

LISMORE CITY COUNCIL MINUTES PRE-LODGEEMENT MEETING
Held on Wednesday 27 September 2023
82.2023.30.1

Present: Senior Strategic Planner (Cameron Jewell) Chairperson
Head of Planning and Environment (Graham Snow)
Strategic Planning Co-ordinator (Andy Parks)
Regulatory Services Coordinator (Matt Kelly)
Strategic Development Engineer (Lucas Myers)

Presentation

Guests: Consultant Senior Town Planner – Ivan Holland – Barker Ryan Stewart
Hayley Brown – Horns Plumbing and Gas (landowner)

Property: DP 628242 lot 22 part, 202 Caniaba Road CANIABA

Zone: RU1 Primary Production

Brief Outline of planning proposal provided by proponent:

Planning proposal to add additional permitted use to site so that DA can be lodged for uses that are already occurring on the site. Proposed uses to be permitted include 'general industry', 'industrial retail outlet' and 'goods repair and reuse premises'.

Business in South Lismore was affected by the Feb 2022 floods and will not return as unable to get insurance and has lost stock. Set up at 202 Caniaba Road however use cannot be classified as exempt development, and is not permissible in the RU1 zone. Therefore planning proposal to add additional permitted use is proposed so that DA can be lodged.

Met with Brendan Logan from Council, who encouraged to explore additional permitted use.

Summary Information

Planning Constraints:

- Flood Prone Land
- Regionally Significant Agricultural Land
- Bushfire Prone Land

Staff Comments

Strategic planner (Cameron Jewell and Andy Parks)

Key issues

- Land use conflict, particularly regarding noise
- Traffic impact and access
- Agricultural capability

About Pre-Lodgement Meeting Advice

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Additional permitted uses

There is a general principle that Council will consider an additional permitted use only in cases where there is no other suitable land or there is something about the site that is unique for the purposes of the development. In terms of land for industrial purposes, Council acknowledges there is a lack of flood-free industrial land.

Characterisation of development

Council staff characterise the proposed development as a mixed-use development comprising 'light industry', 'depot', 'warehouse or distribution centre' and 'retail premises'. The office is considered an ancillary use.

The additional permitted use for the workshop as 'light industry' is predicated on Council being satisfied that the use meets the definition of "a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise". Further detail of the business operations should be provided in the planning proposal report, though based on information provided in the pre-lodgement meeting the use appears consistent with that of 'light industry'. A noise impact assessment will indicate whether the use will interfere with the amenity of the neighbourhood and thus cannot be characterised as 'light industry'.

Council staff do not consider the sale of goods on site to be characterised as an 'industrial retail outlet', as the goods sold are not manufactured on site. It would also not be characterised as a 'goods repair and reuse premises', because it has not been shown that the repairing of goods for the purpose of sale is part of the operation. Council understands that the use involves the retail sale of goods, including parts and accessories, household appliances and fittings. The retail component would thus be considered a type of 'retail premises'. Council staff are not supportive of adding 'retail premises' as an additional permitted use in this area. To be permissible the use of the site for sales will need to be shown to be ancillary to the 'light industry' use of the site.

Council will consider adding additional permitted uses for 'light industry', 'depot' and 'warehouse or distribution centre'.

Mapping of additional permitted use

As the entire lot has areas affected by flood, bushfire and regionally significant agricultural land, it is recommended to map the area of the lot to which the additional permitted uses will apply. The area mapped should only include that land which is to be used for the purposes of light industry/depot, and should avoid flood prone, bushfire prone and regionally significant agricultural land.

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Concurrent DA

Council recommends the concurrent lodgement of a DA with the planning proposal. This will ensure Council has a clear understanding of the uses proposed on the site and the measures to ensure impacts are minimised.

A building certificate may need to be lodged for existing structures as they do not seem to comply with exempt development provisions for farm sheds.

Studies Required / Information to be provided with Planning Proposal:

- Agricultural capability assessment – Evidence to support compliance with Ministerial Direction 9.2 Rural Lands should be provided
- Traffic impact assessment – A traffic impact assessment is required pre-Gateway
- Noise impact assessment – Council expects a noise impact assessment to be conducted pre-Gateway. This should consider the NSW Noise Policy for Industry 2017 and Council's DCP Chapter 11 – Buffer Areas
- Social and economic impact – Council does not recommend commissioning a report to consider social and economic impacts. This can be addressed within the body of the planning proposal report. Council is aware of the benefits in supporting local business.

Environmental Health (Matt Kelly)

Noise is a key issue. Reference is made to DCP chapter on buffers that mentions industrial subdivisions adjoining residential land, which is a similar circumstance to what we're dealing with. We are adding an industrial use adjoining a rural residential lifestyle lot.

We need to look at and understand hours of operation and movement of vehicles. What are your noise sources and what are the impacts on adjoining residential uses? Times of day are critical. If you're just looking to operate your business during the day it is easier from a noise impact point of view. If you're getting deliveries at night-time that's when it becomes difficult, because in our rural precincts, background noise levels are so low. The plus is that during the daytime there's a fair bit of traffic which does change that acoustic environment.

This assessment needs to be done at the front end – pre-Gateway. The assessment may have recommendations for attenuation such as earthworks, landscaping and buffer areas to achieve a reasonable outcome.

There will be other things that will come up during the DA, such as water supply and on-site sewage management.

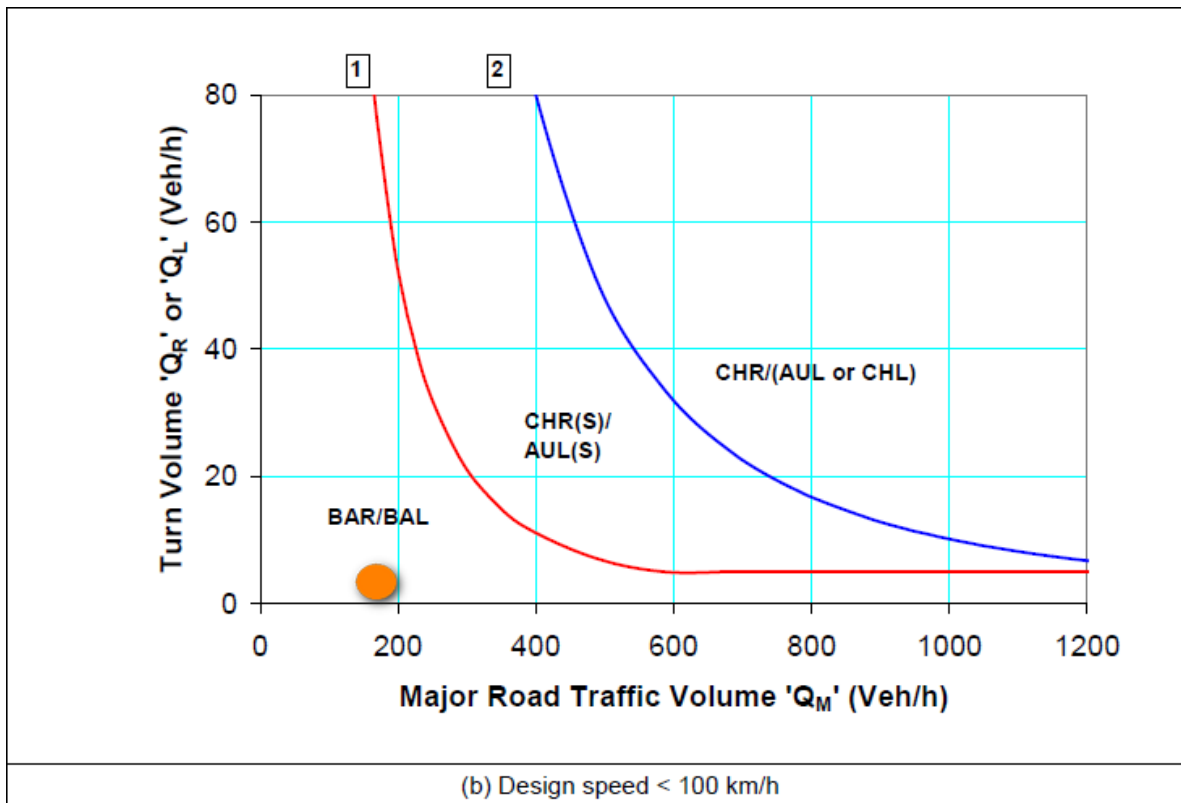
Engineer (Lucas Myers)

A Traffic Impact Assessment (TIA) will be required with the planning proposal pre-Gateway and in particular the TIA will need to assess the intersection into the site in accordance with the Austroads warrants for turn treatments (see below, orange circle is approximately where this development would be). In this regard it is Council's opinion that given the type of development some form of turn treatment will be required.

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Development Application Comments

- DCP Chapter 7 requires that parking and manoeuvring areas for commercial/industrial activities have a sealed surface.
- DCP Chapter 22 needs to be considered for the development.

Cameron Jewell
Chairperson

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