

Lismore LEP 2012 – 506 Caniaba Road, Caniaba, Large Lot Residential Rezoning.

Proposal Title : Lismore LEP 2012 – 506 Caniaba Road, Caniaba, Large Lot Residential Rezoning.

Proposal Summary : The planning proposal seeks to amend Lismore LEP 2012 by rezoning Lot 15 DP 246746, 506 Caniaba Road, Caniaba from RU1 Primary Production to R5 Large Lot Residential and applying a 5000m2 minimum lot size and 8.5m maximum building height to the land, to enable the land to be developed for rural residential purposes.

PP Number : PP_2016_LISMO_007_00 Dop File No : 16/09114

Proposal Details

Date Planning Proposal Received : 04-Jul-2016 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 : 506 Caniaba Road

Suburb : Caniaba City : Lismore Postcode : 2480

Land Parcel : Lot 15 DP 246746

DoP Planning Officer Contact Details

Contact Name : Paul Garnett

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RPA Contact Details

Contact Name : Paula Newman

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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

Lismore LEP 2012 – 506 Caniaba Road, Caniaba, Large Lot Residential Rezoning.

MDP Number :		Date of Release :	
Area of Release (Ha) :	2.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	3
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 and Environment's Code of Practice in relation to communications 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 :	The Northern Region office has not met any lobbyists in relation to this proposal, nor has the Region been advised of any meeting between other officers within the agency 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 describes the intention of the planning proposal. The proposal intends to amend Lismore LEP 2012 to permit rural residential development over part of the land.**

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

Comment : **The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal intends to amend the Land Zoning Map, Lot Size Map, and Height of Buildings Map, to apply appropriate zones and other planning controls to the land.**

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**

- 3.4 Integrating Land Use and Transport
- 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
- 6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP (Rural Lands) 2008
SEPP (Affordable Rental Housing) 2009

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 : **See the assessment section of this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal contains maps which adequately show the subject land and the current and proposed zone, minimum lot size and maximum building height. These maps are adequate for exhibition purposes. Maps which comply with the Standard Technical Requirements for SI LEP Maps will need to be prepared before the LEP is made.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal nominates a community consultation period of 28 days.

In accordance with "A Guide to Preparing Local Environmental Plans" (the 'Guide'), it is considered that the planning proposal is a low impact planning proposal as it is consistent with the pattern of surrounding land use zones and inconsistencies with the strategic planning framework are of minor significance. The proposal does not reclassify land or present infrastructure servicing issues. The Guide also suggests written notification to the affected and adjoining land owners. It is therefore considered that a community consultation period of 14 days is adequate and affected and adjoining properties should be notified in writing. However there is no impediment to Council conducting a longer community consultation.

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 :

Time Line

The planning proposal includes a project timeline which estimates the completion of the planning proposal in nine (9) months concluding in March 2017. To ensure the RPA

has adequate time to complete the additional site investigations, exhibition, reporting, and legal drafting, it is recommended that a time frame of 12 months is appropriate.

Delegation.

The RPA has requested an Authorisation to exercise delegation for this proposal. An Evaluation Criteria For the Delegation of Plan Making Functions has been provided. The proposal is considered to be of local planning significance since it applies to a single lot of land identified for rural residential purposes by the strategic planning framework, particularly the Far North Coast Regional Strategy and Councils Growth Management Strategy which has been approved by the Department. It is recommended that an Authorisation for the execution of delegation be issued to the RPA in this instance.

Overall Adequacy

The planning proposal satisfies the adequacy criteria by;

1. Providing appropriate objectives and intended outcomes.
2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.
3. Providing an adequate justification for the proposal.
4. Outlining a proposed community consultation program.
5. Providing a project time line
6. Completing the evaluation criteria for the delegation of plan making functions.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

The Lismore LEP 2012 is in force. This planning proposal seeks an amendment to the Lismore LEP 2012.

Assessment Criteria

Need for planning
proposal :

The proposal results from the outcomes of Council's Growth Management Strategy 2015-2035. This Strategy identified land at Caniaba for potential residential development. The owners of the subject land have initiated a planning proposal for the rezoning of Lot 15 DP 246746, 506 Caniaba Road, Caniaba, in accordance with this strategy.

The subject land is approximately 2 hectares in size and currently accommodates a dwelling and outbuildings.

The other land uses in the general vicinity of the site include rural and rural residential. The land to the west and south west of the site is predominantly rural residential while land to the east and north is grazing land. The site is within 1km of the existing Perradenya Estate, a rural village area zoned RU5, and the Caniaba primary school, hall and rural fire service building. The site is located approximately 6.5km from the Lismore urban area. The predominant rural land use in the area is grazing.

The site is relatively flat, does not display any evidence of landslip or geotechnical instability, is not flood prone and does not contain acid sulfate soils. The land is partly bushfire prone and is serviced with a reticulated water supply, power, telecommunications and a sealed road access.

The majority of the land is almost entirely cleared of native vegetation and consists of exotic pasture land as a result of its past use for grazing. Two very small areas of koala habitat are mapped on the western and northern boundaries of the site. The proposal indicates that Council's Ecologist has inspected the site and confirmed that no koala food trees are present on the site, and the rezoning of the site is not expected to affect the capacity for koalas to move through the vegetated corridor to the north of the subject land. It is considered that this vegetation does not therefore necessitate additional protection by the application of an E zone.

The planning proposal seeks to rezone the land from RU1 to R5 and apply a 5000m² minimum lot size and 8.5m maximum building height.

The proposal to rezone the land is the best means of achieving the intent of the proposal which is to enable the land to be developed for rural residential purposes.

Consistency with strategic planning framework :

Far North Coast Regional Strategy (FNCRS).

The proposal is consistent with the actions and outcomes in the FNCRS. The FNCRS states that rural residential development will be located close to centres with an adequate level of services. The subject site is within 1km of the existing Perradenya Estate, a rural village area zoned RU5, and the Caniaba primary school, hall and rural fire service building. The site is located approximately 6.5km from the Lismore urban area. The site has sealed road frontage and reticulated water available. An on-site waste water management system will be necessary however this is appropriate for rural residential development. Council's Section 94 contributions plan applies to the site and contributions for public infrastructure will be required for the additional rural residential lots.

The FNCRS requires that new rural residential development will only be permitted in non-coastal areas and then only in accordance with an approved local growth management strategy. Lot 15 is not located within the coastal area and is identified for rural residential purposes in Council's Growth Management Strategy 2015-2035.

The subject land is located within the proposed future urban release area identified for Caniaba, and within the town and village growth boundary in the FNCRS. While land within an urban release area is usually reserved for urban residential densities rather than large lot residential densities the demand for low density residential village lots was addressed in Council's Growth Management Strategy 2015-2035 (GMS). The GMS identified that the demand for village housing is such that there is an existing 20 years supply of village zoned land available in Lismore LGA. Caniaba is one village with significant capacity for future village housing growth which is already zoned RU5 (approximately 50 hectares). However the demand for large lot residential housing is higher across the LGA and there is only 5-6 years supply of large lot residential land available. Through its GMS Council therefore identified the land at Caniaba for either large lot residential or village development. The proposal is therefore consistent with the GMS.

Draft North Coast Regional Plan

The proposal is consistent with the Draft North Coast Regional Plan (the 'Draft RP'). The Draft RP provides that new rural residential development shall only be permitted where it is located outside of the coastal area and in accordance with an approved strategy. The proposal is consistent with these requirements as the site is not located within the coastal area and has been identified for rural residential purposes by Council's Local Growth Management Strategy 2015-2035.

Northern Rivers Farmland Protection Project

A small area of the land (0.7ha) in the south west of the lot is mapped as regionally significant farmland by the Northern Rivers Farmland Protection Project (NRFPP).

The NRFPP does not permit regionally significant farmland to be developed for urban or rural residential purposes unless identified for such purposes in a strategy approved between December 1994 and December 2004. The subject land was identified for future village purposes in the Lismore Village Development Strategy 1997 approved in April 1997. The land was subsequently included in the FNCRS as a future urban release area in 2006.

The rezoning of this land for residential purposes is therefore consistent with the NRFPP as the land is identified for urban purposes in the Lismore Village Development Strategy 1997, the FNCRS and the recently approved Lismore Growth Management Strategy. Consequently the proposal is not inconsistent with S117 Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast.

The Draft RP contains farmland interim variation criteria which enable the consideration of regionally significant farmland for urban purposes. The proposal would be consistent with these criteria for the following reasons;

1. More than half of the regionally significant farmland on the site contains the existing dwelling and outbuildings on the site and is therefore not currently available for agricultural use. The remaining area of regionally significant farmland would amount to approximately 3000m² within a land parcel of only 2ha, therefore it is not considered to be of sufficient size to be capable of supporting a sustainable agricultural pursuit;

2. It is unlikely that the rezoning of the land would result in a potential increase in land use conflict. The land and the surrounding area is identified for future residential purposes in both the Far North Coast Regional Strategy and Council's Growth Management Strategy;
3. Appropriate infrastructure is available to service the land once it has been rezoned;
4. The subject land does not contain vegetation of high environmental value and is not expected to have Aboriginal or historic heritage significance;
5. The land is not flood prone, is not highly erodible or contain severe slopes and does not contain acid sulfate soils. The land is partly bushfire prone however it is considered that this constraint can be avoided or easily mitigated.

Consistency with Council's Local Strategies.

Lismore's Local Growth Management Strategy 2015-2035 (the 'LGMS')

The proposal is generally consistent with the LGMS as previously discussed. The LGMS identifies that there is currently 5-6 years supply of R5 zoned land remaining in the Lismore LGA. An additional 438 hectares of R5 zoned land is projected to be required over the 20 year life of the LGMS. The LGMS identifies the subject land for potential future residential purposes. The area of the site proposed to be zoned R5 is consistent with the mapped potential large lot residential/village land in the LGMS. The LGMS was approved by the Department's Executive Director, Regions on 11 August 2015.

SEPPs

The proposal lists the State environmental planning policies (SEPPs) applicable to the land. Many SEPPs apply to the subject land and the proposal is not inconsistent with these SEPPs.

SEPP 44 Koala Habitat Protection

The proposal states that an ecological assessment of the site concluded that there is no koala food trees on the site. The impacts of future developments on koala habitat in the vicinity of the site will be addressed at development application stage.

SEPP 55 Remediation of Land

The proposal states that a preliminary contaminated land assessment has been undertaken and found that no contamination of the land is present that would preclude its rezoning for residential purposes.

SEPP (Rural Lands) 2008

SEPP Rural Lands (the RLSEPP) contains Rural Planning Principles to guide development on rural land. It is considered the proposal is consistent with the Rural Planning Principles. The use of the site for rural residential purposes is not considered to have the potential to significantly increase land use conflict with nearby agricultural land uses. The use of the land for rural residential purposes is also generally consistent with an approved growth management strategy.

The proposal is otherwise consistent with State environmental planning policies.

S117 Directions.

The following S117 directions are applicable to the proposal, 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 2.4 Recreational Vehicle Areas, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 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, and 6.3 Site Specific Provisions.

Of the above s117 Directions the proposal is considered to be inconsistent with Direction 1.2, 2.3, and 4.4.

Direction 1.2 Rural Zones is relevant to the proposal. The direction provides that a planning proposal must not rezone land from a rural to a residential zone. The planning proposal seeks to rezone the subject land from RU1 Primary Production to R5 Large Lot

Residential. The direction provides that the planning proposal may be inconsistent with the terms of the direction if the inconsistency is justified by a strategy or study or is of minor significance.

The land to be zoned R5 is identified in the Far North Coast Regional Strategy as future urban release area and in the Lismore Growth Management Strategy 2015-2035 as potential residential land. The Lismore Growth Management Strategy 2015-2035 was approved by the Executive Director, Regions in August 2015. It is considered that the inconsistency of the proposal with the direction is justified by an approved strategy and therefore has been justified in accordance with the terms of the direction.

Direction 2.3 Heritage Conservation is relevant to the planning proposal. The direction provides that a planning proposal must contain provisions which facilitate the conservation of items and places of heritage significance. The proposal states that the Aboriginal Heritage Information Management System shows no records of Aboriginal sites or places on the site or the surrounding land. Council has indicated in its planning proposal that it intends to consult with the Local Aboriginal Land Council following the Gateway determination. It is considered appropriate in this instance that prior to community consultation that the planning proposal be amended to include written advice from the Local Aboriginal Land Council confirming that the site has no significant cultural heritage significance. Until this is completed, it is considered that any potential inconsistency of the proposal with this direction cannot be resolved.

Direction 4.4 Planning for Bushfire Protection is relevant to the proposal. Part of the subject land is identified as being bush fire prone. The direction provides that the RPA must consult with the Commissioner of the NSW Rural Fire Service, and the draft plan must include provisions relating to bushfire control. Consultation with the RFS is required after a Gateway Determination is issued and before public exhibition and until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved.

The proposal is otherwise consistent with S117 Directions.

Environmental social
economic impacts :

The proposal is not expected to have an adverse impact on critical habitat or threatened species, populations or ecological communities or their habitats. The majority of the land is almost entirely cleared of native vegetation and consists of exotic pasture land as a result of its past use for grazing. Two very small areas of koala habitat are mapped on the western and northern boundaries of the site. The proposal indicates that Council's Ecologist has inspected the site and confirmed that no koala food trees are present on the site, and the rezoning of the site is not expected to affect the capacity for koalas to move through the vegetated corridor to the north of the subject land. It is considered that his vegetation does not therefore necessitate additional protection by the application of an E zone.

The subject land is not flood prone and does not contain acid sulfate soils or land with steep slopes. Parts of the site are bush fire prone. A preliminary assessment of bushfire hazard indicates that future development will be able to meet the requirements of Planning for Bush Fire Protection 2006.

The proposal identifies that the rezoning will result in an addition 2 lots. Council has advised that the expected increase in traffic movements from this development can be accommodated by the existing road infrastructure.

The proposal will have a positive economic and social impact through the release of land for residential development. Consistent with other land identified in the Lismore Growth Management Strategy 2015-2035 the land is located close to an existing village and services to ensure residents can connect to existing social and community services.

Agency Consultation.

The planning proposal indicates that Council will consult with the following State agencies:

1. Rural Fire Service;

Lismore LEP 2012 – 506 Caniaba Road, Caniaba, Large Lot Residential Rezoning.

2. Department of Primary Industries;
3. Office of Environment and Heritage; and

This consultation is considered to be appropriate however Council should also consult prior to community consultation with the Local Aboriginal Land Council in relation to matters of Aboriginal cultural heritage.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

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

Public Authority Consultation - 56(2)(d) **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. :

Heritage

If Other, provide reasons :

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
1. Planning Proposal for rezoning of 506 Caniaba Road_June 2016.pdf	Proposal	Yes
2. Council Report for Planning Proposal - rezoning of 506 Caniaba Road, Caniaba.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
- 3.4 Integrating Land Use and Transport
- 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
- 6.3 Site Specific Provisions

- Additional Information :
- It is recommended that the planning proposal should proceed subject to the following;
1. The planning proposal proceed as a 'routine' planning proposal.
 2. Prior to community consultation the planning proposal is to be amended to include written advice from the Local Aboriginal Land Council confirming that the site has no significant cultural heritage significance.
 3. A community consultation period of 14 days is necessary.
 4. The planning proposal is to be completed within 12 months.
 5. The RPA is to consult with the following State agencies and organisations:
 - a. Rural Fire Service;
 - b. The NSW Office of Environment and Heritage; and
 - c. The Department of Primary Industries.
 6. A written authorisation to exercise delegation be issued to Lismore City Council.
 7. The delegate of the Secretary agree that the inconsistency of the proposal with S117 Direction 1.2 is justified in accordance with the terms of the direction.
 8. The delegate of the Secretary note that outstanding consistency determinations for S117 Directions 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection.
- Supporting Reasons :
- The reasons for the recommendation are as follows;
1. The proposal will contribute to the identified demand for residential zoned land in Lismore LGA which is identified in the Lismore Growth Management Strategy 2015-2035.
 2. The land is relatively unconstrained and has been identified as generally suitable for rural residential development through the strategic planning process.
 3. The proposal is consistent with the strategic planning framework and the inconsistencies are considered to be of minor significance.

Signature:



Printed Name:

Craig Diss

Date:

12 July 2016