

Planning Proposal

Lismore Health Precinct Heritage Review

January 2020



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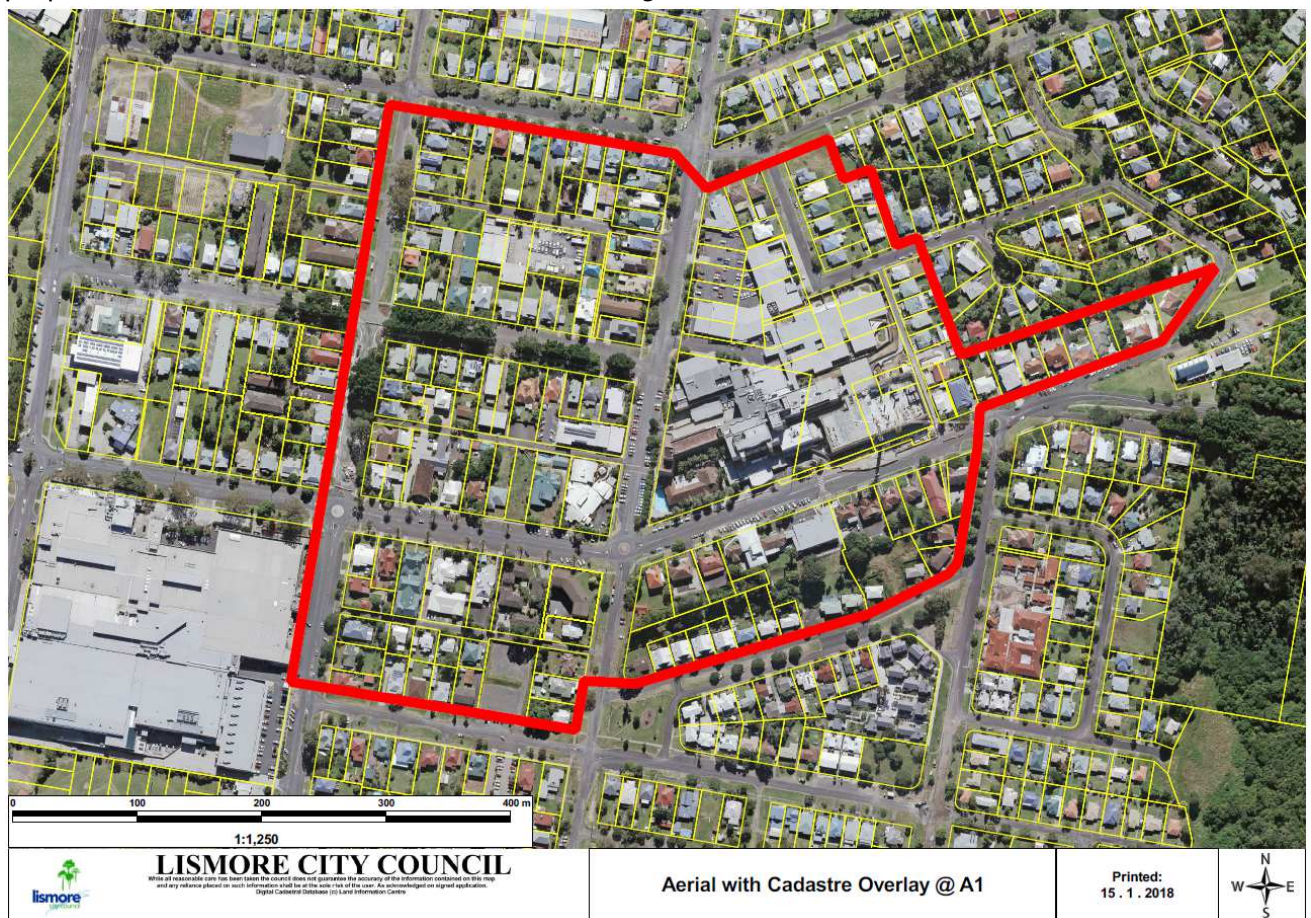
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Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to implement the findings of the *Lismore Health Precinct Heritage Review*. This objective will be achieved through an amendment to Lismore Local Environmental Plan 2012 (LEP 2012), specifically Schedule 5 Environmental Heritage and the relevant LEP Heritage maps to include:

- 6 built heritage items and;
- 2 landscape heritage items (street trees)

The intended outcome of the Planning Proposal is to provide appropriate protection for built and landscape heritage items in the Lismore Health Precinct that have been identified as having high local heritage significance through new heritage listings in Schedule 5 Environmental heritage of the LEP 2012. Map 1 below shows the boundary of the Lismore Health Precinct that was surveyed in the preparation of the *Lismore Health Precinct Heritage Review*.



Map 1: The Lismore Health Precinct Heritage Review study area

Part 2 – Explanation of Provisions

The proposed outcomes will be achieved by:

- amending Schedule 5 Environmental heritage of the Lismore LEP 2012 by including 6 built heritage and 2 landscape heritage items in Part 1 Environmental heritage and
- amending Heritage map sheet HER_005AB

Table 1 below has been structured in accordance with the requirements of the Environmental Planning and Assessment Act 1979 Standard Instrument. The Item number reflects the continuance of the existing Heritage Items Schedule in Lismore LEP 2012.

Table 1: Items recommended for inclusion in Schedule 5 Environmental Heritage of Lismore LEP 2012

Suburb	Item Name	Address	Property description	Significance	Item no.
Lismore	House	90 Diadem St	Lot 3 DP 446862	Local	I105
Lismore	House	62 Diadem St	Lot 1 DP 876256	Local	I106
Lismore	House	136 Laurel Ave	Lot 3 DP 901128	Local	I107
Lismore	House ("Brunswick House")	42 Uralba St	Lot 1 & 2 DP 3634	Local	I108
Lismore	House	54 Uralba St	Lot 4 DP 501396	Local	I109
Lismore	House	47 Uralba St	Lot 402 DP 755718	Local	I110
Lismore	Street Trees (Fig Trees)	Diadem and Laurel St		Local	I111
Lismore	Street Trees (Canary Island Palms)	Uralba Street		Local	I112

Part 3 – Justification

Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal is the result of *Lismore Health Precinct Heritage Review ('the Review')*. This Review was commissioned following a Council resolution made on 12 July 2016. This resolution was made when Council resolved to adopt the Health Precinct Planning Proposal and involved a request that Council's Heritage Adviser undertake a review of the Heritage Study (1995) in Uralba Street and the remainder of the hospital precinct.

In response to this resolution, on 30 January 2017 Council commissioned RedfernLynch consultants to prepare the *Lismore Health Precinct Heritage Review (the Review)*. The scope of works was refined to include:

- a review of all heritage items (including buildings, works, places, relics, trees, objects or archaeological sites) within the Lismore hospital Precinct including items that were documented in the Lismore Heritage Study 1995 and items that were omitted from the Lismore Heritage Study 1995

The Review identified and researched 31 items with potential heritage significance that were evaluated against the Office of Environmental and Heritage (OEH) guidelines for assessing Heritage Significance. The Review found that seven (7) built heritage items and two (2) landscape heritage items (street trees) had high local heritage significance.

Staff have analysed the Review's recommendations and considered submissions made by affected landowners following the preliminary community consultation period.

Accordingly, staff are recommending that one of the built items (a house located at 129 Orion Street, Lismore) not be included in Schedule 5. This is based on the land being located in Zone SP2 Infrastructure which includes the adjacent Lismore base Hospital site and surrounding properties. The objectives of this zone appear incompatible with the desire to protect the identified heritage features of the dwelling, coupled with the provision that no building height limit applies to land in Zone SP2.

Therefore this Planning Proposal is recommending that 6 items of built heritage be included in Schedule 5 of the LEP 2012.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal to amend the LEP 2012 is the only way to include new heritage items in Schedule 5 of the Lismore LEP 2012.

Section B – Relationship to Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The *North Coast Regional Plan 2036* (NCRP) is the overarching framework for the management of growth on the North Coast. The NCRP identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing network of major urban centres, reinforcing village character and requiring efficient use of existing services and major transport routes.

Direction 19: Protect historic heritage of the NCRP specifically relates to heritage and contains the following action 19.2:

- Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items, and include appropriate local planning controls.

This Planning Proposal implements this action by implementing a heritage study by amending relevant planning controls contained in the Lismore LEP 2012.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Planning Proposal is consistent with the Lismore Community Strategic Plan (CSP) 2017-2027 *Imagine Lismore* strategies to:

- D3.2 Ensure a diverse range of land use and development opportunities are available
- D3.4 Provide opportunities for community engagement in the preparation of land-use strategies and zone reviews

This Planning Proposal will result in the protection of built and landscape items with identified local heritage significance to ensure a diverse range of housing stock from different periods in Lismore's history are protected and conserved in the future. Furthermore, staff have undertaken a process of comprehensive community consultation with all affected landowners in the Health precinct which has involved a mail out, drop-in session and online survey aimed at that explaining the impacts of implementing the Review.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with applicable State Environmental Planning Policies (SEPPs). Refer to the checklist against these SEPPs provided at Appendix 1.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

The planning proposal is consistent with most section 9.1 Directions. A commentary of compliance of the planning proposal with these Ministerial Directions is provided at Appendix 2.

Section C – Environmental, Social and Economic Impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning proposal will not affect any critical habitat or threatened species, population or ecological communities or their habitats. The Planning Proposal will result in the protection of 2 landscape items, being street trees on Laurel Avenue (Fig trees) and Uralba Street (Canary Island Palms) which will have a positive impact on the urban environment, including the protection of habitat for various bird species in these streets.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

It is not considered that the Planning Proposal will have any likely environmental effects as it only relates to heritage matters.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal is considered to have positive social impacts through increased local heritage protection of built and landscape items. A social impact assessment is not triggered by this Planning Proposal according to Council policy. With regard to economic impacts, it is considered that the

Planning Proposal will not have any significant effect on economic factors. Landowners of heritage items listed in Schedule 5 of the LEP 2012 may apply for grant funding to undertake maintenance and improvement works.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

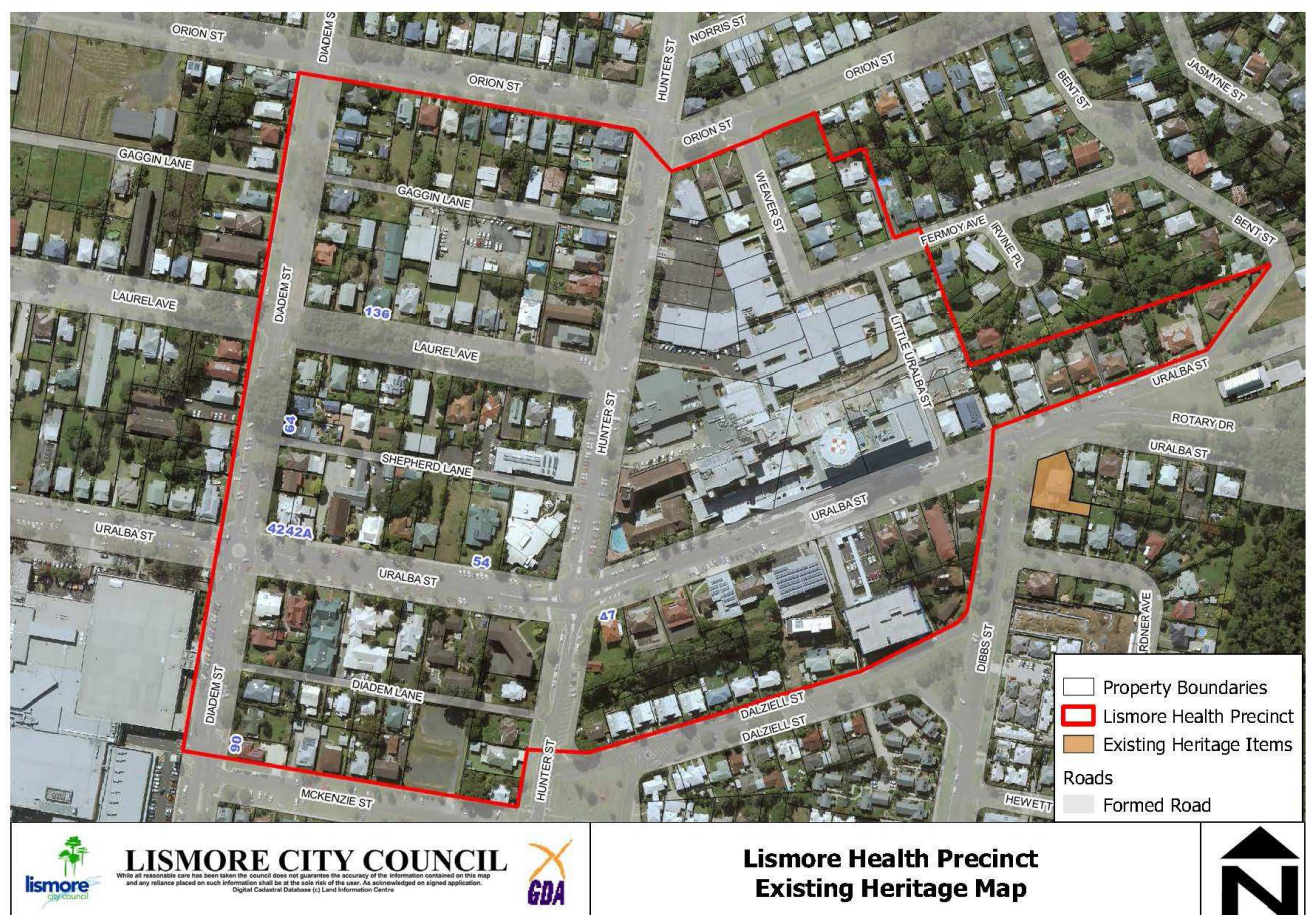
The Planning proposal is not expected to place additional demands on public infrastructure in the Lismore LGA.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

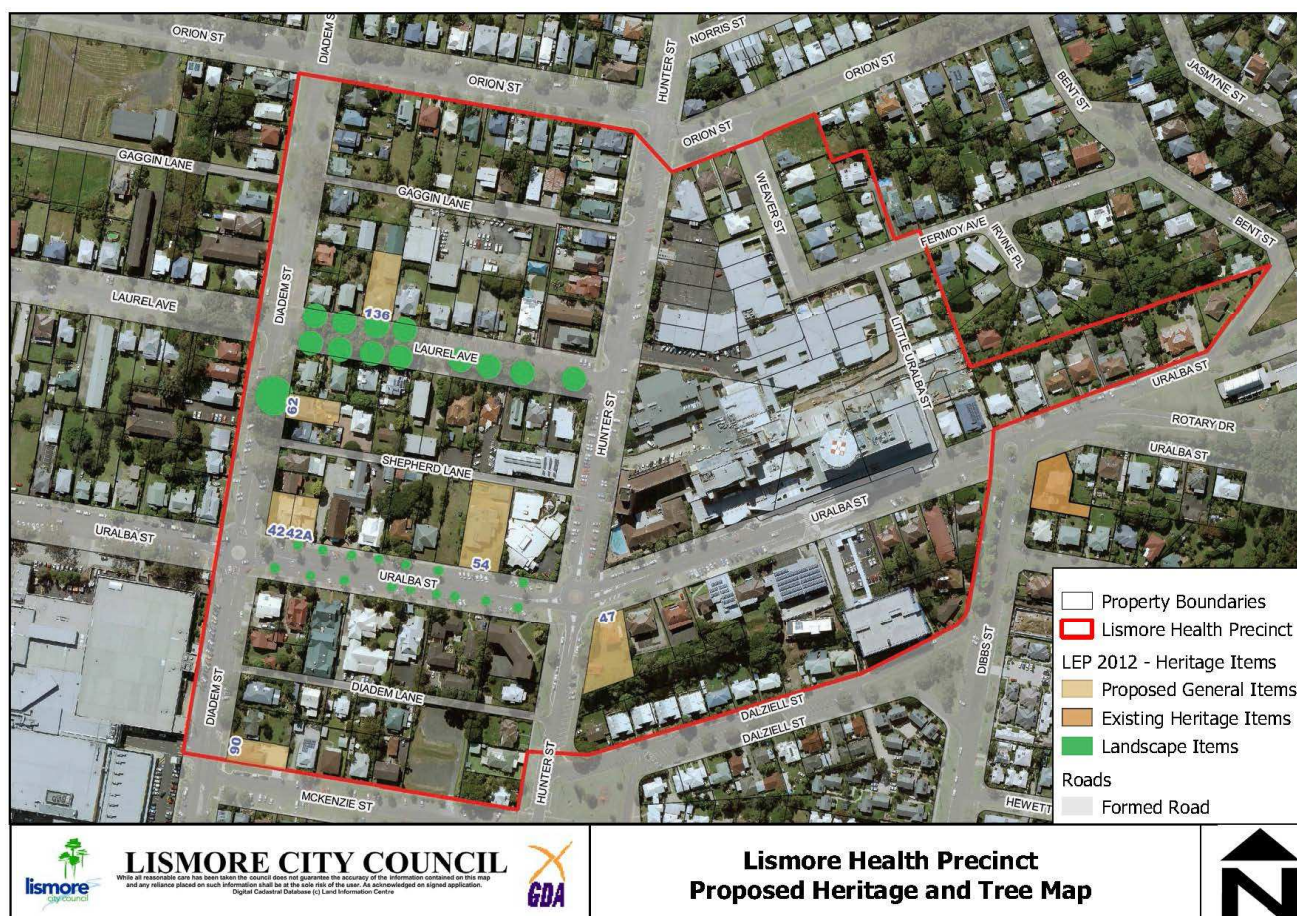
Consultation requirements will be outlined in the Gateway Determination which will be carried out accordingly.

Part 4 – Mapping

This will be achieved by amending Heritage map sheet HER_005AB as outlined in the following map below.



Map 2: Existing Heritage Map – Lismore Health Precinct Heritage Review



Map 3: Proposed Heritage Map – Lismore Health Precinct Heritage Review

Part 5 – Community Consultation

Council will carry out consultation with the community following Gateway Determination. For the purposes of public notification, Council considers that a twenty eight (28) day public exhibition period is appropriate.

Notification of the exhibited Planning Proposal will include:

- A newspaper advertisement (Local Matters) that circulates in the area affected by the Planning Proposal.
- The website of Lismore City Council and the Department of Planning, Industry and Environment.
- Letter to affected landholders.

The written notice will:

- Provide a brief description of the objectives or intended outcomes of the Planning Proposal.
- Indicate the land that is the subject of the Planning Proposal.
- State where and when the Planning Proposal can be inspected.
- Provide detail that will enable members of the community to make a submission.

Exhibition Material:

- The Planning Proposal, in the form approved for community consultation by the Director General of the Department of Planning and Environment.
- The Gateway Determination
- Any studies required as part of the Planning Proposal.

The Gateway Determination will confirm the public consultation requirements.

Part 6 – Project Timeline

- Report to Council – **May 2020**
- Gateway determination issued – **June 2020**
- Timeframe for government agency consultation and public consultation – **July / August 2020**
- Timeframe for consideration of submissions – **September 2020**
- Timeframe for consideration of the planning proposal, post-exhibition, by Council – **November 2020**
- Date of submission to the Department to finalise the LEP – **December 2020**
- Anticipated date for plan making – **January 2021**

Conclusion

This Planning Proposal seeks to provide appropriate protection for built and landscape heritage items in the Lismore Health Precinct that have been identified as having high local heritage significance in the *Lismore Health Precinct Heritage Review* through new heritage listings in Schedule 5 Environmental heritage of the Lismore LEP 2012.

The planning proposal is generally consistent with most of the relevant section 9.1 Directions and SEPP's. The planning proposal also accords with the relevant directions in the *North Coast Regional Plan 2036* and strategies in Council's Community Strategic Plan 'Imagine Lismore'. There is sufficient information to enable Council to support the Planning Proposal and forward it to be the Department of Planning, Industry and Environment for a Gateway Determination.

APPENDIX 1

STATE ENVIRONMENTAL PLANNING POLICIES COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 21 – Caravan Parks	N/A	N/A
SEPP No. 30 – Intensive Agriculture	N/A	N/A
SEPP No. 33 – Hazardous and Offensive Development	N/A	N/A
SEPP No. 36 – Manufactured Home Estates	N/A	N/A
SEPP No. 44 – Koala Habitat Protection	3 - Aims, Objectives, Etc. (a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat; (b) By encouraging the identification of areas of core koala habitat; and (c) By encouraging the inclusion of areas of core koala habitat in environment protection zones.	N/A
SEPP No. 50 – Canal Estate Development	N/A	N/A
SEPP No. 55 – Remediation of Land	6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal	N/A
SEPP No. 64 – Advertising and Signage	N/A	N/A
SEPP No. 65 – Design Quality of Residential Flat Development	N/A	N/A
SEPP No 70 – Affordable Housing (<i>Revised Schemes</i>)	N/A	N/A
SEPP (Affordable Rental Housing) 2009	N/A	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A	N/A
SEPP (Coastal Management) 2018	3 Aim of Policy The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i> , including the management objectives for each coastal management area, by: (a) managing development in the coastal zone and protecting the environmental assets of the coast, and (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the <i>Coastal Management Act 2016</i> .	None of the sites subject to this Planning Proposal are located on land that is defined as a coastal use or coastal environment area. The multiple subject sites are also not located on land that is defined as a coastal wetland or coastal wetland proximity area.

State Environmental Planning Policy	Requirements	Compliance
SEPP (Educational Establishments and Child Care Facilities) 2017	3 Aims of Policy The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by	
SEPP (Housing for Seniors or People with a Disability) 2004	This SEPP has no specific requirements regarding rezoning land.	N/A
SEPP (Infrastructure) 2007	This SEPP has no specific requirements regarding rezoning land.	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A
SEPP (Primary Production and Rural Development) 2019	3 Aims of Policy (a) to facilitate the orderly economic use and development of lands for primary production, (b) to reduce land use conflict and sterilisation of rural land (c) to identify State significant agricultural land (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine work in irrigation areas and districts, (e) to encourage sustainable agriculture, including sustainable aquaculture, (f) to consider effects of all proposed development in the State on oyster aquaculture, (g) to identify aquaculture that is to be treated as designated development.	N/A
SEPP (State and Regional Development) 2011	Not applicable	N/A
SEPP (Urban Renewal) 2010	Not applicable	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	3 Aims of Policy The aims of this Policy are: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation	N/A

APPENDIX 2: COMPLIANCE WITH SECTION 9.1 MINISTERIAL DIRECTIONS

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	(4) A planning proposal must: <ul style="list-style-type: none"> Retain existing business and industrial zones. Not reduce floor space for employment areas and related public services in business zones. 	Consistent. This planning proposal will not affect the boundaries or extent of business or industrial zones.

Ministerial Directions	Requirements	Compliance
	<ul style="list-style-type: none"> Not reduce potential floor space for industrial uses in industrial zones. New employment areas in accordance with strategy approved by Director General DP&E. 	
1.2 Rural Zones	<p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). 	N/A
1.3 Mining Petroleum Production and Extractive Industries	<p>This direction applies when the planning proposal:</p> <ul style="list-style-type: none"> Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials; Restricting the potential of State or regionally significant mineral resources 	N/A
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	<p>This direction applies when:</p> <ul style="list-style-type: none"> The planning proposal effects land within an existing or proposed rural or environmental protection zone; When changes are proposed to minimum lot size in a rural or environmental protection zone. 	N/A
2. Environment and Heritage		
2.1 Environment Protection Zones	<p>Must include provisions that facilitate the protection and conservation of environmentally sensitive areas</p> <p>Must not reduce protection standards for environmental protection zones.</p>	N/A
2.2 Coastal Protection	<p>3 When this direction applies</p> <p>This direction applies to land that is within the coastal zone under the <i>Coastal Management Act 2016</i>.</p>	N/A
2.3 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and	Consistent. This Planning Proposal contains provisions for the conservation of built and landscape items identified as having local heritage significance in the <i>Lismore Health Precinct Heritage Review</i> . The objective of the Planning

Ministerial Directions	Requirements	Compliance
	Aboriginal heritage items or places.	Proposal is to include six (6) built and two (2) landscape heritage items in Schedule 5 of the Lismore LEP 2012.
2.4 Recreation Vehicle Areas	N/A	N/A
2.5 Application of E2 and E3 Zones and Environmental Protection Overlays in Far North Coast LEPs	The DM planning proposal must be consistent with the Northern Councils E Zone Review Final Recommendations.	N/A
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	<p>The planning proposal must:</p> <ul style="list-style-type: none"> • Broaden the choice of housing types and locations. • Make efficient use of existing infrastructure and services. • Reduce consumption of land. • Housing of good design. • Residential development not permitted until land is adequately serviced. • Not contain provisions that will reduce residential density. 	N/A
3.2 Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> • Retain provisions that permit development of caravan park. • Appropriate zone for existing caravan parks. 	N/A
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	N/A
3.4 Integrating Land Use and Transport	<p>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to:</p> <ul style="list-style-type: none"> • Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and • The Right Place for Business and Services – Planning Policy (DUAP 2001) 	N/A
3.5 Development Near Regulated Airports and Defence Airfields	<p>Lismore Airport is a regulated airport but not a core regulated airport under the <i>Federal Airports Act 1996</i>.</p> <p>In preparing a planning proposal for land near a regulated airport, the planning authority must:</p> <ul style="list-style-type: none"> • Consult with operator of the airport. • Take into consideration the operational airspace. 	N/A.

Ministerial Directions	Requirements	Compliance
	<ul style="list-style-type: none"> Prepare standards such as height limits if land is affected by operational airspace. Not allow development types that are incompatible with the current and future operation of the airport. 	
3.6 Shooting Ranges	N/A	N/A
3.7 Reduction in non-hosted short-term rental accommodation period	N/A	N/A
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	N/A.
4.3 Flood Prone Land	(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.	While some of the land parcels impacted by this Planning Proposal are in the LEP 2012 Flood Planning Map, this proposal is not intending to rezone land so this Direction does not apply.
4.4 Planning Bushfire Protection for	<p>A Planning Proposal in bush fire prone land:</p> <ul style="list-style-type: none"> Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination prior to community consultation. Have regard to 'Planning for Bush Fire Protection 2006'. Restrict inappropriate development from hazardous areas. Ensure bush fire hazard reduction is not prohibited within the APZ. 	None of the affected land parcels or street trees are identified as Bushfire prone land or vegetation so this Direction does not apply.
5. Regional Planning		
5.1 Regional Strategies	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<ul style="list-style-type: none"> The Planning Proposal must not re-zone land mapped as State or regionally significant farmland for urban or rural residential purposes. 	N/A
5.4 Commercial and Retail	N/A	N/A

Ministerial Directions	Requirements	Compliance
Development along the Pacific Highway, North Coast		
5.9 North West Rail Link Corridor Strategy	N/A	N/A
5.10 Implementation of Regional Plans	<ul style="list-style-type: none"> The planning proposal must be consistent with the North Coast Regional Plan 2036 (NCRP). 	The Planning Proposal is consistent with Direction 19 of the NCRP which contains the action 'prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items'.
5.11 Development of Aboriginal Land council Land	N/A	N/A
6. Local Plan Making		
6.1 Approval and Referral Requirements	<ul style="list-style-type: none"> A planning proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning & Environment. Not identify development as designated development unless justified. 	N/A
6.2 Reserving Land for Public Purposes	<ul style="list-style-type: none"> A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DP&E. 	N/A
6.3 Site Specific Provisions	<ul style="list-style-type: none"> A planning proposal to allow a particular land use (residential development) must rezone the site to an existing zone already applying to the LEP that allows the land use, without additional development standards to those already in use in that zone. 	N/A