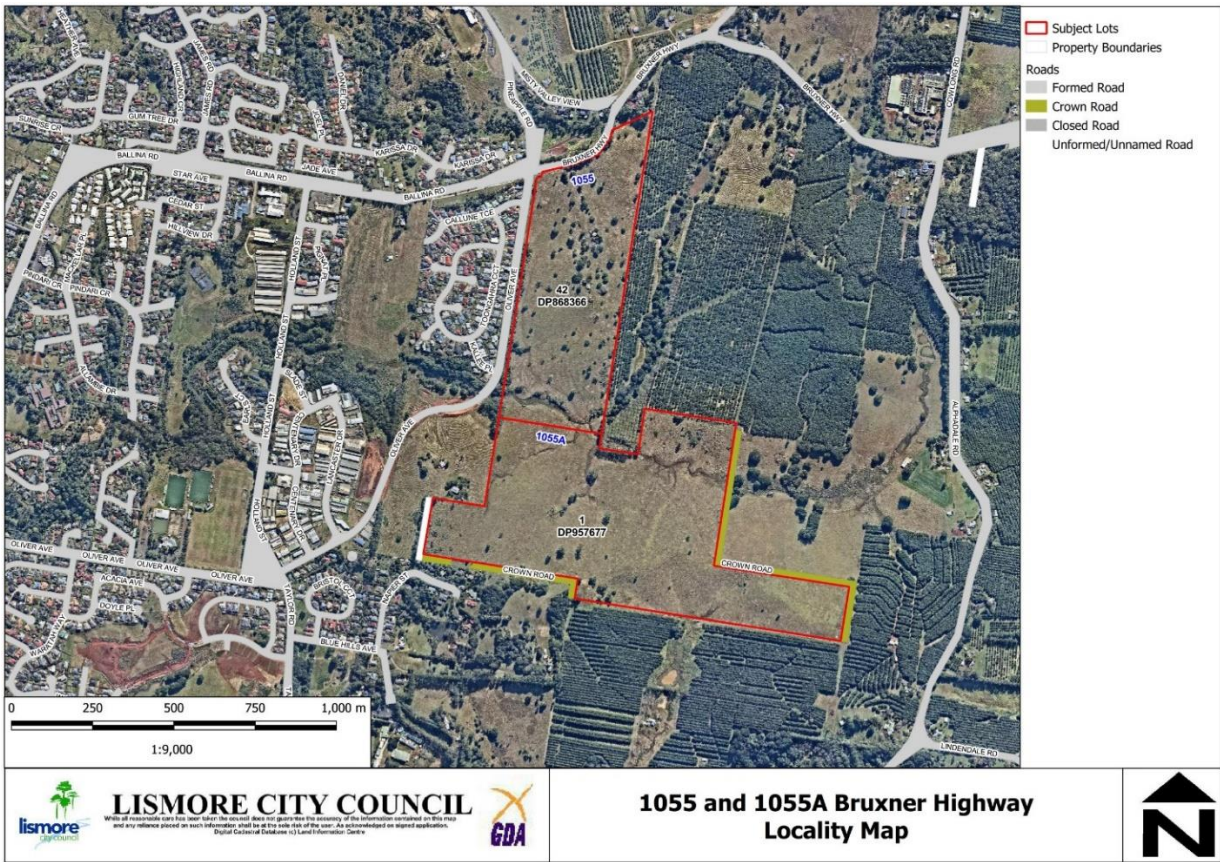


Figure 2: Current LEP zoning

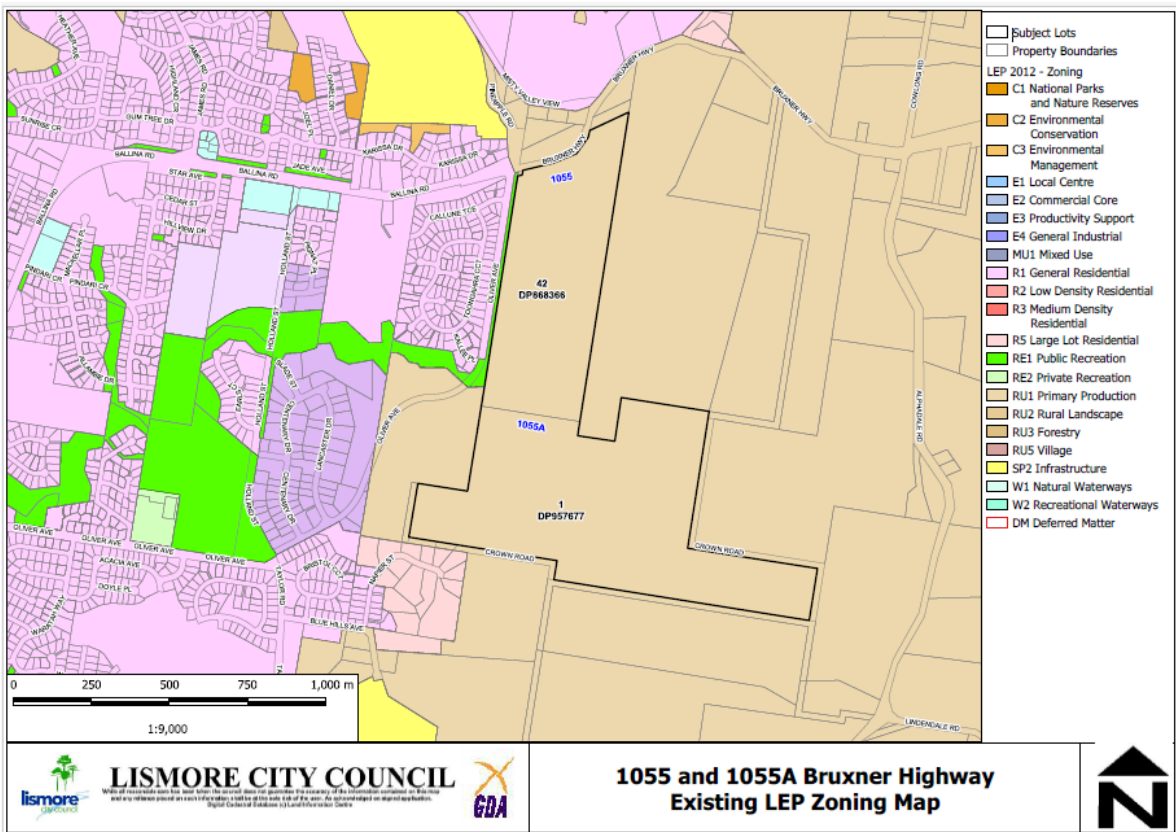


Figure 3: Proposed LEP zoning

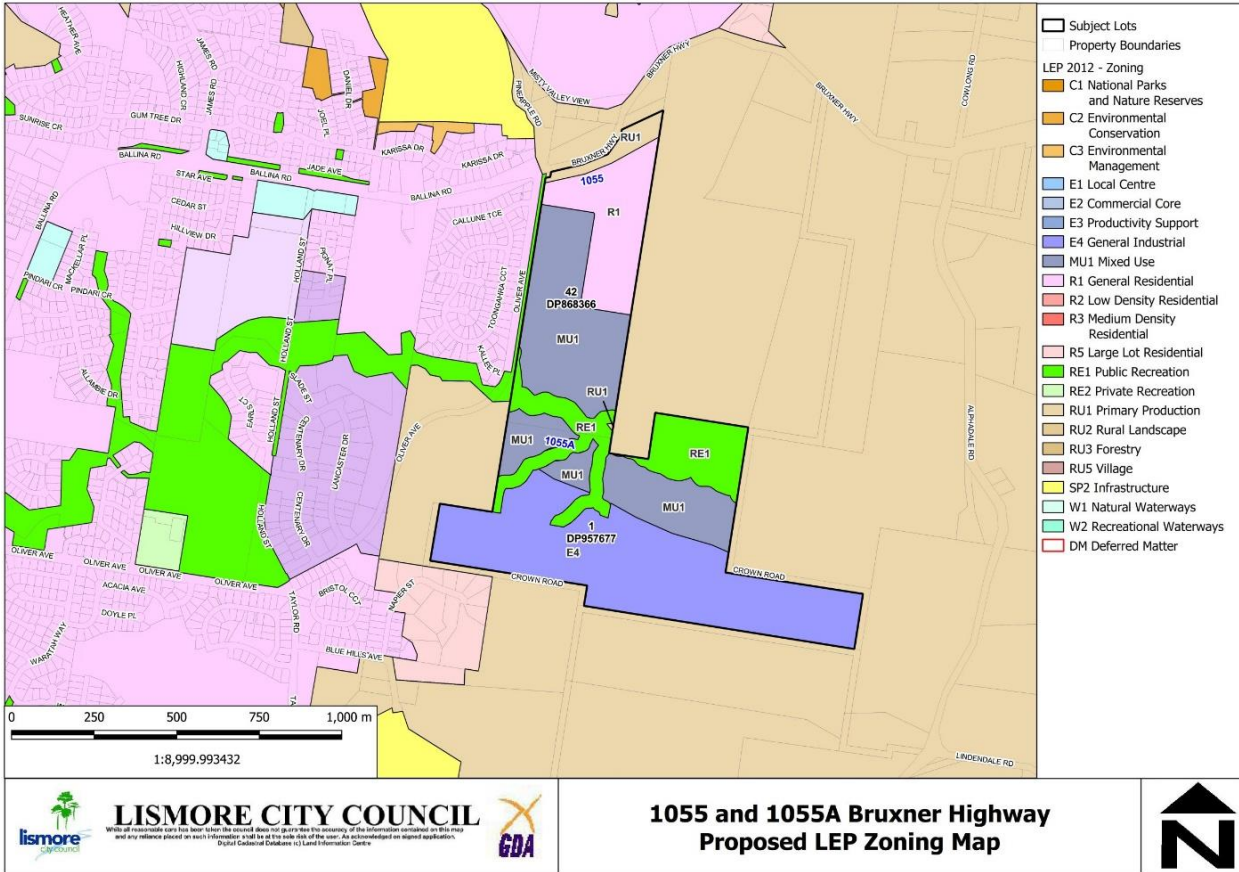


Figure 4: Existing Lot Size

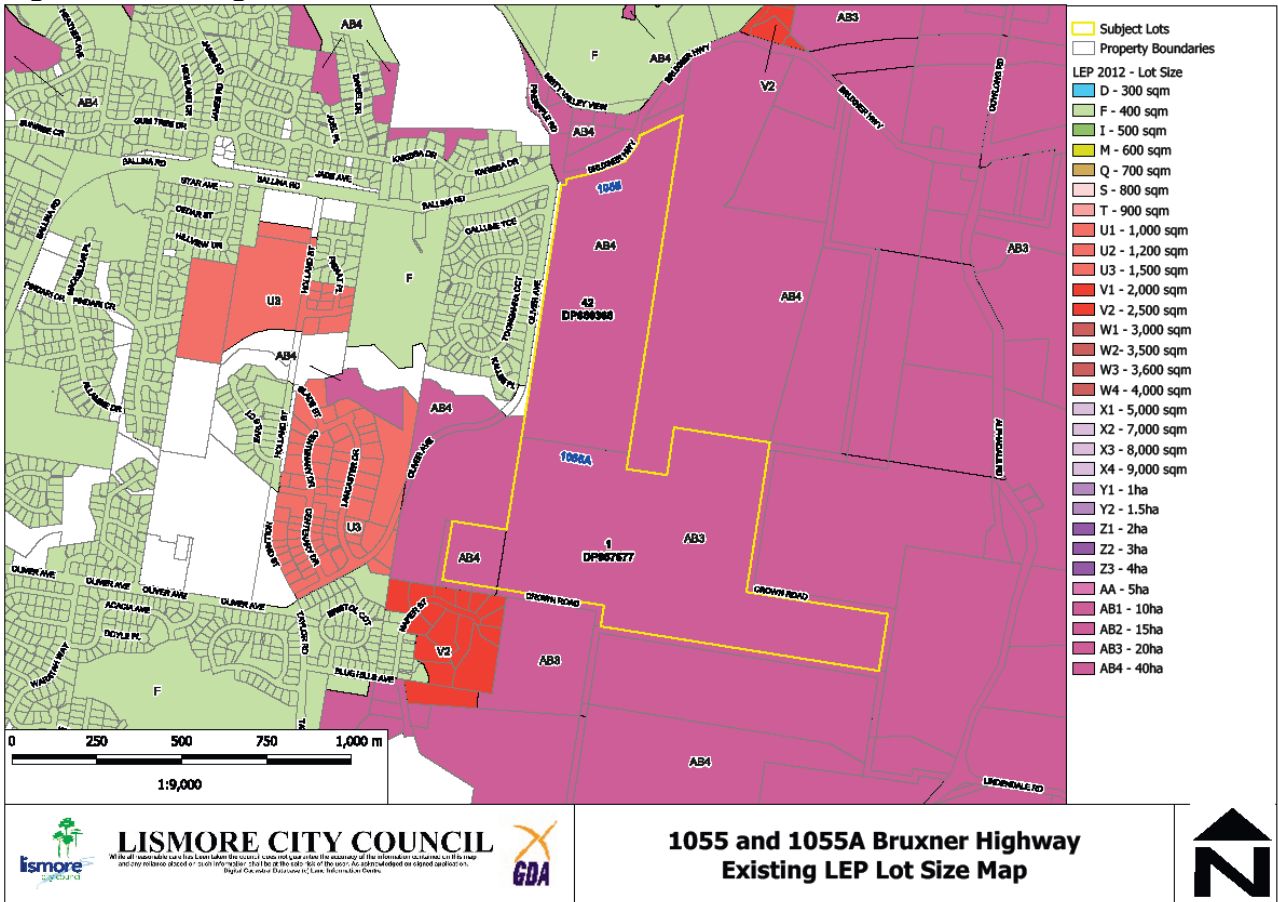


Figure 5: Proposed Lot Size

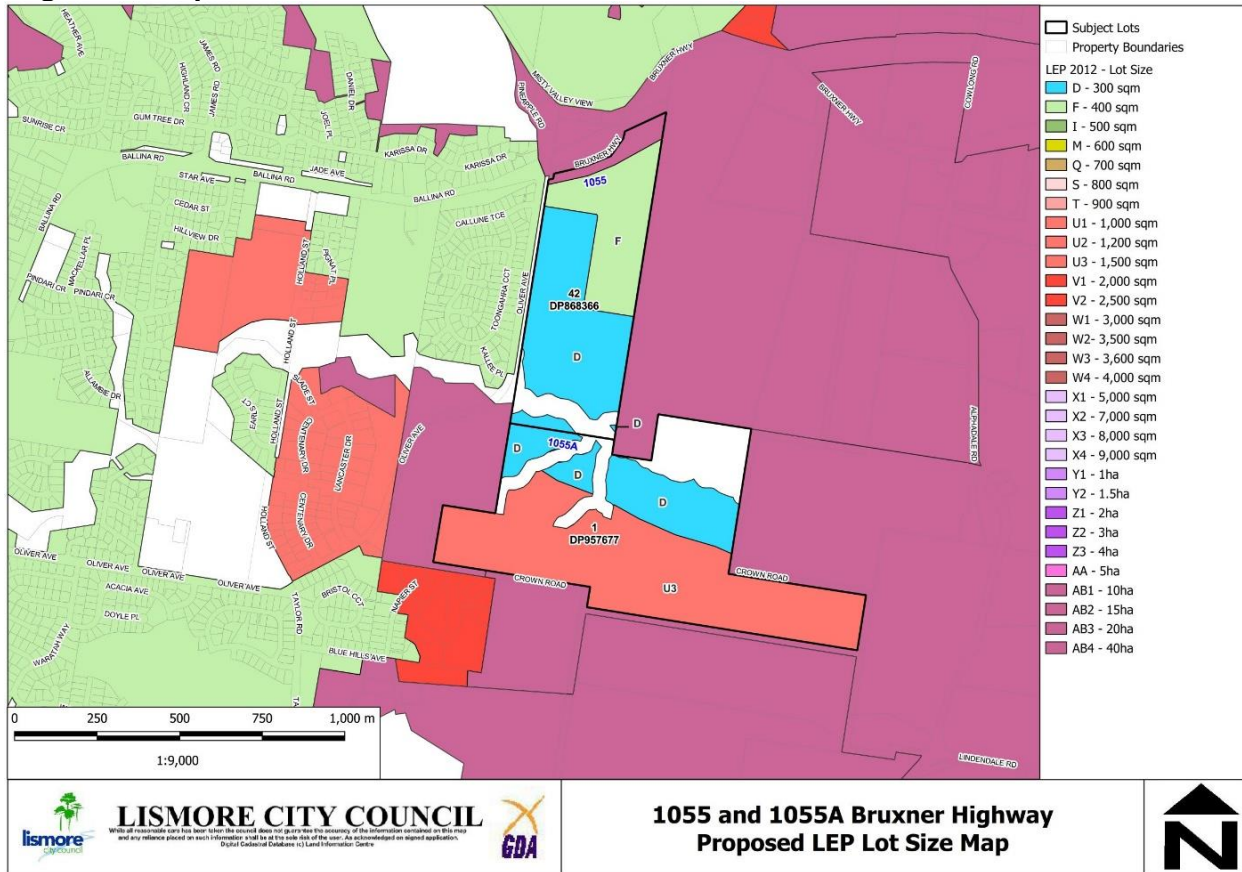


Figure 6: Existing Height of Buildings

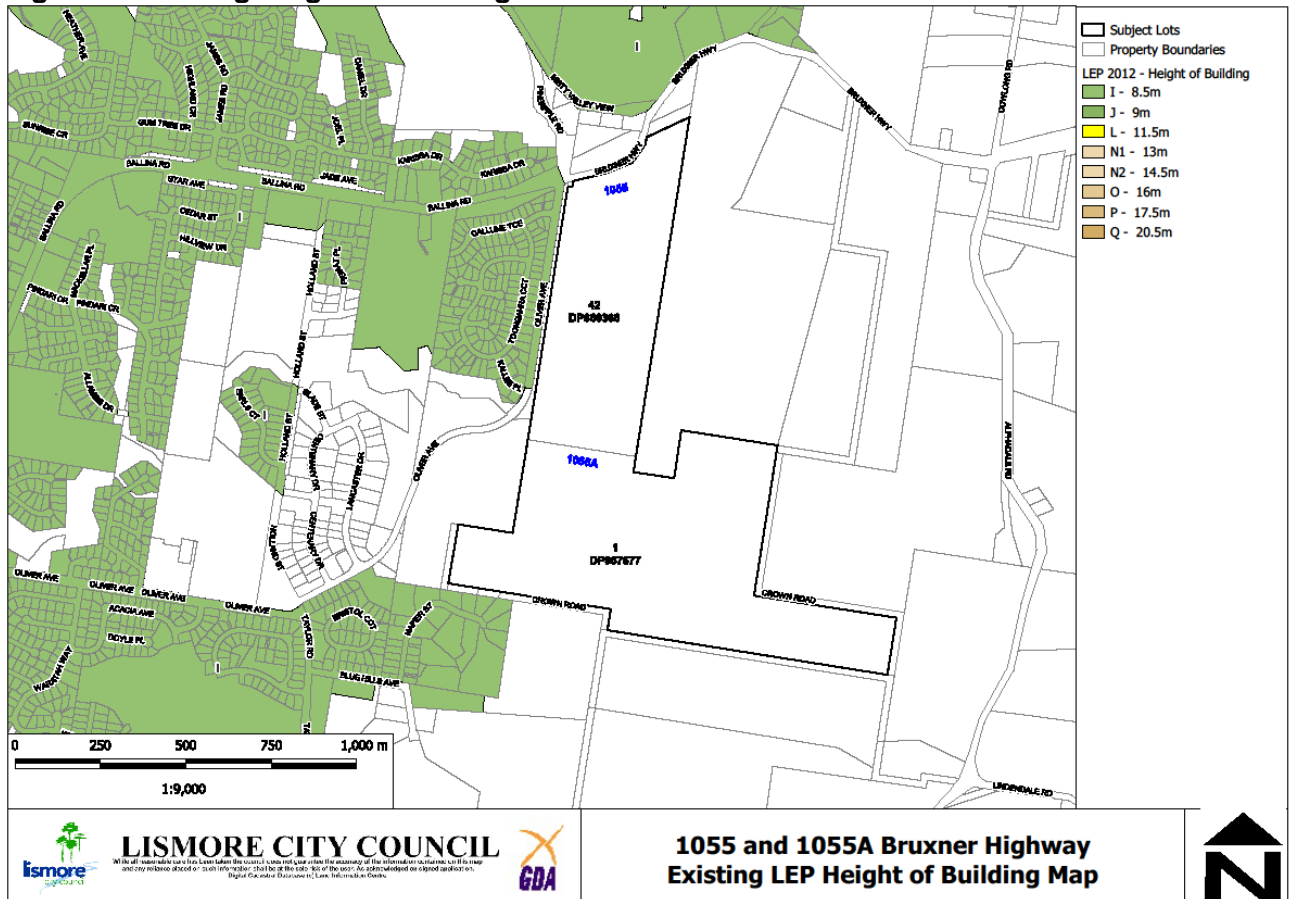


Figure 7: Proposed Height of Building

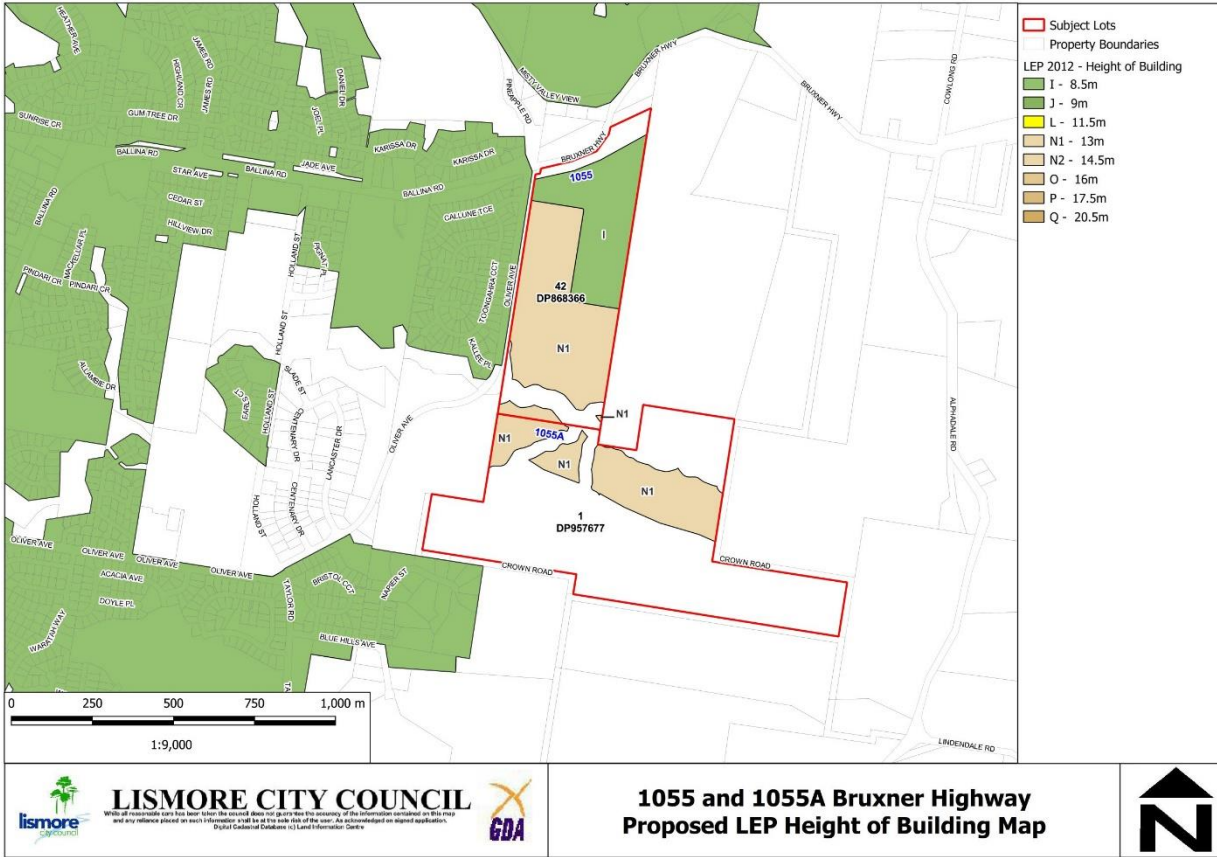


Figure 8: Bushfire prone vegetation

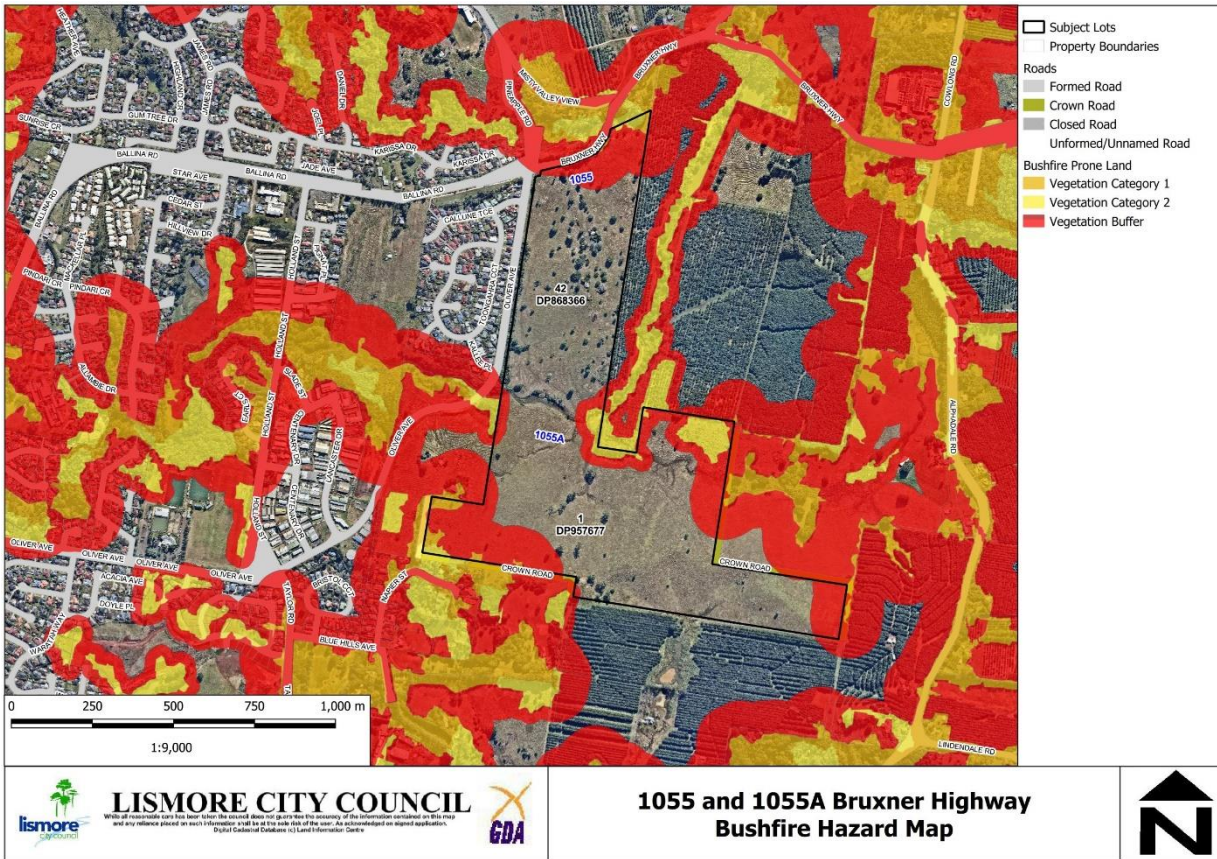


Figure 9: State Significant Farmland

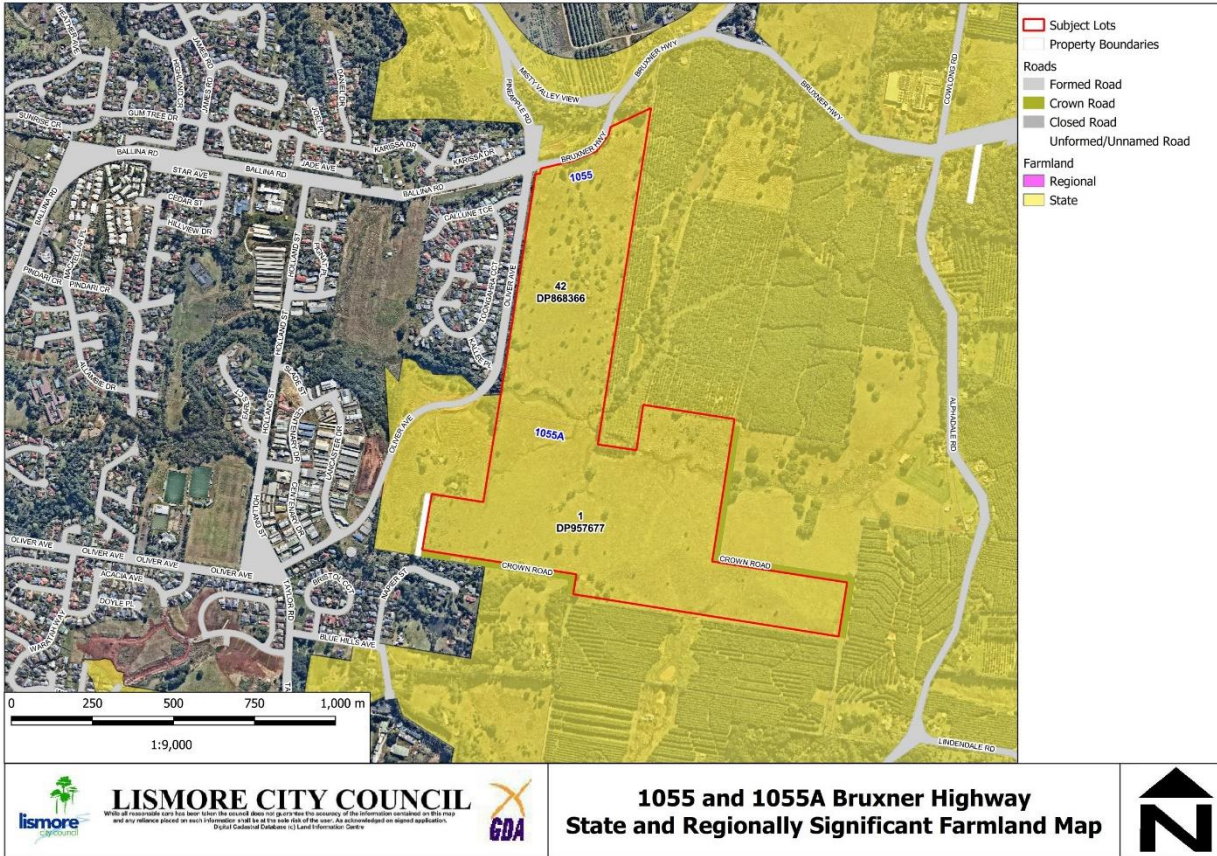


Figure 10: High Environmental Value

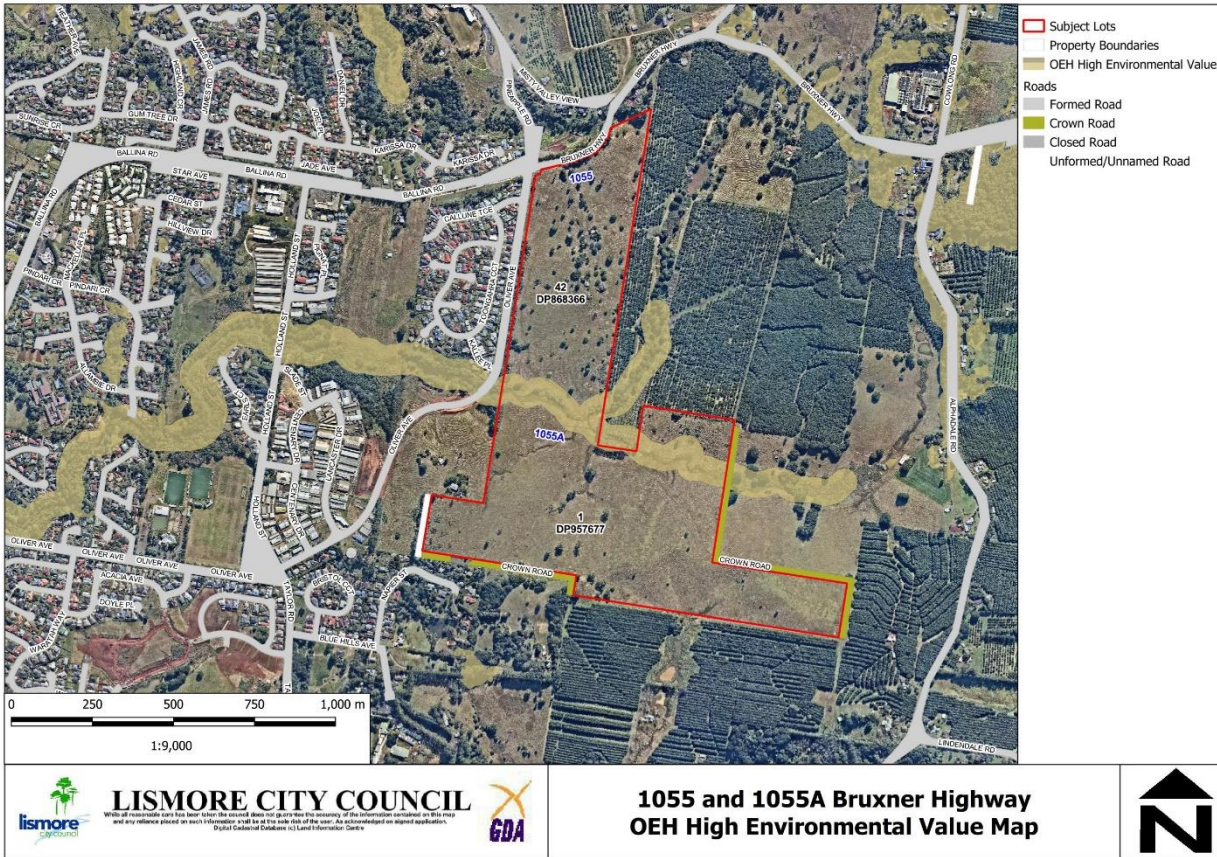


Figure 11: Biodiversity Vales Map

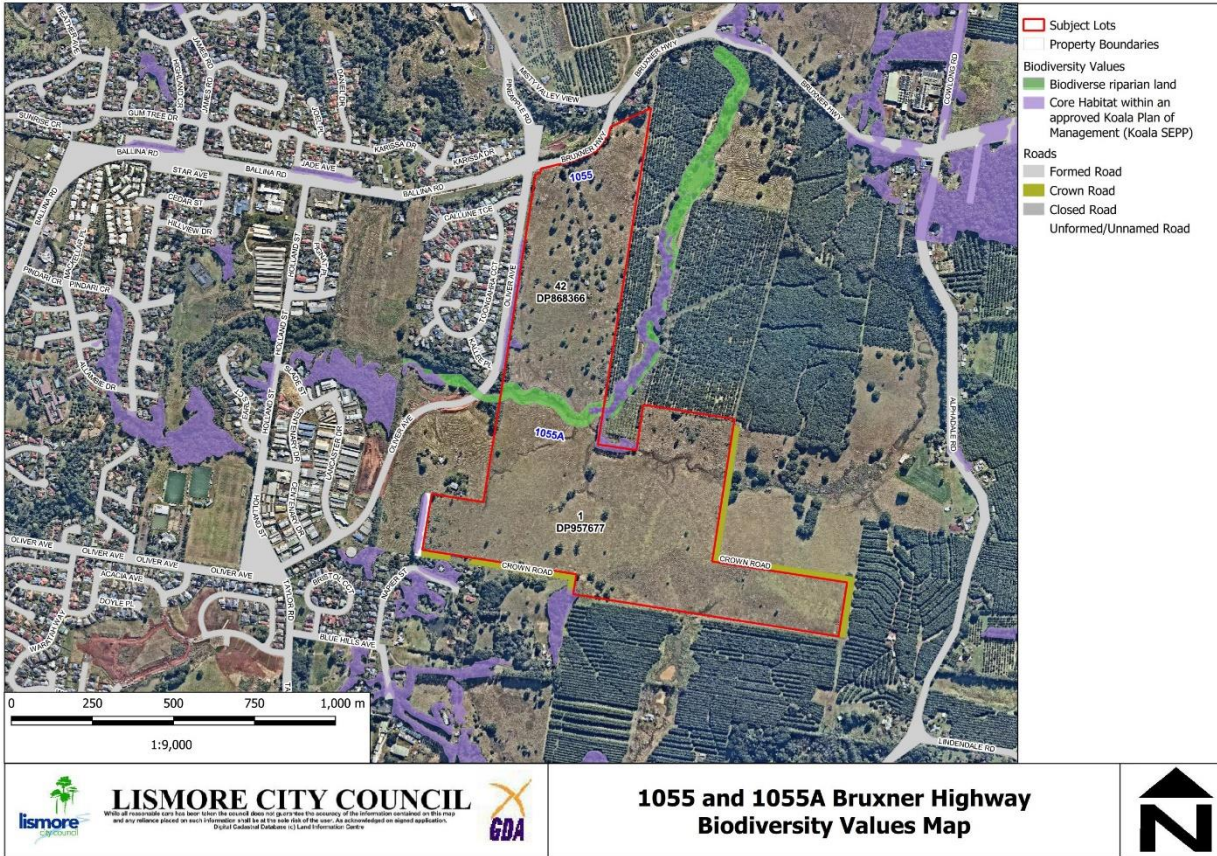
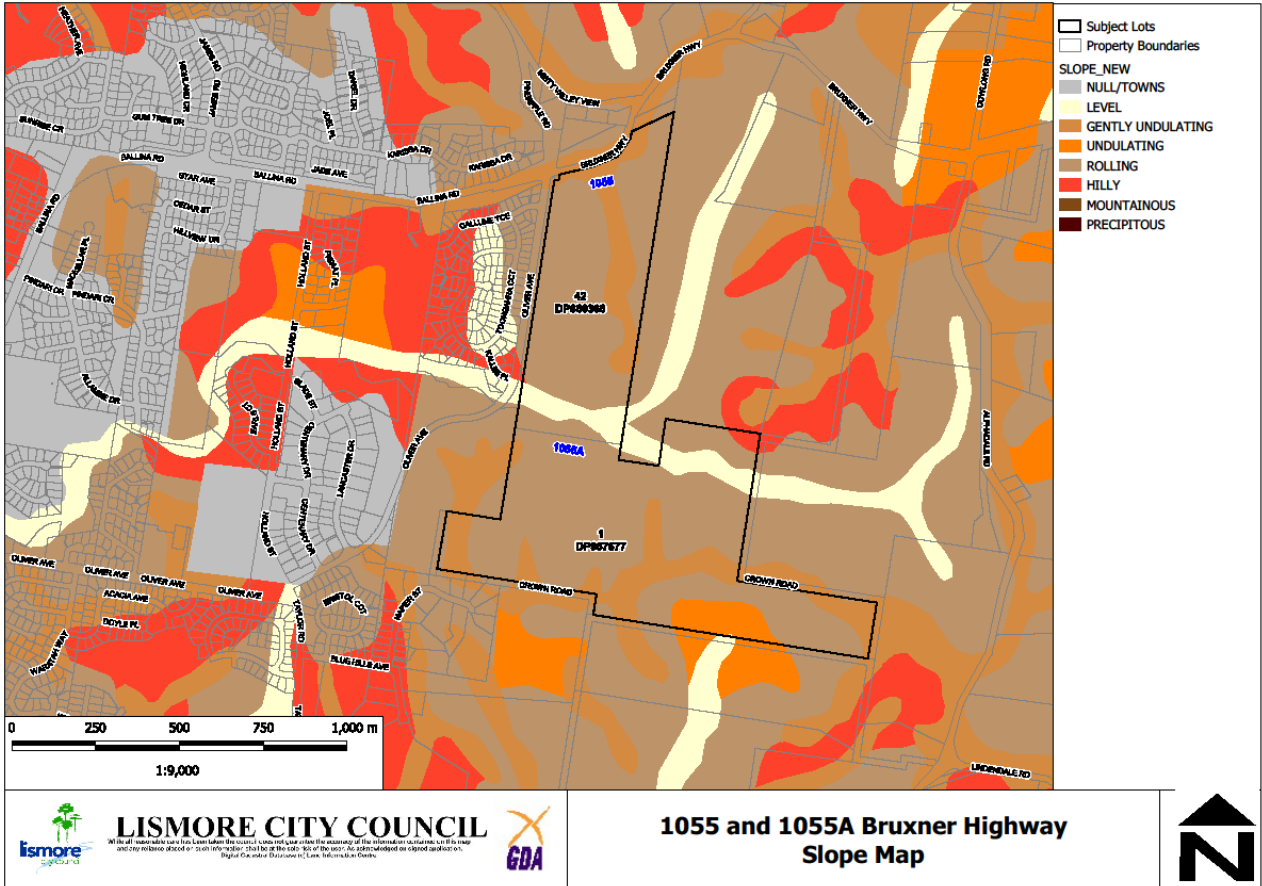


Figure 12: Topography



Part 5 - Community Consultation

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

Notification of the exhibited planning proposal will include:

- A newspaper advertisement (Local Matters) that circulates in the area affected by the planning proposal;
- On the website of Lismore City Council and the Department of Planning, Industry and Environment;
- A letter to adjoining landowners; and
- Referral to State agencies through the planning portal

The written notice will:

- Provide a brief description of the objectives or intended outcomes of the planning proposal;
- Indicate the land that is the subject of the planning proposal;
- State where and when the planning proposal can be inspected; and
- Provide detail that will enable members of the community to make a submission.

Exhibition Material:

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

The Gateway determination will confirm the public consultation requirements.

Part 6 - Project Timeline

It is anticipated that the planning proposal will be completed within the indicative timeline shown below:

- Report to Council – **November 2024**
- Gateway determination issued – **February 2024**
- Agency and public consultation – **March - April 2024**
- Consideration of submissions – **May 2024**
- Further studies prepared – **May – July 2024**
- Council consideration of the proposal post exhibition – **August 2024**
- Anticipated date of submission to the Department for notification of the making of the LEP – **December 2024**
- Anticipated date for plan making – **March 2025**

Conclusion

The Planning Proposal to rezone the land at 1055 and 1055A Bruxner Highway ((Lot 42, DP 868366 and Lot 1, DP 957677) is supported by a detailed range of technical reports. The site represents an important expansion of the Lismore urban area to the east that will allow for the creation of future housing and employment opportunities.

This site is identified in Lismore Council's Growth and Realignment Strategy (2022) and the supporting addendum that specifically addresses the need for new flood free employment lands in the region. The mix of zonings proposed across the site will allow for the integration of new housing, employment, recreation and community facilities. The Draft VPA will also ensure there are opportunities for the affordable relocation of dwellings from high flood-risk areas, as well as environmental benefits along Tucki Tucki Creek.

The proposal is considered to facilitate suitable and sustainable growth in a strategically situated location for Lismore's future.

APPENDIX 1 - Compliance with applicable State Environmental Planning Policies

State Environmental Planning Policy	Requirements	Compliance
SEPP (Primary Production) 2021	Chapter 2 Primary Production and rural development aims to facilitate the orderly economic use and development of lands for primary production and to reduce land use conflict in rural areas.	The site is not identified in Schedule 1 – State significant agricultural land within the Primary Production SEPP. Notwithstanding, the Northern Rivers Farmland Protection Project 2005 (NRFPP) classifies the site as State Significant Farmland (SSF) on the NRFPP mapping. As identified in the Agricultural Land Assessment, the site does not possess high agricultural production value despite its rural zoning due to the majority of the site being classified as Class 4 & 5 Agricultural Land which is not suitable for agricultural enterprise. Therefore, the use of the site will not threaten or undermine the values of the rural areas or the state-wide value of agricultural land. Furthermore, the Land Use Conflict Risk Assessment prepared by BRS demonstrates that the site is capable of supporting the necessary buffers and measures required to ensure no unacceptable conflict will occur between the future urban site and adjoining agricultural uses. Should the site be zoned in accordance with the planning proposal, future development applications will not be subject to an assessment against the criteria contained in Schedule 4 of the SEPP (Primary Production) 2021.

State Environmental Planning Policy	Requirements	Compliance
<p>SEPP Resilience and Hazards 2021 <i>(Previously Remediation of Land (55), Coastal Management and Hazardous and Offensive Development (33))</i></p>	<p>3 Hazardous and offensive development</p> <p>4 Remediation of Land The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land. In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment— by specifying when consent is required, and when it is not required, for a remediation work, and by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and (c) by requiring that a remediation work meet certain standards and notification requirements</p>	<p>3. Consistent. The proposed industrial lots zoned IN1 General Industrial Zone (or E4 General Industrial as per the Employment Zones Reforms adopted by DPE) may support developments such as warehouses and distribution centres which may store dangerous goods (DGs) and will need to address the relevant provisions under Chapter 3 as part of any future development applications.</p> <p>4. Consistent Clause 4.6 requires in the event of a change of land use, the planning authority must consider whether the land is contaminated and if the land can be suitably remediated for the proposed use. Question 9 of this Planning Proposal and the associated attachments have satisfactorily addressed potential contamination and remediation issues.</p>
<p>SEPP Transport and Infrastructure <i>(Previously Infrastructure and others)</i></p>	<p>No specific requirement regarding rezoning land. Chapter 2 aims to facilitate the effective delivery of infrastructure across the State by (amongst other things) identifying matters to be considered in the assessment of development adjacent to particular types of development.</p>	<p>Consistent. As the future development on the site will involve the subdivision of 200 or more allotments, and the development of 300 or more residential dwellings, future development applications will require concurrence from the Roads and Maritime Services in accordance with Schedule 3 of the SEPP.</p>

State Environmental Planning Policy	Requirements	Compliance
<i>SEPP (Housing) 2021</i>	<p>The principles of this Policy are as follows—</p> <ul style="list-style-type: none"> (a) enabling the development of diverse housing types, including purpose-built rental housing, (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability, (c) ensuring new housing development provides residents with a reasonable level of amenity, (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services, (e) minimising adverse climate and environmental impacts of new housing development, (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality, (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use, (h) mitigating the loss of existing affordable rental housing. 	<p>Consistent.</p> <p>Provisions for affordable housing, diverse housing, and housing for seniors and people with a disability may be considered as part of the future residential subdivision and development of the site.</p>

APPENDIX 2 – Compliance with Section 9.1 Ministerial Directions

Ministerial Directions	Requirements	Compliance
1. Planning Systems		
1.1 Implementation of Regional Plans	Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.	Consistent The Planning Proposal is consistent with the objections of the North Coast Regional Plan 2041.
1.2 Development of Aboriginal Land Council land	Not applicable	Not applicable. The site is not identified within the Land Application Map and a delivery plan has not been prepared for the site.
1.3 Approval and Referral Requirements	A Planning Proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning. It must not identify development as designated development unless justified.	Consistent. The Planning Proposal does not introduce new concurrence, consultation, or referral requirements. Nor does it propose new forms of designated development.
1.4 Site Specific Provisions	A Planning Proposal to allow a particular land use to be carried out must either; (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.	Consistent The Planning Proposal does not propose any unnecessarily restrictive planning controls.
1. Planning Systems – Place Based		
1.5 – 1.17	Not applicable	Not applicable
3. Biodiversity and Conservation		

3.1 Conservation Zones	<p>(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands"</p>	<p>Consistent</p> <p>The Planning Proposal facilitates the protection and conservation of the riparian corridor which is identified as a sensitive environmental area containing endangered ecological communities. This area is proposed to be zoned RE1 Public Recreation to ensure that it is protected and maintained. The ILP has been prepared to demonstrate that any future development applications for subdivision and development can achieve appropriate setbacks from areas of high biodiversity value, so as to protect and maintain waterways and natural features.</p>
3.2 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	<p>Consistent</p> <p>The site is not identified as an area of heritage significance within the Lismore LEP and an AHIMS search did not identify any Aboriginal sites or places within 50m of the subject land. The Cultural Heritage Assessment has identified five PADs where cultural items may be present and should either be avoided or excavated. The Cultural Heritage Assessment has been reviewed by a Local Knowledge Holder through the Ngulingah Aboriginal Land Council and will be referred to the Office of Environment and Heritage post gateway.</p>
3.3 Sydney Drinking Water Catchments	Not applicable	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	Not applicable
3.5 Recreation Vehicle Areas	Not applicable	Not applicable
3.6 Strategic Conservation Planning	Not applicable	Not Applicable
4. Resilience and Hazards		

4.1 Flooding	This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	Not applicable The site is not identified as flood prone land under any SEPP or LEP. Pre-lodgement consultation confirmed that the site has a flood level of approximately 140m AHD. All future works will be kept above the 140m AHD to ensure flooding is not an issue.
4.2 Coastal Management	This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.	Not applicable
4.3 Planning for Bushfire	A Planning Proposal in bush fire prone land: (a) Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to community consultation. (b) Have regard to Planning for Bush Fire Protection 2019. (c) Restrict inappropriate development from hazardous areas. Ensure bush fire hazard reduction is not prohibited within the APZ.	Consistent Portions of the site are mapped as containing bushfire-prone vegetation. The Bushfire Report prepared by Travers Bushfire & Ecology has considered the requirements of the Planning for Bushfire Protection 2019 (PBP). Bushfire protection measures have been considered and capable of being integrated within the future development. As recommended in the Bushfire Report a Asset protection zones can be achieved and maintained to ensure that potential building footprints will not be exposed to radiant heat levels exceeding 29kW/m2 residential and 40kW/m2 commercial/ industrial metre. A referral to the RFS will be undertaken post Gateway determination.
4.4 Remediation of Contaminated Land	This direction applies when a planning proposal authority prepares a planning proposal that applies to: (a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land: i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and ii. on which it would have been lawful to carry out such	Consistent. Preliminary Site Investigations have been undertaken that demonstrate the site is considered suitable for the proposed uses, subject to detailed site investigation of two areas within the site being undertaken prior to the submission of any future development application.

	development during any period in respect of which there is no knowledge (or incomplete knowledge).	
4.5 Acid Sulfate Soils	This direction applies when a planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils.	Consistent The Acid Sulfate Soil Assessment confirms the site is located on non-Acid sulfate soil on the Alstonville Plateau at Goonellabah, greater than 5 km from any mapped acid sulfate soil. As a result, acid sulfate soil is not identified as being a constraint to the proposed Planning Proposal, and no further investigation or management is required.
4.6 Mine Subsidence and Unstable Land	Applies to mine subsidence areas Applies to areas identified as unstable	Not applicable.
5. Transport and Infrastructure		
5.1 Integrating Land Use and Transport	A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).	Consistent The site will benefit from significant investment in road, rail and air-based transport infrastructure in the region, namely the improvements to Bruxner Highway between Ballina and Casino connections to Ballina and Lismore Airport, and Pacific Highway upgrades expanding connection to Newcastle and Queensland will drive future industrial developments on site. The proposed residential developments will benefit from the proximity to public transport facilities including bus stops along Bruxner Highway. The Planning Proposal, therefore, aligns with the objectives of this direction and is consistent with the principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001).
5.2 Reserving Land for Public Purposes	A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of the Department of Planning.	Consistent The Planning Proposal will not necessitate land to be acquired under Division 3 of Part 2 of the Land Acquisition (Just terms Compensation) Act 1991. The proposed RE1 Public Recreation zoned land would be designed, constructed and dedicated to Council.
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable	Not applicable The site is located approximately 12km east of the existing Lismore Airport and is not located on land that is in an ANEF or ANEC contour of 20 or greater
5.4 Shooting Ranges	Not applicable	Not applicable
6. Housing		

6.1 Residential Zones		Consistent The Planning Proposal accommodate a variety of housing options through the proposed lot typologies allowing for a mix of low to medium density housing supported by required infrastructure needs.
6.2 Caravan Parks and Manufactured Home Estates	Not applicable	Not applicable
7. Industry and Employment		
7.1 Business and Industrial Zones	Not applicable	Not applicable The Planning Proposal does not affect land within an existing or proposed business or industrial zone
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	Not applicable
8. Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable	Not applicable
9. Primary Production		
9.1 Rural Zones	A planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.	Inconsistent, but justified The planning proposal is inconsistent. The intention of the direction is to protect the agricultural production value of rural land. An Agricultural Land Assessment has been prepared by Eco Team to determine the land and soil capability of the site as well as the agricultural production value of the land. As demonstrated in the Agricultural Land Assessment, the site does not demonstrate a high agricultural production value

		<p>despite its rural zoning and historical site uses. The Agricultural assessment confirms that a majority of the site comprises Class 4 and 5 Agricultural Land which is not suitable for valuable cultivation or agriculture. Therefore, the objective of Section 9.1 direction aiming to “protect the agricultural value of rural land” is irrelevant as it has been demonstrated that the site has little agricultural value. The proposed redevelopment of the site for a mix of residential and employment generating uses will provide a positive outcome for the community. The proposed development will increase the feasibility and viability of the site, whilst also retaining the local character and identity of the site. In line with the Direction, the Proposal is justified by way of the Agricultural Land Assessment study and also through its consistency with the North Coast Regional Plan as discussed at Section B, Q3 of this Planning Proposal and Appendix 3 and 3A.</p>
9.2 Rural Lands	<p>1. A planning proposal must:</p> <p>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement</p> <p>(b) consider the significance of agriculture and primary production to the State and rural communities</p> <p>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</p> <p>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</p> <p>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</p> <p>(f) support farmers in exercising their right to farm (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use</p> <p>(h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary</p>	<p>Consistent</p> <p>The Proposal is consistent with the North Coast Regional Plan as endorsed by the Planning Secretary and the Lismore LSPS. The Proposal has considered the significance of agriculture and primary production through the preparation of an Agricultural Assessment. The Proposal has identified and is protecting the environmental values on the site. The Proposal has considered the natural and physical constraints of the land, including the topography which limits the agricultural value of the site. The Proposal includes rezoning to industrial land which could provide opportunities for investment in rural economic activities. The Proposal will support neighbouring landowners in their right to farm. The Planning Proposal does not fragment land as it is on the boundary of the existing urban growth area. The LUCRA demonstrates that the land use conflicts can be managed through on-site buffers. The SEPP (Primary Production) has been considered, see appendix 1. The Proposal has considered the social, economic and environmental interests of the community and is supported by an Economic Benefits Assessment and a Social Impact Study.</p> <p>The Planning Proposal seeks to amend the minimum lot size. It is consistent as will lead to minimal rural land fragmentation and conflict. It will not adversely affect the operation and viability of existing and future rural land uses and it is appropriately located with regards to the proximity to human services, infrastructure, transport and urban centres. The Proposal is necessary taking into account the existing and future demand and supply of rural residential land, particularly following the</p>

	<p>Production) 2021 for the purpose of ensuring the ongoing viability of this land</p> <p>(i) consider the social, economic and environmental interests of the community.</p> <p>(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</p> <p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <p>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>(c) where it is for rural residential purposes:</p> <p>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</p> <p>ii. is necessary taking account of existing and future demand and supply of rural residential land</p>	<p>natural disaster of Feb 2022 and the floods of March 2022. The Proposal will also be in accordance with Cl 5.16 of the LLEP 2012.</p>
9.3 Oyster Aquaculture	Not applicable.	Not applicable.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	<p>A planning proposal may be inconsistent with the terms of this direction only if council can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the planning proposal is consistent with:</p> <p>(a) the North Coast Regional Plan 2041, or</p> <p>(b) Section 4 of the report titled Northern Rivers Farmland Protection Project - Final Recommendations, February 2005, held by the Department of Planning and Environment.</p>	<p>Inconsistent, but justified</p> <p>The site is classified as State Significant Farmland (SSF) as per the Northern Rivers Farmland Protection Project 2005 (NRFPP). Therefore, Direction 9.4 applies to this proposal and the planning proposal is inconsistent. However, A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the Planning Proposal is consistent with:</p> <p>(a) the North Coast Regional Plan 2041, or</p> <p>(b) Section 4 of the report titled Northern Rivers Farmland Protection Project - Final Recommendations, February 2005, held by the Department of Planning and Environment.</p>

		<p>The Planning Proposal addresses subsection (a) under Direction 9.4 and demonstrates that this Planning Proposal remains consistent with Direction 9.4 and suitable to be rezoned. The consistency with the North Coast Regional Plan is discussed at Section B, Q3 of this Planning Proposal, with the farmland variation criteria being addressed at Appendix 3 and 3A.</p>
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APPENDIX 3 – North Coast Regional Plan 2041, Urban Growth Area Variation Principles

Principle		Compliance
Policy	The variation needs to be consistent with the objectives and outcomes in the North Coast Regional Plan 2041 and any relevant Section 9.1 Directions and State Environmental Planning Policies and should consider the intent of any applicable local growth management strategy.	Compliant, <ul style="list-style-type: none"> • The proposal is consistent with NCRP goals as outlined in response to Q3 • The proposal is compliant with relevant Section 9.1 Directions, as set out in appendix 2. • The proposal is within an adopted and endorsed Growth and Realignment Strategy.
Infrastructure	<p>The variation needs to consider the use of committed and planned major transport, water, and sewerage infrastructure, and have no cost to the government.</p> <p>The variation should only be permitted if adequate and cost-effective infrastructure can be provided to match the expected population</p>	Compliant, <ul style="list-style-type: none"> • Technical investigations have been undertaken to assess the impact of the proposal on existing and planned infrastructure. • The technical reports confirm that augmentation and upgrading works will be required to expand the existing water servicing, sewer servicing, and stormwater infrastructure to support future development at the site. The detail of costing and designing a preferred upgrade method will be determined post-gateway. It is expected that NRRC recovery funding (or other State funding) will be provided to cover the cost of these upgrades. • Early consultation with NBN and Essential Energy will be undertaken to provide communications services and electricity services to future lots within the development. This will be executed post-gateway. • The site will benefit from significant investment in road, rail and air-based transport infrastructure occurring in the region, namely the improvements to Bruxner Highway between Ballina and Casino connections to Ballina and Lismore Airport, and Pacific Highway upgrades expanding connection to Newcastle and Queensland. Furthermore, the site benefits from the \$14 million government investment to construct the Oliver Avenue Link as part of the Lismore Employment Lands Project.
Environmental and heritage	The variation should avoid, minimise and appropriately manage and protect any areas of high environmental value or of Aboriginal and non-Aboriginal heritage.	Compliant, <ul style="list-style-type: none"> • The proposal provides an opportunity to rehabilitate and protect the degraded environmental area along Tucki Tucki Creek in perpetuity

Principle		Compliance
		<p>and will ultimately improve the biodiversity and ecological value of the corridor and site. An Ecological Assessment Report identified the site's ecological values and concluded the proposal and indicative layout plan appropriately manage the ecological values of the site and integrate them into open space zones with the intention of achieving a net benefit to wildlife habitat and connectivity. The site is predominantly cleared of threatened flora and fauna. Where threatened flora and fauna have been identified, appropriate mitigation and protection measures are identified to ensure they are not adversely impacted. As such, it is considered that the proposal is appropriate to support the proposal in terms of environmental values.</p> <ul style="list-style-type: none"> • The Ecological Assessment highlights that some trees within a mapped Biodiversity Values Map may need to be offset and removed to allow access to the site along Oliver Avenue. This is considered suitable and the offsetting plan will be developed with Council. • An assessment of European and Aboriginal heritage has been undertaken with no items of significance identified. • Five areas which meet the criteria for being classified as a Potential Archaeological Deposit (PAD) were identified. To ensure these are protected archaeological test excavation can be undertaken at the DA stage to determine: <ul style="list-style-type: none"> ○ If the subsurface archaeological deposit is present. ○ Determine what the nature and extent is for any archaeological deposit. <p>Provide recommendations for the management of archaeological deposits where present.</p>
Avoiding risk	<p>The variation must avoid physically constrained land identified as:</p> <ul style="list-style-type: none"> • flood prone; • bushfire-prone; • highly erodible; and • severe slope. 	<p>Compliant,</p> <ul style="list-style-type: none"> • The site is generally free of natural hazards or unacceptable physical constraints. • The site is not identified as flood prone land. • The site-specific Contamination and Acid Sulphate Soil Assessments confirm the site is suitable for development.

Principle		Compliance
		<ul style="list-style-type: none"> Given the site's current use as grazing land, the site is largely cleared of woody vegetation, and as such does not contain bushfire prone vegetation. Notwithstanding, small portions of the site are designated prone land. The Bushfire Constraints and Opportunities Assessment and Indicative Layout Plan, demonstrate that adequate asset protection zones are capable of being incorporated into the detailed design of future development. The bushfire report confirms the requirement of Planning for Bush Fire Protection 2019 can be satisfied with minimal environmental impact and suitable APZ's are available. The geotechnical report submitted with the proposal confirms the site is suitable for the proposed residential, commercial, and industrial development from a geotechnical perspective and recommends controls in relation to the management of the slope of the land. A slope risk assessment indicates that there is a Low to Moderate risk of slope instability within inappropriately constructed fill slopes and excavations. The risk of instability for hazards can be reduced to Low by adhering to the recommendations within the geotechnical report. The geotechnical report confirms that soils identified on-site and in previous engineering logs indicate the soils are not overly erodible in nature.
Coastal area	Only minor and contiguous variations to urban growth areas in the coastal area will be considered due to its environmental sensitivity and the range of land uses competing for this limited area.	NA
Land use conflict	The variation must be appropriately separated from incompatible land uses, including agricultural activities, sewage treatment plants, waste facilities, and productive resource lands.	<p>Compliant,</p> <ul style="list-style-type: none"> The LUCRA identified a number of potential land use conflicts based on the proximity of intensive horticultural uses to portions of the site proposed to be zoned as residential and to a lesser extent, industrial. The LUCRA contains a number of mitigation measures that have been identified to either prevent any land use conflict or reduce the risk of conflict to a negligible level. These mitigation measures ensure the

Principle		Compliance
		<p>minimisation of conflict and risks and demonstrate that the proposal will not result in significant land use conflicts.</p> <ul style="list-style-type: none"> • Lismore City Council Development Control Plan – Buffer Areas, recommends that dwelling sites adjoining horticultural land have a setback of 80m with an inclusive 30m vegetation filter buffer. The indicative layout plan illustrates how these buffers can be incorporated into the future design of the site to ensure these requirements are satisfied. The LUCRA report confirms there are no major risks arising from the relationship between agricultural uses and future urban development on the site. • Following a recent Council resolution to amend the Lismore Growth & Realignment Strategy, the site is identified as an additional urban release area. Furthermore, the site comprises unconstrained land that can readily facilitate the form of urban development being proposed without compromising the amenity and function of the surrounding activities.
Important Farmland	<p>Is contiguous with an existing urban zone and the need and justification is supported by a sound evidence base addressing agricultural capability and sustainability and is either for:</p> <ul style="list-style-type: none"> • a minor adjustment to ‘round off an urban boundary’, or • if demonstrated through a Department approved local strategy that no other suitable alternate land is available, and if for housing, that substantial movement has been demonstrated toward achieving required housing delivery and infill targets within existing urban growth area boundaries. 	<p>Compliant,</p> <ul style="list-style-type: none"> • The site is included with Lismore City Council’s Growth and Realignment Strategy (GRS) and its Addendum and is no longer considered to be outside of Lismore’s growth boundaries. The land directly to the west of the proposal site includes E4 General Industrial land containing existing industrial businesses and R1 consisting of a residential estate known as The Regatta. Land directly north of the site, across the Bruxner Highway, is the Pineapple Road residential precinct, zoned R1 general Residential and subject to DA approved residential subdivisions. A small area of the land directly south is zoned R5 Large Lot Residential and contains existing dwellings. • The GRS commits Lismore to plan for a higher growth scenario and ensure there is sufficient flood free residential land to facilitate growth and relocation of flood affected homes and businesses over the medium and long term. As a regional city, in a highly constrained, unaffordable yet desirable sub-region of the North Coast NSW, Lismore has the opportunity to re-imagine itself and ensure its survival

Principle		Compliance
		<p>post-natural disaster. Lismore City Councils strives to supply suitable land for the relocation of existing communities and provide opportunities for growth, beyond DPE population projections.</p> <ul style="list-style-type: none"> • The site is also identified with the NRRC's Resilient Lands Strategy as a short term site. • An agricultural assessment has been carried out and as discussed in response to Q3, the assessment demonstrates that the site is not the most productive or valuable agricultural land. State Significant Farmland (SSF) and State Significant Agricultural Land (SSAL) are determined based on a Land Capability Assessment. The area between Alstonville to Goonellabah, is identified as Class 3 Land (moderate limitations) according to the Land and Soil Capability Mapping (eSpade 2022). Land capability maps are created relying upon a range of input layers that may vary in quality. This 'macro level' mapping is not considered suitable by NSW DPI for assessing planning proposals or development applications. Therefore, to determine the agricultural production quality of land, detailed site investigations are required which consider slope, soil depth, and site constraints. An agricultural assessment report was undertaken for the subject site (Ecoteam, August 2022). Assessment of the site reveals that the agricultural viability is identified as follows: • Class 3 and 4 Agricultural Land: The ridge terrain is identified as Class 3 Agricultural Land and hillslope terrain is identified as Class 4 Agricultural Land. Class 3 and 4 terrains and make up approximately 14ha (18.6%) and 39ha (52%) respectively. Limitations to class 3 and 4 land are the steep slopes (up to 30%), erosion hazards, and the very limited depth of arable soil (10 cm). This terrain may be suited to speciality crops such as macadamias, however, the steep hillslopes and rock outcrop footslopes of the subject property make the use of this land for this type of agriculture very limited. • Class 5 Agricultural Land: The footslope/gully terrain is identified as Class 5 Agricultural Land. Class 5 land takes up approximately 22ha (30%) of the site due to poor soil, rock outcrops and land use conflicts with the creek and drainage lines. As a result, the Agricultural

Principle		Compliance
		<p>Assessment assigns the subject property an overall Class 5 Agricultural Land classification which is not suitable for agricultural enterprise.</p> <ul style="list-style-type: none"> • The report concludes that; <i>The subject property was found to contain a high portion of Class 5 Agricultural Land within footslopes and gullies. This land type is unsuitable for agriculture, or light grazing. Agricultural productivity is very low or zero as a result of severe constraints, including economic factors. Hillslopes at the site contained Class 4 Agricultural Land which is suitable for grazing but not for cultivation. Although the ridges have potential to be used as Class 3 Agricultural Land for specialty crops such as macadamias, this landscape is limited and only occupies a very small portion of the property.</i> • The NCRP 2041 reaffirms the 40% multi-dwelling / small lot (<400sqm) housing target to 2036 that was set within the previous NCRP. The target was established to support housing diversity and choice, improve affordability, and help meet the needs of an ageing population and an anticipated reduction in household size. Strategy 1.3 of the NCRP encourages Council's to prioritise infill development to assist in meeting the target. The site is not infill development, however it shares the intention of providing a diversity of housing types, including multi-dwellings and residential flat buildings and small lots. • The Planning Proposal seeks to rezone a large portion of the site to MU1 mixed use with a 300sqm minimum lot size. The estimated residential lot yield is for 346 lots. Therefore, the proposal will significantly contribute to the goal of providing multi-dwelling or small lot housing by 2041.