



Richmond
Valley
Council

Council's Reference: ECM#1935555

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21 December 2022

Luke Fittock
Newton Denny Chapelle
PO Box 1138
LISMORE NSW 2470

email lfittock@ndc.com.au

Dear Luke

Subject: Scoping Study – Pre-lodgement Minutes and Advice – Large Lot Residential rezoning for 70 Manifold Road North Casino

Thank you for attending the Pre-lodgement Meeting on 27 October 2022 for a proposal to rezone Lot 21 DP601461, 70 Manifold Road North Casino. Please find attached the Pre-lodgement assessment summary and minutes of the meeting for your consideration in the preparation of a planning proposal.

Should you have any enquiries regarding this assessment, please do not hesitate to contact me at tony.mcateer@richmondvalley.nsw.gov.au or phone 02 66600276.

Yours sincerely,

Tony McAteer
Strategic Land Use Planner
Encl.

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Scoping Study

Pre-lodgement Advice and Minutes

1. Proposal Details

Application No.	
Proponent	Newton Denny Chapelle Luke Fittock
Lot and DP Area	Lot 21 DP601461 9.683 ha
Address	70 Manifold Road NORTH CASINO
Description of proposal	<p>The proposed seeks to amend the <i>Richmond Valley Local Environmental Plan 2012</i> (the LEP) to rezone part of the land to enable its development for large lot residential having a minimum lot size of 7,500m².</p> <p>The proposed amendment of the LEP would include:</p> <ul style="list-style-type: none"> changes to the Land Zone Map to change the land zone from Zone RU1 Primary Production to Zone R5 Large Lot Residential changes to the Lot Size Map to change the minimum lot size (MLS): <ul style="list-style-type: none"> from 40ha to 7,500m² changes to the Dwelling Opportunity Map to remove the opportunity
Planning proposal category	Standard
Documents reviewed	<p>Scoping Proposal dated 25 July 2022 including:</p> <ul style="list-style-type: none"> Strategic Merit considerations Site specific considerations Preliminary environmental considerations Discussion points <p>Plan 1 Location</p> <p>Plan 2 LEP Mapping Zone</p> <p>Plan 3 Concept Subdivision Layout</p> <p>Plan 4 Preliminary Site Analysis</p>

Strategic justification for proposal	<p>This proposed rezoning has strategic merit and is consistent with the strategic documents applicable to projects within the Richmond Valley LGA (as demonstrated in Table 2 of the Scoping Proposal).</p> <p>North Coast Regional Plan 2036 – Direction 24 – Deliver well-planned rural residential housing areas (Action 24.1 – Facilitate the delivery of well-planned rural residential housing areas by - identifying new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment (Local and Regional Planning) (DPE).</p> <p>Richmond Valley LSPS – Planning Priority 1 – Have well planned and designed spaces to grow – Action 1.1 Prepare Local Growth Management Strategies to sustainably grow the region's population and investigate new and innovative ways to accommodate projected population growth.</p> <p>Richmond River Rural Residential Development Strategy 1999 – The entire land is contained within the boundaries of an identified rural residential development area at North Casino (within the Casino/Rural Catchment). Identification of land within this boundary is no guarantee that it will be suitable for rural residential purposes as additional constraint considerations are required to demonstrate that the land is, amongst other things, flood free, not contaminated, not prime crop or pasture land (not to be confused with significant farmland), not high environmental value (HEV) habitat, not subject to landslip risk, constrained by adjoining inconsistent land uses, etc.</p> <p>Draft Richmond Valley Growth Management Strategy 2022 – the land is identified on Figure 13 of the GMS as being within a rural residential growth area boundary at North Casino.</p> <p>Rezoning of the land will be subject to demonstrating the land (or that part to be developed) is suitable for rural residential development and un-constrained by flooding, contamination, biodiversity etc.</p>
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2. External referrals

There were no external referrals made for this Scoping Proposal.

The proposal seeks to rezone part of a Crown road reserve. Consultation will be required with the Department of Lands to determine if it has any concerns with the proposal.

Post-Gateway referrals will be required with NSW Rural Fire Service, BCD, and Heritage NSW.

3. Pre-lodgement Meeting

The Pre-lodgement meeting is Stage 1 of the new *Local Environmental Plan Making Guideline*. It is designed to facilitate discussion during the preparation of a Planning Proposal which will ultimately be the principle document to explain the development proposal and intended amendments to the LEP, and be used to guide consultation and the drafting of the LEP Amendment.

Location	Richmond Valley Council "Tomki Room"	Date	27 October 2022
Chair	Tony McAteer	Time	9.30am to 11.30am
Attendees	External: <ul style="list-style-type: none"> ■ Luke Fittock – Newton Denny Chapelle Agency: <ul style="list-style-type: none"> ■ Nil Council: <ul style="list-style-type: none"> ■ Tony McAteer – Strategic Land Use Planner 		

4. Site assessment

Site description

The land is located on the fringes of an existing rural residential precinct at North Casino and comprises of Lot 21 DP601461 (see Annexure A) having an area of 9.683ha. The land gently slopes and drains towards Manifold Road (to the south-west).

The land is divided by a Crown road reserve comprising of about 0.319ha.

The submitted Scoping Proposal included a preliminary site analysis (see figure 2).

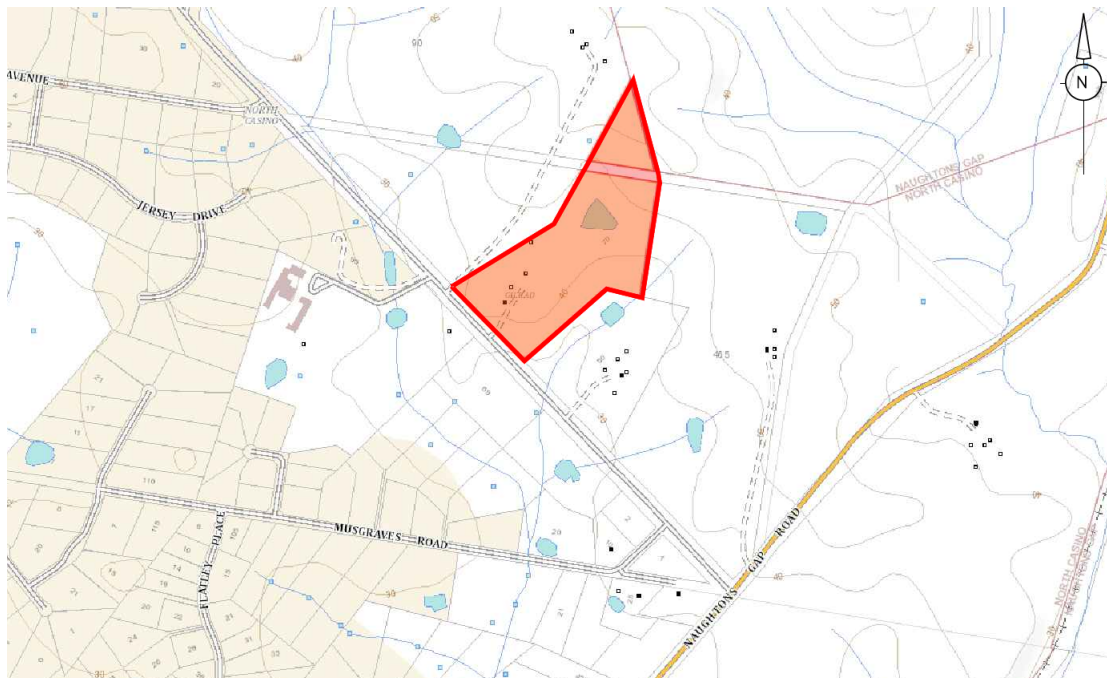


Figure 1 – Locality Plan for 70 Manifold Road North Casino (extracted from Scoping Proposal 25 July 2022)

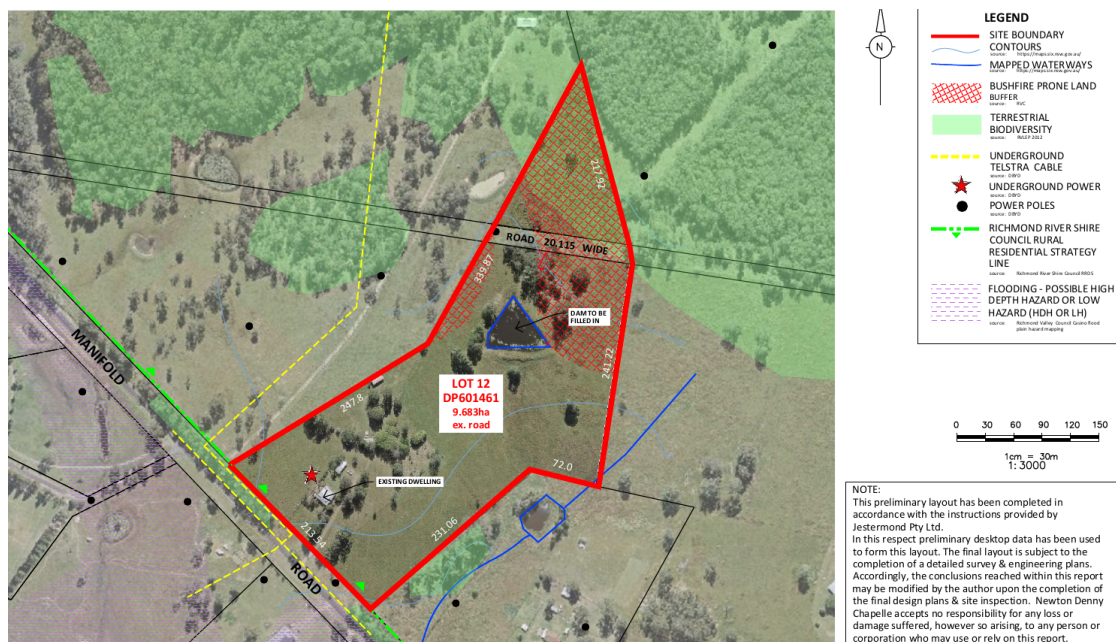


Figure 2 – Preliminary Site Analysis (extracted from Scoping Proposal 25 July 2022)

History and current land uses

Lot 21 is currently zoned RU1 Primary Production under the *Richmond Valley Local Environmental Plan 2012*. The land comprises of cattle grazing across mostly cleared pasture. Additional land attributes include:

- subdivision minimum lot size of 40ha
- dwelling opportunity
- bushfire prone land – buffer – revised bushfire guidelines would also include grassland as a category of bushfire hazard vegetation
- terrestrial biodiversity mapping in the northern tip

The land is not mapped as being flood prone, but it does contain several drainage lines (see figure 2) that capture stormwater from relatively small catchments.

There is currently a dwelling towards the front of the lot.

Council has no contamination identified for this land. However, a preliminary contaminated land assessment will be required to review past land use patterns.

5. Advice for preparing a planning proposal

Comments on the scope of the proposal

The following comments are provided regarding the scope of the proposal:

Section 2 The Proposal

2.2 Concept Subdivision Layout

- layout nominates an internal public road
- there is the potential for up to 4 separate property developments in this vicinity to occur along the northern side of Manifold Road. Council will prefer to minimise the number of new intersections created along this stretch of road, therefore, consideration is needed for inter-property road connectivity.

- Proposed Lot 3 is currently compromised by an existing farm dam and a patch of native vegetation to its north. The Planning Proposal needs to demonstrate how this lot (and others) will accommodate a future dwelling including OSMS wastewater disposal area(s), bushfire APZs, setbacks and the management of native vegetation.
- Proposed Lot 4 has the potential to be further subdivided into 4 lots. While this is not proposed as part of the concept the Planning Proposal must be assessed as if it could be further subdivided, or nominate a larger MLS to enable its creation. In this regard, Council is not supportive of creating battle-axe lots and provision must be made to enable the extension of the internal road to service additional lots should this come to fruition.

2.3 Services

- an OSMS assessment will be required to support a reduced MLS to 7,500m². The assessment must demonstrate each lot will have ample land area for a dwelling, sheds, outbuildings, setbacks, and wastewater land application area including a backup/duplicate disposal area.
- engagement will be required with Essential Energy & NBN for the provision of low voltage electricity and telecommunication services to the lots.

Section 3 Strategic Merit

North Coast Regional Plan

The Scoping Proposal identifies the land is as being within an 'Investigation Area – Urban Land' under the *North Coast Regional Plan (NCRP)* and Council's LSPS. Whilst this is correct the Scoping Proposal loses sight of the strategic intent of this investigation and that it reserves the land for fully serviced urban development. Likewise, the map provided relates to urban development and not rural residential.

Council recently gave in-principle support to a Draft Growth Management Strategy and Draft Casino Place Plan so they could be publicly exhibited. These plans investigated the feasibility of developing this North Casino precinct for urban purposes and concluded that there is insufficient land area & yields to make urban development viable given the cost to extend essential services from the Casino township. They therefore conclude the land should be removed as being within an "Urban Growth Boundary" and be permitted to be developed for rural residential.

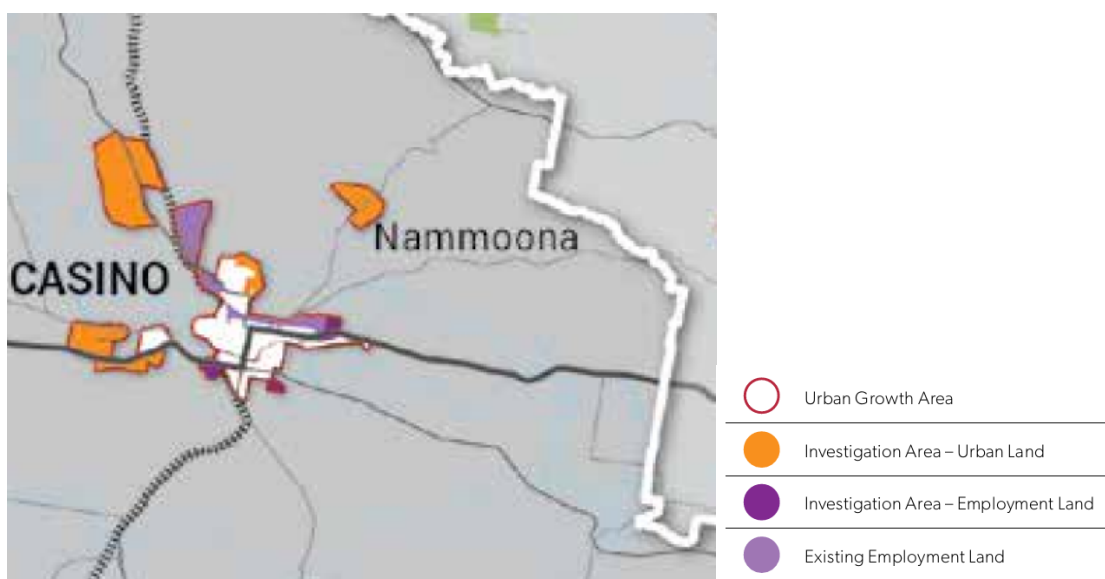


Figure 3 – Extract from NCRP – Urban Growth Area Map for Richmond Valley LGA (figure 17)

The NCRP supports the delivery of well-planned rural residential housing areas (Direction 24) that are identified within an endorsed strategy.

Richmond River Rural Residential Development Strategy

The land is strategically identified in the *Richmond River Rural Residential Development Strategy 1999* as having potential for rural residential within the Casino/Rural precinct (see figure 4). While the Strategy attempted to eliminate constrained lands from being considered for rural residential development, it acknowledges that further site-specific merit considerations are required before land will be supported for rezoning. These considerations include (section 6.1.1):

- **protect the environment**—achieve water quality objectives; stormwater & erosion management; threatened species, habitat and vegetation management/conservation including wetlands & littoral rainforests; site contamination avoidance/mitigation; on-site sewage management; bushfire management; flood risk management; manage acid sulfate soils; protect riparian zones; due diligence Aboriginal cultural heritage assessments and heritage values; visual impact assessment; and energy conservation.
- **provide for people's needs**—on-site sewage management system (OSMS); education of residents to environmental hazards, Landcare and property management principles; having bitumen sealed roads to service centres; promote compatible communities and self-reliance.
- **be compatible with land use and character of the locality**—preserve prime agricultural land; buffer intensive agricultural uses; protect landscape values; privacy; protect existing extractive industries.
- **have efficient servicing and be self-reliant**—investigate the use of existing services; promote alternative energy supplies; use community waste treatment systems; locate close to bus routes; encourage minimal use of resources and construction, and
- **manage community resources**—provide a legal structure and land ownership to promote community resource management; implement principles of resource management; and developer contributions.

In this regard the Planning Proposal needs to address these considerations at the property scale to demonstrate the land's suitability to be rezoned as Large Lot Residential. Further information on potential constraints are addressed later in this report.

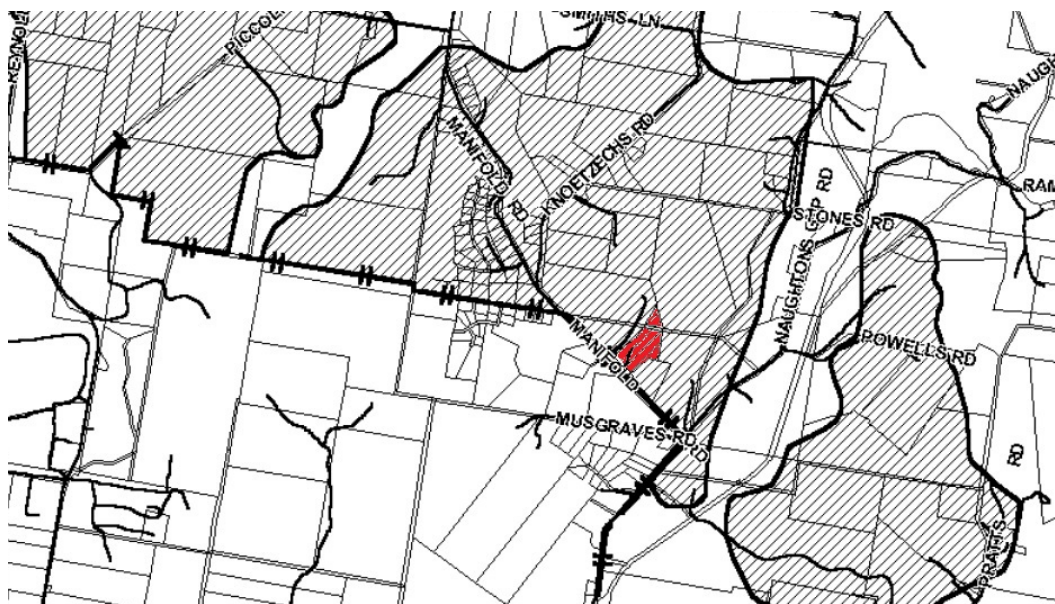


Figure 4 – Extract from *Richmond River Rural Residential Development Strategy 1999* – with subject 70 Manifold Road North Casino highlighted in red

Draft Growth Management Strategy (GMS)

As indicated above, part of the land is contained within an Urban Investigation Area under the NCRP. At the time of the Scoping Meeting Council was negotiating with consultants preparing GMS to include actions that recommend-

- removing the North Casino Urban Growth Boundary from the NCRP, and
- adoption of modify Rural Residential Growth Boundaries from the *Richmond River Rural Residential Development Strategy*.

The GMS was given in-principle support by Council on 15 November 2022 and was placed on publicly exhibited from 30 Nov 2022 through to 28 Feb 2023. The rural residential growth boundary map (see figure 5) includes the subject land for consideration as rural residential development subject to avoiding constraints such as high environmental value (HEV) habitat, flooding, contamination, unsuitable building and/or effluent disposal areas, and buffer areas to intensive rural enterprises such as cropping, extractive industries, rural industries, or other conflicting land uses.

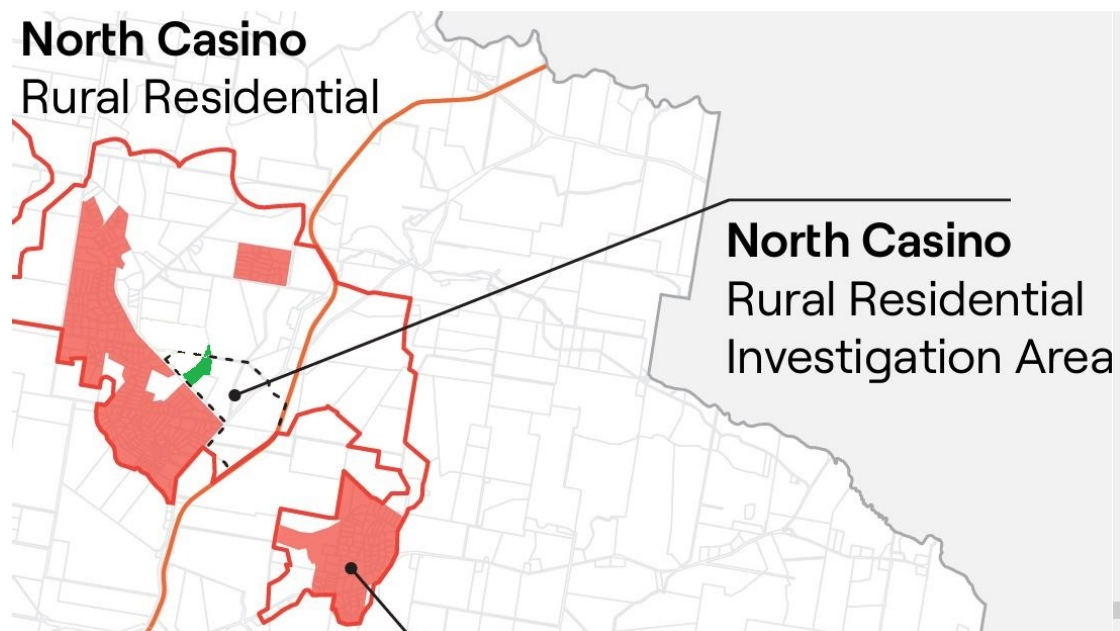


Figure 5 – Draft Richmond Valley Growth Management Strategy (2022) – Preferred rural residential areas at North Casino, with the subject land in green.

Section 4 Site Specific Considerations

Table 4

Table is incorrectly labelled as “Site Specific Issues for Lot 1 DP555289”

Natural Environment

The NCRP requires the protection of HEV habitat and the *Richmond Valley Rural Residential Development Strategy* (and the Draft Growth Management Strategy) seeks to avoid impacts upon biodiversity.

Strategies to avoid, manage or mitigate impacts upon native vegetation and to address the Terrestrial Biodiversity that is mapping in the north of the lot will be required before a Planning Proposal can be supported by Council.

Where the clearing of native vegetation will be required to facilitate development of the land it will be best of lock in offsetting as part of the planning proposal. Options such as biodiversity certification or voluntary planning agreements should be considered.



Figure 6 – Aerial image (June 2022)

Heritage

An Aboriginal Heritage Information Management System (AHIMS) search only identifies items that have already been registered with Heritage NSW. This search alone is not considered ample due diligence for the purposes of rezoning or development of land. An Aboriginal Cultural Heritage Impact Assessment will be required but can be submitted post-Gateway.

Access

The site has frontage to Manifold Road. This section of road sits at the crest of a rise where safe sight distances to the east and west could be compromised.

Council has concern with the number of potential new intersections that could eventuate from new rural residential estates along Manifold Road. Council seeks to reduce the number of future access points and encourages proponents to coordinate or manage access via internal road connections. In the case of this proposal, that internal access should allow for connection to 50 & 90 Manifold Road and potentially 465 Naughtons Gap Road.



Figure 7 – Google Street View – looking east – land to left (north side of road)



Figure 8 – Google Street View – looking west – 70 Manifold Road driveway access to right (at School Zone signs)

Section 5 Preliminary Environmental Considerations

Table 5 – Key Impact Assessment Consideration

On-site Wastewater

The OSMS assessment will need to justify the reduced MLS of 7,500m².

Access

A new intersection is proposed along Manifold Road which is contained within a School Zone. A Traffic Impact Assessment will be required to support and provide guidance on intersection requirements. This should be more than just a vehicle access assessment.

Section 6 Discussion Points

Minimum subdivision lot size

Council supports a reduced MLS of 7,500m² subject to an OSMS report justifying that there will be sufficient land area to accommodate a dwelling, outbuildings, setbacks, and an on-site wastewater disposal area (x2).

Proposed Lot 4 has the potential to be further subdivided into 4 lots. While this is not proposed as part of the concept the Planning Proposal must be assessed as if it could be further subdivided (ie extending the road network and consideration of dwelling envelopes, APZ and biodiversity) or nominate a larger MLS to enable its creation without the ability to be further subdivided. In this regard, Council is not supportive of creating battle-axe lots and provision must be made to enable the extension of the internal road to service additional lots should this come to fruition.

Area to be rezoned

Subject to studies and other considerations, Council supports the inclusion of the Crown road within the rezoning. This area is currently within the Rural Residential growth area boundary of the Rural Residential Development Strategy and the Draft Growth Management Strategy.

Level of information required

All the information contained in Table 5 needs to be provided to support the Planning Proposal. While many of these technical studies can be done post-Gateway, this will only slow down the Planning Proposal process. Recent experience has shown that the DPE want Planning Proposals completed within 18 months of lodgement and they are unwilling to grant extensions. Therefore, it would be preferable for the bulk of these technical studies to be submitted with the Planning Proposal or to be in an advanced stage of production so they can be lodged shortly after Gateway.

Council doesn't require technical designs to be provided at the Planning Proposal stage, however, the bulk of studies needed for the Planning Proposal should be adequate to support a future DA.

Engineering design

Council expects there to be a basic concept design for the estate. This needn't be to an engineered design nor include lot and internal road layouts, but it should contain sufficient detail to enable agency engagement (post-Gateway) and to enable assessment of all likely impacts.

Crown road reserve

The rezoning needs to include this Crown road as part of the proposal. This may require consultation with Lands either pre- or post-Gateway.

Preliminary advice on strategic and site-specific merit

The Pre-Lodgement process is not a full merit assessment of the proposal. The Pre-Lodgement advice is based on information available to Council at the time of assessment and based on consistency with relevant regional and Council strategies.

The proposal is considered to have strategic merit, as it is generally consistent with the Richmond River Rural Residential Development Strategy and the Draft Richmond Valley Growth Management Strategy, as well as Council's Local Strategic Planning Statement (LSPS).

In addition, the Dwelling Opportunity Map will need to be modified to remove the dwelling opportunity (clause 4.2B) from the land once it is zoned R5 Large Lot Residential.

Required studies

Based on a review of the Scoping Proposal the following information/studies are identified as necessary to support the Planning Proposal-

Study	Scope/Comment	To be provided
Biodiversity Impact Assessment	<p>Native vegetation management and biodiversity will be a consideration for this Planning Proposal.</p> <p>Consideration needs to be given to how biodiversity will be managed within the estate as this is not something that should be left to the DA stage.</p> <p>Consideration may need to be given to biodiversity certification or the use of a Voluntary Planning Agreement to secure BAM offsets.</p>	Final assessment – Post-Gateway
Traffic and Transport Assessment	Assessment of the technical requirements for a new intersection with Manifold Road including impact assessment being within a School Zone and adequacy of sight distances for an 80km/h speed zone.	Post-Gateway
Heritage Impact Statement	Aboriginal Cultural Heritage impact assessment as part of a due diligence assessment. This should include engagement with the Casino-Boolangle LALC.	Post-Gateway
Contaminated Land Assessment	Preliminary Contaminated Land assessment to determine if there have been any historic used of the land which might raise concerns for the use of this land for residential purposes.	Post-Gateway
Land Use Conflict Risk Assessment	Impact assessment including the Casino Christian School and adjoining agricultural activities.	Post-Gateway
Stormwater Management Plan	<p>Internal stormwater management and WSUD considerations will be required.</p> <p>The proposed new intersection may be compromised by existing stormwater along Manifold Road. Consideration is needed regarding the appropriate location of the intersection regarding this drainage issue.</p>	Post-Gateway
Geotechnical Assessment	<p>Site suitability for buildings and OSMS will be required. This should include assessment of the dam on proposed Lot 3.</p> <p>Will the dam be retained or filled? If to be filled, assess the suitability for this area to be used for construction and/or wastewater disposal. If to be retained then the suitability of this lot to contain a dwelling will be required given OSMS, APZ and biodiversity buffer considerations.</p>	Post-Gateway

Study	Scope/Comment	To be provided
Section 9.1 Directions		Planning Proposal
SEPPs		Planning Proposal

Note. The Local Environmental Plan Making Guideline (2021) allows for a maximum 50 working days to process the Planning Proposal post-Gateway to pre-exhibition. This period normally includes post-Gateway agency engagement which can't commence until all technical studies have been submitted.

The aim of the new Guideline is to speed up the Planning Proposal process by getting most technical studies done during the Scoping Phase of the project. As such studies should be completed prior to lodgement of the Planning Proposal or be in an advanced stage of production for submission shortly after receipt of the Gateway Determination.

Delays to completion of the Planning Proposal may result in the Gateway Determination being terminated. Additional fees may be applicable where a new Planning Proposal is required to be relogged due to excessive delays to receive technical studies.

Assessment Fees

Fees are payable in accordance with Councils published fees and charges*. Upon lodging a Planning Proposal on the NSW Planning Portal, Council will request payment of the Stage 1 – Initial Consultation and Stage 2 Gateway fees. At the time of this report those fees were \$5,500 and \$11,000 respectively.

**Fees are subject to change and are as published at the date of lodgement*

Assessment time frames and milestones

The proposal is categorised as 'standard' under the *Local Environmental Plan Making Guide 2021*. The maximum benchmark end-to-end timeframe of 320 working days will apply to the proposal. The following timeframes and milestones are consistent with those provided in the *Local Environmental Plan Making Guide*–

Key Steps		Time-frame (maximum working days)
Council assessment	After the planning proposal is lodged on the NSW Planning Portal and the Stage 1 & 2 fees paid, assessment of the planning proposal will commence. A report will be prepared to seek endorsement from the elected Council to seek a Gateway Determination.	95
Gateway Determination	The Council endorsed Planning Proposal is submitted to the DPE for assessment and issue of a Gateway Determination.	25

Key Steps		Time-frame (maximum working days)
Post Gateway Review	Satisfaction of Gateway conditions, undertake technical studies and consult with authorities and government agencies.	50 (this includes minimum 21 days to consult agencies)
Public Exhibition and Assessment	Exhibition of the Planning Proposal as required by the Gateway Determination. A report will be prepared to the elected Council to report on the exhibition and seek endorsement for the LEP to be made.	95
Finalisation	Final Mapping, legal drafting and the LEP being made. <i>(Note. If a Voluntary Planning Agreement (VPA) is required, this timeframe will be subject to registration of the dealing on title)</i>	55

Note. Timeframes are estimates and may change over the life of the proposal. The project timeline must be provided in the Planning Proposal and may be amended by Council or the Gateway determination to provide the necessary level of confidence that the LEP will be finalised within a reasonable timeframe.

Planning Proposal reporting requirements

The Planning Proposal must be prepared in accordance with this pre-lodgement advice and the *Local Environmental Plan Making Guideline* including assessments having regard to Attachments A & B to the Guideline. The LEP Making Guideline and supporting information can be viewed on the DPE website.

Validity of advice

This advice is provided for the purpose of preparing a Planning Proposal and does not guarantee Council support for the submitted Planning Proposal. Additional information or studies may be identified as needed during the assessment of the Planning Proposal to demonstrate site specific merit.

The advice contained in this report is valid for 12 months from the date of issue. Additional pre-lodgement fees may apply beyond 12 months where the initial pre-lodgement advice needs to be reviewed and updated.

Attachment A – Deposited Plan 601461

PLAN FORM 2		OFFICE USE ONLY	
<p>Signatures and seals only:</p> <p><i>Calvin E. Jackson</i></p>		<p>D.P. 601461</p> <p>Registered EX 9-3-1979</p> <p>C.A. No. 24/1978 OF 29-12-1978</p> <p>Title System: TORRENS</p> <p>Purpose: SUBDIVISION</p> <p>Ref. Map: PARISH #</p> <p>Lot Plan: D.P. 55289</p> <p>PLAN OF SUBDIVISION OF LOT 2, D.P. 55289</p> <p>Reduction Ratio: 1:1000</p> <p>Map Title: RICHMOND RIVER</p> <p>Location: BACHMEDE</p> <p>Project: NORTH CASINO</p> <p>County: ROUS</p> <p>This is a plan of subdivision of land in accordance with the provisions of the Land Divisions Act, 1978, and is deposited for registration in the office of the Registrar General for New South Wales, Sydney, on the 24th day of December, 1978.</p> <p>Signature: <i>[Signature]</i></p> <p>Witness: <i>[Signature]</i></p> <p>For the use of the Registrar General for New South Wales, Sydney, in the event of a dispute, the Registrar General for New South Wales, Sydney, is authorised to accept the plan as a true and correct copy of the original plan.</p>	
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WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

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