

Lismore LEP 2012 - reclassification and/or rezoning of certain council owned parks

Proposal Title : Lismore LEP 2012 - reclassification and/or rezoning of certain council owned parks

Proposal Summary : The planning proposal identifies 18 areas of under-utilised public open space that Lismore City Council considers appropriate for rezoning. Sixteen sites have to be reclassified to operational and then rezoned and two sites are proposed to be rezoned only as they are currently classified as operational.

The proposed zone for these parks will reflect their surrounding land use, 17 of the sites are proposed to be rezoned R1 General Residential and one site is proposed to be zoned IN2 Light Industrial.

PP Number : PP_2013_LISMO_002_00 Dop File No : 13/07423

Planning Team Recommendation

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

S.117 directions :
2.1 Environment Protection Zones
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements

Additional Information : It is recommended that:

- 1) The planning proposal be supported subject to conditions;
- 2) The planning proposal be publicly exhibited in accordance with the department's LEP practice note PN09-003, for a period of 28 days and that a public hearing be arranged in accordance with the requirements of section 29 of the Local Government Act 1993;
- 3) Council prepare adequate maps (zoning, height of buildings, minimum lot size) for public exhibition;
- 4) An assessment in relation to the Council's Comprehensive Koala Plan of Management 2012 (SEPP 44) should be prepared for exhibition for any areas greater than one hectare within the planning proposal to ensure that areas of preferred koala habitat are protected.
- 5) that the NSW Rural Fire Service be consulted ;
- 6) Council prepare for exhibition additional information to explain the benefit to the community of reclassification and rezoning of the park areas, and identifying alternative recreation areas ;
- 7) The Director General (or an officer nominated by the Director General) agree that the inconsistency with s117 Direction 4.4 Planning for Bushfire Protection will be justified once consultation with the Rural Fire Service takes place;
- 8) The Director General (or an officer nominated by the Director General) note that the inconsistency with s117 Direction 6.2 Reserving Land for Public Purposes remains outstanding and will require justification following preparation and exhibition by Council of the material required by condition 6;

9) the planning proposal be completed in 9 months;

10) Delegation is not to be given to Council as the reclassifications may involve approval by the Governor depending on whether any land interests are to be changed.

11) A copy of land title searches and information regarding any interests to be discharged is to be provided to the department when Council submits the planning proposal for making.

Supporting Reasons :

The proposal by Council to dispose of under-performing pocket parks, rezone them and spend the proceeds on embellishing larger recreation areas is appropriate to proceed if Council is able to provide adequate consultation and accountability in the public interest.

Panel Recommendation

Recommendation Date : **16-May-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - (a) include additional information to demonstrate consistency or justify any inconsistency with Section 117 Direction 6.2 Reserving Land for Public Purposes, including providing justification for the reduction of land used for open space purposes, the community benefit resulting from the proposal and identify alternative public open space areas,
 - (b) address the proposals consistency with State Environmental Planning Policy (SEPP) 44 - Koala Habitat Protection and include an assessment against Council's Comprehensive Koala Plan of Management for sites greater than 1ha,
 - (c) address relevant matters which are to be included within a planning proposal as identified in A Guide to Preparing Planning Proposals, including matters under Part 3 'Justification' and address the Director General's requirements relating to the reclassification of public land consistent with section 5.5.4 of A Guide to Preparing LEPs, and
 - (d) include existing and (where applicable) proposed land zoning, height of buildings and lot size maps, which are at an appropriate scale and clearly identify the subject site.
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 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 & Infrastructure 2013).
3. Consultation is required with the NSW Rural Fire Service (RFS) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. No other consultation is required under section 56(2)(d) of the EP&A Act. RFS 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. If necessary, the planning proposal is to be updated to take into consideration any comments made by RFS, prior to undertaking public exhibition.
4. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.
5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:

M. Selman

Printed Name:

Neil Selman

Date:

23/5/13