

Rezone land at 87 Pineapple Rd, Goonellabah

Proposal Title : **Rezone land at 87 Pineapple Rd, Goonellabah**

Proposal Summary : **The proposal seeks to rezone part of Lot 5 DP 253464, 87 Pineapple Rd, Goonellabah, from RU1 Primary Production to R1 General Residential. The proposal also amends the Lismore LEP 2012 to apply a 400m2 minimum lot size and 8.5m maximum building height to the land being rezoned.**

PP Number : **PP_2015_LISMO_001_00**

Dop File No : **15/07124**

Proposal Details

Date Planning
Proposal Received : **29-Apr-2015**

LGA covered : **Lismore**

Region : **Northern**

RPA : **Lismore City Council**

State Electorate : **LISMORE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **87**

Suburb : **Pineapple Rd**

City : **Goonellabah**

Postcode : **2480**

Land Parcel : **Lot 5 DP 253464**

DoP Planning Officer Contact Details

Contact Name : **Craig Diss**

Contact Number : **0267019685**

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RPA Contact Details

Contact Name : **Greg Yopp**

Contact Number : **0266250423**

Contact Email : **Greg.Yopp@lismore.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub
Regional Strategy : **Far North Coast Regional
Strategy**

Consistent with Strategy : **Yes**

Rezone land at 87 Pineapple Rd, Goonellabah

MDP Number :		Date of Release :	
Area of Release (Ha) :	3.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	30
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :			

Supporting notes

Internal Supporting Notes :

External Supporting Notes : The proposal is a minor extension to the Pineapple Road Precinct release area currently being processed by Council under PP_2013_LISMO_001_00.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The statement of objectives adequately describes the intention of the Planning Proposal to rezone part of Lot 5 DP 253464, 87 Pineapple Rd, Goonellabah, from RU1 Primary Production to R1 General Residential and apply a 400m2 minimum lot size and 8.5m maximum building height to the land being rezoned.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions adequately addresses the intended changes to Lismore LEP 2012

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

4.1 Acid Sulfate Soils

Rezone land at 87 Pineapple Rd, Goonellabah

- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP (Infrastructure) 2007
SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

The land adjoining the site to the east and north (Pineapple Rd Precinct currently being considered for residential zoning under Gateway Determination PP_2013_LISMO_001_00) was identified for potential rural residential development in the Lismore Rural Housing Strategy 2002 approved by the Director-General in September 2001. Council resolved in December 2009 not to proceed with a rural residential rezoning and to amend the Lismore Urban Strategy 2003 to identify the site for potential residential development.

The Lismore Urban Strategy was amended in 2011 to incorporate the Pineapple Rd Precinct (including the land the subject of the current proposal). Amendments to the Lismore Urban Strategy from December 2009 to date, while endorsed by Council, have not been forwarded to the Secretary for approval.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **Refer to discussion below.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The Planning Proposal includes maps identifying the existing and proposed zoning, minimum lot size and building height changes. The maps provided are considered sufficient for the Planning Proposal to proceed and for public exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The RPA has identified a 28 day exhibition period for the proposal.

As the proposal will rezone land not within an existing Town and Village Growth Boundary under the Far North Coast Regional Strategy, or in local growth management strategy approved by the Secretary, it is considered appropriate that a 28 day notification period be undertaken to allow the community an adequate opportunity to review the proposal.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

Rezone land at 87 Pineapple Rd, Goonellabah

1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;
3. Providing an adequate justification for the proposal;
4. Outlining a proposed community consultation program; and
5. Providing a project time line.

Council has requested an authorisation to exercise its plan making delegations in this instance. Due to the small area of land to be rezoned (3ha), and as it is primarily a minor extension of the Pineapple Rd Precinct rezoning that is nearing completion under PP_2013_LISMO_001_00, it is recommended that an authorisation to exercise its plan making delegations be issued to Council in regard to this matter.

The RPA has provided a project time line which estimates completion of the proposal in March 2016. This time frame is considered to be appropriate and a 12 month time frame to complete the proposal is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Lismore LEP 2012 was notified on 22 February 2013.

Assessment Criteria

Need for planning
proposal :

The Pineapple Road Precinct is located on the eastern fringe of the greater Lismore urban area and has been identified for a number of years for possible urban expansion.

Lot 5 DP 253464 was located in the Zone 1(d) (Investigation Zone) under Lismore LEP 2000. The Standard Instrument LEP 2012 however did not have an equivalent investigation zone and the land was zoned to RU1 Primary Production in 2012. The greater Pineapple Rd Precinct was identified firstly for potential rural residential development in the Lismore Rural Housing Strategy 2002, and then for residential development in a 2011 amendment to the Lismore Urban Strategy 2003.

Council has received the current Planning Proposal to rezone the eastern half of Lot 5 that directly adjoins land proposed to be rezoned to R1 General Residential (Pineapple Rd Precinct PP_2013_LISMO_001_00). The proposal is fundamentally a minor extension to the existing Pineapple Road Precinct release area currently being processed by Council, and is consistent with the precinct area identified in the Lismore Urban Strategy 2003. A separate Planning Proposal for this matter was considered necessary as inclusion of Lot 5 in PP_2013_LISMO_001_00 post exhibition was likely to require its re-exhibition.

Rezone land at 87 Pineapple Rd, Goonellabah

Consistency with strategic planning framework :

The land to be rezoned to R1 General Residential is located outside, and does not adjoin at any point, the Lismore Town and Village Growth Boundary identified in the Far North Coast Regional Strategy. The Far North Coast Regional Strategy however permits development outside the Town and Village Growth Boundary in the non-coastal area (generally being land west of the Pacific Highway) provided it is able to satisfy the Sustainability Criteria contained within the strategy.

Council has submitted with the Planning Proposal a table demonstrating how the proposal complies with the criteria. In accordance with the Criteria, it is considered that the proposal demonstrates that it is appropriate in terms of infrastructure, access, housing diversity, avoidance of risk, natural resources, environmental protection and servicing and under the provisions of the Far North Coast Regional Strategy. In relation to the criteria, it is noted that it states that identified significant farmland should be avoided. The proposal however involves the zoning of 1.8ha of land identified as State Significant Farmland to R1 General Residential. This is considered to be satisfactory in the situation due to:

- the small size of the farmland involved (1.8ha);
- as the Lismore Urban Strategy 2003 confirms that it is not Class 1 or 2 prime crop or pasture land;
- the land is isolated from other State or regionally significant farmland by an existing school and/or future residential land in the adjoining Pineapple Rd Precinct release area and its amalgamation with other significant farmland in the future to form a viable and sustainable agricultural holding is not possible;
- retention of the land for agricultural purposes would not serve an economic or agricultural benefit and would miss the opportunity to take advantage of the existing and future adjoining urban infrastructure; and
- the land is wholly within the 150m buffer edge area identified in the Northern Rivers Farmland Mapping Project 2005 as being subject to possible inaccuracies in relation to the quality of the farmland due to the broad scale of the farmland mapping.

For these reasons it is considered that the land does not constitute significant farmland for the purposes of the Far North Coast Regional Strategy. The proposal is considered to satisfy the Sustainability Criteria and the Far North Coast Regional Strategy.

The proposal is considered to be consistent with all relevant SEPPs and Councils Lismore Urban Strategy 2003 (not approved by the Secretary).

The proposal is also considered to be consistent with all applicable s117 Directions except in relation to the following:

1.2 Rural Zones

The proposal is inconsistent with this Direction as it rezones rural land to residential. The inconsistency is considered to be of minor significance due to the small area involved (1.8ha) and as it is a natural and minor extension of the Pineapple Rd Precinct release area proposal currently being processed by Council.

1.3 Mining, Petroleum Production and Extractive Industries

The proposal is inconsistent with this Direction as it will have the effect of prohibiting mining and restricting the development of other resources on the land to be zoned R1 General Residential. Mining and extractive industries is currently prohibited in the R1 General Residential Zone in Lismore LEP 2012. This inconsistency is considered to be of minor significance due to the small area involved, and as any future mining or extractive industry on the land is considered to be unlikely due to the existing school and future residential land in the adjoining Pineapple Rd Precinct release area.

4.4 Planning for Bushfire Protection

This Direction is relevant to the proposal as it affects land identified as being bushfire prone. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

Rezone land at 87 Pineapple Rd, Goonellabah

Environmental social
economic impacts :

The proposal is inconsistent with this Direction as it rezones State significant farmland for urban purposes. The inconsistency is also unable to be addressed under the provisions of the Direction as the proposal is not consistent with Section 4 of the Northern Rivers Farmland Protection Project - Final Recommendations. For the reasons discussed above, it is not considered necessary that the land be retained for agricultural purposes or that the Direction be satisfied in this instance.

It is noted that the site to be rezoned is affected by a number of potential constraints, in particular, bushfire risk, slope and 10 eucalypt trees classified as primary koala habitat under the Comprehensive Koala Plan of Management for South East Lismore. No significant infrastructure constraints have been identified.

A preliminary environmental and social review of the land has been undertaken that confirms that it is likely that these constraints can be adequately addressed subject to further detailed review post Gateway Determination and at Development Application Stage. It is noted that Council has identified the following studies will be undertaken should a Gateway Determination to proceed be issued:

- flora and fauna;
- preliminary contaminated land assessment;
- bush fire risk;
- land use conflict risk;
- geotechnical;
- Aboriginal and European cultural heritage;
- social impact;
- traffic; and
- stormwater management.

While Council has identified that these studies will be required, it is not considered necessary due to the size and nature of the land involved that further social impact, traffic or stormwater assessments be required by the Gateway determination. It is considered that these matters can be adequately considered and addressed at the Development Application stage. Due to the presence of potential core koala habitat on the site it is also recommended that the Gateway determination emphasise the need for the flora and fauna assessment to consider any potential impacts on the local koala population.

Assessment Process

Proposal type : **Routine** Community Consultation **28 Days**
Period :

Timeframe to make **12 months** Delegation : **RPA**
LEP :

Public Authority **Office of Environment and Heritage**
Consultation - s56(2) **NSW Department of Primary Industries - Agriculture**
(d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Council has also proposed consultation with Rous Water and members of the local Aboriginal community. This is considered appropriate.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flora
Fauna

Rezone land at 87 Pineapple Rd, Goonellabah

Heritage

Bushfire

Social

Other - provide details below

If Other, provide reasons :

The RPA has identified that the following studies will be required to support the proposal and will be undertaken if a Gateway Determination to proceed is issued:

- flora and fauna;
- preliminary contaminated land assessment;
- bush fire risk;
- land use conflict risk;
- geotechnical;
- Aboriginal and European cultural heritage;
- social impact;
- traffic; and
- stormwater management.

As discussed above, it is not considered necessary that the Gateway determination require the social impact, traffic or stormwater assessments.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council report 14 April 2015.pdf	Proposal	Yes

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**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**

Additional Information :

It is recommended that:

- 1) The Planning Proposal be supported;**
- 2) The Planning Proposal be exhibited for a period of 28 days;**
- 3) The Planning Proposal should be completed within 12 months;**
- 4) The Secretary (or her delegate) agree that the inconsistencies with s117 Directions 1.2 Rural Lands and 1.3 Mining, Petroleum Production and Extractive Industries are justified;**
- 5) The Secretary (or her delegate) note that s117 Directions 4.4 Planning for Bushfire**

Rezoning land at 87 Pineapple Rd, Goonellabah

Protection and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast remain outstanding;

6) Consultation be undertaken with the:

- Department of Primary Industries (Agriculture);
- NSW Rural Fire Service;
- Rous Water;
- Office of Environment and Heritage;

7) The following studies/assessments and plans be undertaken to support the proposal:

- flora and fauna (including any impacts on koala populations);
- preliminary contaminated land assessment;
- bush fire risk;
- land use conflict risk;
- geotechnical; and
- Aboriginal and European cultural heritage;

8) A written authorisation to exercise plan making delegations be granted to Council for this matter.

Supporting Reasons : The proposal is considered to be a minor extension to the existing Pineapple Road Precinct release area currently being processed by Council, and is consistent with the precinct area identified in the Lismore Urban Strategy 2003. The proposal will help to provide increased housing in the area and will allow the existing and future adjoining urban infrastructure to be utilised to its fullest extent.

Signature:



Printed Name:

JIM CLARK

Date:

6 May 2015

Team Leader Local Planning