

Report

Subject	Planning Proposal to allow Additional Permitted Use at 202 Caniaba, Caniaba
TRIM Record No	BP25/573:AF25/1514
Prepared by	Development Assessment Officer
Reason	Seeking a Resolution of Council to progress the Planning Proposal to Gateway
Strategic Theme	Prosperity
Strategy	Support the growth of prosperous and vibrant communities
Action	Stimulate economic growth, diversification and investment in established and emerging industries

Executive Summary

This Proponent-led planning proposal applies to a portion of 202 Caniaba Road, Caniaba. The aim of the planning proposal is to allow for additional appropriate light industry; depot; and warehouse or distribution centre land uses. These uses would be restricted to a small section of the land and are intended to support to the continuing operation of an existing business away from flood-prone land. The proposal seeks a change to the Lismore Local Environmental Plan (LEP) to list these uses as permissible with consent, they will still therefore require a Development Application (DA).

Recommendation

That Council:

1. forwards the planning proposal for Lot 22 DP 628242; 202 Caniaba Road, Caniaba to the Department of Planning, Housing and Infrastructure (DPHI) seeking a Gateway Determination and proceeds to public exhibition in accordance with any Gateway requirements.
2. confirms should any objections be made during the public exhibition stage that the planning proposal be reported back to Council. If no objections are received, the planning proposal be finalised and made, as per the delegation of the Gateway Determination.

Background

The planning proposal arises in direct response to the natural disaster flood event, in which an existing business has put forward this initiative as a means of relocating operations away from flood-prone land. Much of Lismore's current supply of industrial land lies within the floodplain; by contrast, the subject site is located above the mapped Probable Maximum Flood (PMF) level. This location offers greater certainty for long-term investment, supports the likelihood of obtaining insurance for major capital and plant, and provides a foundation for resilient employment and light industrial capacity in the regional city of Lismore.

The planning proposal is to allow for additional appropriate light industry; depot; and warehouse or distribution centre land-uses, at Lot 22 DP628242; 202 Caniaba Road, Caniaba (the 'site'). These land-uses would be restricted to a relatively small portion of the land, as shown in **Figure 1** (pink), and be subject to development consent.



Figure 1- Land Subject to this Planning Proposal.

The planning proposal intends to facilitate flood-resilient employment land, and to diversify Lismore's industrial land supply.

Characteristics of the Subject Site

The subject land is 33.54Ha in an area with frontage to Caniaba Road. It is currently zoned RU1 Primary Production. The area of approximately 1Ha where the Additional Permitted Use is proposed possesses frontage to Caniaba Road.

The surrounding uses are generally rural farmlands with dwelling houses. Some smaller Rural allotments with dwellings are also located within the immediate surrounds.

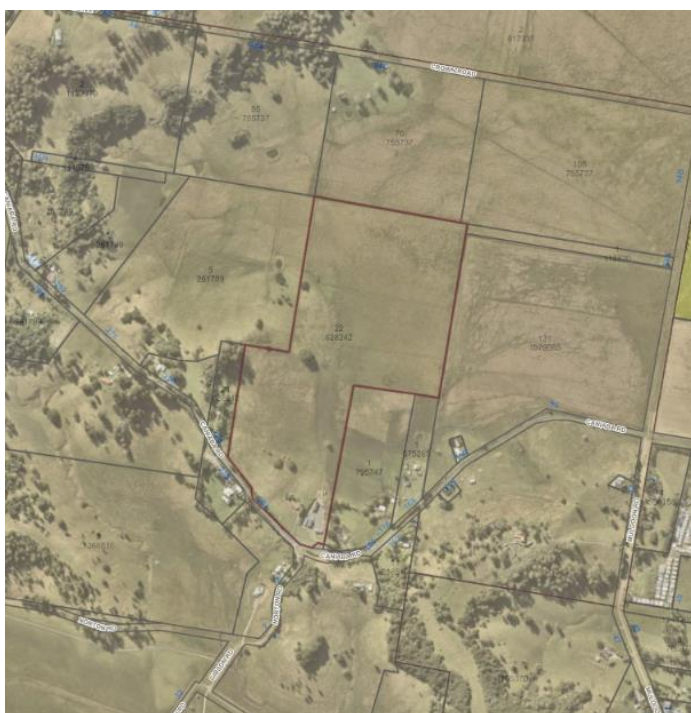


Figure 2 – Aerial Image of the subject site.

Strategic Need/Context

North Coast Regional Plan 2041 and Lismore Growth and Realignment Strategy 2022

The subject lands land is not identified within a strategic study or report. Despite this, the *North Coast Regional Plan 2041* identifies within Objective 5 to *manage and improve resilience to natural hazards and climate change*.

Much of Lismore's existing supply of industrial-zoned lands are affected by flooding. The subject land is located above the mapped Probable Maximum Flood. This provides a location where more significant investments in capital and plant can be undertaken, and insurance able to be obtained for such investments. Therefore, the proposal will offer a resilient employment and light industrial capacity for the regional city of Lismore.

Furthermore, the *Lismore Growth and Realignment Strategy 2022* does discuss the lack/shortage of flood free industrial lands, and acknowledges the desire of relocating businesses to higher ground for Lismore's ongoing prosperity. The Strategy provides:

... The aim of this strategy, therefore, is to plan for a high growth scenario and to ensure there is sufficient flood free residential and employment lands to facilitate relocation and allow growth over time...

... It is acknowledged that a planned retreat from high flood risk areas is a long-term strategy that will require significant and ongoing funding and support from all levels of government...

... feedback from industry prior to the natural disaster was that the location and size of undeveloped industrial land did not meet the needs of mid-size businesses looking to establish or grow. Further feedback through the consultation process indicates there is a desire to relocate some business and industry to higher ground and that Lismore has an opportunity to cater to smaller businesses wishing to establish in the Northern Rivers region. Lismore's capacity to attract new business and industry and to create employment opportunities will have a significant impact on its ability to retain and attract residents. Therefore, the creation of new flood free commercial and industrial precincts is a priority of this strategy

.... The creation of new flood-free industrial land to facilitate new business opportunities and the relocation of existing businesses will be integral to Lismore's future growth and realignment.....

Section 1.4 addresses growth projections by DPE and comments that the disruption and displacement of residents and businesses from Lismore as a result of the natural disaster and major flood has been so profound that it is not possible to predict with any level of accuracy what the long-term implications will be for Lismore's population over the 20-year horizon of this strategy. Compounding this uncertainty is the strategic aim to commence a planned retreat from the highest flood risk areas....

It is therefore justified that there is a demonstrated strategic need for this proposal.

Environmental, Social and Economic Impact Assessment

Environmental and Physical Constraints

The proposal is not considered to present significant adverse implications to the environment given the limited size of the area proposed for the additional permitted use in combination with the subject area is not mapped on the Biodiversity Values Map.

Flood

The subject 1Ha area of the allotment is located above the mapped Probable Maximum Flood level.

Bushfire

The subject area of the allotment is not mapped as Bushfire Prone Land.

Regionally Significant Farmland

The site slightly encroaches Regionally Significant Farmland (1,000m²), but the limited 1Ha footprint ensures no meaningful impact on agricultural productivity. It is also noted that this small encroachment is in actuality mostly hardstand area, and so has less agricultural viability than the mapping suggests.



Figure 3 –Regionally Significant Farmland mapping overlay.

Adjoining Acoustic Amenity

The Acoustic Assessment Report and peer review from Council's specialist officers indicates implementation of a landscaped buffer and suitable technical acoustic reporting is suitably able to provide an acoustic solution for adjoining properties as part of any future development application.

The applicant has supplied an Acoustic Report where this technical report recommends the following

- *building shell treatments to existing shed structures,*
- *specific management of operational activities, and*
- *business operational hours (daytime operations are consistent with the Planning Proposal)*

Geotechnical

Council's specialist officers have advised, no geotechnical issues are identified with the site.

Social, Economic & Cultural Heritage Impacts

Social and Economic Impacts

The planning proposal will allow for additional commercial and industrial uses on the land. This is likely to improve economic use of land and improve social outcomes through assisting in supporting economic recovery and enabling flood-resilient light industrial development. As the RU1 Primary Production zone currently allows a range of industrial and tourism-based uses in the zone, the additional new land uses are not expected to impact on the functioning of the zone.

Aboriginal and European Cultural Heritage

The subject lands do not contain an item of heritage and are not located within a heritage conservation area.

The subject lands are not identified to be subject to an Aboriginal Land claim on Council's mapping system. The applicant has supplied an AHIMS search for the land where No (0) Aboriginal sites are recorded in or near the location. No (0) Aboriginal Places have been declared in or near the location.

Servicing and Infrastructure

Road Network

A Traffic and Parking Impact Assessment Report has been provided. Review of the Traffic Impact Assessment has determined that the existing road network has the capacity to cater for the Additional Permitted Use. Furthermore, it is identified no physical works (line making only) are required to the roadway at the entrance to facilitate the Additional Permitted Use given the existing characteristics of the road. Specialist advice identifies a basic right turn in bay, is required and can be accommodated for.

Water Supply

Council's reticulated network does not service the site. It is considered water tanks are capable of servicing any future development.

Sewerage Services

Council's reticulated network does not service the site. A suitable on-site sewage management system will be required, and details will be provided within any future development application. Given the size and aspects of the allotment it is considered it is highly probable a suitable arrangement for sewage management can be achieved.

Overview of the Planning Proposal

Council officers propose to amend Lismore Local Environmental Plan 2012 (LLEP 2012) to add a new clause to Schedule 1 Additional permitted uses, as well as amend the additional permitted uses map. The proposal would add the following additional uses as permitted with consent to the area within the pink line boundary (above, **Figure 1**):

- (a) light industry,
- (b) depot,
- (c) warehouse or distribution centre.

The definitions of these terms are as follows:

light industry means 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, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

The assessment provided in the previous sections of the report demonstrate the additional permitted uses planning proposal can be supported. **Table 1** below provides an overview of the planning proposal structured in accordance with Department of Planning Housing and Infrastructure guidelines for planning proposals. The detailed Planning Proposal report is provided as **Attachment 1** to this report.

Table 1 – Summary of the Planning Proposal

REQUIREMENT	JUSTIFICATION
Section A – Need for the planning proposal	
<i>Is the planning proposal a result of an endorsed LSPS, strategic study or report?</i>	No. The planning proposal has been pursued due to landowner requirements for flood-free industrial land to support business relocation and economic recovery. However, the planning proposal is consistent with Council's endorsed Growth and Realignment Strategy 2022.
<i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	A planning proposal is the best and only way for the additional uses to be pursued.
Section B – Relationship to the strategic planning framework	
<i>Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?</i>	The planning proposal gives effect to the objectives of the <i>North Coast Regional Plan 2041</i> .
<i>Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?</i>	The planning proposal is consistent with Council's LSPS – <i>Inspire Lismore 2040</i> and supports planning priorities for economic resilience and employment land diversification.
<i>Is the planning proposal consistent with any other applicable State and regional studies or strategies?</i>	The planning proposal is not inconsistent with any State and regional study or strategy.
<i>Is the planning proposal consistent with applicable SEPPs?</i>	The planning proposal does not preclude the application of, and is consistent with, relevant <i>State Environmental Planning Policies</i> .
<i>Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?</i>	The planning proposal is consistent, or justifiably inconsistent, with the applicable <i>section 9.1 Ministerial Directions</i> .
Section C – Environmental, social and economic impact	
<i>Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the</i>	The planning proposal only applies to a portion of the subject site and than what can already be done with development consent in the RU1 Primary Production zone. It is therefore

<i>proposal?</i>	considered any adverse effects can be dealt with appropriately at the Development Assessment stage.
<i>Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?</i>	There are no other likely environmental effects which cannot be managed appropriately through existing provisions of the <i>LEP</i> , <i>DCP</i> and relevant <i>SEPPs</i> as part of any Development Application assessment.
<i>How has the planning proposal adequately addressed any social and economic effects?</i>	The planning proposal will allow for additional commercial and industrial uses to a portion of the RU1 Primary Production land. This is likely to improve economic use of land and improve social outcomes through assisting in supporting economic recovery and enabling flood-resilient industrial development. As the RU1 Primary Production zone currently allows a range of industrial and tourism-based uses in the zone, the additional new land uses are not expected to impact on the functioning of the zone.
Section D – Infrastructure (Local, State and Commonwealth)	
<i>Is there adequate public infrastructure for the planning proposal?</i>	The subject lot is well-serviced and the additional uses can be managed appropriately through any Development Application. The proposed additional uses will not require additional public infrastructure.
Section E – State and Commonwealth Interests	
<i>What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?</i>	No consultation has been conducted pre-Gateway given the minor nature of the Planning Proposal. Relevant state and federal public authorities and government agencies will be consulted in line with any Gateway condition.

Other Staff Comments

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

Public Consultation

The Planning Proposal will be exhibited in line with any Gateway Determination received by the DPHI. Council's standard practice is to exhibit for a period of twenty-eight (28) days. If any objections are raised, a report will be provided back to Council for consideration should any objections be made during the consultation period. The Planning Proposal will also be referred to relevant NSW State Agencies, as determined by the Gateway Determination.

Conclusion

The attached Planning Proposal (**Attachment 1**) evaluates the impacts of a proposed development at the site, and concludes the site is suitable of accommodating appropriate light industry; depot; and warehouse or distribution centre land uses.

It is recommended the Planning Proposal be submitted to DPHI for Gateway consideration and then put on public exhibition for public and agency input into the proposal.

Should any objections be made during the public exhibition stage the planning proposal will be reported back to Council. If no objections are received, the planning proposal will be finalised and made, as per the delegation of the Gateway Determination.

Attachment/s

1. Planning Proposal (Over 7 pages)