

Rezoning of land at Pineapple Road, Goonellabah

Proposal Title :	Rezoning of land at Pineapple Road, Goonellabah		
Proposal Summary :	To zone part of the land within the Pineapple Road Precinct from RU1 Primary Production to R1 Residential under the provisions of the Lismore LEP 2012. The subject land has an area of 210 hectares of which under half is proposed for urban development, the remainder of the land will retain the natural and agricultural values of the riparian and lower lying areas.		
PP Number :	PP_2013_LISMO_001_00	Dop File No :	13/03831

Proposal Details

Date Planning Proposal Received :	21-Feb-2013	LGA covered :	Lismore
Region :	Northern	RPA :	Lismore City Council
State Electorate :	LISMORE	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	Pineapple Road		
Suburb :	Goonellabah	City :	Lismore
Land Parcel :	Lot 2 DP1064627, Lot 8 DP 253464, Lot 101 DP 594434, Lot 1 DP 1064627 and Lot 9 DP 253464		
Street :	Bruxner Highway		
Suburb :	Goonellabah	City :	Lismore
Land Parcel :	Lot 11 DP810542 and Lot 13 DP 810542		
Street :	Richmond Hill Road		
Suburb :	Richmond Hill	City :	Lismore
Land Parcel :	Lot 12 DP 810542 and Lot 1 DP 1136812		

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DoP Planning Officer Contact Details

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RPA Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Far North Coast Regional Strategy	Consistent with Strategy :	No
MDP Number :		Date of Release :	
Area of Release (Ha) :	210.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	300	No. of Dwellings (where relevant) :	440
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 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 : **Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other Departmental officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The Pineapple Road Precinct is located outside of the Far North Coast Regional Strategy's (FNCRS) Town and Village Growth Boundary Map for Lismore. However, the FNCRS does provide an avenue for the potential release of such land. The process to allow council to initiate a rezoning requires that:
"...any development proposals for greenfield sites west of the Coastal Area and outside of the Town and Village Growth Boundary be subject to satisfying the Sustainability Criteria."**

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Council has provided a Compliance Table for the Sustainability Criteria in relation to the Pineapple Road Precinct in support of the planning proposal detailing consistency with the Far North Coast Regional Strategy.

Lismore is considered to be a major regional centre of population and service provision for the northern region. The recommendations of the Far North Coast Residential Submarket Analysis, prepared for the Department by Macroplan Australia in August 2008, highlighted the need for Lismore to provide for a diversity of markets including affordable housing for the aging population.

The planning proposal indicates that the development may include a medium density area for up to 140 self-contained seniors living dwellings, this accounts for the larger number of proposed dwellings as compared with the proposed number of lots.

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the planning proposal is to allow for the appropriate urban development of the Pineapple Road precinct.**
The intended outcomes of the planning proposal include:

- to increase the supply and diversity of housing;
- to maximise the use of existing infrastructure;
- to assist in achieving the aims of the Far North Coast Regional Strategy;
- to complement the proposed future Northern Bypass as identified in the Lismore Regional City Plan 2005; and
- to provide land with high levels of residential amenity.

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

Is an explanation of provisions provided? **Yes**

Comment : **Urban development of the site requires amendment of the Lismore LEP 2012 to enable future urban residential development to occur. The Zoning Map, the Lot Size Map and the Height of Buildings Map will need to be amended to facilitate residential use of the land.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

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

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 55—Remediation of Land

SEPP (Rural Lands) 2008

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

The subject land was identified for potential rural residential development in the Lismore Rural Housing Strategy 2002 - approved by the Director-General in September 2001. Council resolved on 8 December 2009 not to proceed with a rural residential rezoning application and to amend the Lismore Urban Strategy 2003 to identify the site for potential residential development. The Lismore Urban Strategy was amended in

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2011 to incorporate the majority of the subject land that forms the subject of this planning proposal. However, amendments to the Lismore Urban Strategy from December 2009 to date, while endorsed by Council, have not been forwarded to the Director-General for approval.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Maps will need to be up-dated before going on public exhibition as the Lismore LEP 2012 was published on 22 February 2013. Some changes were made to the Draft Plan including the exclusion of the E3 Environmental Management zone (now DM Deferred Matter) that is shown on the zoning map submitted with the planning proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council considers that a 28 day public exhibition period is appropriate. This is considered appropriate.**

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 satisfies the adequacy criteria by:**

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program;**
- 5. Providing a project timeline; and**
- 6. Completing the evaluation criteria for the delegation of plan making functions.**

Council has requested a 20 month time frame for completing the planning proposal. This option was not available within the template therefore 24 months has been selected. The extended time frame is based on the large number of key matters that need to be addressed for the site. This will require the proponent to prepare several studies/assessments, to provide an infrastructure delivery plan and other management plans (where appropriate) for the subject land.

Council has not requested delegation for making of the plan. Delegation of plan making functions is not considered to be appropriate in this instance, due to the complexities involved with planning for the site.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Lismore LEP 2012 was published on the Legislation website on 22 February 2013.**

Assessment Criteria

Need for planning proposal :

The Pineapple Road area is located on the eastern fringe of the greater Lismore urban area.

Council has advised that additional residential land in the Pineapple Road precinct will provide a range of residential densities and may include some aged care accommodation. In addition, Council indicates that the Pineapple Road precinct will provide for local parks and open space for the proposed development.

The majority of the land proposed for residential zoning has been located in Zone 1(d) (Investigation Zone) under Lismore LEP 1992 and LEP 2000. The Standard Instrument LEP 2012 does not provide an equivalent investigation zone that allows Council to flag the strategic intent for a particular parcel of land.

The subject land was identified for potential rural residential development in the Lismore Rural Housing Strategy 2002 and therefore excluded from the urban strategy. It was also included in the Regional City Plan 2005 (extracts from these documents are attached). Council resolved on 8 December 2009 not to proceed with a rural residential rezoning application and to amend the Lismore Urban Strategy 2003 to facilitate an urban residential zone. The Lismore Urban Strategy was amended in 2011 (although not forwarded to the Director-General (DG) for approval) to incorporate the majority of the proposed R1 land that forms the subject of this planning proposal.

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Consistency with strategic planning framework :

In December 2006 the Minister for Planning released the Far North Coast Regional Strategy (FNCRS) 2006-2031. The Strategy sets a target of 8000 additional new dwellings for the Lismore Local Government Area by the year 2031.

The Pineapple Road precinct is outside of the Strategy's Town and Village Growth Boundary and is not designated as a Proposed Future Urban Release Area. While there is some other land in Lismore (Lagoon Grass Road and Trinity Drive) designated as Urban Release Area, historically it has not been considered for residential development for as long as Pineapple Road. The Pineapple Road precinct has been zoned in the Lismore LEP 1992 and LEP 2000 as an investigation zone for 20 years.

Following Council's decision to amend the Lismore Urban Strategy with respect to the Pineapple Road land, Council wrote to the Department in May 2011 with a submission to include the land as a 'Proposed Future Urban Release' area within the 'Town and Village Growth Boundary' as part of the Far North Coast Regional Strategy Review (reviewed every 5 years) that commenced in 2011. The review for the FNCRS has been delayed, however, the submission remains current and is being considered by the Department - see attached photographs.

As discussed earlier any development proposed for greenfield sites in the non-coastal area that is located outside of the Town and Village Growth Boundary will be subject to satisfying the Sustainability Criteria. The Council has provided a Table outlining the Sustainability Criteria and the compliance of this planning proposal. The Table has been considered and the requirements have been met by Council mainly through the instigation of additional studies, assessment and management plans (see attached).

The Planning Proposal is consistent with the following Council strategic planning documents:

- Lismore Urban Strategy 2003 (amended, but from 2009 not forwarded for DG approval)
- Lismore Regional City Plan 2005 (as proposed rural residential)

Section 117 Directions

The RPA has identified some inconsistencies with the Directions, however, it has argued that these inconsistencies are justified.

Direction 1.2 Rural Zones

The proposal is currently inconsistent with this direction as it seeks to release urban land beyond the limits of the Town and Village Growth Boundary in the Far North Coast Regional Strategy. Council has also argued that it has sought to amend the Far North Coast Regional Strategy (FNCRS) to reflect the revised study area.

The subject land is being considered as a recommendation to be included as a future urban release area in the Far North Coast Regional Strategy Review. However, it is currently outside of an approved Strategy.

Council contends that the inconsistency is justified because the majority of the subject land has been identified for future housing use since 1992. In April 2011, the Council amended the Lismore Urban Strategy to encompass most of the current study area (although it should be noted that this variation has not been agreed to by the Director General and the area has been extended from approximately 150ha to 210ha).

The land has also been identified in Council's agreed Rural Strategy, albeit for rural residential development.

As mentioned above, Council has provided a Table outlining the Sustainability Criteria under the FNC Regional Strategy and the compliance of this planning proposal. The Table has been considered and the requirements have been met by Council mainly through the instigation of additional studies, assessment and management plans (see attached).

The inconsistency is therefore considered to be justified as of minor significance.

Direction 1.5 Rural Lands

The proposal is currently inconsistent with this direction as it seeks to rezone rural land, including State Significant Farmland. It is currently unable to meet the Rural Planning and Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008. Council has argued that the subject land was part of the agreed Rural Strategy for rural residential development and has now included the site in the (yet to be approved) Lismore Urban Strategy. Therefore, the inconsistency with the Direction is considered to be justified by the site's inclusion in an agreed Strategy.

Direction 2.3 Heritage Conservation

The Direction applies to the proposal as heritage issues may be relevant to the site. Only a preliminary assessment has been undertaken to date. Council has indicated that further assessment should be required. The Lismore LEP 2013 contains adequate provisions to protect heritage on the site. The proposal is therefore considered to be consistent with the Direction.

Direction 3.1 Residential Zones

The proposal is currently inconsistent with this direction as it seeks to rezone State Significant Farmland on the urban fringe, which cannot be serviced by existing infrastructure. The inconsistency is considered to be justified by the land's inclusion in an approved strategy.

Direction 3.4 Integrating Land Use and Transport

The proposal is inconsistent with this Direction as it is not clear from the information if the objectives of the Direction can be met. A Traffic Impact Study will be required to investigate amongst other matters whether adequate access arrangements can be provided. A Public Transport Assessment is also to be required to ensure that a bus service can be provided to the subject land. With the provision of further studies and assessment the proposal may be considered consistent with this Direction.

Direction 4.4 Planning for Bushfire Protection

The proposal is currently inconsistent as Council has not consulted with the Commissioner of the NSW Rural Fire Service to date, however, following receipt of a Gateway determination and consultation this can be complied with and the proposal will no longer be inconsistent with the direction.

Direction 5.1 Implementation of Regional Strategies

Council has indicated that the planning proposal is consistent with the Far North Coast Regional Strategy. However, currently it is not consistent as it falls outside of the Town and Village Growth Boundary and can only proceed subject to satisfying the Sustainability Criteria. The proposal is capable of being consistent with this direction once the assessment and management plans have been carried out as a result of the assessment and recommendations for the sustainability criteria in relation to the Strategy (see attached table).

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

The proposal is inconsistent with the Direction as a small area of State Significant Farmland (approximately 5%) is located in the south eastern section of the land proposed to be rezoned to residential. Council has argued that the inconsistency is justified as the subject land was part of the agreed Rural Strategy for rural residential development and has now been included in the (yet to be approved) Lismore Urban Strategy. However, the potential inconsistency with the Far North Coast Strategy still remains. The proposal is capable of being consistent with this direction once the assessment and management plans have been carried out as a result of the assessment and recommendations for the sustainability criteria in relation to the FNC Strategy (see attached table).

SEPPs

SEPP No. 55 Remediation of Land

Subject land has not been comprehensively investigated for potential contamination from

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past land uses associated with agriculture. A Land Contamination Assessment is proposed to be undertaken for this area. Compliance with the SEPP is therefore possible at the DA stage.

SEPP Rural Lands

The proposal is currently inconsistent with this SEPP as the land is currently zoned rural. Part of the subject land proposed for residential development is also designated as State Significant Farmland. The proposal is currently unable to meet the Rural Planning and Rural Subdivision Principles listed in the SEPP and therefore does not comply with the objectives of the Policy. An Agricultural Assessment and Land Use Conflict Risk Assessment, along with other studies, are to be required for the subject land. Once these studies are completed, the proposal can be assessed against the Rural Planning and Subdivision Principles. The results of the Assessment will provide further information as to whether the proposal is consistent with the SEPP, and will inform further planning of the site to ensure its consistency.

Environmental social economic impacts :

The subject land is undulating and mostly cleared, however, it is steep in parts and these areas are potentially unstable. A Geotechnical Report is required post Gateway Determination.

Council has advised that the proposed residential zone is located well clear of riparian areas and generally clear of isolated areas of regrowth endemic woody vegetation. Development of the site provides an opportunity to rehabilitate the degraded riparian areas of the site. Koala habitat is indicated on the site. A flora and fauna assessment is required post Gateway Determination

Lismore City is a regional hub for social infrastructure such as schools, hospitals and retail centres. Council advises that as a new urban area the community will fit well socially with the existing Lismore community and use its sporting facilities, schools, hospitals, nearby employment lands. The subject land is adjacent to the 'northern road bypass' that links Ballina Road to Bangalow Road.

Additional economic activity will be generated by urban development of the land both during the construction and operational phases.

The Minimum Lot Size Map is proposed for amendment so that the minimum lot size to be applied to the R1 land is 400m². Increased minimum lot sizes may apply to larger lots within this zone in order to maintain larger lots for medium density development. Final details will be determined after further site assessment and public consultation. A minimum lot size of 40ha is to apply for all RU1 land.

The Height of Buildings Map is to be amended so that 8.5m applies to all land within the R1 zone.

Assessment Process

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

Timeframe to make LEP : **24 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **Essential Energy
Department of Education and Communities
Office of Environment and Heritage
Family and Community Services - Housing NSW
NSW Department of Primary Industries - Agriculture
Department of Health and Ageing
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Other**

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

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

If no, provide reasons: **Rous Water, the NSW Environmental Protection Agency and the local Aboriginal community will also need to be consulted.**

Council has requested a 20 month time frame for completing the planning proposal. This option was not available within the template therefore 24 months has been selected. The extended time frame is based on the large number of key matters that need to be addressed for the site requiring the proponent to prepare several studies/assessments, to provide an infrastructure delivery plan and other management plans (where appropriate) for the subject land .

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

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Heritage

Bushfire

Social

Other - provide details below

If Other, provide reasons :

Council has advised that in addition to the Flora and Fauna assessment and Heritage assessment listed above the following assessments are required:

Land Contamination Assessment - should be undertaken for the entire area proposed for residential development. It is noted that Council's DCP Buffers Map 5 indicates that the subject land could be affected by a cattle dip assessment zone;

Agricultural Assessment - should be undertaken for the subject land, addressing both grazing and horticultural use and potential conflicts. In particular, the State Significant Farmland that is located on the southern boundary should be assessed as there appears to be established macadamia plantations over some of the land that may require careful management.

Geotechnical Assessment - parts of the land are steep and require a geotechnical survey undertaken for a more intensive form of development than originally envisaged for the subject land. Physically constrained land, steep slopes and highly erodible areas need to be avoided;

European and Aboriginal Heritage Assessment - further information is required to ensure that any heritage items/places are acknowledged and protected;

Social Impact Assessment - including community profiling to provide socio-demographic characteristics of existing and incoming communities;

Stormwater Assessment - to assess water run-off and possible drainage issues;

Traffic Impact Assessment - that adequate access arrangements can be provided and that surrounding roads will accommodate increased traffic flows from the proposal. In addition, that the site has sufficient capacity to provide access to transport for residents;

Land Use Conflict Risk Assessment - needs to address issues of potential conflict between existing rural and proposed residential land uses, particularly as the subject land will be close to State Significant Farmland that is located to the south and that adequate buffers are in place; and

Noise Assessment - an engineering report is required to assess increased traffic from upgraded road network and the proposed Northern bypass link to Bangalow Road.

Bushfire Assessment - needs to address safety of residents in areas of bush fire prone land.

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Council has advised that the following management plans are required:

Stormwater Management Plan; and

Infrastructure Delivery Plan that includes commitments for: roads; water supply; sewerage; stormwater; open space and community facilities.

The Council's requirement for the proponent to undertake these investigations post Gateway Determination is supported by the Department.

Public Transport Assessment - The local public transport provider will need to verify that a public bus service is a viable option for the proposed development and to establish population thresholds for providing a service to the area.

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 : **Not required as under the 500 residential lot threshold.**

Documents

Document File Name	DocumentType Name	Is Public
Pineapple Road Planning Proposal Report.pdf	Proposal	Yes
Far North Coast Regional Strategy Sustainability Criteria.pdf	Proposal	Yes
Section 117 Ministerial Directions - compliance table.pdf	Proposal	Yes
State Environmental Planning Policy - compliance table.pdf	Proposal	Yes
Part 4 Mapping - existing and proposed LEP maps.pdf	Map	Yes
Pineapple Road Planning Proposal - Project Timeline.pdf	Proposal	No
Pineapple Road Planning Proposal - Information Checklist.pdf	Proposal	No
Extract from Far North Coast Regional Strategy.pdf	Map	No
Locality Map - Topo - Pineapple Road Planning Proposal.pdf	Map	No
Photos of Pineapple Road Planning Proposal land.pdf	Photograph	No
Extract from Limore Council Rural Housing Strategy and Regional City Plan showing Pineapple Road.pdf	Map	No
01-03-2013 Pineapple Road Planning Proposal - Sustainability Criteria - Northern Region Assessment.doc	Proposal	No

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
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 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

Additional Information : **It is recommended that:**
1) The planning proposal be supported subject to conditions;

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- 2) The planning proposal be exhibited for a period of 28 days;
- 3) The planning proposal should be completed within 24 months;
- 4) The Director General (or an officer nominated by the Director General) agree that the inconsistencies with s117 Directions 1.2, 1.5 and 3.1 are justified;
- 5) The Director General (or an officer nominated by the Director General) agree that the inconsistencies with s117 Directions 3.4, 4.4, 5.1 and 5.3 remain outstanding and will require justification following the completion of the required studies;
- 6) Delegation is not given to Council for plan making;
- 7) An up-to-date set of maps showing the proposed amendment to the Lismore LEP 2012 be required to be included with the exhibition material;
- 8) Consultation with the following agencies and organisations should be required: Essential Energy; Family and Community Services - Housing NSW; Department of Primary Industries (Agriculture); Department of Health and Ageing; NSW Rural Fire Service; Transport for NSW - Roads and Maritime Services; Department of Education and Communities; Rous Water; Environmental Protection Agency and the local Aboriginal community; and
- 9) The following studies/assessments and plans be required:
 - Flora and Fauna Assessment
 - Agricultural Assessment
 - Land Contamination Assessment
 - Geotechnical Assessment
 - European and Aboriginal Heritage Assessment
 - Social Impact Assessment
 - Stormwater Assessment and Management Plan
 - Traffic Impact Assessment
 - Public Transport Assessment
 - Land Use Conflict Risk Assessment
 - Noise Assessment
 - Bushfire Assessment
 - Infrastructure Delivery Plan

Advice on the required scope and content of the above studies/assessments and plans can be obtained from the Northern Region's Grafton office.

Supporting Reasons :

The land has been identified as having potential for some form of residential use for many years, and is included within Council's agreed Rural Strategy and Council endorsed Urban Strategy.

The recommended conditions to the Gateway determination are required to provide adequate protection, where appropriate, for the issues outlined above.

Signature:

 (Acting Team Leader, Local Planning)

Printed Name:

Carlisle Boyd

Date:

7/3/2013