

Lismore LEP 2012 - Rezoning of the Lismore Health Precinct

Proposal Title : Lismore LEP 2012 - Rezoning of the Lismore Health Precinct

Proposal Summary : The proposal seeks to amend the Lismore LEP 2012 to encourage additional residential accommodation and support services throughout the Lismore Health Precinct. This will include the introduction of the R3 Medium Density Residential zone into the LEP, rezoning land within the precinct to either R3 Medium Density Residential or B4 Mixed Use Zone and amending the relevant building height and floor space ratio provisions.

PP Number : PP_2015_LISMO_006_00 Dop File No : 15/12593

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
 4.3 Flood Prone Land
 5.1 Implementation of Regional Strategies
 6.1 Approval and Referral Requirements

Additional Information : It is **RECOMMENDED** that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Lismore Local Environmental Plan 2012 to undertake the rezoning of the Lismore Health Precinct and amend associated height of building and floor space ratio development standards should proceed subject to the following conditions:

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

- Update the 'objectives and intended outcomes' and 'explanation of provisions' to indicate that a change to the 'Floor Space Ratio' provisions is proposed.
- Remove the additional 'site specific' zone objectives from the proposed R3 zone;
- Update the 'explanation of provisions' to indicate that land zoned R2 Low Density Residential will be rezoned to R3 Medium Density Residential;
- Prepare a map which identifies the current and proposed FSR provisions for the precinct

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the Planning Proposal must be made publicly available for 28 days; and
- (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 local environmental plans (Planning and Infrastructure, 2013)'.

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- (a) Northern NSW Local Health District
- (b) Housing NSW
- (c) Office of Environment and Heritage (Flooding)

4. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A 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).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

6. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

7. Section 117 Directions - It is recommended that the Secretary's delegate can be satisfied that the Planning Proposal's inconsistency with s117 Directions 4.3 Flood Prone Land is justified given that the proposal is consistent with Council's Floodplain Risk Management Plan which is in accordance with the Floodplain Development Manual 2005

Supporting Reasons : The proposal is consistent with the Strategic Planning Framework. The recommended conditions to the Gateway are required to provide adequate consultation and accountability.

Panel Recommendation

Recommendation Date :

Gateway Recommendation :

Panel Recommendation : This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the General Manager. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 01-Sep-2015

Gateway Determination : Passed with Conditions

Decision made by : General Manager, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 9 months

Gateway Determination : 1. The planning proposal is to be amended, prior to community consultation to:

- include an updated 'objectives and intended outcomes' and 'explanation of provisions' that seeks a change to the 'Floor Space Ratio' provisions;
- remove the additional 'site specific' zone objectives from the proposed R3 zone;
- include an updated 'explanation of provisions' which indicates that land zoned R2 Low Density Residential will be rezoned to R3 Medium Density Residential; and
- include a map which identifies the current and proposed FSR provisions for the precinct.

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

(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(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 Infrastructure 2013).

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

- Office of Environmental and Heritage (Flooding)
- Northern NSW Local Health District
- Housing NSW

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. 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).

Lismore LEP 2012 - Rezoning of the Lismore Health Precinct

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Craig Diss

Date:

1 September 2015