

Report

Subject	Planning Proposal to rezone land at 506 Caniaba Road, Caniaba to Large Lot Residential
TRIM Record No	BP16/396:EF16/126
Prepared by	Strategic Planning Coordinator - Integrated Planning
Reason	To obtain a Council resolution to support a planning proposal for the rezoning of 506 Caniaba Road, Caniaba to Large Lot Residential and to seek a Gateway Determination from the Department of Planning and Environment

Executive Summary

This report provides Council with an overview of a planning proposal for 506 Caniaba Road, Caniaba (Lot 15 DP 246746) that seeks to amend the Lismore Local Environmental Plan 2012 to enable large lot residential subdivision as follows:

- Amend the land zone applying to the land from RU1 Primary Production to R5 Large Lot Residential;
- Amend the minimum lot size applying to the land from 20ha to 5,000m².
- Apply a building height limit of 8.5 metres consistent with other land in the R5 zone.

Council staff have assessed the site and the proposal and found there are no constraints or issues to prevent progression of the planning proposal. It is recommended that Council support the planning proposal as part of the implementation of the Lismore Growth Management Strategy 2015-2035 and refer the proposal to the NSW Department of Planning and Environment for Gateway Determination.

Recommendation

That:

1. Council support the planning proposal included at Attachment 1 of this report that proposes amendments to the Lismore LEP 2012 to enable the subdivision of Lot 15 DP 246746 at 506 Caniaba Road, Caniaba for large lot residential development.
2. Council forward the planning proposal to the NSW Department of Planning and Environment and request a Gateway Determination.
3. Council agree that staff can proceed to public exhibition of the planning proposal and government agency consultation based on the Gateway Determination and report back to Council with any issues as part of post-exhibition reporting of submissions.

Background

Council received a planning proposal on 5 February 2016 seeking the rezoning of Lot 15 DP 246746 at 506 Caniaba Road, Caniaba. The subject land is currently in the RU1 Primary Production zone and the LEP minimum lot size for subdivision is 20ha. There is no maximum height of buildings that applies to land in the RU1 zone. Figure 1 shows the subject site. Figure 2 is the current zone map. The applicant is seeking to rezone the land to R5 Large Lot Residential with the aim of subdividing to create three (3) lots. An indicative lot layout was submitted but a minimum lot size was not nominated. A lot size of 5,000m² would achieve the applicant's goal.



Figure 1 - Subject site and surroundings

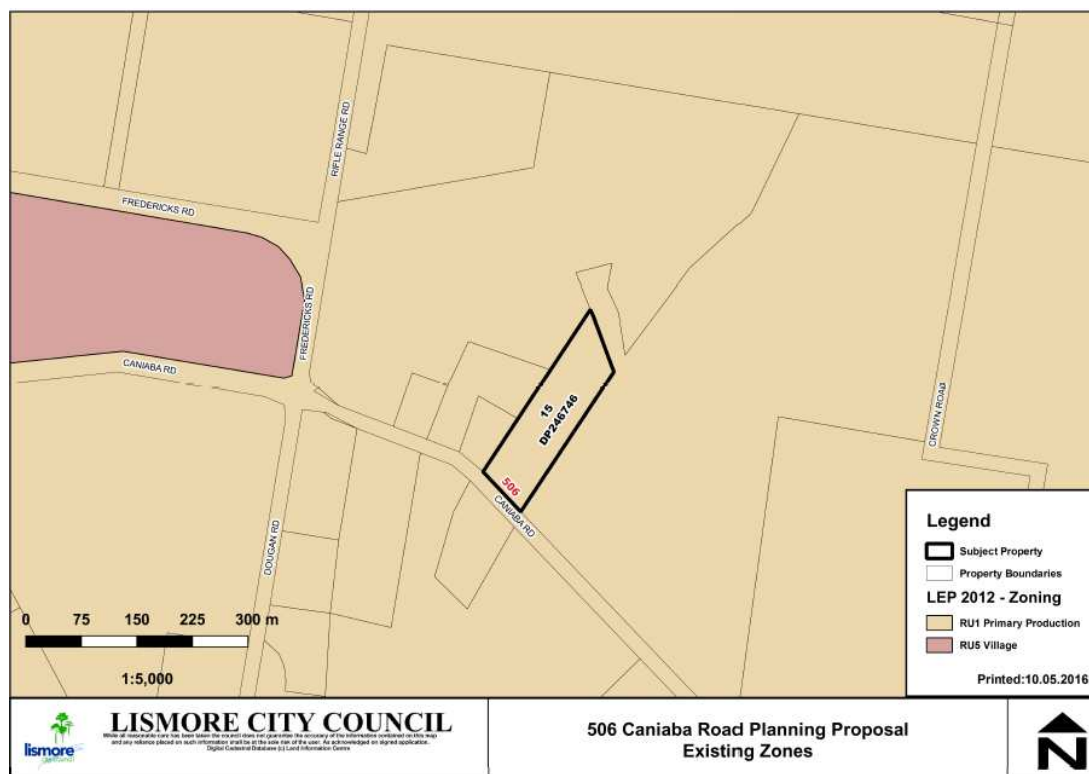


Figure 2 – Existing zone map 506 Caniaba Road

Lismore Growth Management Strategy

The Lismore Growth Management Strategy 2015-2035 (GMS) was adopted by Lismore City Council on 12 May 2015. It was conditionally approved by the Department of Planning and Environment on 11 August 2015. Map 19 'Caniaba - Potential Village/Large Lot Residential' of the GMS clearly identifies the subject land as being in a 'future potential residential' area as shown on Figure 3 below. The site is also within an identified 'Town and Village Growth Boundary' in the Far North Coast Regional Strategy and in the Urban Growth Area Map for Lismore LGA in the draft North Coast Regional Plan.

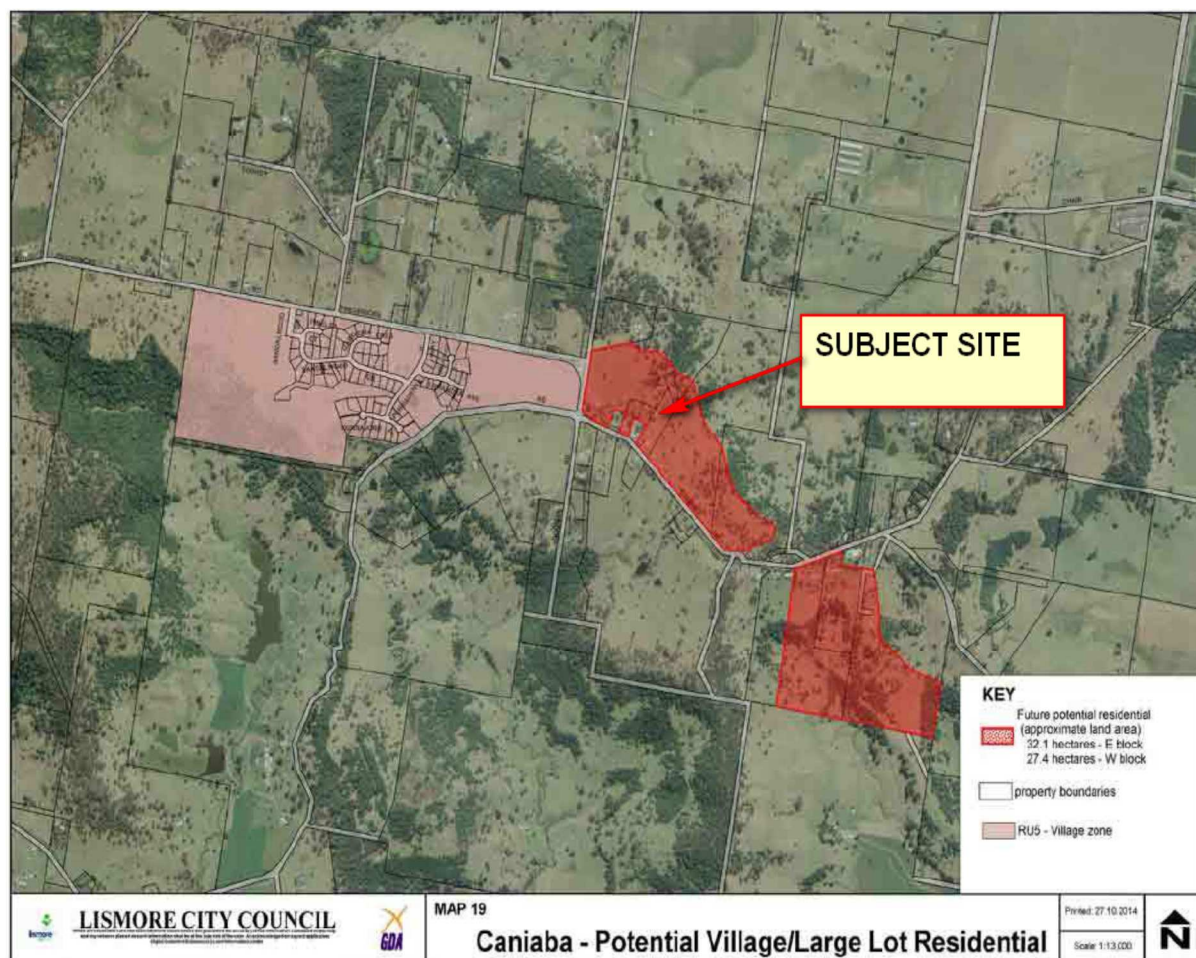


Figure 3 - Map 19 Lismore Growth Management Strategy 2015-2035

Supply of land for rural residential development

The review of demand and supply of land for rural residential development undertaken by Mike Svikis Planning in November 2013 for the preparation of the Growth Management Strategy found that around 341 hectares of the 1,020 hectares zoned R5 Large Lot Residential is in allotments large enough to have further subdivision potential with further analysis of constraints showing that only 160 hectares of this has the capability to be further subdivided. This could yield around 130 lots (107 of these are currently 'approved').

Based on an assessment of anticipated demand of 26 hectares per year there was estimated to be 5-6 years supply of R5 zoned land remaining. Over the long term (20 years) the demand in terms of land area was projected to be 598 hectares, less the existing supply of 160 hectares, leaving potentially 438 hectares to be identified for the timeframe of the Strategy.

Following an assessment of physical and locational constraints a combined area of approximately 432 hectares was identified as having potential for rural residential development. The areas nominated in the GMS were estimated as having the potential to yield 265 dwellings over the life of the GMS. There have been no planning proposals to rezone any of this land adopted since the GMS was endorsed by the Department of Planning and Environment in August 2015, although two (2) have received Gateway determinations.

Characteristics of the subject site

The subject site is located at 506 Caniaba Road, Caniaba. It is approximately 2ha in area and presently accommodates a single dwelling and ancillary sheds and outbuildings. The majority of the site is largely cleared land. Land adjoining the site to the east and north is primarily rural land in large lots that is used for grazing. Land to the south and west of the site consists of primarily single dwellings on large residential allotments.

The very northern part of the site is mapped as bushfire prone land as shown on Figure 4 below.

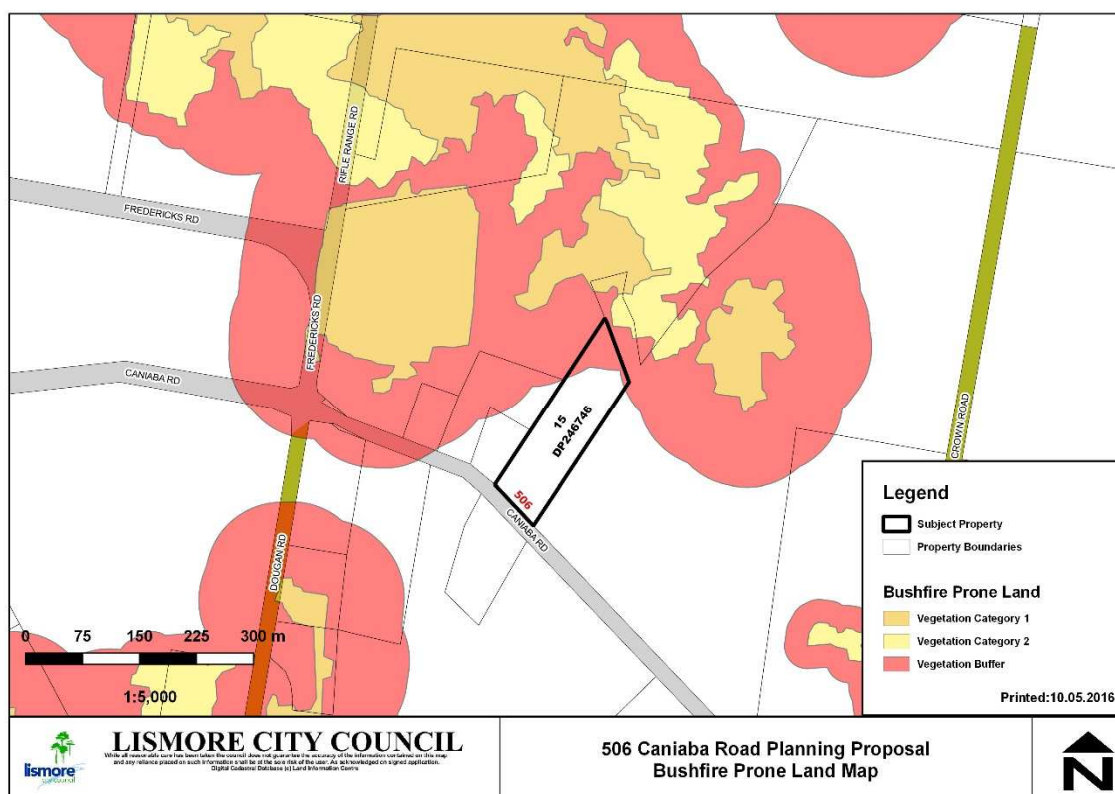
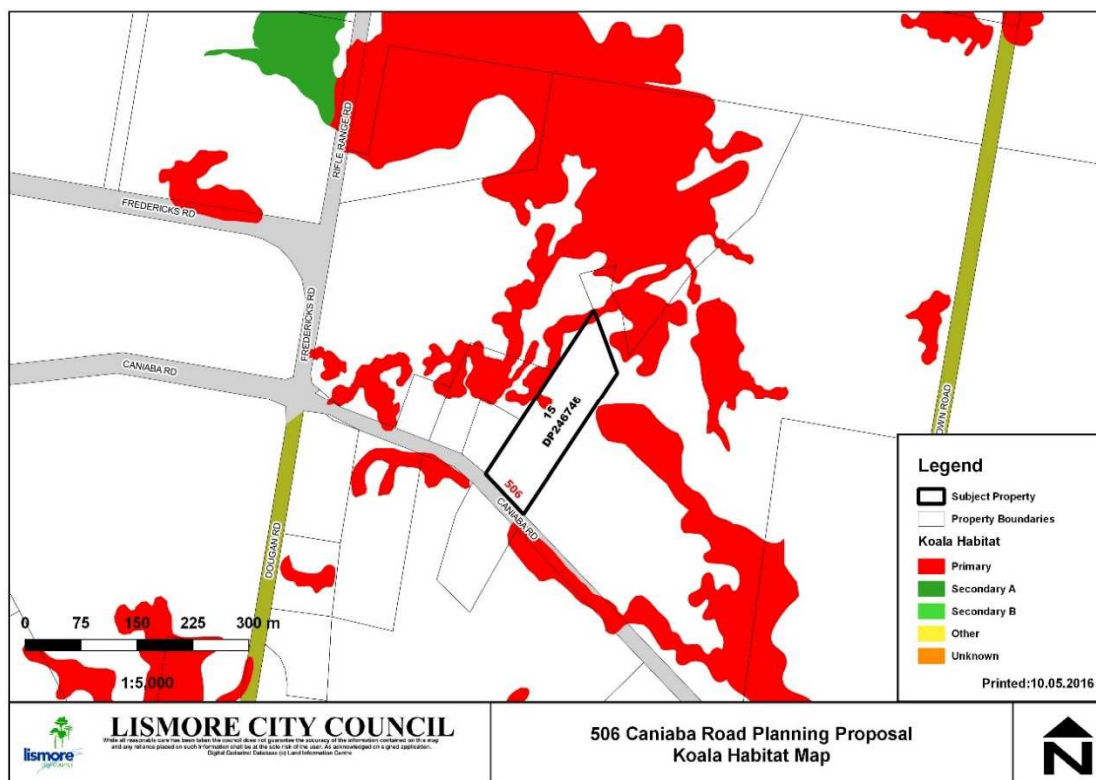
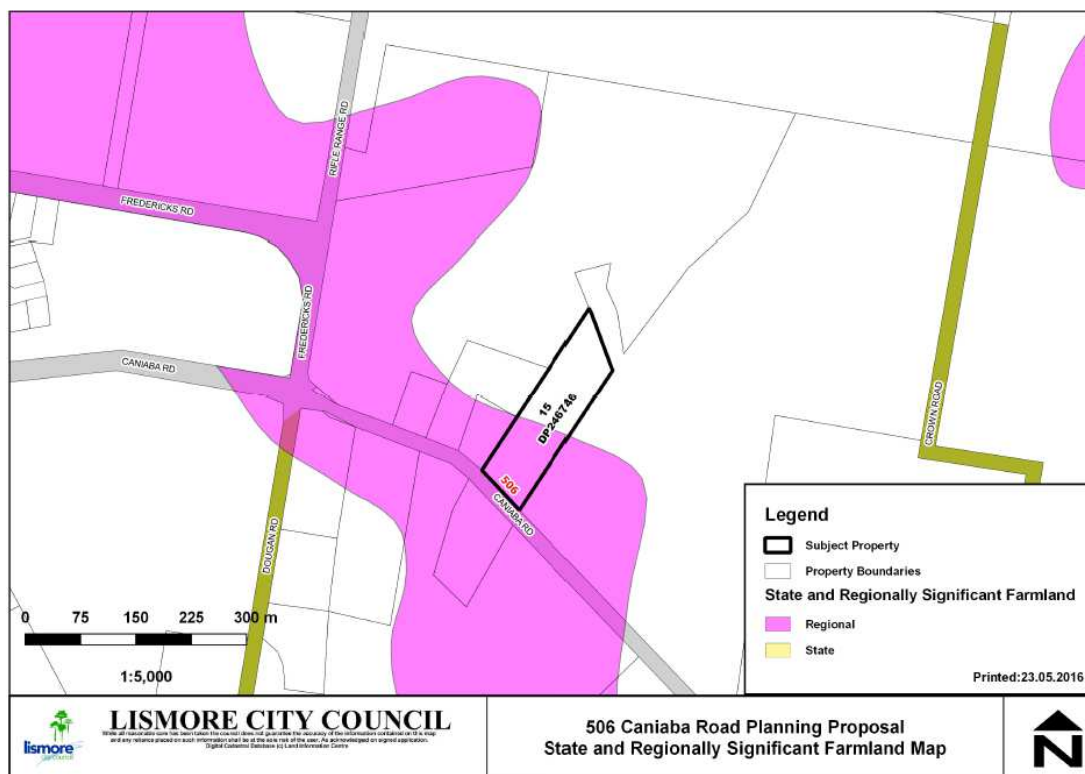


Figure 4 - Bushfire prone land

The site is mapped as containing a small amount of koala habitat as shown on Figure 5 below.



Approximately 0.7ha of the site is mapped as 'Regionally Significant Farmland' under the Northern Rivers Farmland Protection Project, as shown on Figure 6 below.



Environmental, Social and Economic Impact Assessment

Environmental and physical constraints

Biodiversity

Existing vegetation at the site consists almost entirely of exotic pastureland, reflecting historic clearing of the site and previous land use (grazing). While the site is mapped as containing a small amount of koala habitat as shown on Figure 5 above, Council's Ecologist has inspected the site and advised that no koala food trees are present on the site. More extensive areas of mapped primary Koala habitat occur in the locality with the main corridor for Koala movement extending around the site to the north. Council's Ecologist has advised that rezoning the site would not be expected to affect the capacity for Koalas to move through this corridor and that there are no ecological constraints that prevent the planning proposal from being supported.

Bushfire

A preliminary assessment of bushfire hazard indicates that future development will be able to meet the requirements of Planning for Bushfire Protection 2006. As the site is mapped as bushfire prone land the planning proposal will require referral to the NSW Rural Fire Service.

Regionally Significant Farmland

Approximately 0.7ha of the site is mapped as 'Regionally Significant Farmland' under the Northern Rivers Farmland Protection Project, as shown on Figure 6 above. Approximately half of this area is occupied by the existing dwelling and outbuildings. When approving Council's Growth Management Strategy in August 2015, the Department of Planning and Environment advised that planning proposals seeking to rezone land mapped as regionally significant farmland should be deferred until it had reviewed its State and regionally significant farmland policy. This was to occur as part of the preparation of the draft North Coast Regional Plan, which is now on public exhibition. The Department also advised that proposals that are minor in nature would be considered. This proposal is minor in the extent of farmland affected.

Land use conflict

The planning proposal will enable residential development on land that is adjacent to rural land: this has the potential to create land use conflict. Council's Environmental Health Officer has assessed the proposal and advised that appropriate buffers between future dwellings and grazing activities on adjoining land can be addressed or included at the development application stage and there are therefore no issues in regard to land use conflict that would prevent the planning proposal from being supported.

Land contamination

A preliminary contaminated land assessment was undertaken for the site. Council's Environmental Health Officer has reviewed the report and advised that there are no land contamination issues that prevent the planning proposal from being supported.

Geotechnical

The land is relatively flat and does not display any evidence of instability. Council's Strategic Engineer has advised that there are no geotechnical issues that prevent the planning proposal from being supported.

Social, economic and cultural heritage impacts

Aboriginal and European cultural heritage

A search of the Aboriginal Heritage Information Management System (AHIMS) revealed no Aboriginal sites or places are registered on or near the site. Schedule 5 Environmental Heritage of the Lismore LEP 2012 does not contain any reference to the subject site. The proposal is not expected to have any adverse impacts on cultural heritage. However, it is proposed to refer the planning proposal to the Local Aboriginal Land Council following the Gateway determination.

Social impacts

Due to the nature and scale of the proposal there are not expected to be any adverse social impacts. The provision of additional land for residential development will increase housing supply and choice.

Economic impacts

Due to the nature and scale of the proposal there are not expected to be any significant economic impacts. Development of the land for residential purposes is likely to create a small economic benefit through the construction of future dwellings.

Servicing and infrastructure

Water

The site is serviced by reticulated water. Council's Strategic Engineer has advised that there is sufficient capacity to service large lot residential development of the site.

Sewerage

The site is not serviced by reticulated sewerage. It is proposed to service future development of the site through on-site management of wastewater. A preliminary assessment of the capability of the land to accommodate on-site wastewater management and disposal has been undertaken. Council's Environmental Health staff has reviewed the report and advised that there are no issues with servicing future development of the site through on-site wastewater management and disposal.

Storm water

The site is not serviced by a storm water drainage network. Council's Strategic Engineer has advised that future development of the site for large lot residential development is not likely to create storm water management issues on the site or adjoining land.

Roads and traffic

The planning proposal will provide the opportunity to subdivide the site to create two (2) additional lots and therefore, future development of the site will not generate significant additional traffic. Council's Strategic Engineer has advised that existing roads are of suitable standard and have the capacity to accommodate any additional traffic generated by future development of the site. The section 94 contributions plan for Lismore LGA, adopted by Council in 2014 and available on the Council web site will apply to new rural dwellings and new rural lots.

Overview of the Planning Proposal

The following changes to Lismore LEP 2012 maps are proposed:

1. Amend the Land Zoning Map to change the zone from RU1 Primary Production to R5 Large Lot Residential.
2. Amend the Lot Size Map to change the minimum lot size from 20ha to 5,000m².
3. Amend the Height of Buildings map to apply an 8.5 metre maximum building height to the land.

The planning proposal does not propose to amend the Lismore LEP 2012 written instrument.

Table 1 - Summary of planning proposal to rezone 506 Caniaba Road, Caniaba

PART	REQUIREMENTS	DESCRIPTION OF PLANNING PROPOSAL
1	OBJECTIVES OR INTENDED OUTCOMES	The objective of the planning proposal is to enable the development of 506 Caniaba Road, Caniaba for large lot residential purposes.
2	EXPLANATION OF PROVISIONS	The planning proposal seeks to amend the following parts of the Lismore LEP 2012: 1. Land Zoning Map - Sheet LZN_006AA 2. Lot Size Map - Sheet LSZ_006AA 3. Height Of Buildings Map - Sheet HOB_006AA No amendments are proposed to the LEP written instrument.
3	JUSTIFICATION Section A- Need for the Planning Proposal <i>1. Is the planning proposal a result of any strategic study or report?</i> <i>2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	- The land is identified in the Lismore GMS as 'future potential residential' land. - The Planning Proposal is the best means to achieve the objective because rezoning of the land is required to enable future subdivision.
3	JUSTIFICATION Section B- Relationship to Strategic Planning Framework <i>3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?</i> <i>4. Is the Planning Proposal consistent with the Council's local strategy or other local strategic plan?</i>	- The land is included in the Far North Coast Regional Strategy (FNCRS) Town and Village Growth Boundary Map and is described as being within a 'proposed future urban release area'. The site is also nominated as a future urban growth area in the draft North Coast Regional Plan. - The planning proposal is consistent with the Lismore GMS. - The planning proposal is consistent with Imagine Lismore's community vision and aspirations.
3	JUSTIFICATION Section C- Environment, Social and Economic Impact <i>5. Is there any likelihood that critical habitat of threatened species, populations or ecological communities or their habitats, will be adversely affected as a result of the proposal?</i> <i>6. Are there any likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?</i> <i>7. Has the Planning Proposal adequately addressed any social</i>	- The site features no critical habitat of threatened species, populations or ecological communities or their habitats and therefore, they will not be adversely affected by the planning proposal. - Due to the small scale of the proposal there are not expected to be any significant environmental effects. Environmental effects are discussed in detail in the Environmental, Social and Economic Impact Assessment above. - Due to the nature and scale of the planning proposal there are not expected to be any significant adverse social or economic effects.

PART	REQUIREMENTS	DESCRIPTION OF PLANNING PROPOSAL
	<i>and economic effects?</i>	
3	JUSTIFICATION Section D - State and Commonwealth Interests 8. Is there adequate public infrastructure for the Planning Proposal? 9. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?	• Council staff have carried out a preliminary assessment of public infrastructure required and available. Commentary is included in the Environmental, Social and Economic Assessment section above. • Public authorities will be consulted following Gateway Determination. • It is proposed that the authorities listed below are consulted and that this consultation is undertaken concurrent with the public exhibition of the Planning Proposal: • Rural Fire Service, • Department of Primary Industries, and • Office of Environment and Heritage. • It is also recommended the Planning proposal be referred to the Ngulingah Local Aboriginal Land Council.
4	MAPPING	It is proposed to rezone the land to R5 Large Lot Residential with a lot size of 5,000m ² and height of building of 8.5 metres. Refer to LEP maps in the next section of this report.
5	COMMUNITY CONSULTATION	A 28 day community consultation period is recommended but this will be confirmed in the Gateway determination.
6	PROJECT TIMELINE	Recommendation of 12 months for completion. Refer to Attachment 1 for detail.
7	DELEGATIONS	Recommendation for Council to exercise plan making delegations.

Local Environmental Plan Maps

The proposed LEP maps are shown in Figures 7-9 below.

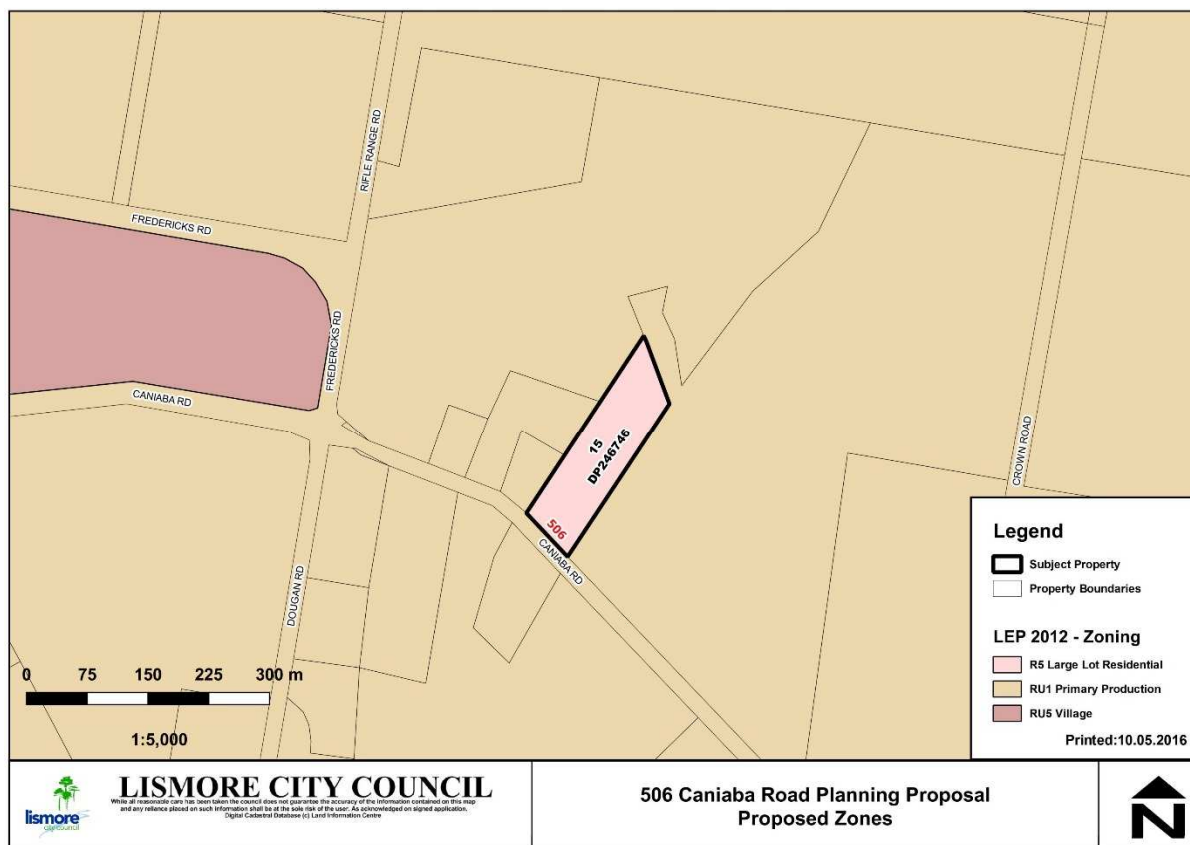


Figure 7 - Proposed Land Zoning map

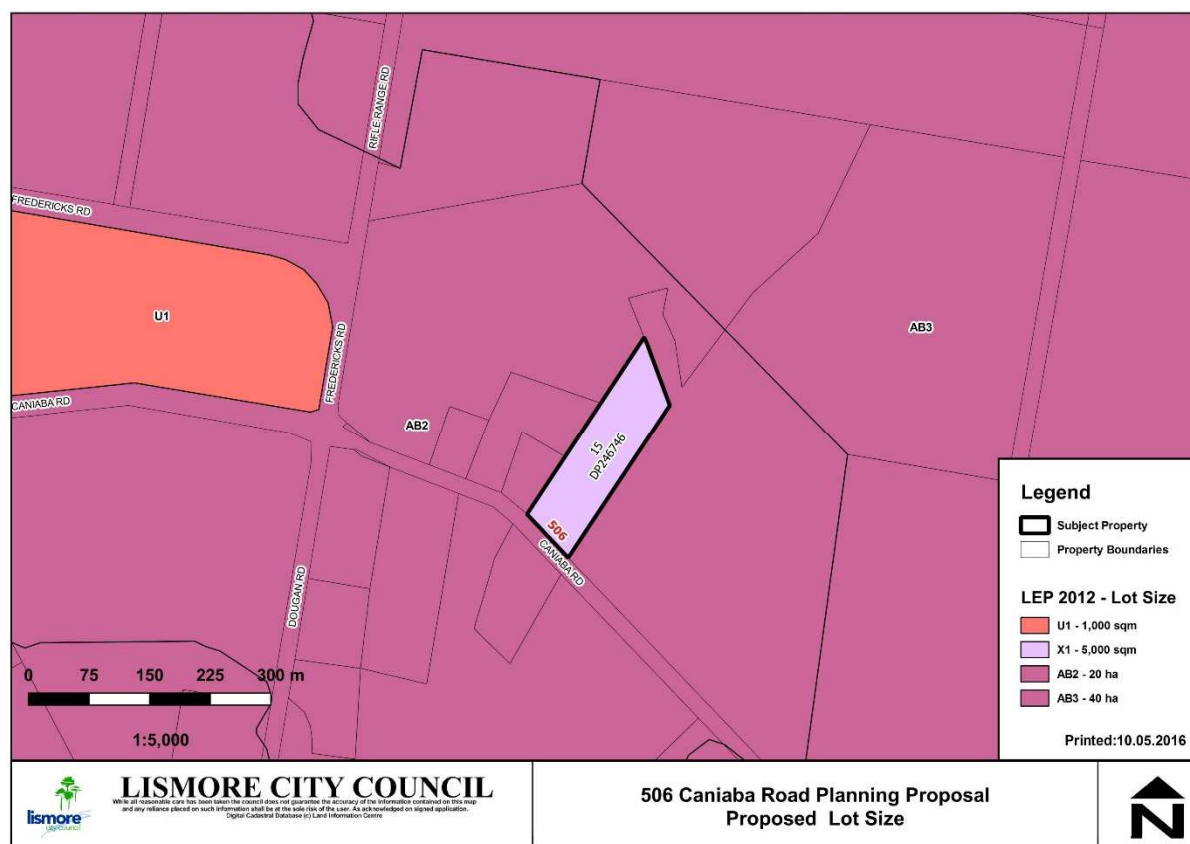


Figure 8 - Proposed Lot Size map

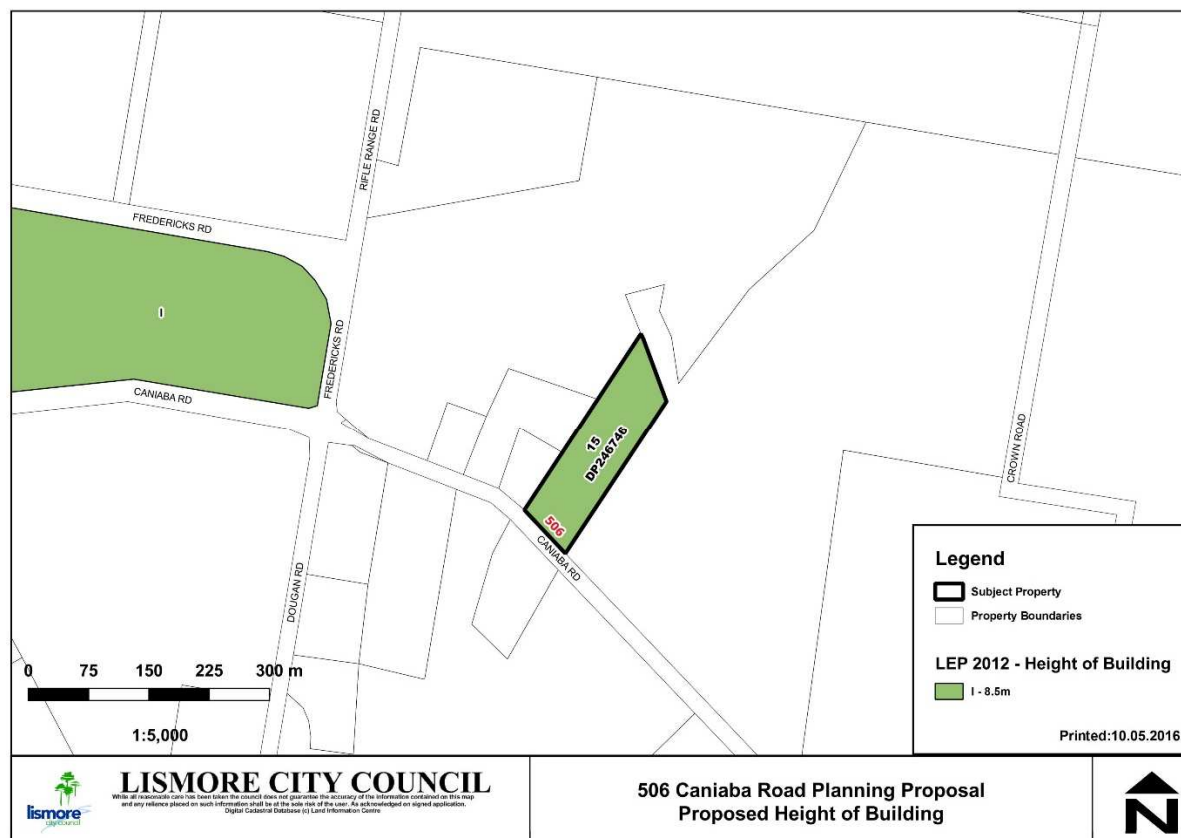


Figure 9 - Proposed Height of Buildings map

Strategic Alignment

The Planning Proposal is consistent (and implements) the following sections of *Imagine Lismore 10 Year Plan*:

Community Vision: Affordable Housing

"Through the implementation of the Lismore Housing Strategy and the Growth Management Strategy we will ensure that Lismore provides housing options that are affordable, appropriate and accessible to the different economic and social needs of the community."

Service: Strategic Planning, Assessment and Construction

"The Growth Management Strategy will be completed in 2014. The implementation of the Strategy will see the values of the community enshrined in Lismore's planning framework."

The Lismore Growth Management Strategy 2015-2035 clearly identifies the subject land on Map 19 "Caniaba – Potential Residential". The GMS states on page 88 regarding the implementation of the GMS that, *"the rezoning of identified village and large lot residential expansion areas will occur by way of landowner initiated planning proposals."*

Direct costs associated with the planning proposal are met by the proponent. The benefits of the proposal include the facilitation of the future development of land that has been identified in the GMS and FNCRS as being potentially suitable for residential development.

The only risk associated with the proposal for Council is that the landholder decides not to proceed with development of the land.

Comments

Finance

The proposal is supported as it is consistent with the Imagine Lismore 10 Year Plan and the Lismore Growth Management Strategy 2015-2035.

Other staff comments

The Planning Proposal has been reviewed by Council's specialist staff and their comments incorporated into the above environmental, social and economic assessment section.

Public consultation

Council will carry out public consultation on the planning proposal following Gateway Determination. For the purposes of public notification, it is considered that a twenty-eight (28) day exhibition period is appropriate. Notification of the planning proposal will include:

- Publication in Council's Local Matters that circulates in the area affected by the planning proposal.
- Placing a notice on the websites of Council and the Department of Planning and Environment.
- Written notification to adjoining land owners.

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.

Material to be exhibited will include:

- 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.

Key stakeholders will be identified and contacted directly to ensure that they are aware of the planning proposal. The Ngulingah Local Aboriginal Land Council will be consulted. The Gateway Determination will confirm community consultation requirements.

LEP delegations

Council resolved at its Ordinary meeting of 11 December 2012 to accept the delegations which enable Council to process the final stages of a planning proposal (LEP amendment). The delegations only extend to routine LEPs. Council does have delegation in this instance as it is a rezoning consistent with an endorsed strategy, unless the Gateway Determination advises otherwise.

Conclusion

The planning proposal seeks to amend certain provisions of the Lismore LEP 2012 that apply to 506 Caniaba Road, Caniaba to enable future development of the site for large lot residential development. The planning proposal is consistent with the FNCRS and the GMS which both identify the site as future residential land. There is sufficient information to enable Council to support the planning proposal and forward it to the Department of Planning and Environment for Gateway Determination.

Attachment/s

1. 506 Caniaba Road Rezoning Planning Proposal (Over 7 pages)