

Report

Subject	Planning Proposal to amend Schedule 1 of the Lismore Local Environmental Plan 2012 to allow additional permitted uses at 1112 Bruxner Highway, McKees Hill
TRIM Record No	BP19/597:EF19/447
Prepared by	Strategic Planner
Reason	To seek a Council resolution to support a Planning Proposal to amend Schedule 1 of the Lismore Local Environmental Plan 2012 to allow additional permitted uses at 1112 Bruxner Highway, McKees Hill and seek a Gateway Determination from the Department of Planning and Environment
Strategic Theme	Our built environment
Strategy	Our land-use planning caters for all sectors of the community.
Action	Ensure a diverse range of land use and development opportunities are available.

Executive Summary

On 19 February 2019, a draft Planning Proposal was received to amend Schedule 1 of the Lismore Local Environmental Plan 2012 (LEP) to allow additional permitted uses on part of the land at 1112 Bruxner Highway, McKees Hill (Lot 4, DP 614912).

The Planning Proposal originated from compliance action taken by Council in 2018 regarding the extent of works being undertaken on the site that were ostensibly outside the terms of the development consent issued in 2012 (DA11/234) for a Goods Transport Terminal under the former LEP 2000. These works involved earthworks over an area used for additional heavy vehicle parking and an expansion of the mechanical workshop.

A development application for these works, defined as a 'Transport Depot', cannot be lodged because under the current Lismore LEP 2012 a Transport Depot is prohibited in Zone RU1 Primary Production. This situation has led to a Planning Proposal being prepared to amend Schedule 1 to allow for a DA to be assessed to formalise the existing unapproved works and approve extensions to the existing operations.

An assessment of constraints such as land contamination, acid sulfate soils, flooding and land use conflict has not revealed any impediments that cannot be resolved or the need for further technical reporting.

The amendment to Schedule 1 of the LEP seeks to allow the land use of 'Transport Depot' which is currently prohibited in Zone RU1 Primary Production. It is recommended that Council support the attached Planning Proposal and forward it to the Department of Planning and Environment requesting a Gateway Determination.

Recommendation

That Council:

1. support the Planning Proposal to amend Schedule 1 of the Lismore LEP 2012 as detailed in Attachment 1 of this report to allow additional permitted uses on part of the land at 1112 Bruxner Highway, McKees Hill (Lot 4, DP 614912) as detailed below:

Schedule 1 Additional Permitted Uses

6 Use of certain land at 1112 Bruxner Highway, McKees Hill

- (1) *This clause applies to part of the northern end of the land at 1112 Bruxner Highway, McKees Hill, being part Lot 4, DP 614912 identified as "Item 6" on the Additional Permitted Uses Map.*
- (2) *Development for the purpose of the following land use is permitted with development consent on the land to which this clause applies:*
 - a. *Transport Depot*

Local Environmental Plan Maps

Amend the Additional Permitted Uses Map – [Sheet APU_003] to identify part of 1112 Bruxner Highway, McKees Hill (Part of Lot 4, DP614912) as Item 6 as provided in Figure 6 of this report;

2. forward the Planning Proposal to the Department of Planning and Environment with a request for a Gateway Determination;
3. agree that staff place the Planning Proposal on public exhibition in accordance with a Gateway Determination and report back to Council any issues raised in public submissions and Government Agency comments during public exhibition.

Background

On 19 February 2019, a draft Planning Proposal was received to amend Schedule 1 of the Lismore Local Environmental Plan 2012 (LEP) to allow additional permitted uses on part of the land at 1112 Bruxner Highway, McKees Hill (Lot 4, DP 614912).

The Planning Proposal originated from compliance action taken by Council in 2018 regarding the extent of works being undertaken on the site that were ostensibly outside the terms of the development consent issued in 2012 (DA11/234) for a Goods Transport Terminal under the former LEP 2000. The compliance action that Council undertook is explained in further detail in the Compliance History section of this report.

The subject site has previously been granted development consent in 2012 (DA11/234) for a Goods Transport Terminal which is operated by North Coast Petroleum.

The approval of the Planning Proposal to permit the additional uses on part of the subject site would allow Council to assess and determine a future Development Application for a Transport Depot.

It is understood that when the new LEP was introduced in 2012, a Transport Depot replaced the former definition of Goods Transport Terminal and was made a prohibited use in RU1 Zone to ensure the primacy of primary industry production related land uses in that zone. A Transport Depot was considered an industrial use due to amenity issues such as noise, dust, vehicle movements and access to major road networks, and is thus permitted with consent in the industrial suite of zones in the Lismore LEP 2012.

Compliance History

With respect to the development approval history, DA08/507 was issued on 10 November 2008 for a new dwelling and on 14/7/09 DA09/268 was issued for an inground swimming pool.

On 5 November 2008, DA08/569 was issued that approved a Farm Shed with the following condition:

The building is only to be used to store or repair agricultural machinery or equipment and the garaging of private motor vehicles used on the particular land or to store agricultural produce grown or used on the particular land. The building must be used as a rural outbuilding only, ancillary to the agricultural use of the land and must not be used for residential, commercial or industrial purposes, without the prior approval of Council.

On 15 December 2010, it was brought to the attention of Council through a complaint that this farm shed was being used for industrial purposes without the prior consent of Council. An inspection was carried out by Council's Development Compliance Officer that indicated servicing and mechanical works were being conducted on three heavy vehicles (prime movers). On 17 December 2010, a letter was sent to the landowner of the subject site outlining that development consent had not been obtained for a 'car repair station' or a 'goods transport terminal' as required under NSW planning legislation, and to cease operations immediately and submit a DA seeking consent for the unapproved land use.

On 9 March 2012, DA11/234 was approved for the change of use of a shed to a Goods Transport Terminal under the previous Lismore LEP 2000 which allowed this land use with consent in Zone RU1 Primary Production. A copy of this approval is attached to this report at Attachment 2.

In 2018 Council received another complaint concerning earthworks which had been undertaken to construct a large area south of the existing workshop. On 5 February 2018, Council advised the landowner in writing that following a site inspection, earthworks exceeding what is exempt under the Lismore LEP and the Exempt and Complying Development Code and importation of fill to the site had been undertaken without planning consent. While the imported fill was subsequently verified to be virgin excavated natural material which did not pose an environmental risk, Council raised concerns regarding the construction of this area which was assumed to facilitate the parking of additional heavy vehicles and the considerable expansion of the existing mechanical workshop that was undertaken without the necessary planning consent.

Importantly, Council raised questions about whether these works could be formalised by modifying the 2012 DA given that under the current Lismore LEP 2012 a Transport Depot is prohibited in Zone RU1 Primary Production. This situation lead to a Planning Proposal being prepared that will enable a DA for the specific use to be submitted.

This outcome is preferred to a rezoning of the site as Zone RU1 Primary Production remains an appropriate zone on the land given it is surrounded by similar agricultural land uses and the southern part of the site is currently being used for cattle grazing. Under the Lismore LEP 2012, a Transport Depot is permitted with consent in both Zone IN1 General Industrial and IN2 Light Industrial; however, rezoning the site to an industrial zone is not considered appropriate given the rural location and surrounding land uses that are predominately agricultural and ancillary rural residential in association with farming activities.

Figure 1 shows an aerial photo of the site. The north eastern corner of the site in the red rectangle is the land subject to this Planning Proposal.

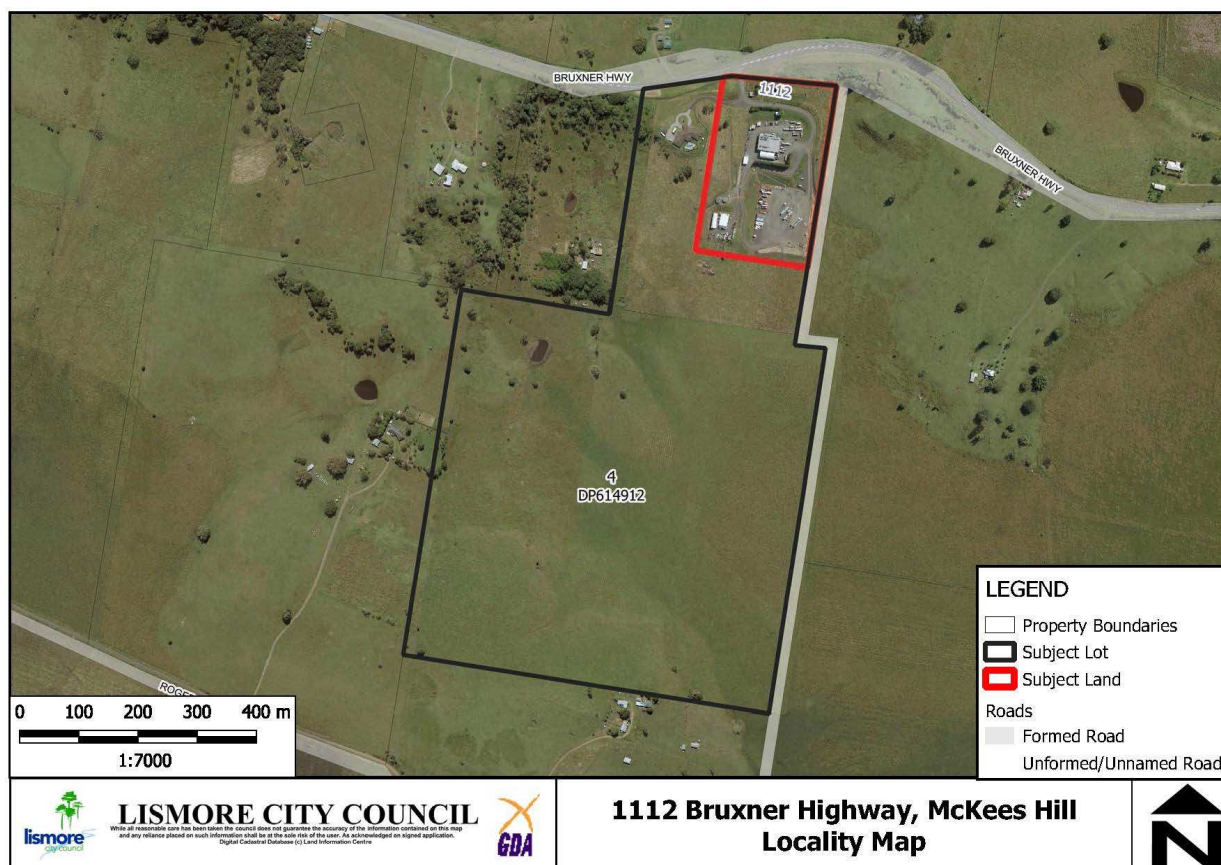


Figure 1: Locality of 1112 Bruxner Highway, McKees Hill

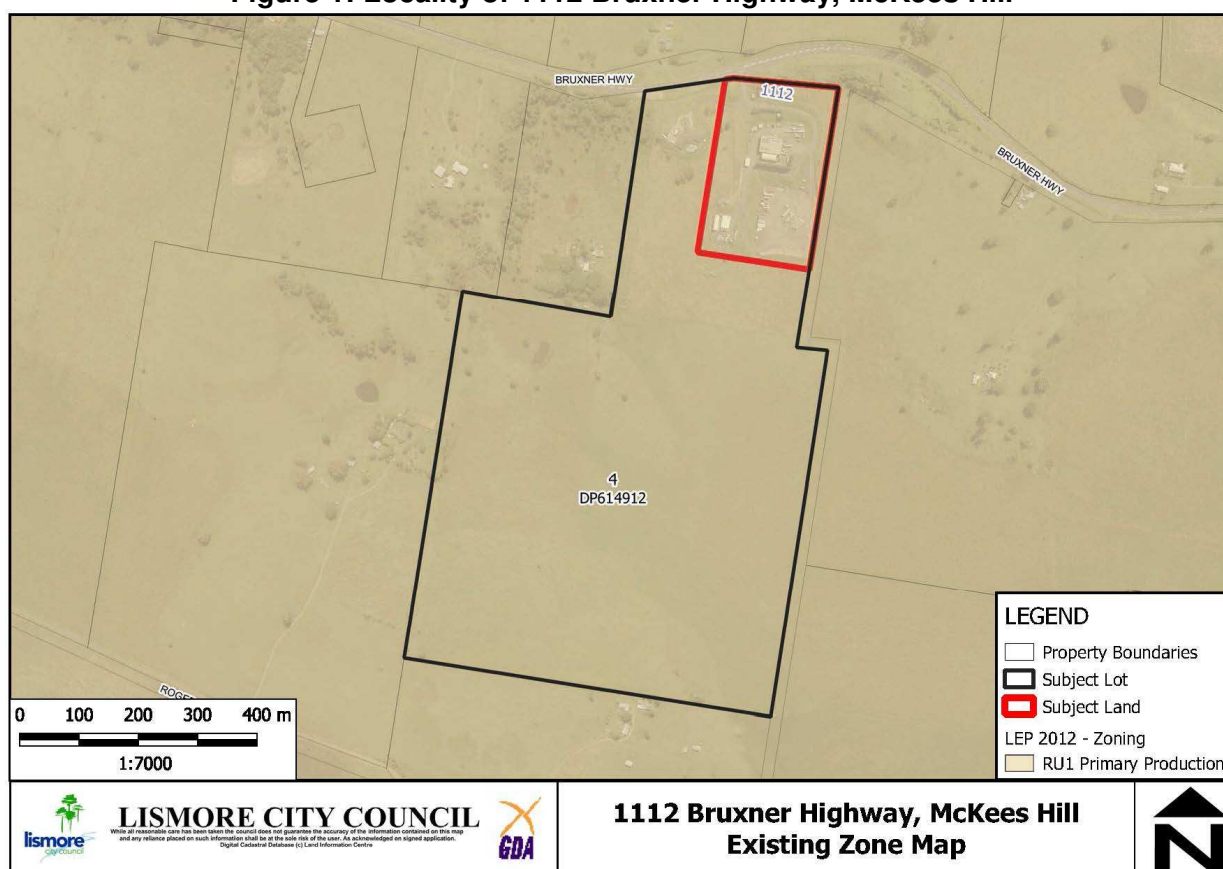


Figure 2: Existing zone – 1112 Bruxner Highway, McKees Hill

Characteristics of the subject site

The subject site has a total land area of 53.4ha. The land subject to this Planning Proposal comprises approximately 6.2 hectares in the north eastern portion and contains an existing Goods Transport Terminal that was previously granted development consent in 2012 (DA11/234) that is operated by North Coast Petroleum.

The site adjoins the Bruxner Highway to the north and surrounding land in Zone RU1 Primary Production is predominately used for cattle farming with some scattered dwellings. The north western portion of the site comprises a dwelling, swimming pool, associated sheds, water tanks and a carport. The southern portion of the site which is fenced off comprises approximately 39 hectares and contains a farm dam, Class 1 watercourse and is currently used for grazing cattle.

The landowner is seeking to formalise the use the land to park the truck fleet associated with North Coast Petroleum (NCP) and undertake the associated mechanical repairs of those vehicles. The business operations of the NCP involves the bulk delivery of petroleum and oil products to Central Queensland and to the western and southern areas of NSW to supply retail, commercial, industrial and rural operations.

The approval of the site as a Transport Depot would also enable other businesses to store their vehicles and goods (stored on the vehicles) during times of flood. Transport Depot is defined in the Lismore LEP as, *'a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking'*.

The Planning Proposal therefore seeks to amend the planning provisions applying to the subject land by amending Schedule 1 of the Lismore Local Environmental Plan 2012 to permit a site-specific use on part of the site.

Environmental, Social and Economic Impact Assessment

Environmental and physical constraints

Biodiversity

The land subject to this Planning Proposal has been previously cleared of vegetation due to past cattle grazing activities and developed with a dwelling, associated buildings and the Goods Transport Terminal. It is therefore unlikely that this proposal will adversely affect any critical habitat, threatened species, populations or ecological communities or their habitats.

There is an Order 1 stream located southwest of the existing Goods Transport Terminal, however, the watercourse is approximately 350m away, so it is expected that there is a low risk of any impacts on this watercourse. It is noted that environmental considerations regarding stormwater management, waste management, operational wash bays and on-site sewage management will be subject to further assessment at the development application stage.

Statutory environmental assessment

Should this LEP Amendment be made, enabling a DA to be lodged, the proposed development of a Transport Depot (and the associated amount of petroleum storage which is currently 1,000 litres and not expected to change) does not meet the definition of 'Designated Development' under Schedule 3 of the *Environment Planning and Assessment Regulation 2000* and therefore would not require the preparation of an Environmental Impact Statement.

Furthermore, the development of the site as a Transport Depot does not trigger SEPP 33 (Hazardous and Offensive Development) to be addressed as part of any future development approval. It is also expected that the Class 1 watercourse located approximately 350 meters from the existing Goods

Transport Terminal on the site will not trigger the need for an activity approval under the *Water Management Act 2000* which applies to works proposed within 40m of a waterway.

Flooding

A small area on the eastern part of the subject site is identified as a Flood Planning Area in the LEP 2012 Flood Planning Map shown in Figure 3. However, this part of the site is outside the area proposed to be developed as part of the proposed expansion of the Goods Transport Terminal and is currently used for cattle grazing. Flooding is therefore not considered to be a relevant consideration.

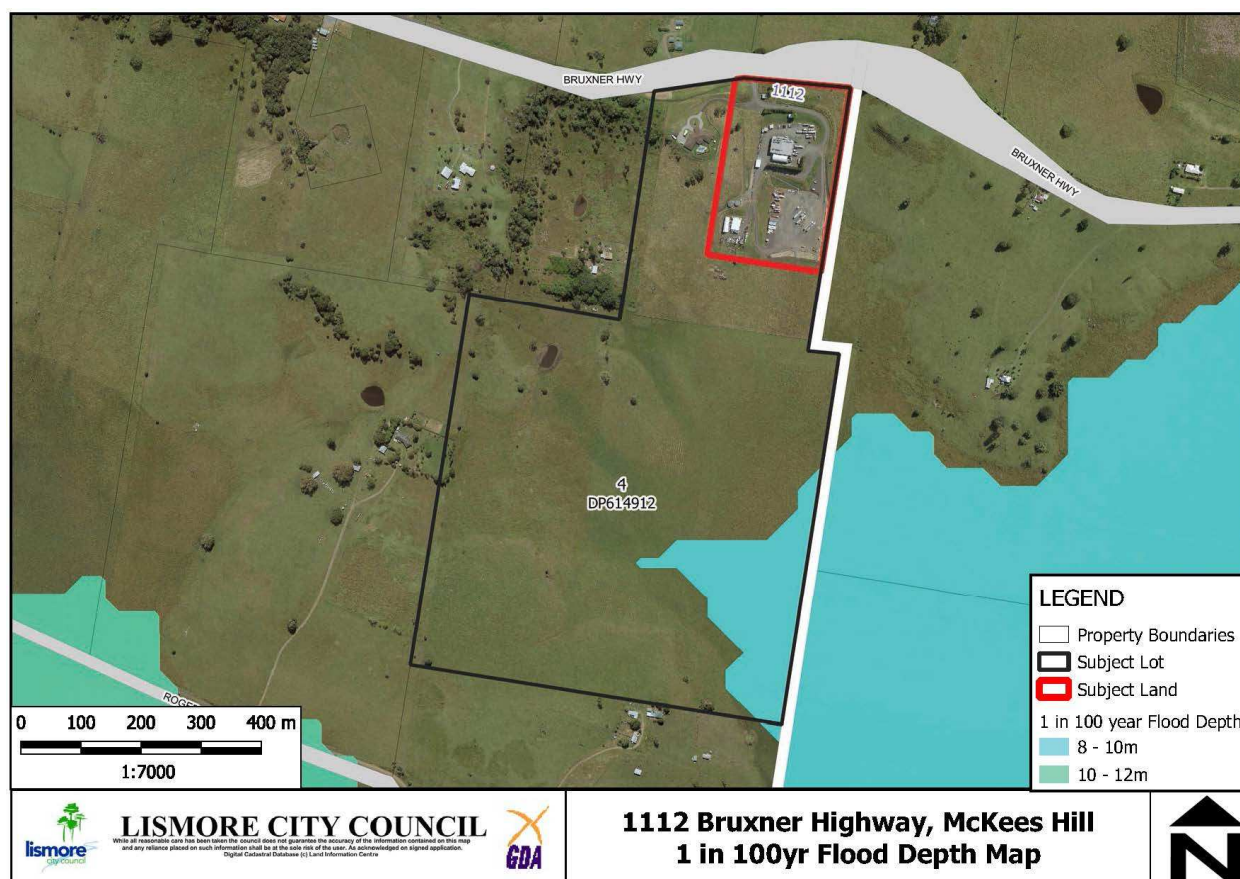


Figure 3: Lismore LEP 2012 Flood Planning Area Map – 1112 Bruxner Highway, McKees Hill

Acid Sulfate Soil

Part of the subject site is mapped as having Class 5 and Class 4 Acid Sulfate Soils as shown in Figure 4. The objective of Clause 6.1 – Acid Sulfate Soils of the Lismore LEP 2012 is to *ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage*. This Clause requires that for Class 5 Acid Sulfate Soils development consent is required for works within 500 metres of adjacent Class 1-4 land below 5 metres AHD (Australian Height Datum) and by which the water table is likely to be lowered below 1m AHD.

Council's Environmental Health Officer (EHO) has advised that the southern section of the subject land is mapped as Class 5 and has been filled above natural ground level with VENM (Virgin excavated natural material). Therefore, the site presents a low risk in relation to acid sulfate soil management and no technical reporting is required to support this Planning Proposal being finalised. Clause 6.1 (Acid Sulfate Soils) of the Lismore LEP will have to be adequately addressed at the development application stage.

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It is acknowledged that no significant earthworks are expected to be undertaken for the development of the Goods Transport Terminal that this Planning Proposal will formalise due to the extent of works already completed.

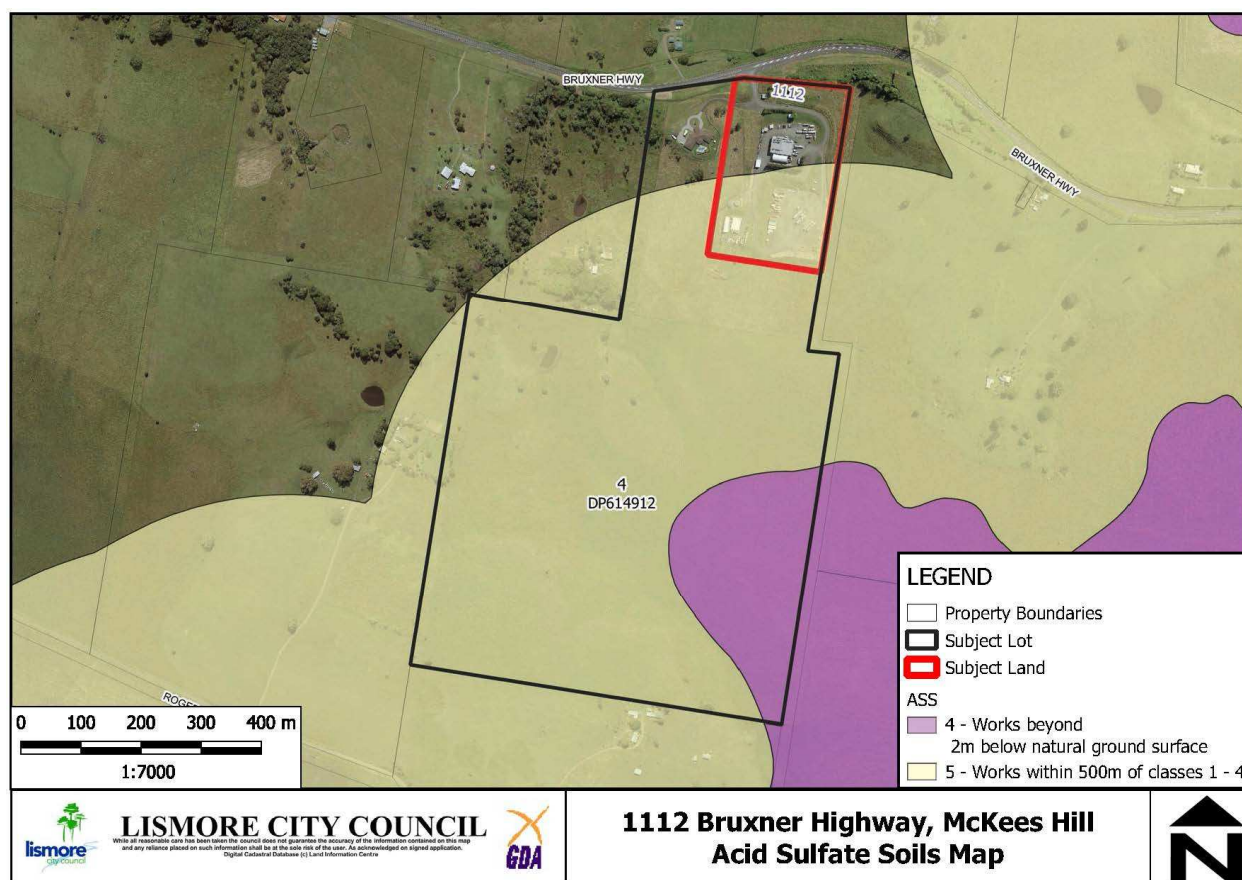


Figure 4: Acid Sulfate Soils – 1112 Bruxner Highway, McKees Hill

Land Use Conflict

The potential of this Planning Proposal creating future land use conflict has been assessed as low risk due to the following factors:

- The land adjoins the busy major Bruxner Highway, so road traffic noise already contributes significantly to the amenity in the area
- The hours of operation of the existing Goods Transport Terminal mandated by DA2011/234 are limited to Monday to Friday 7am to 6pm and Saturday morning
- Landscape plantings have been established on the southern boundary of the workshop area to visually screen the Goods Transport Terminal when viewed from the open rural landscape to the south
- The nearest dwellings not associated with the site range from approximately 200m to the northwest and west, 250m to the northeast, 400m to the east and 350m to the south east. These distances are considered sufficient to limit impacts on rural amenity of surrounding residences.

No technical reporting on land use conflict is required to finalise this Planning Proposal, however, a further assessment will be undertaken at the DA stage.

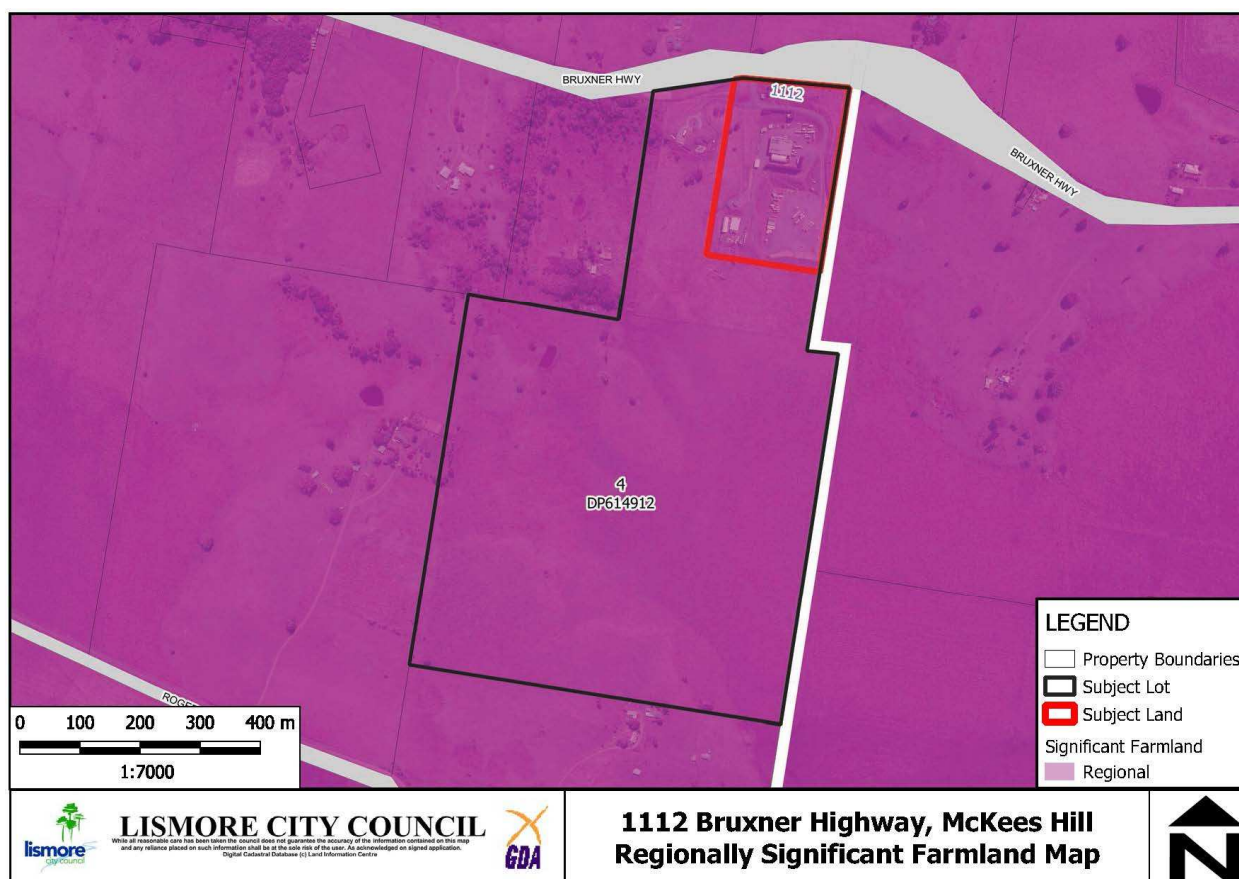


Figure 5: Regionally Significant Farmland – 1112 Bruxner Highway, McKees Hill

Regionally Significant Farmland

The subject site is mapped as Regionally Significant Farmland as shown in Figure 5 and is categorised as Class 4 (Grazing land) and Class 3 (Grazing land/pasture improved land) agricultural land.

It is recognised that this Planning Proposal will not result in any changes to the existing Zone RU1 Primary Production and relates to an established Goods Transport Terminal on land previously disturbed and already removed from primary production. The impacts of this Planning Proposal on the sustained use of the land for primary production are low as the remainder of the subject land (approximately 39ha) will be continued to be used for cattle grazing.

Land contamination

Council's EHO has advised that the previous assessment of land contamination associated with the development approval for a Goods Transport Terminal (DA2001/234) is satisfactory for the purposes of this Planning Proposal. During the approval process for this development, Council advised that potential contamination issues arising from the imported fill used to construct part of the development were adequately addressed through an inspection that verified the material onsite is excavated natural material. It is also noted that this Planning Proposal only seeks to enable a Transport Depot which will be developed on an area previously developed with earthworks and some buildings limited to the north eastern corner of the subject site.

No technical reporting on land contamination is required for the purposes of the assessment of this Planning Proposal.

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Social, economic and cultural heritage impacts

Aboriginal and European cultural heritage

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken and did not identify any Aboriginal sites or places on the subject land. The land is also not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 of the LEP 2012.

Social and Economic Impact

The need for a Social Impact Assessment (SIA) is not triggered according to section 5.3 of Lismore City Council's Social Impact Assessment Guidelines. With regard to economic impact, it is anticipated that this Planning Proposal will result in positive employment outcomes as the applicant has indicated that the business currently employs 16 staff with this number expected to grow over time as a result of the expansion of the facility.

It is noted that the use of the site for the storage of vehicles and goods loaded onto trucks during times of flood by businesses based in Lismore will reduce the social and economic costs to the community and businesses caused by flood damage.

Servicing and infrastructure

Water and sewer

The subject land is currently serviced with an onsite wastewater system. The specific details of the system that services the Transport Depot will be submitted as part of any further development application.

The subject site is not connected to reticulated water and is serviced with water storage tanks. It is not anticipated that the future development of the site will have a significant impact on water or sewer infrastructure.

Vehicular Access and Roads and traffic

The primary access to the site is from a driveway that links onto the Bruxner Highway. The Bruxner Highway is a State controlled road which is under the jurisdiction of Roads and Maritime Service (RMS). Council's Engineer has advised that major intersection works to the site have been undertaken under the supervision of RMS and final sign off is yet to be given pending some minor outstanding issues being addressed. These major works have involved earthworks, stormwater drainage, shoulder widening and sealing, pavement marking, signage, tree removal and erosion and sediment control.

With regard to internal roads and parking areas, it is recommended that the staff and visitor parking area be sealed, line marked and signed as conditions on any future development approval in accordance with Chapter 7 – Off Street Carparking of the Lismore Development Control Plan.

The driveway to the existing dwelling may exceed 12.5% as specified in the Vehicular Access Policy which may need addressing as part of any future development approval.

Stormwater

At the development approval stage, a detailed Stormwater Management Plan is required to demonstrate no increase in runoff is created by this development and no adverse impacts on adjoining properties will occur. No reporting is required at this stage to finalise the Planning Proposal.

Overview of the Planning Proposal

The Planning Proposal seeks to amend the LEP written instrument as follows:

- Amend **Schedule 1 Additional Permitted Uses** of the Lismore LEP 2012 to permit additional uses on part of 1112 Bruxner Highway, McKees Hill (Lot 4 DP614912). The proposed insertion is:

6 Use of certain land at 1112 Bruxner Highway, McKees Hill

- (3) *This clause applies to part of the northern end of the land at 1112 Bruxner Highway, McKees Hill, being part Lot 4, DP 614912 identified as "Item 6" on the Additional Permitted Uses Map.*
- (4) *Development for the purpose of the following land use is permitted with development consent on the land to which this clause applies:*
 - a. *Transport Depot*

The following Map sheet is proposed for amendment:

- Additional Permitted Uses Map – [Sheet APU_003] to identify part of 1112 Bruxner Highway, McKees Hill (Part of Lot 4, DP 614912) as Item 6.

Table 1 provides a summary of the planning proposal.

Table 1: Summary of Planning Proposal

PART	REQUIREMENTS	DESCRIPTION OF PLANNING PROPOSAL
1	OBJECTIVES OR INTENDED OUTCOMES	The objective of the planning proposal is to allow for additional permitted uses at part of 1112 Bruxner Highway, McKees Hill (Lot 4, DP614912).
2	EXPLANATION OF PROVISIONS	The planning proposal seeks to amend the following parts of the Lismore LEP 2012: <ul style="list-style-type: none"> Additional Permitted Uses Map - APU_003 Amend Schedule 1 Additional Permitted Uses of the Lismore LEP to allow additional permitted uses at part of 1112 Bruxner Highway, McKees Hill (Part Lot 4, DP 614912).
3	JUSTIFICATION Section A- Need for the Planning Proposal <i>Is the planning proposal a result of any strategic study or report?</i> <i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	<p>The Planning Proposal to amend Schedule 1 Additional Permitted Uses of the Lismore LEP 2012 is the most practical method of achieving the aim of enabling the further development of the site for a Transport Depot that is currently prohibited in Zone RU1 Primary Production.</p> <p>This outcome is preferred to a rezoning of the site because Zone RU1 Primary Production remains an appropriate zone on the land given it is surrounded by similar agricultural land uses and the southern part of the site is currently being used for cattle grazing. Under the Lismore LEP 2012, a Transport Depot is permitted with consent in both Zone IN1 General Industrial and IN2 Light Industrial, however rezoning the site to an industrial zone is not considered appropriate given the rural location and surrounding land uses that are predominately agricultural and ancillary rural residential in association with farming activities.</p>

PART	REQUIREMENTS	DESCRIPTION OF PLANNING PROPOSAL
4	<p>JUSTIFICATION Section B- Relationship to Strategic Planning Framework <i>Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?</i> <i>Is the Planning Proposal consistent with the Council's local strategy or other local strategic plan?</i> <i>Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPP)?</i> <i>Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?</i></p>	<p>While the subject site is not identified as an investigation area for employment land in the North Coast Regional Plan (NCRP) 2036, this Planning Proposal reinforces the following objective:</p> <p><i>Lismore's proximity to the significant rural production areas in the Richmond Valley and Kyogle council areas offer opportunities to activate agribusiness and leverage cross-border agricultural activities in the Darling Downs and freight transport opportunities at Beaudesert and Brisbane West Wellcamp Airport.</i></p> <p>This Planning Proposal aims to formalise the use of the land for a Transport Depot for North Coast Petroleum which delivers fuel to service stations as far as Bundaberg in Queensland and south to Newcastle and west to Narrabri in NSW. Arguably, North Coast Petroleum contributes to the regional city of Lismore leveraging cross-border freight transport operations around NSW and into Queensland.</p> <p>While the subject site is not identified as either existing employment land or investigation area – employment land in the Lismore Growth Management Strategy, the Planning Proposal is not expected to have any impact on the availability of industrial zoned employment land in the longer term.</p> <p>The planning proposal is consistent with the Lismore City Council Delivery Program 2017 - 2021 Strategy "Ensure a diverse range of land use and development opportunities are available".</p> <p>This proposal is consistent with the relevant SEPP's as outlined in Attachment 1.</p> <p>This proposal is consistent, or any inconsistency can be justified with applicable s9.1 Ministerial Directions as outlined in Attachment 1.</p>
5	<p>JUSTIFICATION Section C- Environment, Social and Economic Impact <i>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>Are there any likely environmental</i></p>	<p>The land subject to this Planning Proposal has been previously cleared of vegetation due to past cattle grazing activities and developed with an existing dwelling, associated buildings and the Goods Transport Terminal. It is therefore unlikely that this proposal will adversely affect any critical habitat, threatened species, populations or ecological communities or their habitats.</p> <p>There is an Order 1 stream located southwest of the</p>

PART	REQUIREMENTS	DESCRIPTION OF PLANNING PROPOSAL
	<p><i>effects as a result of the Planning Proposal and how are they proposed to be managed?</i></p> <p><i>Has the Planning Proposal adequately addressed any social and economic effects?</i></p>	<p>existing Goods Transport Terminal, however the watercourse is approximately 350m away so there is a low risk of this existing development resulting in any impacts on this watercourse. It is noted that environmental considerations regarding stormwater management, waste management, operational wash bays, on-site sewage management will be subject to further assessment at the development application stage.</p> <p>With regard to land contamination, the previous assessment associated with the development approval for a Goods Transport Terminal (DA2001/234) is satisfactory for the purposes of this Planning Proposal. During the approval process for this development, Council advised that potential contamination issues arising from the imported fill used to construct part of the development were adequately addressed through an inspection that verified the material onsite is excavated natural material. It is also noted that this Planning Proposal only seeks to enable a Transport Depot which will be developed on an area previously developed with earthworks and some buildings limited to the north eastern corner of the subject site.</p> <p>The southern section of the subject land is mapped as Class 5 Acid Sulfate Soil and has been filled above natural ground level with VENM (Virgin excavated natural material). Therefore, the site presents a low risk in relation to acid sulfate soil management and no technical reporting is required to support this Planning Proposal being finalised.</p> <p>A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken and did not identify any Aboriginal sites or places on the subject land. The land is also not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 of the LEP 2012.</p> <p>With regard to economic impacts, the applicant has indicated that the business currently employs 16 staff. This number is expected to grow over time as a result of the expansion of the facility.</p>
6	<p>JUSTIFICATION</p> <p>Section D - State and Commonwealth Interests</p> <p><i>Is there adequate public infrastructure for the Planning</i></p>	<p>Council staff have carried out a preliminary assessment of public infrastructure that is required and available. Commentary is included in the Environmental, Social and Economic Assessment section above.</p>

PART	REQUIREMENTS	DESCRIPTION OF PLANNING PROPOSAL
	<i>Proposal?</i> <i>What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?</i>	It is proposed that the Government Agency/organisations listed below are consulted as part of the public exhibition of the Planning Proposal: <ul style="list-style-type: none"> • Department of Primary Industries • Roads and Maritime Services
7	MAPPING	It is proposed to amend: <ul style="list-style-type: none"> • Map sheet APU_003 Refer to the LEP map in the next section of this report.
7	COMMUNITY CONSULTATION	A 28-day community consultation period is recommended but this will be confirmed in the Gateway determination.
8	PROJECT TIMELINE	Recommendation of approximately 9 months to complete. Refer to Attachment 1 for detail.
9	DELEGATIONS	Recommendation for Council to exercise plan making delegations.

Local Environmental Plan Map

The proposed LEP map is shown in Figure 6 below.

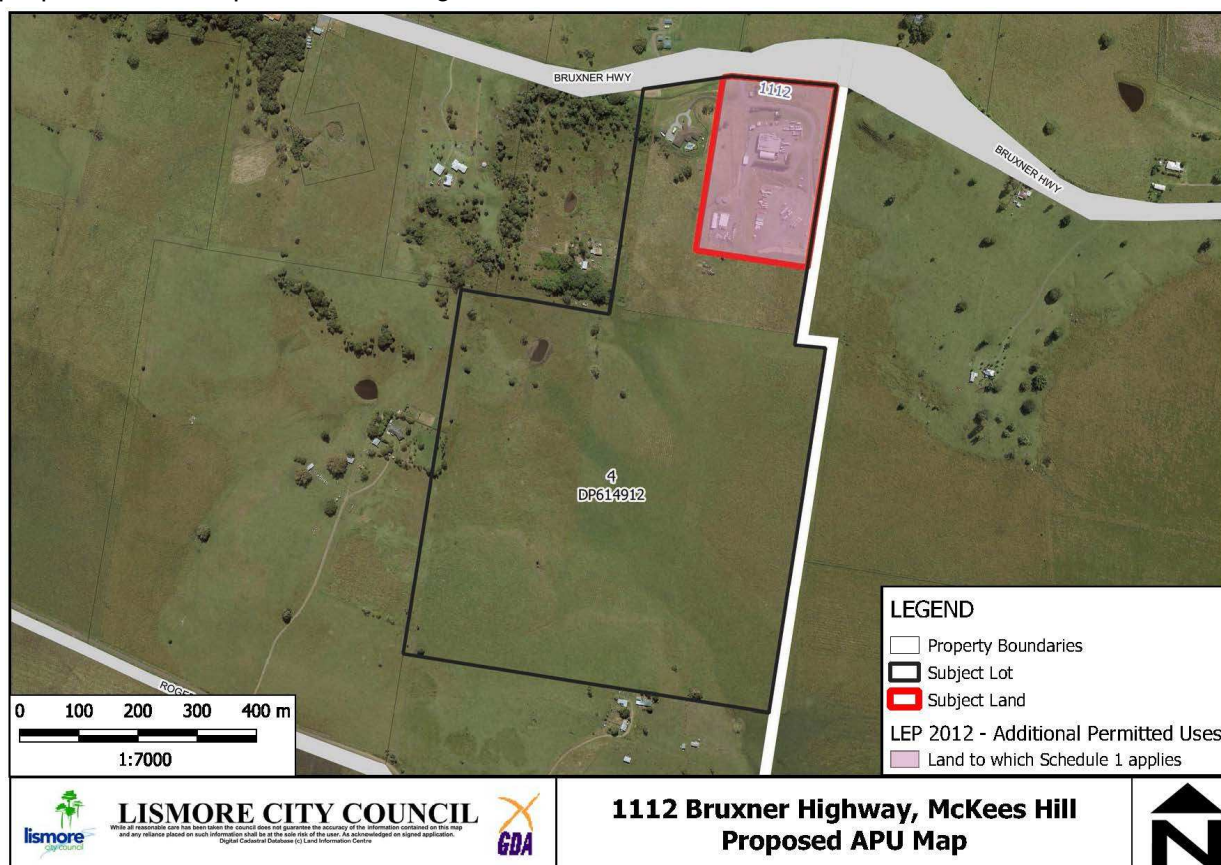


Figure 6: Proposed APU LEP Map – 1112 Bruxner Highway, McKees Hill

Comments

Finance

Not required.

Other staff comments

Council's specialist staff have assessed the Planning Proposal as required and their comments are incorporated into the relevant sections of this report.

Public 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 and Environment.
- Letter to adjoining landholders.
- Referral to Ngulingah Local Aboriginal Land Council

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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.

LEP delegations

Council resolved at its ordinary meeting of 11 December 2012 to accept the delegations which enable it to process the final stages of a planning proposal (LEP amendment). The delegations only extend to routine LEPs. Delegations will be confirmed as part of the Gateway determination.

Conclusion

A preliminary assessment of the Planning Proposal and a constraints analysis of the subject site has not revealed any impediments to the approval of the proposed Schedule 1 Amendment to the Lismore LEP 2012 to identify an additional use (a Transport Depot) to be permitted. A preliminary assessment of constraints such as land contamination, acid sulfate soils, flooding and land use conflict has not revealed any impediments or the need for further technical reporting. The Planning Proposal is generally consistent with relevant State Environmental Planning Policies and s9.1 Ministerial Directions and any inconsistencies can be justified. There is sufficient information to enable Council to support the Planning Proposal and forward it to the Department of Planning and Environment for a Gateway Determination.

Attachment/s

1. Planning Proposal (Over 7 pages)
2. DA11/234 - Approval (Over 7 pages)
3. DA11/234 Stamped plans
4. Assessment Form Industrial Development (Over 7 pages)