

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**

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
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.

Panel Recommendation

Recommendation Date : **26-Jul-2012**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

- 1. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to undertaking exhibition of the planning proposal.**
- 2. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the Contaminated Land Planning Guidelines. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.**

3. Council is to amend the planning proposal to include proposed zoning maps to amend both Lismore LEP 2000 and draft Lismore LEP 2012, before the planning proposal is placed on public exhibition.

4. 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. Council should provide additional information regarding the following matters to identify all impacts that may result from the proposed development for the purposes of exhibition:

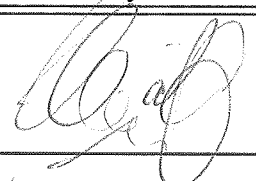
- o Flora and Fauna
- o On site waste water disposal
- o Archaeological land assessment

Council should include the outcomes of this assessment with the planning proposal for exhibition purposes to demonstrate the land is suitable for the proposed use.

7. A public hearing is not required to be held into the matter by any person or body 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).

8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McCaffin

Date:

1.8.12