

Lismore LEP 2012 - Rezoning of 4 Blue Knob Road, Nimbin to Large Lot Residential

Proposal Title : **Lismore LEP 2012 - Rezoning of 4 Blue Knob Road, Nimbin to Large Lot Residential**

Proposal Summary : **The planning proposal seeks to amend Lismore LEP 2012 by rezoning part of Lot 11 DP 1182866, 4 Blue Knob Road, Nimbin from RU1 Primary Production to R5 Large Lot Residential and applying a 2500m2 and 4000m2 minimum lot size and 8.5m maximum building height to the land being rezoned R5, to enable the land to be developed for rural residential purposes.**

PP Number : **PP_2017_LISMO_002_00** Dop File No : **17/03347**

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information :

1. The planning proposal proceed as a 'routine' planning proposal.
2. Prior to community consultation the following site investigations are to be undertaken and placed on public exhibition with the planning proposal:
 - a. An Aboriginal cultural heritage study;
 - b. A preliminary contaminated land assessment;
 - c. A bushfire assessment.
 - d. A flora and fauna assessment
 - e. A flood risk assessment report
3. Prior to community consultation the planning proposal is to be amended as follows:
 - a. To incorporate any necessary changes to the proposal arising from the additional site investigations or consultation with State agencies or organisations.
 - b. To address potentially permitting a dwelling on the RU1 Primary Production residue east of the rezoning and the mechanisms to excise this land from the R5 zoned land.
 - c. To update the explanation of provisions to maintain consistency with the proposed mapping.
4. A community consultation period of 14 days.
5. The planning proposal is to be completed within 12 months.
6. The RPA is to consult with the following State agencies and organisations;
 - a. Rural Fire Service;
 - b. Department of Primary Industries;
 - c. Office of Environment and Heritage; and
 - d. The Local Aboriginal Land Council
7. A written authorisation to exercise delegation be issued to Lismore City Council.
8. A delegate of the Secretary agree that the inconsistency of the proposal with S117 Directions 1.2, 1.5, and 3.1 are justified in accordance with the terms of the direction. Inconsistencies with S117 Directions 2.3, 4.3 and 4.4 remain unresolved.

Supporting Reasons : **The reasons for the recommendation are as follows;**

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1. The proposal will contribute to the identified demand for R5 zoned land in Lismore LGA which is identified in the Lismore Growth Management Strategy 2015-2035.
2. The land is relatively unconstrained and has been identified as generally suitable for rural residential development through the strategic planning process.
3. The proposal is consistent with the strategic planning framework and the inconsistencies are considered to be of minor significance.

Panel Recommendation

Recommendation Date : 09-Mar-2017

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The proposal is considered to be of local significance and can be appropriately determined by the Director Regions, Northern Regions.

Gateway Determination

Decision Date : 09-Mar-2017

Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 14 Days

LEP Timeframe : 12 months

Gateway Determination : 1. Prior to community consultation the following site investigations are to be completed placed on public exhibition with the planning proposal:

- (a) Aboriginal cultural heritage study;
- (b) preliminary contaminated land assessment;
- (c) bushfire assessment;
- (d) flora and fauna assessment; and
- (e) flood risk assessment report.

2. The planning proposal is to be amended prior to community consultation to:

- (a) incorporate any necessary changes to the proposal arising from the additional site investigations;
- (b) address potentially permitting a dwelling on the RU1 Primary Production residue east of the rezoning and the mechanisms to excise this land from the R5 zoned land; and
- (c) update the explanation of provisions and mapping as required.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 14 days;
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).

4. Consultation is required with the following public authorities under section 56(2)(d) of the Act to comply with the requirements of relevant S117 Directions:

- NSW Rural Fire Service
- NSW Department of Primary Industries
- NSW Office of Environment and Heritage
- Local Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any

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relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Craig Diss

Date:

9/3/17