

Rezone land at Bangalow Road, Howard Grass for residential purposes

Proposal Title : **Rezone land at Bangalow Road, Howard Grass for residential purposes**

Proposal Summary : **The planning proposal seeks to rezone part of Lot 182 DP 787249 Bangalow Road, Howards Grass from RU1 - Primary Production to R1 - General Residential under the provisions of the Lismore Local Environmental Plan (LEP) 2012. The remaining part of Lot 182 will retain its RU1 agricultural zoning.**

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

PP Number : **PP_2015_LISMO_002_00**

Dop File No : **15/08315**

Proposal Details

Date Planning
Proposal Received : **18-May-2015**

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 : **209 Bangalow Road**

Suburb : **Howard Grass**

City : **Lismore**

Postcode : **2480**

Land Parcel : **Lot 182 DP 787249**

DoP Planning Officer Contact Details

Contact Name : **Jenny Johnson**

Contact Number : **0266416614**

Contact Email : **Jenny.Johnson@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Sue Thatcher**

Contact Number : **0266250470**

Contact Email : **sue.thatcher@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 land at Bangalow Road, Howard Grass 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) :	1.20	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	2
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's 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 : **Note that while the address of the property is indicated as Bangalow Road, the part of the site proposed for rezoning is directly adjacent to Lucia Crescent, at the northern edge of the Goonellabah urban area.**

The site is located outside the Far North Coast Regional Strategy's (FNCRS) Town and Village Growth Boundary map for Lismore. However, the FNCRS does provide an avenue for the potential release of such land. The process to allow Council to initiate a rezoning require that:

"... any development proposals for greenfield sites west of the Coastal Area and outside of the Town and Village Growth Boundary be subject to satisfying the Sustainability Criteria".

Council has provided a Compliance Table for the Sustainability Criteria in relation to the subject site, in support of the planning proposal, detailing consistency with the FNCRS.

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 amend the Lismore LEP 2012 by rezoning land at 209 Bangalow Road for residential development. The part of the subject site proposed for rezoning is directly adjacent to Lucia Crescent, Howard Grass.**

Rezone land at Bangalow Road, Howard Grass for residential purposes

Part of Lot 182 (approximately 575m²) is currently zoned R1 and has frontage to Lucia Crescent.

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

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

Comment : The proposal proposes to rezone part (1.2ha) of Lot 182 DP 787249 from RU1 - Primary Production to R1 - General Residential, which will be an extension to the existing residential subdivision at Lucia Crescent. The area proposed to be rezoned has potential to be developed for residential purposes, retaining a large portion of land for rural purposes and minimising land use conflict with the existing residential estate.

Council has indicated that amendments will be required of the LEP maps to facilitate residential use of the land. The amendments include:

- amending the Land Zoning map (LZN_005AB) that apply to the part of the site identified from RU1 - Primary Production to R1 - General Residential. The remaining portion of the site remains within the RU1 zone.

- amending the Lot Size map (LSZ_005AB) indicating a minimum lot size of 400m² for the part of the lot that is proposed to be zoned R1; and

- amending the Height of Building map (HOB_005AB) indicating a maximum permissible height of 8.5m for the part of the lot that is proposed to be zoned R1.

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

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable 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

6.2 Reserving Land for Public Purposes

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 :

Council has previously considered an application for the creation of one additional lot (1.2ha) and a boundary adjustment between Lot 181 and 182 (subject site) DP 787249. While the boundary adjustment was permissible under the provisions of the LEP the application was refused by Council on the basis that the additional subdivision did not satisfy the requirements for subdivision in the LEP.

After further discussions by the applicant with Council it was determined that Council staff would support the lodgement of a planning proposal to rezone part of the land for

Rezone land at Bangalow Road, Howard Grass for residential purposes

residential development, and a Development Application (DA) for subdivision of the subject site into two residential lots and a boundary adjustment between lots 181 and 182 DP 787249.

Consideration of the DA will be undertaken concurrently with the planning proposal but cannot be determined until a decision regarding the making of the LEP amendment has been decided by the Minister or his delegate.

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

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

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal includes mapping that adequately reflects the proposed amendments. These maps are suitable for exhibition purposes.**

Amendments to the Land Zoning, Lot Size and Height of Building maps will need to be prepared in accordance with the Standard Technical Requirements for LEP maps prior to finalisation of the LEP.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has indicated that a 28 day public exhibition period is suitable for a planning proposal of this nature. This 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 explanation of 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 planning proposal. Council has suggested a time line of 12 months, which is acceptable; and**
- 6) Completing an evaluation criteria for the delegation of plan making to exercise delegation. Delegation is recommended 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 purpose of the proposal is to enable the approval of a future two lot subdivision of 209 Bangalow Road. The proposal will also enable the Lismore Housing Strategy goals, to

Rezone land at Bangalow Road, Howard Grass for residential purposes

increase supply in the Lismore locality.

The proposal has been identified in Lismore Urban Strategy 2003 as suitable for residential development, as it is land not affected by significant physical and environmental constraints. A Council resolution in April 2015 has recommended the subject site's inclusion in the Growth Management Strategy.

The rezoning will allow the area to continue to be developed for general residential housing that will cater to the future Lismore / Goonellabah community. It is also ideally situated to complement existing infrastructure.

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

Rezone land at Bangalow Road, Howard Grass for residential purposes

Consistency with strategic planning framework :

In December 2006 the Minister of Planning released the Far North Coast Regional Strategy (FNCRS) 2006-31. The Strategy sets a target of 8000 new dwellings for the Lismore Local Government Area by the year 2031.

The subject site is outside the Strategy's Town and Village Growth Boundary and is not designated as a Proposed Future Urban Release Area. Development located outside the growth boundary needs to satisfy the Sustainability Criteria of the FNCRS. Council has completed an assessment of the proposal against the Sustainability Criteria.

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 planning proposal is consistent with the following Council strategic planning documents:

- Lismore Urban Strategy 2003 (amended, but from 2009 not forwarded for DG approval) identified the site as infill residential development; and
- Imagine Lismore (Community Strategic Plan) 2013-2023 as suitable for growth purposes.

The proposal is consistent with the SEPP's that apply to the LGA.

The planning proposal is inconsistent with s117 Directions 1.2 Rural Zones, 1.5 Rural Land, 2.3 Heritage Conservation, 4.4 Planning for Bushfire Protection and 5.1 Implementation of Regional Strategies.

The following Directions warrant consideration.

1.2 Rural Zones

The planning proposal is not considered to be consistent with this direction as it proposes 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) 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 and changes the minimum lot size on land within a rural zone. The existing land use zone is RU1 Primary Production. The proposal is consistent with the Rural Subdivision Principles in SEPP Rural Lands. The provisions that are inconsistent are justified by a strategy (Lismore Urban Release Strategy) that gives consideration to this direction.

2.3 Heritage Conservation

The Direction applies as heritage items and places may be relevant to the site. Only a preliminary assessment has been undertaken to date, which did identify an Aboriginal Heritage site in the vicinity. The inconsistency is justified by the existence of clause 5.10 and Schedule 5 of the Lismore LEP 2012, which identifies items of heritage significance.

Council has indicated that further assessment via an Aboriginal and European cultural heritage assessment is required post Gateway. This assessment will likely identify provisions that allow for adequate protection of heritage items and further strengthen the heritage provisions in the Lismore LEP 2012 regarding heritage items and places.

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

Rezone land at Bangalow Road, Howard Grass for residential purposes

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 direction.

It is considered that the planning proposal will not raise significant issues in regard to this amendment. If written advice is obtained from the Commissioner of the NSW Rural Fire Service and has no objections to the progression of the proposal, then the inconsistency may be assessed as of minor significance. A bush fire threat assessment has been undertaken.

5.1 Implementation of Regional Strategies

Council considers the planning proposal to be consistent with the FNCRS. While the proposal falls outside of the Town & Village Growth Boundary it can proceed subject to satisfying the Sustainability Criteria. A satisfactory assessment of the proposal against the Sustainability Criteria has been carried out. Subject to further studies the proposal is consistent with the outcomes and actions of the FNCRS.

In addition as the proposal involves one additional lot only, it could be considered a "minor rounding off" of the Goonellabah urban area. In these circumstances there is no inconsistency with the direction.

Environmental social
economic impacts :

The planning proposal is not constrained by coastal processes, flooding, important farmland or other high conservation land. No endangered ecological communities or populations were identified as being affected by the proposal. One threatened species was located on the subject site (Thorney Pea), however the placement of any residential development will be located to avoid this species.

The majority of Lot 182 including the part pertaining to the planning proposal is affected by slope and has implications for where the proposed residential development can be located. Although the development application before Council (two lot subdivision) does not require a large portion of land, the rezoning of 1.2ha of land is to allow flexibility for dwelling placement due to slope and avoidance of the threatened species (Thorney Pea). Council has indicated a geotechnical assessment involving slope analysis would be required post Gateway.

A number of additional studies as proposed by Council are to 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.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage NSW Department of Primary Industries - Agriculture NSW Rural Fire Service		

Rezone land at Bangalow Road, Howard Grass for residential purposes

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 :

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

- Updated flora and fauna assessment
- updated preliminary contaminated land assessment
- Geotechnical Report
- Aboriginal and European cultural heritage assessment

Council also indicated the completion of a Land Use Conflict Risk Assessment. This issue is best suited to be addressed at DA stage and therefore will not be listed as a requirement of the Gateway.

The studies identified are considered appropriate and will be a requirement of the Gateway Determination.

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_18-05-2015_Lismore LEP 2012 Amendment Lot 182 DP 787249 209 Bangalow Road Howards Grass - s56_.pdf	Proposal Covering Letter	Yes
2015-05-18 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
 - 3.2 Caravan Parks and Manufactured Home Estates
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.2 Mine Subsidence and Unstable 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
 - 6.2 Reserving Land for Public Purposes

Rezoning land at Bangalow Road, Howard Grass for residential purposes

Additional Information : **It is recommended that:**

- 1) The planning proposal 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 2.3 Heritage Conservation 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 exhibition and community consultation, complete the following:
 - Updated flora and fauna assessment
 - updated preliminary contaminated land assessment
 - Geotechnical Report
 - Aboriginal and European cultural heritage assessmentto support the planning proposal. This material should be placed on public exhibition with the planning proposal;
- 4) The planning proposal be exhibited for a period of 28 days;
- 5) The planning proposal be completed in 12 months; and
- 6) Delegation to finalise the planning proposal be issued to Lismore City Council.

Supporting Reasons : The planning proposal to rezone part of Lot 182 DP 787249 from rural to residential in accordance with the Lismore Local Urban 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: _____

28 May 2015