

Rural residential development, Dunromin Drive, Modanville

Proposal Title : **Rural residential development, Dunromin Drive, Modanville**

Proposal Summary : **Rezone 14.3 hectares of rural land at Modanville to allow rural residential development.**

PP Number : **PP_2012_LISMO_001_00**

Dop File No : **12/11790**

Proposal Details

Date Planning : **17-Jul-2012**

LGA covered : **Lismore**

Proposal Received :

Region : **Northern**

RPA : **Lismore City Council**

State Electorate : **LISMORE**

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

LEP Type : **Spot Rezoning**

Location Details

Street : **Dunromin Drive**

Suburb : **Modanville**

City : **Lismore**

Postcode : **2480**

Land Parcel : **Lot 22, DP 861639**

DoP Planning Officer Contact Details

Contact Name : **Greg Yeates**

Contact Number : **0266416608**

Contact Email : **greg.yeates@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Paula Newman**

Contact Number : **0266250525**

Contact Email : **paula.newman@lismore.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Craig Diss**

Contact Number : **0267019685**

Contact Email : **craig.diss@planning.nsw.gov.au**

Land Release Data

Growth Centre : **Other**

Release Area Name : **Other**

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

Consistent with Strategy : **Yes**

Rural residential development, Dunromin Drive, Modanville

MDP Number :		Date of Release :	
Area of Release (Ha) :	14.30	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	15	No. of Dwellings (where relevant) :	15
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : **To the best of the regional team's knowledge the NSW Government Lobbyists Code of Conduct has been complied with.**

External Supporting Notes : **The Planning Proposal seeks to rezone the land to 1(c) Rural Residential under Lismore LEP 2000 (or R5 Large Lot Residential should the draft Lismore comprehensive LEP 2012 be made prior to the finalisation of this proposal).**

Adequacy Assessment

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

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

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed. The proposal confirms the intent to rezone the land for rural residential purposes and identifies that this will occur via Lismore LEP 2000 (or Lismore draft comprehensive LEP 2012 if it is made prior to the finalisation of this proposal).**

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

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

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve its objectives and intended outcomes. The proposal outlines the proposed provisions in relation to Lismore LEP 2000 (1(c) Rural Residential) and Lismore draft comprehensive LEP 2012 if it is made prior to the finalisation of this proposal (R5 Large Lot Residential). If the Planning proposal amends LEP 2000, the minimum lot size for the 1(c) zone will be 0.2 ha with a minimum average of 0.5 ha. If the Planning Proposal amends LEP 2012, it is understood that the proposed lot size will be determined after completion of the environmental studies and survey. It is anticipated that the minimum lot size will be approximately 1 ha.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **1.2 Rural Zones**

* May need the Director General's agreement **1.5 Rural Lands**

3.1 Residential Zones

Rural residential development, Dunromin Drive, Modanville

3.4 Integrating Land Use and Transport
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies

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 (Rural Lands) 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 : **N/A**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The Planning Proposal includes maps showing the existing zoning in LEP 2000 (Rural 1(a)) and the zoning in draft LEP 2012 (RU1 and RU2). The proposed zoning map has not yet been provided. It is recommended that prior to exhibition that the Planning Proposal be amended to include the proposed zoning maps. It is noted that an amendment to the lot size map will also be required if LEP 2012 is amended.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The relevant planning authority has requested an exhibition period of 28 days for the proposal. While the planning proposal is considered to be generally 'low impact', no objection is raised to the proposed 28 day notification period.

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 :

Proposal Assessment

Principal LEP:

Due Date : **September 2012**

Comments in relation to Principal LEP :

The Planning Proposal will be implemented either as an amendment to the current Lismore LEP 2000 or the draft Lismore Comprehensive LEP 2012, subject to its approval and publication. The draft 2012 plan is currently with the department under s.68 of the Environmental Planning and Assessment Act.

The zoning of the subject land in draft LEP 2012 is part RU1 and part RU2. If the Planning Proposal amends LEP 2012, it is proposed that the subject land will be zoned R5 Large Lot Residential. The minimum lot size (to be shown on the lot size map) will be determined following the environmental studies and survey, but Council currently anticipates that it will be approximately 1 ha (10-15 lots in 14.3 ha).

Assessment Criteria

Need for planning proposal :	Council has sought a change in zoning to allow an additional 10-15 allotments/dwellings, consistent with its approved rural housing strategy. The rural housing strategy was approved by the Director General's delegate in September 2001.
Consistency with strategic planning framework :	Regional/local strategies - The proposal is consistent with the Far North Coast Regional Strategy, which acknowledges that strategically located rural residential development is a legitimate housing choice. It is also consistent with Council's rural housing strategy. The local strategy was based on the principles contained in the (then) Department of Urban Affairs and Planning's Guidelines on Rural Settlement on the North Coast of NSW. It builds onto an existing rural residential area at Modanville that adjoins the site. The Planning Proposal is considered to be consistent with all State Environmental Planning Policies. The Planning Proposal is considered to be consistent with all s.117 directions, except in relation to the following: S.117 Direction 1.2 Rural Zones - The direction requires that land not be rezoned from rural to residential or increase permissible density. If the Planning Proposal amends draft Lismore LEP 2012, the new zone will be R5 Large Lot Residential which is a residential zone. If the Planning Proposal amends Lismore LEP 2000, the lot size for the land will be reduced and the permissible density increased. The Planning Proposal is therefore considered to be inconsistent with this direction. The inconsistency with the direction is justified as it is consistent with a local strategy for rural housing approved by the Director General's delegate. S.117 Direction 3.1 Residential Zones - The proposal is considered to be inconsistent with the direction as it does not "reduce the consumption of land for housing ... on the urban fringe". The inconsistency with the direction is justified as it is consistent with a local strategy for rural housing approved by the Director General's delegate. S.117 Direction 4.4 Planning for Bushfire Protection - The site is identified as being bushfire prone. Consultation with the Rural Fire Service has not yet occurred, so the Planning Proposal is not yet consistent with the direction, but consistency is likely to be achieved.
Environmental social economic impacts :	The site has been inspected by a qualified ecologist. The site is extensively cleared with the majority of existing vegetation comprising camphor laurels and minor landscape plantings. A land contamination assessment has not yet been carried out. The applicant has proposed that it be undertaken at subdivision application stage, however Council has confirmed a contamination assessment will be undertaken after the Gateway Determination is made. The site is mapped as bushfire prone. A bushfire assesment will be required to comply with Planning for Bushfire Protection (RFS 2006). The planning proposal indicates that compliance with PBP can be achieved. Parts of the site are steep. A detailed survey is proposed before a subdivision layout is determined. The site is not flood prone. The site is located 14 kilometres from Lismore. Modanville is already served by public transport. Provision of 10-15 alotments would result in minimal change to the population of the Modanville/Dunoon locality. In summary, no unresolvable environmental, social or economic impacts have been

Rural residential development, Dunromin Drive, Modanville

identified.

Assessment Process

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

Timeframe to make LEP : **12 Month** Delegation : **DG**

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. :

Flora

Fauna

If Other, provide reasons :

On-site wastewater disposal assessment.

Archaeological and cultural heritage assessment.

Contaminated land assessment.

The Relevant Planning Authority considers the above studies/assessments are necessary. This is supported.

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's letter.pdf	Proposal Covering Letter	Yes
Council's planning report - part 1.pdf	Proposal Covering Letter	Yes
Council's planning report - part 2.pdf	Proposal Covering Letter	Yes
Planning proposal, prepared by LandPartners.pdf	Proposal	Yes
Locality map.pdf	Map	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
3.1 Residential Zones
3.4 Integrating Land Use and Transport

Rural residential development, Dunromin Drive, Modanville

**4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies**

Additional Information :

It is recommended that:

- 1. The Planning Proposal be supported;**
- 2. The following additional studies/information be undertaken: (i) On-site wastewater disposal assessment; (ii) Archaeological and cultural heritage assessment; (iii) Contaminated land assessment; and (iv) Flora and Fauna;**
- 3. The Planning Proposal be exhibited for 28 days;**
- 4. The NSW Rural Fire Service be consulted;**
- 5. That no public hearing be required;**
- 6. That the Planning Proposal be amended prior to exhibition to include proposed zoning maps of the land;**
- 7. The Planning Proposal be completed within 12 months; and**
- 8. The Director General (or his delegate) agree to the inconsistencies with s117 Directions 1.2 Rural Zones and 3.1 Residential Zones as they are justified by a strategy approved by the Director General's delegate.**

Supporting Reasons :

The Planning Proposal will help to provide increased rural residential opportunities and housing choice in a strategically identified and approved locality within the Lismore local government area.

The proposal is considered to be consistent or justifiably inconsistent with the strategic planning framework for the area.

Signature:



Printed Name:

Craig Diss

Date:

20/7/12