

Planning and Assessment

IRF19/7703

Gateway determination report

LGA	Lismore
PPA	Lismore City Council
NAME	Additional permitted use at 163 Invercauld Road Goonellabah
NUMBER	PP_2019_LISMO_008_00
LEP TO BE AMENDED	Lismore Local Environmental Plan (LEP) 2012
ADDRESS	163 Invercauld Road, Goonellabah
DESCRIPTION	Lot 22 DP 810042
RECEIVED	5 December 2019
FILE NO.	IRF19/7703
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to make function centres an additional land use permissible with consent on land known as 163 Invercauld Road, Goonellabah (Lot 22 DP 810042).

1.2 Site description

The site is approximately 2.1 ha in area and is currently used as an educational facility. Existing development includes staff accommodation, a conference and training centre with break out rooms and student accommodation units (Figure 1).

The site is gently sloping, and vegetation consists mainly of landscaped grounds and mowed grassland. A mix of introduced and native vegetation occur along the eastern and western boundaries, and an area in the southwest corner is mapped as primary koala habitat by Council. The site has also been identified as being bushfire prone.

The land is bounded by residential development to the north and east, and lands to the south and west are currently rural but approved for future residential development. Access to the site is via Evergreen Drive in the north.

1.3 Existing planning controls

The site is zoned R1 General Residential under Lismore LEP 2012 (Figure 2). Function centres are prohibited under this zoning.



Figure 1: Site Map (Source: SIX Maps)

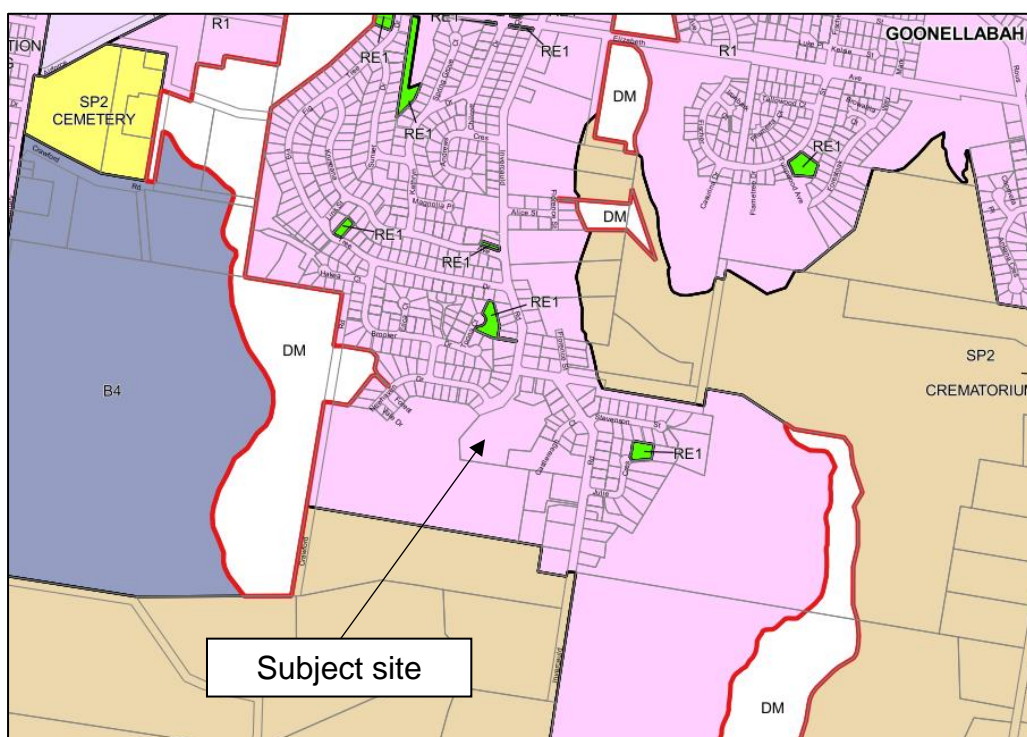


Figure 2: Land Zoning Map (Lismore LEP 2012)

1.4 Surrounding area

The land is in a residential area approximately four kilometres southeast of the Lismore CBD. Surrounding land uses include existing and proposed R1 General Residential development.

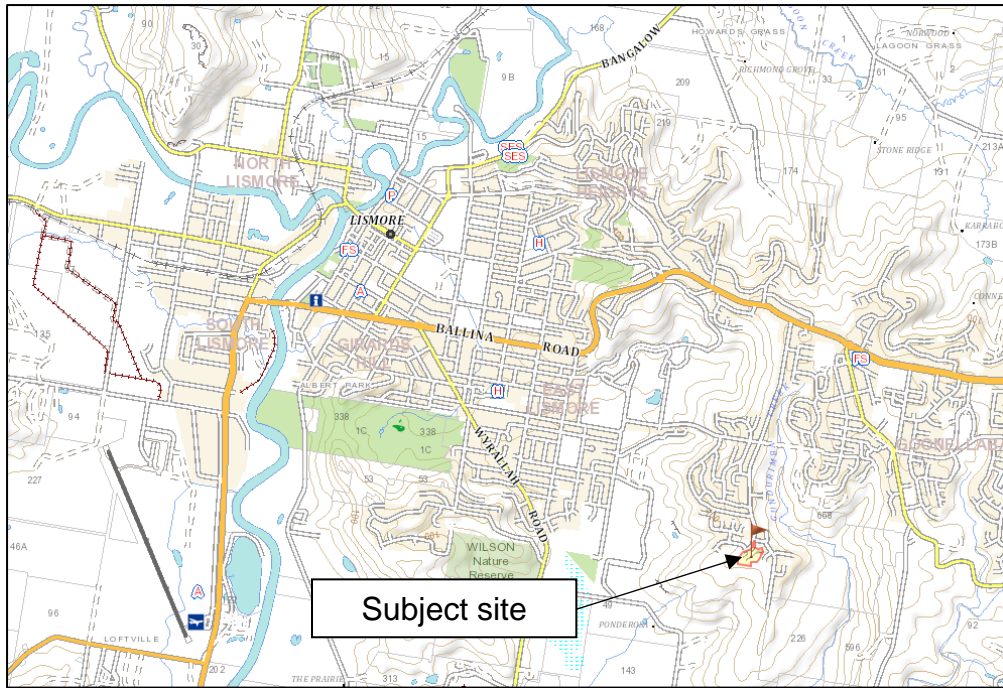


Figure 3: Locality map (Source: SIX Maps)

1.5 Summary of recommendation

It is considered that the planning proposal has merit and is recommended to proceed subject to conditions for the following reasons:

1. the proposal is not inconsistent with the regional and local planning framework; and
2. the proposed additional permitted use will formalise the historical use on the site, provide some additional economic benefits to the community and provide an adaptive reuse of an existing facility.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objectives clearly outline that the planning proposal seeks to enable function centres as an additional permitted use on the site by amending Schedule 1 of the Lismore LEP 2012.

2.2 Explanation of provisions

The explanation of provisions clearly outlines that the proposal seeks to insert a local provision for the site in Schedule 1 Additional Permitted Uses and amend the APU Map to identify the site as “Item 8”.

The proposed local provision in Schedule 1 is as follows:

8 Use of certain land at 163 Invercauld Road, Goonellabah

- (1) *This clause applies to land at 163 Invercauld Road, Goonellabah (Lot 22 DP 810042) and identified as “Item 8” on the Additional Permitted Use Map.*
- (2) *Development for the purpose of a Function Centre is permitted with development consent on the land to which this clause applies.*

2.3 Mapping

The planning proposal seeks to amend the APU Map by mapping the subject site as 'Item 8'. The planning proposal includes a proposed APU map that clearly shows the subject site (Figure 4). The mapping is considered adequate for consultation purposes.

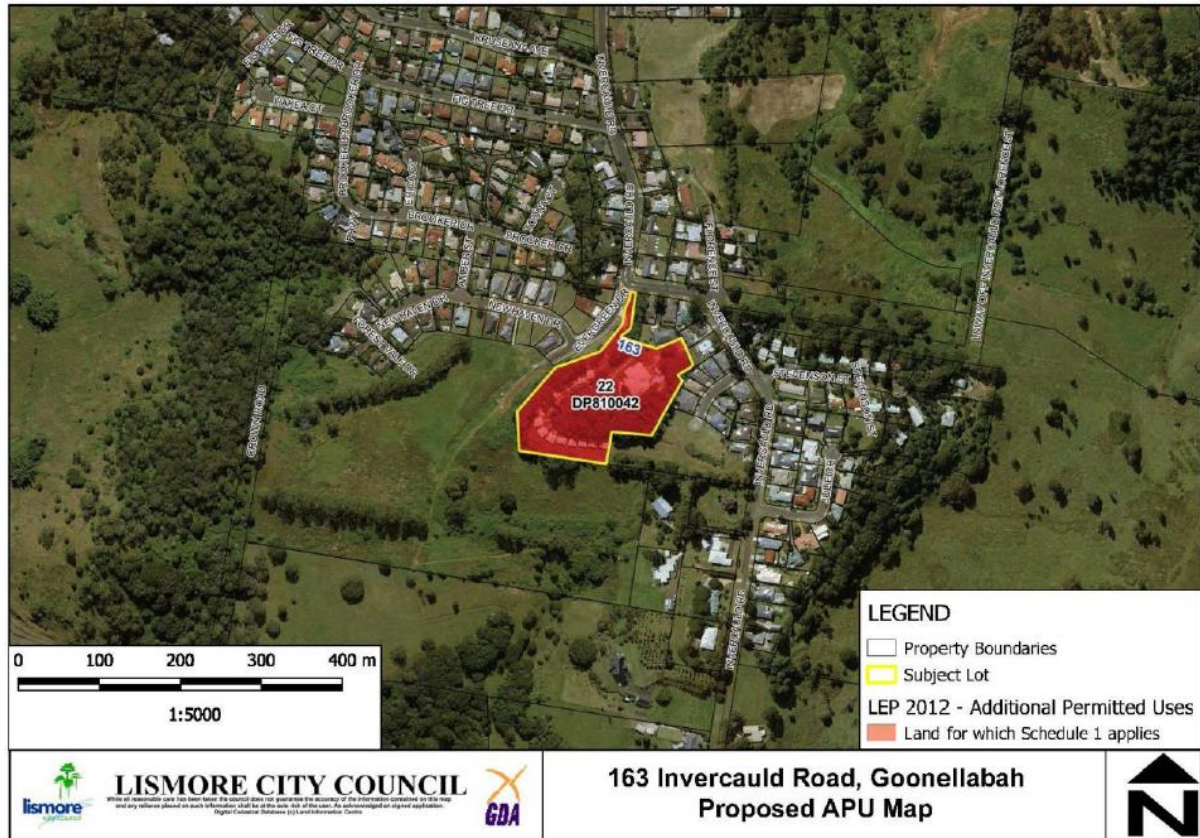


Figure 4: Proposed APU Map showing the subject site (Source: Planning Proposal)

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the result of any strategic study or report.

The educational establishment on the land was approved in 1990, and consent has previously been issued for various ancillary developments. Use of the site for educational conferences and functions has been occurring for many years and Council suggests that there is a level of community acceptance for this existing usage. The planning proposal seeks to formalise the historic use of the land and to provide an adaptive reuse of the existing facility when not being used purely for training or conference purposes.

Alternatives for achieving the intended outcomes could include:

- rezoning of the site to an alternative zone such as B4 Mixed Use. This would permit function centres as a land use on the site, but may permit other land uses, such as commercial premises or registered clubs, which are less compatible with the surrounding R1 General Residential zoned land; and

- including functions centres as permitted with consent within the R1 General Residential zone. This option could also result in incompatible land uses and land use conflict occurring in the remaining residential areas across the LGA.

It is considered that including function centres as an APU for this site is the best option for delivering the required outcome.

4. STRATEGIC ASSESSMENT

4.1 State

The proposal is not inconsistent with any of the fourteen NSW Premier's Priorities being actioned by the State Government.

4.2 Regional / District

The planning proposal is considered consistent with the NCRP 2036, which recognises the value of tourism and the education sector for delivering important services and sustaining employment growth.

The site is on residential zoned land and is not identified as employment lands under the North Coast Regional Plan (NCRP) 2036. The existing land use of an educational facility provides employment opportunities and hence the site could already be considered as constituting employment lands.

The land is also identified as being partly containing potential high environmental value under the regional plan. Council has confirmed that investigations have been undertaken that confirm the land has no actual significant environmental value.

4.3 Local

The planning proposal is considered not inconsistent with the objectives in the Imagine Lismore Community Strategic Plan 2027 and the Lismore Growth Management Strategy 2035.

4.4 Section 9.1 Ministerial Directions

The proposal is consistent with all relevant section 9.1 Directions except the following:

3.1 Residential Zones

The proposal is inconsistent with this Direction as it affects land within an existing residential zone and does not contain any specific provisions to encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and to minimise impacts of residential development on the environment.

The inconsistency is considered to be of minor significance as it only seeks to permit an additional use in an existing educational facility / conference centre.

4.4 Planning for Bushfire Protection

Direction 4.4 Planning for Bushfire Protection is relevant to the proposal as part of the land to which the proposal applies is mapped as being bush fire prone.

Consultation with the RFS is required after a Gateway Determination is issued. Until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved.

4.5 State environmental planning policies (SEPPs)

The planning proposal is considered consistent with the applicable SEPPs.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The use of the site as a function centre has the potential to increase noise issues and impact on neighbourhood amenity. Council has however advised that it believes these issues can be appropriately managed at the development application stage.

No matters of Aboriginal or European cultural significance have been identified.

5.2 Environmental

An ecological report was undertaken for the site in 2018 as part of a previous development application. The report found that the habitat on site was marginal, and while the site is mapped as koala habitat, there was no evidence of koala use or feed trees (therefore confirming that the land is not core koala habitat for the purposes of SEPP 44 - Protection of Koala Habitat). As this planning proposal will not result in any additional building works or vegetation removal, it is unlikely to have any direct adverse impacts on the surrounding environment, including koala populations.

The site is bushfire prone and referral to the RFS is to be undertaken.

Council has identified no issues of potential contamination and confirmed that the proposal will involve no soil disturbance. It is also noted that as no change in zoning is involved, clause 6 of SEPP 55 is not applicable.

5.3 Economic

No adverse economic impacts are expected to arise from this planning proposal. Some minor benefit to the economy may arise from additional employment opportunities resulting from functions held on site.

5.4 Infrastructure

All services are available to the existing development on site and no additional infrastructure or facilities are envisaged to be required. Council has confirmed that suitable road access is available to the site from Evergreen Drive and that the existing road network is sufficient for any increased vehicle movements.

6. CONSULTATION

6.1 Community

Council suggests a 28-day public exhibition period for this planning proposal. This timeframe is considered appropriate.

6.2 Agencies

Council proposes consultation with the Ngulingah Local Aboriginal Land Council in relation to Aboriginal heritage and Roads and Maritime Services regarding any potential traffic issues. It is also recommended that Council consult with the RFS regarding bushfire prone land.

7. TIME FRAME

The planning proposal includes a time frame which estimates completion of the planning proposal within seven months of the issue of Gateway determination. Given the need for consultation with State agencies and the community, it is suggested that a nine month time frame is more appropriate.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested to be the local plan-making authority. Considering this planning proposal is primarily a local matter, it is considered appropriate that Council be given delegation to make the plan.

9. CONCLUSION

It is considered that the planning proposal has merit and is recommended to proceed subject to conditions for the following reasons:

1. the proposal is not inconsistent with the planning framework; and
2. the proposed additional permitted use will formalise historical use on the site, provide some additional economic benefits to the community and provide an adaptive reuse of an existing facility.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 3.1 Residential Zones is minor and justified; and
2. note that the consistency with section 9.1 Direction 4.4 is unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Ngulingah Local Aboriginal Land Council
 - NSW Rural Fire Service
 - Transport for NSW (Roads and Maritime Services)
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.



16/12/19

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16-12-2019

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