

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**

Proposal Details

Date Planning Proposal Received : **25-Aug-2015** 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 :

Suburb : City : Postcode :

Land Parcel : **Various Land Parcels and Road Reserves**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Jon Stone**

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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**

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
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 communications 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 : **The Northern Region office has not met any lobbyists in relation to this proposal, nor has the Region been advised of any meeting between other officers within the agency and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The subject land is identified as a significant 'Health Precinct' for the North Coast Region. Lismore City Council was provided with a Planning Reform (PRF) Grant (13/20600) to assist with the review and adoption of a regulatory planning framework that encourages and supports the upgrade of the Base Hospital through the intensification of housing in the surrounding area and promoting additional ancillary uses such as medical practices and health service facilities.**

The lodgement of the Planning Proposal which seeks to amend the relevant LEP provisions is identified as Milestone 7 of the Project Work Plan. Council is also pursuing the introduction of precinct specific DCP and Section 94 contribution provisions, in conjunction with the LEP amendment.

The Planning Proposal does not apply to all land identified within the 'Health Precinct Investigation Area'. The land subject to this proposal is identified within the site plan which has been uploaded to the LEP tracking system.

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, which is to encourage additional uses that provide health facilities or services to residents and increased residential density within the Precinct.**

A minor amendment will be required to this statement in the Planning Proposal to include a reference that 'Floor Space Ratio' provisions will be amended as part of the proposal. This matter is discussed in more detail under 'Explanation of Provisions' of this Planning Team Report (see below).

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

Is an explanation of provisions provided? Yes

Comment : The Planning Proposal provides an explanation of the intended provisions to achieve the objectives and intended outcomes. Amendments to the 'explanation of provisions' will be required as discussed below.

INTRODUCTION OF R3 LAND USE ZONE INTO LISMORE LEP 2012

The proposal seeks to introduce the R3 Medium Density Zone into the LEP. The proposal does not seek to amend or remove any of the mandatory zone objectives or land uses as prescribed in the Standard Instrument Template.

Council officers have verbally advised that Council is not intending to apply the R3 zone to any other land within the LGA outside of the Health Precinct. It is in this regard that the Planning Proposal currently seeks to include three zone objectives, in addition to the mandatory zone objectives, that are site specific to the Health Precinct. These additional zone objectives seek to encourage a specific development product (residential flat development) that is consistent with the current planned 'vision' for the area.

Whilst the intent for seeking to include these zones is recognised, the introduction of site specific zone objectives limits the ability to apply this zone anywhere else in the LGA in the future. The additional objectives, as they are currently written, also limit alternative development opportunities that may not be consistent with the current intended 'residential flat development product' but do achieve the principles for medium density residential development. The objectives are also considered to be inconsistent with the intent of the R3 zone, as described in the Departments' Practice Note PN 11-002, which is to provide for a variety of residential uses to encourage housing choice and diversity.

These matters have been discussed with Council's technical officers who have indicated support to these additional 'site specific' zone objectives being removed, if they are not supported by the Gateway.

Considering the matters listed above, a condition should be included in the Gateway Determination that requires the removal of these objectives from the Planning Proposal prior to community consultation.

The Planning Proposal also seeks to include land uses within the R3 land use table that are in addition to the mandatory land uses under the Standard Instrument Template. These additional uses are listed to be either 'permitted with consent' or 'prohibited'. It is considered that these additional uses are consistent with the zone objectives and the intent of the zone as described in the Department's Practice Note PN 11-002. They are consistent with the intended development product for the Health Precinct and would be suitable for any future identified medium density area throughout the LGA.

REZONING OF RESIDENTIAL LAND TO R3 MEDIUM DENSITY RESIDENTIAL

The proposal seeks to apply the R3 zone to all existing residential land within the Precinct that is subject to this Planning Proposal. This will require an amendment to Land Zoning Map Sheet the LZN_005AB.

The written 'explanation of provisions' in the Planning Proposal needs to be updated to indicate that land currently zoned R1 General Residential and R2 Low Density Residential will be rezoned to R3 Medium Density (It currently only states that R1 zoned land will be rezoned). This is consistent with the mapping provided in the Planning Proposal and the published land use zones under the LEP.

A condition should be included in the Gateway that requires the Planning Proposal be updated, prior to community consultation, to indicate that R2 zoned land will be rezoned to R3.

REZONING OF B3 COMMERCIAL ZONED LAND TO B4 MIXED USE ZONE

The proposal seeks to rezone the existing B3 Commercial Core Zone to B4 Mixed Use Zone. This will require an amendment to the Land Zoning Map Sheet LZN_005AB.

This rezoning will permit residential accommodation within the existing business area, promoting new development product, increased densities and housing choice and a mixture of land uses. The documentation submitted with the proposal indicates that DCP provisions will be prepared that provide limitations to residential uses on the ground floor within the business zone. This will ensure that business land is not developed for non-business uses. In addition to permitting residential accommodation, the rezoning to B4 will also permit 'correctional centres' and 'exhibition homes' within the area. The suitability for establishing either of these land uses within the Precinct would need to be considered through an assessment of a Development Application.

The application of the B4 zone will introduce new prohibited land uses to this existing business area, including 'amusement centres', 'charter and tourism boating facilities', 'mortuaries', 'rural workers' dwellings', 'service stations' and 'wholesale supplies'. This will not cause issues with existing uses within the Precinct as it does not appear that any of these uses are currently operating within the Precinct.

AMENDING THE BUILDING HEIGHT MAP

The proposal seeks to increase the maximum building heights within the precinct. This will require an amendment to the Height of Buildings Map Sheet HOB_005AB. All land in the precinct that is bound by Uralba Street, Hunter Street, Orion Street and Brewster Street will have a maximum building of 16m ('O') applied to it. All other land subject to the Planning Proposal will have a maximum building height of 13m ('N') applied.

The Lismore LEP 2012 Height of Buildings Map already contains 'N' in the legend (14.5m). In accordance with the Department's 'standards technical requirements for LEP maps', the letter 'N' is to be applied to building heights within the range of 13m – 14.9m. In this regard the legend on Map Sheet HOB_005AB will need to display 'N1' for 13m and 'N2' for 14.5m. This matter does not need to be addressed prior to exhibition.

AMENDING THE FLOOR SPACE RATIO PROVISIONS

The land currently zoned B3 under the LEP has an FSR provision of 1.8:1 applied to it. It is Council's intent to have this FSR requirement removed. This is not detailed under the current Planning Proposal, however Council has formally written to the Department confirming this was an oversight and that it is intended to remove this FSR requirement. This amendment will ensure that increased densities, particularly for upper level residential development, can be achieved in the area. Floor space will be managed by Council's DCP, which is consistent with all other residential land in the LGA.

A condition should be included in the Gateway Determination that requires the proposed removal of FSR provisions be included in the Planning Proposal prior to community consultation.

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

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

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 65—Design Quality of Residential Flat Development

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

An assessment of the applicable directions and SEPPs is provided within the 'Assessment' section of this planning team report.

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

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

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The Planning Proposal has included mapping that identifies the subject land and proposed LEP map amendments.**

A map which identifies the current and proposed FSR provisions within the precinct, similar to the mapping in the current Planning Proposal, should be prepared prior to exhibition.

Revised maps which comply with the Department's 'Standard Technical Requirements for LEP Maps' would need to be prepared for the making of the LEP.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Planning Proposal has indicated a 28 day public exhibition/community consultation period. This is considered appropriate given the significance of the proposal to the future of the Health Precinct and wider Lismore area.**

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 : **Minor amendments are required to the Planning Proposal prior to it being publicly exhibited. This is to include:**

- **Updating the 'objectives and intended outcomes' and 'explanation of provision' to include a proposed change to the 'Floor Space Ratio' provisions;**
- **Removing the additional 'site specific' zone objectives from the proposed R3 zone;**
- **Updating the 'explanation of provisions' to indicate that land zoned R2 will be rezoned to R3; and**
- **Preparing a map which identifies the current and proposed FSR provisions for the precinct.**

Council officers have indicated willingness to undertake these amendments prior to community consultation. The requirement for these amendments should be made a condition of the Gateway Determination.

The Planning Proposal generally satisfies the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes (noting the changes required prior to exhibition);**
- 2. Providing a suitable explanation of the provisions proposed by the Planning Proposal to achieve the outcomes (noting the changes required prior to exhibition);**
- 3. Providing an adequate justification for the proposal;**
- 4. Providing maps which suitably identify the site and intended outcomes (noting the changes required prior to exhibition);**
- 5. Outlining a proposed community consultation program including a 28 day public**

exhibition period; and

6. Providing a project timeframe which suggests completion within 4 months.

Timeline

- The Planning Proposal includes a project timeline which estimates the completion of the Planning Proposal by December 2015 (4 months). Due to the significance of the proposal and potential delays around the Christmas period, it is considered that a 9 month time frame would be appropriate. This does not restrict Council from finalising the LEP amendment sooner.

Delegation.

- Council has advised via email that it does seek Plan Making Functions for this LEP Amendment. It is considered that these functions should be delegated to Council given that the proposal is consistent with the Regional and Local Growth Strategies (see below) and will result in a relaxation of development standards that will promote increased development opportunity.

Proposal Assessment

Principal LEP:

Due Date : **February 2013**

Comments in relation to Principal LEP :

The Lismore LEP 2012 is a Principal LEP and came into effect on 22 February 2013. The Planning Proposal seeks to amend this planning instrument.

Assessment Criteria

Need for planning proposal :

The current LEP provisions preclude medium density residential, mixed use development and a range of health and urban services in the Health Precinct. Amending the LEP provisions is therefore required to facilitate the intended development outcomes for this area.

This intensification of density and services within the Precinct is recognised as a key local and regional growth strategy. It will build on the Lismore Base Hospital site, increasing health services, housing supply, mix and affordability in the area.

Minimum subdivision lot size requirements of 400m² and 800m² are applied to land within the Precinct. Retaining these minimum lot sizes can restrict opportunities for amending lot boundaries and/or delivering alternative medium density product such as 'small lot housing'. Another argument though is retaining these minimum lot size requirements can encourage lot consolidation, which is a key objective of Council's vision for the precinct. This matter has been discussed with Council officers, who have indicated that there is no intention to modify the lot size requirements under this Planning Proposal.

Consistency with strategic planning framework :

FAR NORTH COAST REGIONAL STRATEGY (FNCRS)

The proposal does not result in the zoning of urban (residential or business) land outside of the Town and Village Urban Growth Boundaries. It seeks to intensify development opportunities on 'infill sites', contributing to housing and service provision within the existing urban footprint.

The proposal is consistent with the aims, objectives and intent of the Strategy.

LISMORE GROWTH MANAGEMENT STRATEGY 2015-2035

The Lismore Growth Management Strategy was endorsed by the Department in August 2015. The proposed intensification of residential land uses and mixed use development within the Health Precinct is a key desired outcome under the Strategy.

STATE ENVIRONMENTAL PLANNING POLICIES

The proposal does not result in any inconsistency with the relevant SEPPs.

In accordance with SEPP 55 – Remediation of Land, Council has considered that the land subject to rezoning is unlikely to be contaminated given that it has been fully developed for urban/residential purposes (sensitive land use) and that the proposal only seeks to increase densities on this already developed land. Future development proposals would need to determine if any potentially contaminating activities (under slab contamination, asbestos, etc.) have occurred on individual sites and identify what remediation works, if any, are required to ensure the land is suitable for redevelopment.

All future development on the land will need to demonstrate consistency with the relevant SEPPs including (but not limited to):

- SEPP 55 Remediation of Land – as noted above.
- SEPP 65 Design Quality of Residential Flat Buildings (where applicable) – ensuring residential flat development achieves high levels of design quality, sustainability and liveability
- SEPP (Affordable Rental Housing) – ensuring the effective delivery of new affordable rental housing opportunities

SECTION 117 DIRECTIONS

The following s117 Directions are applicable to the Planning Proposal. A number of these Directions have not been directly addressed under the Planning Proposal. As discussed below, the proposal is either consistent or justifiably inconsistent with the relevant Directions.

Direction 1.1 Business and Industrial Zones

- The proposal will affect land within an existing business zone. The proposal is consistent with the objectives of the Direction, retains all areas of existing business zones, does not reduce the potential for employment floor space and is consistent with a strategy that has been approved by the Department. The proposal is consistent with this Direction.

Direction 3.1 Residential Zones

- The proposal will affect land within an existing residential zone. The proposal includes provisions that will broaden building types, utilise existing infrastructure and services, utilise existing 'infill' land and be of good urban design (DCP provisions). The Lismore LEP 2012 contains a provision requiring that land must be adequately serviced (Clause 7.1). The proposal is consistent with this Direction.

Direction 3.2 Caravan Parks and Manufactured Home Estates

- Whilst the Health Precinct does not contain land being used as a caravan park, the proposal does not remove provisions which permit a caravan park being established on the land. The proposal is consistent with this Direction.

Direction 3.3 Home Occupations

- The proposal permits home occupations to be carried out within dwelling houses without the need for consent. The proposal is consistent with this Direction.

Direction 3.4 Integrating Land Use and Transport

- The proposal seeks to amend land use provisions that will facilitate increased housing densities and mixed uses in an existing urban area. The site is located in a central business area that is serviced by public transport services included buses and trains. The proposal is consistent with this Direction.

Direction 4.3 Flood Prone Land

- The proposal seeks to increase development potential on land that is mapped as being flood prone. The proposal is inconsistent with this Direction.

Council has adopted LEP and DCP provisions and a Flood Management Plan (which is consistent with the Floodplain Development Manual) for managing development in flood prone areas. The information submitted with the Planning Proposal indicates that specific flood planning provisions for this Precinct will also be included in Council's DCP that require, among other things, limiting residential development above ground floor levels in high and medium risk flood areas. This will ensure a level of flood immunity for habitable areas.

The Planning Proposal indicates that the proposal is consistent with Council's Floodplain Risk Management Plan. The Secretary can therefore determine that the proposal's inconsistency with this Direction is justified.

Direction 5.1 Implementation of Regional Strategies

- The proposal is consistent with the regional strategy as discussed above. The proposal is consistent with the Direction.

Environmental social
economic impacts :

The potential for environmental impact associated with the redevelopment and use of land will be reviewed as part of any future DA. It is considered that any potential impacts would be minor given that it would relate to infill development.

Flooding constraints can be suitably managed through development design and compliance with Council's LEP, DCP and Flood Management Plan provisions.

The Planning Proposal has indicated that there is adequate infrastructure in place to service increased development product within the Precinct. It is recognised that upgrades to existing services can be undertaken to increase capacities due to increased loads. A detailed review of service provision including water, sewer, drainage, road, telecoms and electrical capacity would be required with future Development Applications.

The proposal will facilitate increased development opportunities within an existing urban precinct. This will contribute to the provision of health and service provision, building on the Lismore Base Hospital. Increased residential densities and mixed use opportunities will improve housing supply, choice and affordability and will utilise existing infrastructure. The proposal will have a positive social and economic impact.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Other		

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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
2015-08-17 Planning Proposal Health Precinct.pdf	Proposal	Yes
Cover Letter.pdf	Proposal Covering Letter	Yes
Addendum to PP.docx	Proposal	Yes
Request for Delegation.pdf	Proposal	No
PP Maps.pdf	Map	Yes

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 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 will be rezoned to R3
- 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:

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- (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

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.

Signature:



Printed Name:

JIM CLARK

Date:

31 August 2015

Team Leader Local Planning