

Rezone Lot 82 DP 1187079, Waterford Park Estate, Goonellabah for residential purposes

Proposal Title : **Rezone Lot 82 DP 1187079, Waterford Park Estate, Goonellabah for residential purposes**

Proposal Summary : **The proposal seeks to rezone part of Lot 82 DP 1187079, Waterford Park Estate, Goonellabah from RU1 - Primary Production to R1 - General Residential. The remaining part of Lot 82 is zoned R1 General Residential as part of the Waterford Park Estate.**

The proposal will require amendments to Land Zoning, Minimum Lot Size and Height of Building maps.

PP Number : **PP_2014_LISMO_003_00**

Dop File No :

14/20802

Proposal Details

Date Planning
Proposal Received : **16-Dec-2014**

LGA covered : **Lismore**

Region : **Northern**

RPA : **Lismore City Council**

State Electorate : **LISMORE**

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

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb : **Waterford Park Estate**

City : **Goonellabah**

Postcode : **2480**

Land Parcel : **Lot 82 DP 1187079**

DoP Planning Officer Contact Details

Contact Name : **Jenny Johnson**

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RPA Contact Details

Contact Name : **Dave McDonald**

Contact Number : **0266250468**

Contact Email : **David.McDonald@lismore.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Jim Clark**

Contact Number : **0266416604**

Contact Email : **Jim.Clark@planning.nsw.gov.au**

Rezone Lot 82 DP 1187079, Waterford Park Estate, Goonellabah for residential purposes**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
MDP Number :		Date of Release :	
Area of Release (Ha) :	7.00	Type of Release (eg Residential / Employment land) :	Residential
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 & Environment 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 meeting between other departmental 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 describes the intention of the planning proposal. The proposal seeks to rezone part of Lot 82 DP 1187079, Waterford Park Estate, Goonellabah from rural to residential to reflect the urban nature of the neighboring land and enable the land to be utilised for residential development.**

Explanation of provisions provided - s55(2)(b)Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions adequately describes the intention of the planning proposal. The proposal proposes to rezone part of Lot 82 DP 1187079 from RU1 Primary Production to R1 General Residential as it is a natural extension to the Waterford Park Estate. The agricultural lot is not conducive for intensive agricultural activities and would raise significant land use conflict with the neighboring residential estate. The subject lot is not presently being utilised for agriculture.**

The proposal requires amendments to the LEP maps. The amendment include:

- amending the Land zoning map from RU1 Primary Production to R1 General Residential;
- amending the Lot size map indicating a minimum lot size of 400m²; and
- amending the Height of Building map indicating a maximum permissible height of 8.5m.

The changes proposed for the maps are compatible with the previously approved residential development of Waterford Park Estate.

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

1.2 Rural Zones

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

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 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

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 :

The inconsistencies with the s117 Directions have been addressed and are considered justified.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The proposal includes mapping which adequately shows the land affected by the proposed amendment. The maps are suitable for exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

A 28 day exhibition period has been proposed for the proposal. The planning proposal is classed as a low impact proposal as the rezoning is supported by a state government strategy. An exhibition period of 28 days is considered 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 suitable explanation of the provisions for the LEP to achieve the outcomes;**
- 3) Providing an adequate justification for the proposal;**
- 4) Allowing a suitable proposed community consultation program;**
- 5) Providing a time line for the completion of the proposal. Council has suggested a time line of twelve (12) months, which is acceptable; and**
- 6) Completing an evaluation criteria for the delegation of plan making functions to exercise delegation. Delegation is accepted in this instance.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Lismore LEP 2012 was made in February 2013. This planning proposal seeks an amendment to the Lismore LEP 2012.

Assessment Criteria

Need for planning
proposal :

The land was zoned 1(d) Investigation for future rezoning purposes under Lismore LEP 2000. As an equivalent zone was not available under Lismore LEP 2012 and the land was identified as State Significant Farmland the site was given an agricultural zone - RU1 Primary Production.

The proposal is not a direct result of any strategy however the land has been identified in Lismore Urban Strategy 2011 within the future urban expansion boundary. The subject site has been classed as suitable for future residential development in Lismore's draft Growth Management Strategy which is currently on exhibition. Each of these strategies support the option of rezoning the land from primary production to a more suitable residential zoning.

The surrounding area is predominately residential development. If the land was to remain as RU1 it is unlikely to be profitable as an agricultural enterprise and would raise serious land use conflicts. A residential zone is the most suitable zoning for this area.

The rezoning will allow for the area to be developed for general residential housing that will cater to all levels of the existing and future Lismore / Goonellabah community. Greater housing choice leads to an increase in potential job opportunities and more efficient use of infrastructure services.

Additional housing that will occur from the rezoning proposal will also contribute to Council's housing targets as set by the Far North Coast Regional Strategy (FNCRS).

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Consistency with strategic planning framework :

The proposal seeks to rezone the subject lot for residential purposes to enable urban expansion in accordance with the Far North Coast Regional Strategy (FNCRS).

While the subject site is not within the Town and Village Growth Boundary (T&VGB) the FNCRS allows for "minor variations to the boundary" when it satisfies issues raised in the strategy. The proposal is seeking a minor adjustment to the boundary for the land to be included for residential purposes.

Development located outside of the growth boundary usually need to satisfy the Sustainability Criteria of the FNCRS, which Council has completed. However with minor rounding off to the boundary such as this proposal, can be considered without the need to satisfy the Criteria. This area was likely excluded from the original T&VGB due to its State Significant Farmland classification.

The FNCRS identifies Lismore as a Major Regional Centre and has allocated a significant portion of new housing to be built to cater for the population expected in this centre. The proposal is therefore consistent with the FNCRS forecasts for the future of Lismore as a major regional centre.

The proposal is consistent with most of the SEPPs that apply to the LGA.

SEPP (Rural Lands) principles aim to minimise effects to rural land including reducing fragmentation of rural land, land use conflict issues and maintaining existing and future agricultural holdings. The subject site is unlikely to sustain large agricultural activities in the future and has the potential to create land use conflict due to the close proximity to the existing residential development. Although the proposal may be inconsistent with the overall aim of the SEPP, for the above reason the land should be considered for general residential development.

The planning proposal is inconsistent with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.4 Planning for Bushfire Protection and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast.

The following Directions warrant consideration

1.2 Rural Zones

The planning proposal is not considered to be consistent with this direction as it is proposed to rezone land from a rural zone to a residential zone. The inconsistency is justified because the rezoning is in accordance with a strategy (Lismore Urban Release Strategy 2011) which gives consideration to the objectives of this direction. The FNCRS identifies the area as a Major Regional Centre. The rezoning will allow this area to be developed for residential development, which is consistent with the objectives of the FNCRS.

1.5 Rural Lands

The planning proposal is not considered to be consistent with this direction as it will affect land within an existing or proposed rural zone. The existing land use zone is RU1 Primary Production. The provisions that are inconsistent are justified by a strategy (Lismore Urban Release Strategy 2011) that gives consideration to this direction. The land is located within the Goonellabah urban area and has limited agricultural productive values (see agricultural Report).

3.1 Residential Zones

This direction applies as it affects land within a proposed residential zone. The objective of the direction is to ensure housing diversity, existing infrastructure, and adequate services are taken into consideration when proposing future residential development. The proposal is not inconsistent with the direction as the development has the ability to propose a number of different types of housing options. Services exist in the surrounding residential estate which can be extended to adequately service the proposed development.

3.4 Integrated Land Use & Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development design, subdivision and street layout achieve adequate transportation methods. The Lismore Urban Release Strategy identified the site as suitable for urban development. The site is easily accessible from existing road infrastructure and is within walking distance of public transport and facilities.

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 proposal inconsistent with the s117 Direction 4.4 Planning for Bushfire Protection direction.

It is considered that the planning proposal will not raise significant issues in regard to this rezoning. 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.

5.1 Implementation of Regional Strategies

The proposal is consistent with this direction. The FNCRS allows for "minor variations to the boundary" when it satisfies issues raised in the strategy. This variation allows the land to be identified and supported by the FNCRS as 'future urban release'.

5.3 Farmland of State & Regional Significance on the NSW Far North Coast

This direction is to ensure that the best agricultural land will be available for current & future generations. This land has been identified as 'State Significant Farmland'. The proposal is inconsistent with the direction as it proposes to rezone land identified as State Significant Farmland (RSF) for urban purposes.

An agricultural report has been undertaken for the subject site. The qualities that the land exhibits are normally associated with Class 4 and Class 5 agricultural land. These classes are usually associated with low grade agricultural land, and not normally associated with 'State Significant Farmland'. The loss of this land for residential purposes is unlikely to impact greatly on agricultural purposes as it is not currently utilised for agricultural and there is a large tract of State Significant Farmland in the surrounding area. This small area is also surrounded by residential development which could lead to extensive land use conflict issues.

Given the land's inclusion in the Lismore Strategy and consistency with the Far North Coast Regional strategy as a "minor rounding off", the inconsistency is justified.

Environmental social
economic impacts :

The planning proposal is not constrained by coastal processes, flooding, or high conservation land. No threatened species or populations were identified as being affected by the proposal.

A number of additional studies will be completed (post Gateway) to determine any likely impacts on the environment. These studies will become part of the exhibition material with the planning proposal.

The rezoning proposal potentially has an economic benefit due to the job opportunities that will arise during construction of residential development and the flow-on effect within the community of an increase in revenue to the local businesses and area.

Assessment Process

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

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

Public Authority Consultation - 56(2) (d) : **NSW Department of Primary Industries - Agriculture
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. :

Other - provide details below

If Other, provide reasons :

Council have requested that the following additional studies on receipt of the Gateway determination. Studies include:

- **Flora and Fauna**
- **Contamination Land**
- **European and Aboriginal Heritage**
- **Social Impact**
- **Stormwater management plan**
- **Traffic Impact**
- **Land Use Conflict Risk Assessment**
- **Bushfire Risk**

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
Lismore City Council_16-12-2014_LEP 2012 Amendment Part Lot 82 DP 1187079 Waterford Park Estate Goonellabah - s56_.pdf	Proposal Covering Letter	Yes
2014-12-16 Planning proposal.pdf	Proposal	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**

2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.2 Mine Subsidence and Unstable Land
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
5.3 Farmland of State and Regional Significance on the NSW Far North Coast
6.1 Approval and Referral Requirements

Additional Information :

It is recommended that:

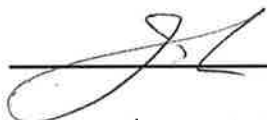
- 1) The planning proposal should proceed as a routine planning proposal;
- 2) The Secretary (or an officer nominated by the Secretary) agrees that the inconsistencies with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 5.3 Farmland of State and Regionally Significance on the NSW Far North Coast are justified and 4.4 Planning for Bushfire Protection will be resolved through consultation prior to exhibition with the NSW Rural Fire Service;
- 3) Prior to undertaking public exhibition, Council complete:
 - Flora and Fauna assessment
 - Contamination Land assessment
 - European and Aboriginal Heritage assessment
 - Social Impact assessment
 - Stormwater management plan
 - Traffic Impact assessment
 - Land Use Conflict Risk Assessment
 - Bushfire Risk assessmentto support the planning proposal. This material should be placed on public exhibition with the planning proposal;
- 4) That the planning proposal be considered as low impact and exhibit the planning proposal for a period of 28 days;
- 5) The planning proposal be completed in 12 months;
- 6) Delegation to finalise the planning proposal be issued to Lismore City Council.

Supporting Reasons :

The planning proposal to rezone part of Lot 82 DP 1187079 from rural to residential in accordance with the Local Urban Release Strategy 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:

19 December 2014