

Planning Proposal

Schedule 1 Amendment to permit a
Function Centre at 163 Invercauld Road,
Goonellabah (Lot 22 DP 810042)

December, 2019



Contents

Part 1 - Objectives or Intended Outcomes.....	3
Site description and history.....	3
Planning Proposal.....	6
Part 2 - Explanation of Provisions.....	6
Part 3 - Justification.....	6
Section A - Need for the Planning Proposal.....	6
Section B – Relationship to strategic planning framework.....	6
Section C – Environmental, social and economic impact	7
Part 4 - Mapping.....	9
Part 5 - Community Consultation.....	10
Part 6 - Project Timeline	10
Conclusion	10
APPENDIX 1 Compliance with applicable State Environmental Planning Policies	11
APPENDIX 2 – Compliance with Section 9.1 Ministerial Directions	12

Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to amend Schedule 1 of the Lismore Local Environmental Plan 2012 to allow an additional permitted use, being a function centre at 163 Invercauld Road, Goonellabah (Lot 22 DP 810042).

Site description and history

Lot 22 DP 810042 (163 Invercauld Road, Goonellabah) is located in a residential area approximately six kilometres by road from the Lismore CBD. The land is within Zone R1 (General Residential) and has an area of 2.18 hectares. Surrounding land uses include residential dwellings to the north-east and north-west, with vacant land approved for future residential development in all other directions.

Previous approvals for the land have allowed for the development of a range of educational, conference and accommodation facilities including;

- DA90/323 – Change of use of a dwelling to an educational establishment (comprising staff accommodation, conference and training centre),
- DA93/47 – The erection of 30 multi-purpose student accommodation units and caretaker's residence ancillary to an existing education / conference centre,
- DA95/100 – Additions to an existing conference and training centre and construction of a 52 space car park,
- DA18/65 – Change of use of manager's residence to a break-out building associated with conference functions.

Consequently a range of conferences and functions have been occurring at the site over many years and there is a level of community acceptance for the existing use.



Figure 1: Locality of the subject site.

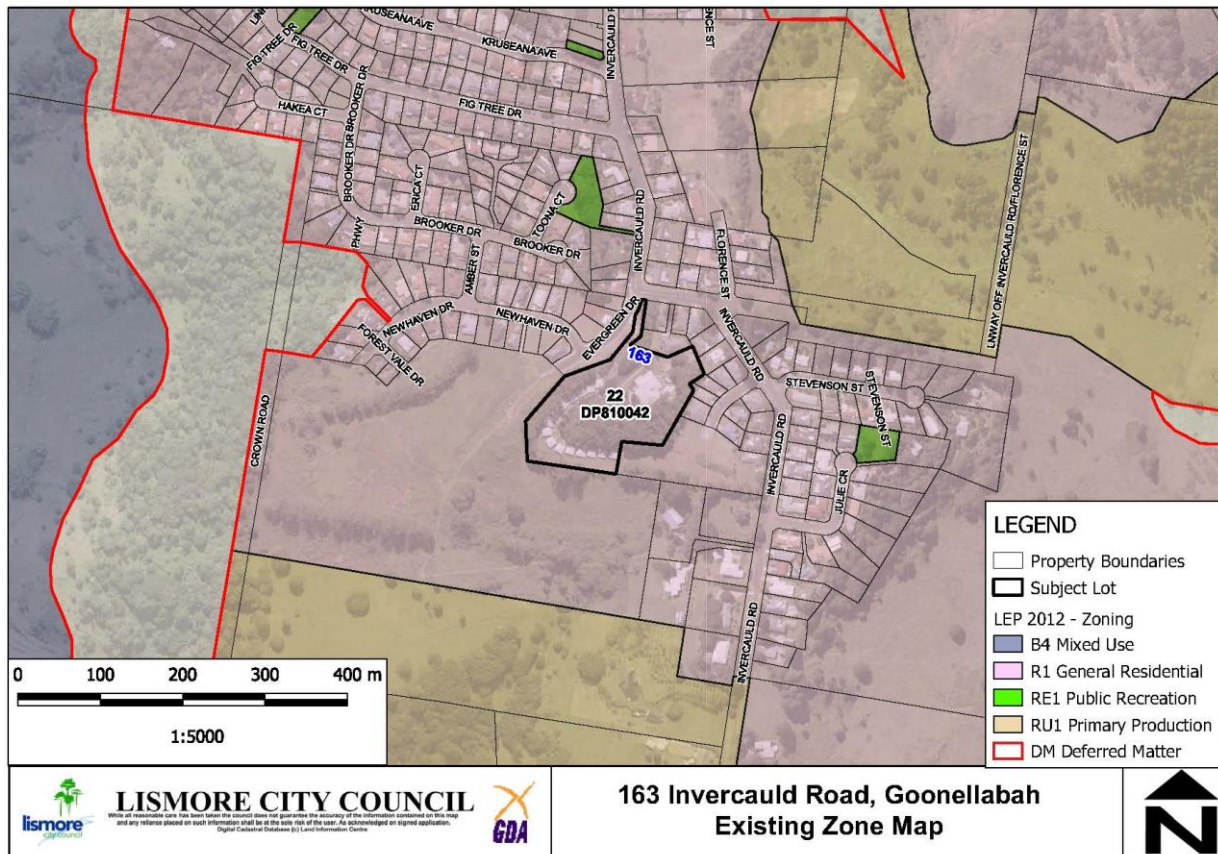


Figure 2: Current LEP zoning for 163 Invercauld Road and surrounding properties.

Vegetation on the land consists primarily of maintained and landscaped grounds with mowed grasslands to the north of the main building. A mix of introduced and native vegetation is located along the eastern and western property boundaries, with an area in the south west corner mapped as being primary koala habitat. A previous development application (DA18/65) approved the removal of several trees with a condition of consent requiring a vegetation management plan (VMP) for the planting of 25 native rainforest trees and 5 koala food trees within the site.

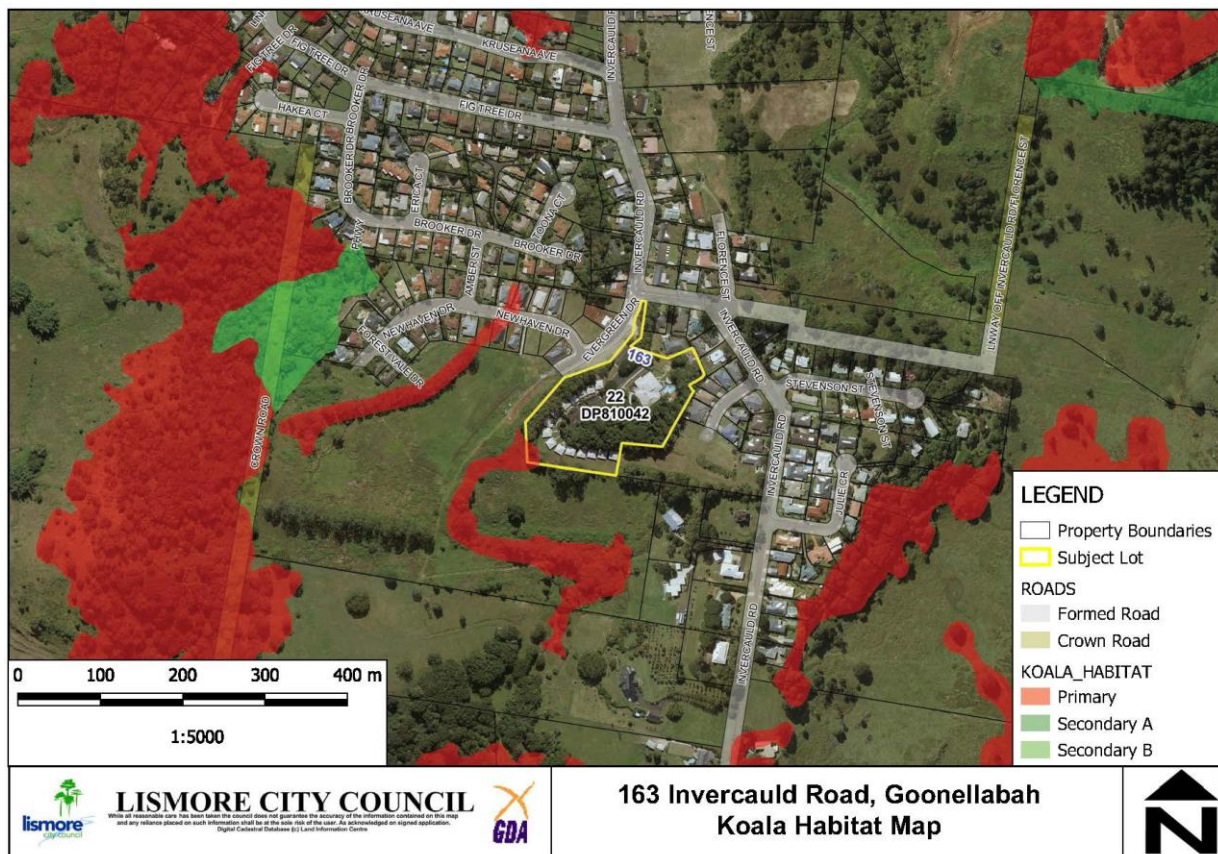


Figure 3: Koala habitat within and surrounding the subject site.

The site is mapped as containing Category 1 bushfire vegetation.

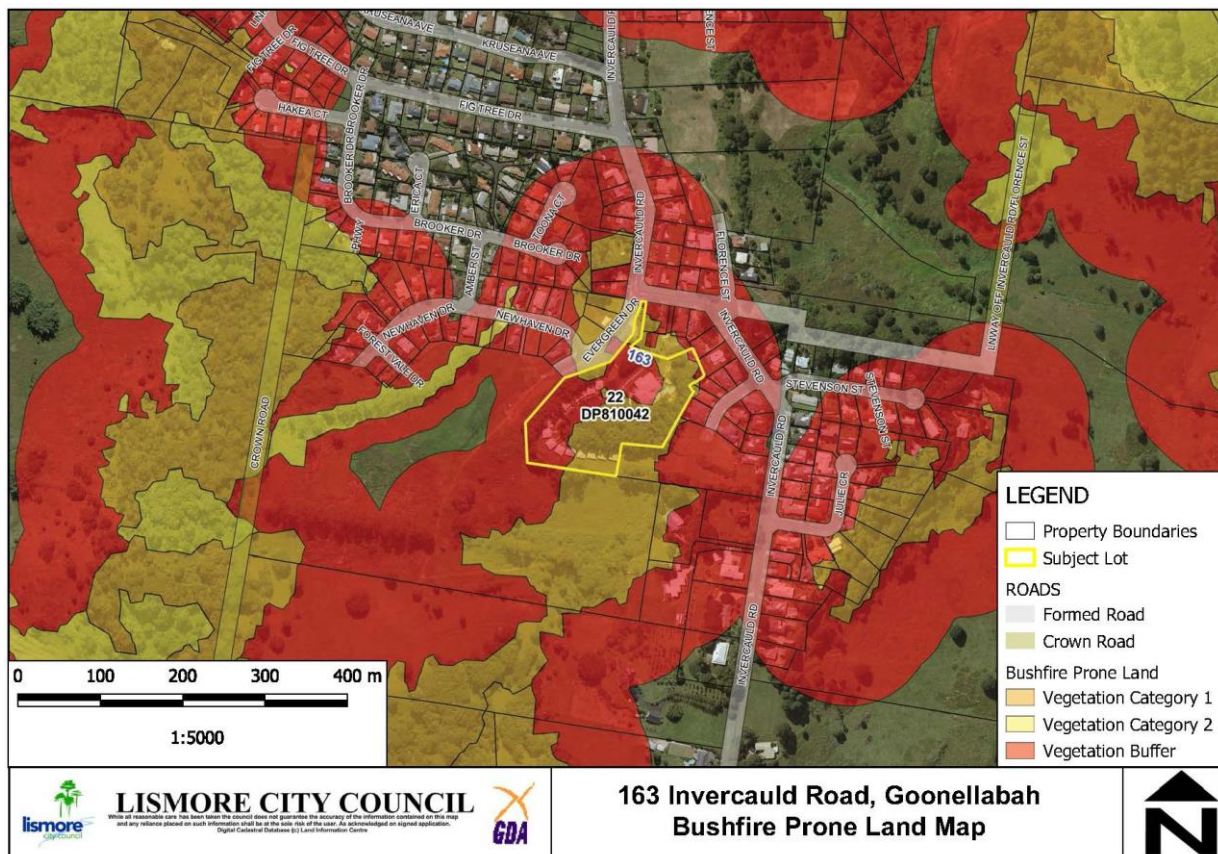


Figure 4: Bushfire prone vegetation mapping.

Planning Proposal

The approval of the Planning Proposal to permit a function centre for the subject land in Schedule 1 would allow Council to assess and determine a development application to use the site for the purpose of non-educational conferences and functions.

A function centre is defined within the LEP as - *a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.*

Part 2 - Explanation of Provisions

The objective of the proposal will be achieved by amending Schedule 1 of the Lismore Local Environmental Plan (LEP) 2012 by the inclusion of an additional permitted use for the subject site being a *function centre*. The proposed insertion into Schedule 1 is:

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.

An amendment to the Additional Permitted Use Map to identify Lot 22 DP 810042 in accordance with Figure 5 in Section 4 of this report is also required.

Part 3 - Justification

Section A - Need for the Planning Proposal

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

No, the planning proposal is not the result of any strategic study or report and the proposed land use is prohibited in zone R1. The Planning proposal seeks to formalise the historic use of the land and to provide an adaptive reuse of an existing facility.

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

Yes, the Planning Proposal is required to amend Schedule 1 Additional Permitted Uses of the Lismore LEP 2012. This is considered to be the most practical method of achieving the aims of permitting a function centre at 163 Invercauld Road, Goonellabah (Lot 22 DP 810042).

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 (NCRP) is the current overarching State Government framework to sustainably manage growth for the Far North Coast and allocate further development of land for residential and employment purposes in appropriate locations.

While the subject site is not identified as an investigation area for employment land, this Planning Proposal reinforces the following directions;

Direction 6: Develop successful centres of employment – the Planning Proposal will permit a development application to be lodged for an extension of the existing educational and accommodation uses on the site, providing further economic stimulus during times when the

building is not utilised for training and conferences purposes. The proposal will not displace or adversely impact identified employment lands.

Direction 20: Maintain the region's distinctive built character – the Planning Proposal relates to the adaptive use of an existing facility and no additional buildings are proposed or changes to the existing architectural form.

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

Yes, the Planning Proposal is consistent with the following strategic planning documents:

Imagine Lismore (Community Strategic Plan) 2017-2027

The Imagine Lismore Community Strategic Plan (CSP) was developed and adopted by Council in accordance with the *Local Government Act 1993*. The plan identifies the main priorities and aspirations for the future of the LGA for a period of 10 years. The planning proposal is consistent with the following objectives in the CSP;

- *Our land use planning caters for all sectors of the community*
- *Ensure a diverse range of land use development opportunities are available, and*
- *Monitor the Local Environmental Plan and amend as required in response to community and development industry need*

This Planning Proposal responds to the development industry's need to consider a land use activity that is currently prohibited on land zoned R1 by the LEP 2012, but is considered to be a suitable extension of the existing use.

Lismore Growth Management Strategy 2015-2035

The principal aim of the Growth Management Strategy (GMS) is to ensure sufficient land is available for residential, commercial and industrial development in suitable locations in the Lismore LGA. The GMS identifies that there is sufficient commercial zoned land to meet the projected needs of commercial uses within the time horizon.

Function centres are currently only permissible within zones B2, B3 & B4 in the Lismore LEP. However the proposal to allow an additional permitted use on the subject site is unlikely to have any negative impact on the availability of commercial zoned land in the longer term.

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

The Planning Proposal is consistent with the requirements of the applicable State Environmental Planning Policies (SEPPs). An assessment against relevant SEPPs is provided at **Appendix 1**.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The proposal is consistent with applicable Section 9.1 Directions or any inconsistency can be justified. An assessment against the 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?

An ecological report for the site was undertaken in 2018 as part of DA18/65. The report assessed the site's potential to provide habitat for significant fauna including threatened species. It found there was "marginal habitat for native fauna and may be used as forage habitat by frugivorous fauna including birds, flying-foxes and microchiropteran bats." It also

identified ringtail and common possums are likely to be present. There was no evidence of koala use or any koala feed trees identified within the site.

As no additional building works or vegetation removal is proposed as a result of the Planning Proposal, no adverse impacts on habitat for threatened species or ecological communities is expected.

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

Contaminated Land

No disturbance of soil is proposed, therefore there is no requirement for any technical reporting.

Flooding

The subject site is not within a flood planning area.

Stormwater Drainage

The proposal will not impact upon existing stormwater management on the site.

Bushfire Hazard

The site is mapped as being bushfire prone (as shown in Figure 4). The use of the site as a function centre does not trigger integrated development approval requirements under Section 100B of the *Rural Fires Act 1997*. There will be no change to the building classification (9b) and no external building works. Any issues relating to the intensification of use on the land can be addressed by any subsequent development application.

Land Use Conflict (Noise)

The proposed land use has the potential to negatively impact upon neighbour's amenity. Council's Environmental Health staff has commented that functions held in the evening and at night are most likely to create noise issues, but is satisfied that the issues can be effectively managed through appropriate conditions with any subsequent development application. A Noise Management Plan (based upon acoustic reporting) would be required with any future development application.

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

Aboriginal and European Cultural Heritage

An Aboriginal Heritage Information Management Systems (AHIMS) search was undertaken and no Aboriginal sites or places were identified within 50 metres of the subject land. The land is also not listed as a heritage item in Schedule 5 of the Lismore LEP 2012.

Social and Economic Impact

The potential for a negative impact upon existing and future residential neighbours must be considered. Adjoining neighbours will be notified and any submissions considered post-Gateway.

The Planning Proposal will not adversely impact upon existing commercial land and will facilitate a greater range of commercial activity within an existing conference / training facility. The result is likely to be additional casual employment opportunities and a positive economic flow-on to local suppliers.

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

Yes, all services are available at the site and no additional facilities are required. Suitable road access is available via Evergreen Drive and the existing road network is sufficient for any increase in vehicle movements.

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

It is recommended that the Rural Fire Service are consulted following the Gateway Determination.

Part 4 - Mapping

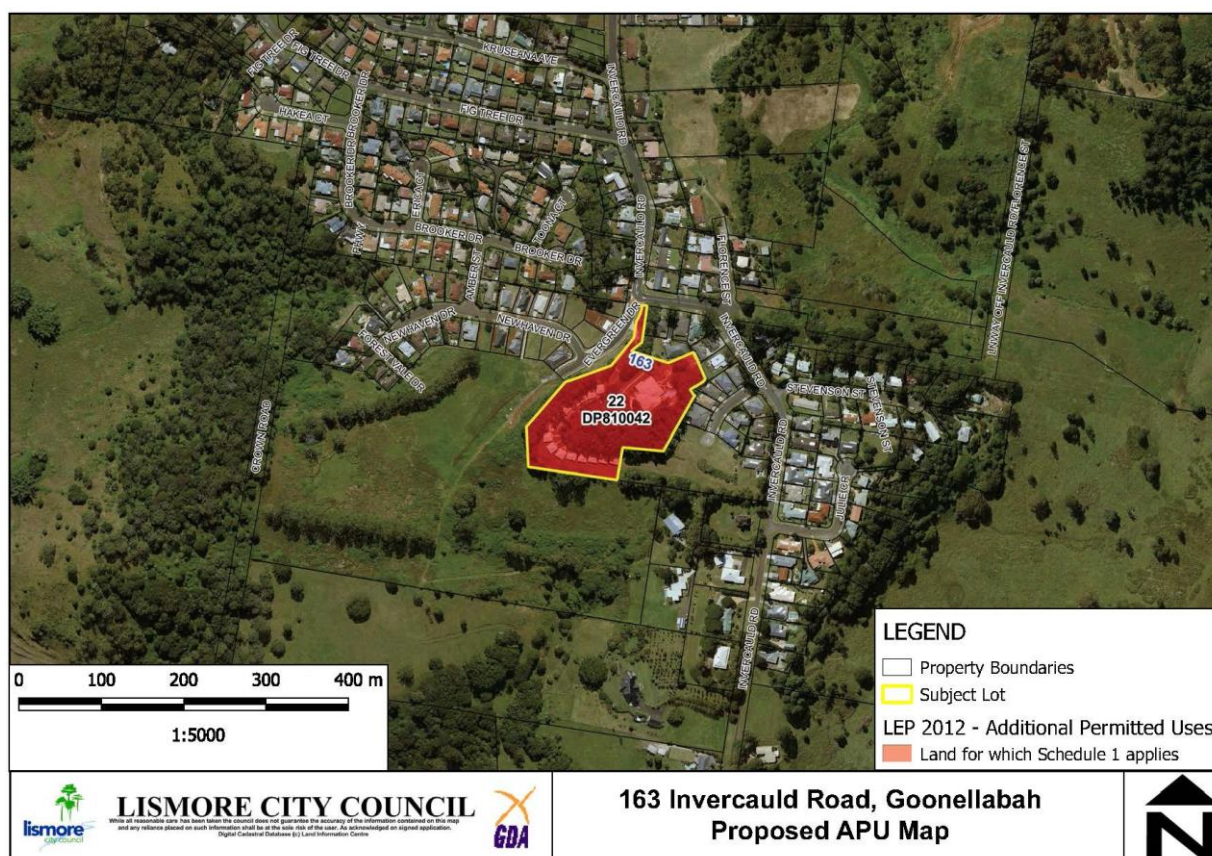


Figure 5: Proposed Additional Permitted Use Map.

The Additional Permitted Uses LEP Map will be amended as shown above to identify 163 Invercauld Road, Goonellabah (Lot 22 DP 810042) as Item 8.

In addition to the above map, the LEP written instrument Schedule 1 is proposed to be amended 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.

Part 5 - Community Consultation

Council will commence community consultation post 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;
- On the website of Lismore City Council and the Department of Planning, Industry and Environment; and
- A letter to adjoining landowners
- Referral to the Ngulingah Local Aboriginal Land Council

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; and
- 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, Industry 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

It is anticipated that the planning proposal will be completed within the indicative timeline shown below:

- Report to Council – **December 2019**
- Gateway determination issued – **January / February 2020**
- Agency and public consultation – **February / March 2020**
- Consideration of submissions – **April 2020**
- Council consideration of the proposal post exhibition – **May 2020**
- Anticipated date of submission to the Department for notification of the making of the LEP – **June 2019**
- Anticipated date for plan making - **July 2019**

Conclusion

The Planning Proposal to amend Schedule 1 of the Lismore LEP to allow a function centre at 163 Invercauld Road, Goonellabah (Lot 22 DP 810042) is considered to be an appropriate extension of existing operations at the site with minimal social and environmental impacts and some minor economic impacts.

The Planning Proposal is considered to be consistent with Lismore's CSP and GMS, the North Coast Regional Plan and the relevant SEPPs and Section 9.1 Ministerial Directions.

APPENDIX 1 Compliance with applicable State Environmental Planning Policies

State Environmental Planning Policy	Requirements	Compliance
SEPP 44 – Koala Habitat Protection	<p>3 Aims, objectives etc To encourage the proper conservation and management of areas of natural vegetation that provide habitat to koalas...</p> <p>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</p> <p>(b) by encouraging the identification of areas of core koala habitat, and</p> <p>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.</p> <p>16 Preparation of local environmental studies The Director General may require that potential or core koala habitat not proposed for environmental protection zoning is the subject of an environmental study.</p>	<p>The land subject to this Planning Proposal is mapped as containing primary and other koala habitat (see Map XX). However an ecological survey undertaken in 2018 found no evidence of koala use and no koala feed trees within the site.</p> <p>No vegetation is proposed to be removed as a result of the proposal.</p>
SEPP 55 – Remediation of Land	<p>6 Contamination and remediation to be considered in zoning or rezoning proposal Council is required to consider whether the land is contaminated when rezoning for residential development.</p>	<p>The proposal will not involve any soil disturbance. Therefore it does not trigger the requirement for a preliminary contaminated land assessment.</p>
SEPP (Infrastructure) 2007	<p>The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</p> <p>(b) providing greater flexibility in the location of infrastructure and service facilities, and</p> <p>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</p> <p>(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</p> <p>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</p> <p>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p>	<p>Clause 104 – Traffic generating development and Schedule 3 applies. The use of the buildings is not expected to generate more than 200 or more vehicle movements per hour.</p> <p>The proposal will be referred to RMS post-Gateway determination.</p>

	(g) providing opportunities for infrastructure to demonstrate good design outcomes.	
--	---	--

APPENDIX 2 – Compliance with Section 9.1 Ministerial Directions

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	Not applicable	Not applicable
1.2 Rural Zones	A Planning Proposal must not rezone land from a rural zone to a residential zone unless it is justified under clause 5 of the direction. Such justification includes the identification of the land in a strategy.	Not applicable
1.3 Mining Petroleum Production and Extractive Industries	This direction applies when the Planning Proposal: 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	Not applicable
1.4 Oyster Aquaculture	Not applicable	Not applicable.
1.5 Rural Lands	This direction applies when: <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. The Planning Proposal must: <ul style="list-style-type: none"> • Be consistent with any applicable strategic plan; • Consider the significance of agriculture; • Identify and protect environmental values; • Consider the natural and physical constraints of the land; 	Not applicable.
2. Environment and Heritage		
2.1 Environment Protection Zones	The Planning Proposal must include provisions that facilitate protection of environmentally sensitive areas. Must not reduce protection standards for environmental protection zones.	Not applicable
2.2 Coastal Protection	3 When this direction applies This direction applies to land that is within the coastal zone under the <i>Coastal Management Act 2016</i> .	Not applicable

Ministerial Directions	Requirements	Compliance
	<p>4 A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) The objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management area;</p> <p>(b) The NSW Coastal Management Manual and associated Toolkit;</p> <p>(c) NSW Coastal Design Guidelines 2003;</p> <p>(d) Any relevant Coastal Management Program or Coastal Zone Management Plan.</p>	
2.3 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	<p>Consistent</p> <p>The site is not identified as an area of heritage significance within the Lismore LEP and an AHIMS search did not identify any Aboriginal sites or places within 50m of the subject land.</p>
2.4 Recreation Vehicle Areas	Not applicable	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	A planning proposal that introduces or alters an E2 or E3 zone or an overlay must apply zones and clauses consistent with the Northern Councils E Zone Review Final Recommendations	Not applicable
3. Housing, Infrastructure and Urban Development		

Ministerial Directions	Requirements	Compliance
3.1 Residential Zones	<p>Where applicable a Planning Proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) Broaden the choice of housing types and locations. (b) Make efficient use of existing infrastructure and services. (c) Reduce consumption of land on the urban fringe. (d) Housing of good design. <p>In addition, a planning proposal must:</p> <ul style="list-style-type: none"> • Contain a requirement that residential development is not permitted until land is adequately serviced. • Not contain provisions that will reduce permissible residential density of land. 	<p>Applies / Justifiable variation</p> <p>However the proposal does not relate to the provision of new residential housing. Any inconsistency with the direction is justifiable as it is of 'minor significance' as it relates to the adaptive use of an existing facility and will not have any negative impact upon the availability of residential land.</p>
3.2 Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> (a) Retain provisions that permit development of caravan parks. (b) Retain zonings of existing caravan parks. (c) Take into account principles for siting manufactured home estates. 	<p>Not applicable</p>
3.3 Home Occupations	<p>The Planning Proposal must permit home occupations in dwelling houses without development consent.</p>	<p>Not applicable</p>
3.4 Integrating Land Use and Transport	<p>The Planning Proposal must give effect to and be consistent with the aims, objectives and principles of:</p> <ol style="list-style-type: none"> 1. <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001) <ul style="list-style-type: none"> • better integrate land use and transport planning and development, • provide transport choice and manage travel demand to improve the environment, accessibility and livability, • reduce growth in the number and length of private car journeys, • make walking, cycling and public transport use more attractive. 2. <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001) <p>This policy aims to encourage a network of vibrant, accessible mixed use centres that are closely aligned with and accessible by public transport, walking and cycling. Objectives include:</p>	<p>Consistent</p> <p>The site is serviced with an access to the public road network via Evergreen Drive and has existing on-site parking available to service the proposed additional use.</p> <p>The proposal is consistent with the relevant design guidelines for Commercial developments in <i>Improving Transport Choice</i> in that the site has good street access and will not impact upon pedestrian movement.</p> <p>The objectives of <i>The Right Place for Business and Services</i> relates to retail / leisure & entertainment facilities / offices / health & education facilities / community & personal services. This Planning Proposal relates to permitting a function centre by way of an additional permitted use within Schedule 1 of the Lismore LEP. The proposal does not relate directly to the aims in this document.</p>

Ministerial Directions	Requirements	Compliance
	<ul style="list-style-type: none"> • help reduce reliance on cars and moderate the demand for car travel • encourage multi-purpose trips • encourage people to travel on public transport, walk or cycle • provide people with equitable and efficient access • protect and maximise community investment in centres, and in transport infrastructure and facilities • foster growth, competition, innovation and investment confidence in centres, 	
3.5 Development Near Licensed Aerodromes	Not applicable	Not applicable. The site is not in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	Not applicable	Not applicable. The site is not located adjacent to an existing shooting range.
4. Hazard and Risk		
4.1 Acid Sulfate Soils	This direction applies when a planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils.	Not applicable.
4.2 Mine Subsidence and Unstable Land	Applies to mine subsidence areas Applies to areas identified as unstable	Not applicable.
4.3 Flood Prone Land	<p>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.</p> <p>(6) A draft LEP shall not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p>	Not applicable.

Ministerial Directions	Requirements	Compliance
	<p>(c) permit a significant increase in the development of that land,</p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p>	
4.4 Planning for Bushfire Protection	<p>A Planning Proposal in bush fire prone land:</p> <p>(a) Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to community consultation.</p> <p>(b) Have regard to Planning for Bush Fire Protection 2006.</p> <p>(c) Restrict inappropriate development from hazardous areas.</p> <p>(d) Ensure bush fire hazard reduction is not prohibited within the APZ.</p>	<p>Consistent</p> <p>The site is mapped as containing bushfire-prone vegetation. A referral to the RFS will be undertaken post-Gateway determination.</p>
5. Regional Planning		
5.1 Implementation of Regional Strategies	The Planning Proposal must be consistent with the Far North Coast Regional Strategy.	<p>Consistent.</p> <p>The Planning Proposal is consistent with the North Coast Regional Plan, as addressed in Part 3, Q3 of this report.</p>
5.2 Sydney Drinking Water Catchments	Not applicable	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p>The Planning Proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.</p> <p>The Direction does not apply to areas contained within a 'town and village growth boundary' in the Far North Coast Regional Strategy.</p>	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	Not applicable.

Ministerial Directions	Requirements	Compliance
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	Not applicable.
6. Local Plan Making		
6.1 Approval and Referral Requirements	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. It must not identify development as designated development unless justified.	Consistent. The Planning Proposal does not introduce new concurrence, consultation or referral requirements. Nor does it propose new forms of designated development.
6.2 Reserving Land for Public Purposes	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 the Department of Planning.	Consistent. This planning proposal does not affect public land.
6.3 Site Specific Provisions	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.	Not applicable.
7. Metropolitan Planning – Not applicable		