

Lismore LEP 2012 - General Amendments

Proposal Title : **Lismore LEP 2012 - General Amendments**

Proposal Summary : **The planning proposal consists of the following general amendments:**

- 1) Amend the Minimum Lot Size maps in certain RU5 Village areas and R5 Large Lot Residential at South Gundurimba;**
- 2) Amend the Minimum Lot Size map for the RU1 Primary Production portion at 123 Taylor Road, Chilcotts Grass;**
- 3) Amend the Minimum Lot Size map for the B1 Neighbourhood Centre at North Lismore Plateau;**
- 4) Rezone a part of 179 Bangalow Road, Howards Grass from RU1 Primary Production to R1 General Residential. Amend the Zoning, Minimum Lot Size and Height of Building maps to reflect this change;**
- 5) Amend Clause 4.2E Exception to minimum subdivision lot sizes for certain split zones;**
- 6) Amend the land use tables to permit 'recreation facilities' in Zone IN1 General Industrial and IN2 Light Industrial;**
- 7) Amend 'Schedule 2 Exempt Development' and 'Schedule 3 Complying Development' in accordance with the recent changes to the Codes SEPP;**
- 8) Amend the land use tables to allow 'building identification signs' as permissible with consent in most zones.**

PP.Number : **PP_2014_LISMO_002_00** Dop File No : **14/06701**

Proposal Details

Date Planning Proposal Received :	10-Apr-2014	LGA covered :	Lismore
Region :	Northern	RPA :	Lismore City Council
State Electorate :	LISMORE	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Village areas: Bexhill, Clunes, Dunoon, Goolmanger, The Channon, Wyrallah and RU5 Large Lot Residential South Gundurimba		
Street :	123 Taylor Road		
Suburb :	Chilcotts Grass	City :	Postcode : 2480
Land Parcel :	Lot 1 DP 12372		

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Street : Dunoon Road
Suburb : North Lismore Plateau City : North Lismore Postcode : 2480
Land Parcel : Lot 3 DP 808657, Lot 3 DP 772626, Lot 35 DP 755729 and Lot 1 DP 118555
Street : 179 Bangalow Road
Suburb : Howards Grass City : Postcode : 2480
Land Parcel : Part Lot 32 DP 840810

DoP Planning Officer Contact Details

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DoP Project Manager 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 :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	3
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 Agency'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 :	Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meetings between other agency officers and lobbyists concerning this proposal.		

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives adequately describe the intention of the planning proposal. The proposal seeks to amend the Lismore LEP 2012 to correct minor anomalies and to update the plan due to recent changes to the Code SEPP.**

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

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

Comment : **The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The amendments to the Lismore LEP 2012 will include minor adjustments to the land use tables, refining clause 4.2(e), amending Schedule 2 Exempt & 3 Complying Development and a number of amendments to the Minimum Lot Size maps and Land Zoning map at specific locations. This is the best means of achieving the intent of the objectives.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones**

* May need the Director General's agreement **1.2 Rural Zones**
4.4 Planning for Bushfire Protection

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 No 64—Advertising and Signage
SEPP (Exempt and Complying Development Codes) 2008

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

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

If No, explain : **See the Assessment section of this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The proposal includes mapping which adequately shows the land which is affected by the proposed amendments. These map extracts are suitable for exhibition purposes.**

Council will be required to provide a 'Location Map' marking each site (being amended) to support the map extracts, only for exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has advised that a 14 day public exhibition period is suitable for a planning proposal of this nature. This is considered to be 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 for the LEP to achieve the outcomes;
3) Providing an adequate justification for the proposal;
4) Outlining a proposed community consultation program;
5) Completing an evaluation for the issuing of an authorisation to exercise delegation. Delegation is acceptable in this instance;
6) Providing a time line for the completion of the proposal. Council has suggested a time line of 12 months, which is acceptable.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Lismore LEP 2012 was published in February 2013. This planning proposal seeks general amendments to the Lismore LEP 2012.**

Assessment Criteria

Need for planning proposal : **The planning proposal is not a result of any strategy, study or report. The amendments are minor refinements to the relatively new Lismore LEP 2012 as follows:**

1. Amend the Minimum Lot Size (MLS) maps in the RU5 Village areas of Bexhill, Clunes, Dunoon, Goolmangar, The Channon and Wyrallah and amend the R5 Large Lot Residential area at South Gundurimba to increase the minimum lot size from 1000m2 to 2500m2. This change is to ensure adequate area for onsite wastewater, as these areas do not have reticulated sewerage systems available.

2. Amend the Minimum Lot Size Map for the RU1 Primary Production portion of 123 Taylor Road, Chilcotts Grass from 40ha to 10ha. The lot is split-zoned and to subdivide it requires the use of clause 4.2E 'Exceptions to minimum subdivision lot sizes for certain split zones'. However clause 4.2E does not allow the land to be subdivided due to the presence of the RE1 land severing the connection between the RU1 land and the R1 land. Varying the minimum lot size for this land from 40ha to 10ha will allow the RU1 land to be subdivided without the use of clause 4.2E.

3. Amend the Minimum Lot Size map for the B1 Neighbourhood Centre at North Lismore Plateau by removing the 40ha development standard. No minimum lot size development standard has been applied to any of the business zones throughout the Lismore urban area. This was an error in the original mapping, which is easily rectified by an amendment to the minimum lot size map.

4. The rezoning of 179 Bangalow Road, Howards Grass from RUI Primary Production to R1 General Residential involves only a small portion of the land. This change is to allow for consistency with development consent 07/436 which approved a split zoned 1260m² 2(a) Residential and 1(a) General Rural lot for residential purposes under the superseded Lismore LEP 2000. The residential portion of this land was not translated into the R1 General Residential zone under Lismore LEP 2012, and amendment to the zoning map is necessary to rectify this anomaly. Amendments to the Zoning, Minimum Lot Size and Height of Building maps will reflect this change.

5. Amend Clause 4.2E 'Exceptions to minimum subdivision lot sizes for certain split zones'. This provision proposes to extend the application of the split zoned lot clause 4.2E so that it applies to land partly zoned RU5 (Village), SP Special Uses or RE Recreation, in addition to its current application to rural, residential, business and industrial areas.

6. Amend the land use tables to permit 'recreation facilities' in Zone IN1 General Industrial and IN2 Light Industrial which will require omitting the term 'recreation facilities (indoor)' from Part 4 'Prohibited' in the IN1 and IN2 zones. Recreation facilities (indoor) is generally small scale development and is unlikely to compromise the industrial potential of land within these zones. This amendment will also bring Lismore LEP in line with the surrounding North Coast LEPs.

7. Amend 'Schedule 2 Exempt Development' and 'Schedule 3 Complying Development' by deleting development that is now included in the Codes SEPP as amended on 22 February 2014.

8. Amend the land use tables to permit 'building identification signs' as permissible with consent in most zones. The Codes SEPP now includes 'building identification signs' as a form of exempt development. This approach of changing to 'permitted with consent' will cover the signs that do not satisfy the development standards in the Codes SEPP.

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Consistency with strategic planning framework :

The planning proposal is consistent with the objectives and actions contained within the Far North Coast Regional Strategy.

The planning proposal is considered to be consistent with all applicable SEPP's.

The planning proposal is inconsistent with s117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 3.1 Residential Zones and 4.4 Planning for Bushfire Protection.

The following Directions warrant consideration.

1.1 Business and Industrial Zones

This direction applies as it affects land within an proposed industrial zone. Applying the land use 'recreation facility (indoor)' to the industrial zones in the LEP land uses tables, may 'reduce the total potential floor space area for industrial uses in industrial zones' making the s117 Direction Business and Industrial Zones inconsistent with the direction. Recreation facilities (indoor) is generally small scale development and unlikely to compromise local industrial potential. The inconsistency is justified as of minor significance.

1.2 Rural Zones

The planning proposal is not consistent with this direction as it proposes to rezone land from a rural zone to a residential zone. The LEP 2012 zoned this land 'Rural' although the previous zoning was 'Residential' and a residential development consent has been issued. As the proposal corrects an anomaly, the inconsistency is justified as of minor significance.

3.1 Residential Zones

This direction applies as the proposal affects land within an existing residential zone. The reduction in the minimum lot size in the R5 Large Lot Residential area of South Gundurimba has the potential to reduce the permissible residential density of the land making the proposed amendment inconsistent with the direction. However the inconsistency is justified as the majority of the R5 lots at present do not have subdivision potential so the net yield from the land is unlikely to be significantly reduced through the proposed minimum lot size increase. The inconsistency is justified as of minor significance. The same applies to a reduction in the density of the 'village' zones however the direction does not strictly apply to the village areas.

4.4 Planning for Bushfire Protection

The direction requires that Council consult with the Commissioner of the NSW Rural Fire Service. This consultation has not yet occurred which makes the s117 Direction 4.4 Planning for Bushfire Protection inconsistent with the direction.

It is considered that the planning proposal will not raise significant issues in regard to these amendments. If written advice is obtained from the Commissioner of the NSW Rural Fire Service and has no objection to the progression of the proposal then the inconsistency may be assessed as of minor significance.

The Council has indicated that it will consult with the NSW Rural Fire Service following Gateway Determination.

Environmental social economic impacts :

The planning proposal involves minor housekeeping matters and is therefore unlikely to involve any major negative environmental, social or economic impacts.

The increase in minimum lot sizes in certain village and large lot residential areas where there is no sewer will reduce the potential for impact from wastewater and septic effluent.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

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

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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
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Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
1.2 Rural Zones
4.4 Planning for Bushfire Protection

Additional Information : **It is recommended that:**

- 1) The planning proposal should proceed as a routine planning proposal;**
- 2) The planning proposal be completed within 12 months;**
- 3) The Director General (or an officer nominated by the Director General) agrees that the inconsistencies with s117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones and 3.1 Residential Zones are justified as of minor significance and accept that 4.4 Planning for Bushfire Protection should be resolved through consultation with the NSW Rural Fire Service prior to exhibition;**
- 4) A community consultation period of 14 days is necessary;**
- 5) A 'Locality Map' be prepared to support the map extracts supplied, for exhibition**

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purposes . When finalising the LEP the map amendments will need to be prepared in accordance with the Standard Technical Requirements for LEP Maps;
6) Delegation to finalise the planning proposal be issued to Lismore City Council.

Supporting Reasons :

The proposal by Council to apply a number of minor amendments to the Lismore LEP 2012 is appropriate to proceed.
The issue of delegation to Council to finalise the planning proposal is appropriate in this instance.

Signature:



Printed Name:

JIM CLARK

Date:

29 April 2014