



Gateway determination report – PP-2025-603

202 Caniaba Road, Caniaba

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Agricultural Land Assessment – March 2025
AHIMS Web Service Search – June 2023
Traffic and Parking Impact Assessment – April 2025
Noise Impact Assessment – September 2024

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Lismore
PPA	Lismore City Council
NAME	202 Caniaba Road, Caniaba
NUMBER	PP-2025-603
LEP TO BE AMENDED	Lismore LEP 2012
ADDRESS	202 Caniaba Road, Caniaba
DESCRIPTION	Part of Lot 22 DP 628242
RECEIVED	15/09/2025
FILE NO.	IRF25/2130
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

1.2 Objectives of planning proposal

The objective of the planning proposal is to allow light industry, depot and warehouse or distribution centre as additional permitted uses on part of Lot 22 DP 628242, 202 Caniaba Road, Caniaba to support relocation of a flood affected business.

As the proposal aims to enable a specific business and the definitions of light industry, depot and warehouse or distribution centre allow a broad range of land uses that could result in a significantly different development in the future, it is recommended that the proposal seek only to permit a primary land use, with other land uses to be considered as ancillary.

Council staff have confirmed that the primary land use is best defined as a light industry although their preference is to progress an amendment to Schedule 1 – Additional permitted uses, have not objected the Department's recommended approach. The planning proposal will need to be updated prior to agency and community consultation and this forms a condition of the Gateway determination.

1.3 Explanation of provisions

The planning proposal seeks to amend the Lismore LEP 2012 as follows:

- Schedule 1 Additional permitted uses to permit light industry, depot and warehouse or distribution centre on part of Lot 22 DP 628242, 202 Caniaba Road, Caniaba with consent; and
- Additional Permitted Uses Map to identify the relevant part of Lot 22 DP 628242, 202 Caniaba Road, Caniaba.

As noted in section 1.2 of this report, it is recommended that the planning proposal seek to permit a primary land use on part of Lot 22 DP 628242, 202 Caniaba Road with consent and include a description of the ancillary aspects of the operation. This will be achieved by introduction of a new local provision in Part 6 of the Lismore LEP 2012 and associated map.

The planning proposal will need to be updated prior to agency and community consultation and this forms a condition of the Gateway determination.

1.4 Site description and surrounding area

The land is located approximately 3.5km southwest of Lismore (Figure 2). The lot has a total area of 33.54 hectares and is zoned RU1 Primary Production under the Lismore LEP 2012. The planning proposal applies to an area of approximately 1 hectare in the southern corner of the property, adjacent to Caniaba Road (Figure 1).

Most of the property is used for grazing cattle and there is a dwelling and four large sheds at the southern end of the property. A gas-fitting and plumbing business was relocated to southern end of the property following the 2022 Northern Rivers floods.

Surrounding land uses are used for grazing as well as rural lifestyle. A caravan park is located approximately 1km to the east. The Lismore Airport is also located to the east.

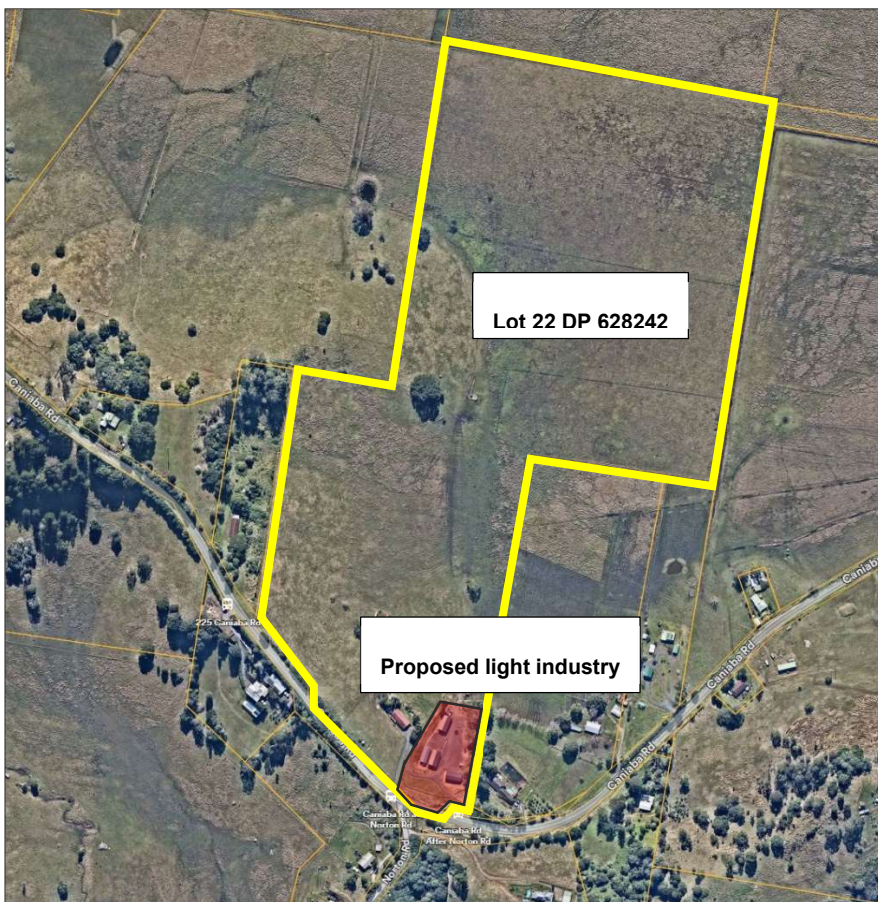


Figure 1 Subject site (source: Nearmap)



Figure 2 Site context (source: Nearmap)

1.5 Mapping

The planning proposal includes mapping showing the area to which the proposal applies and is suitable for community consultation. Mapping, consistent with the Department's technical requirements for LEP amendments will need to be prepared prior to finalisation. This will include the creation of a new LEP map to identify the part of Lot 22 DP 628242, 202 Caniaba Road, Caniaba to which the local provision applies.

2 Need for the planning proposal

This proposal is not the result of an endorsed Local Strategic Planning Statement or Department approved local housing strategy, employment strategy or strategic study or report. It is a proponent led proposal that is supported by Council.

Council has indicated that a plumbing and gas-fitting business commenced use from the land after their previous South Lismore site was severely impacted by the 2022 Northern Rivers floods.

Council has considered other options for achieving the aims of the proposal and determined that scheduling additional permitted uses would be the most appropriate outcome to avoid undesired consequences.

As discussed in sections 1.2 and 1.3 of this report, the introduction of a local provision that permits a light industry with consent and specifies ancillary land uses to capture all aspects of the operations is the most appropriate mechanism to implement the objectives and intended outcomes of the proposal. A condition of the Gateway determination requires the planning proposal be updated prior to agency and community consultation.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the North Coast Regional Plan 2041.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 4: Understand, celebrate and integrate Aboriginal culture	An AHIMS search supporting the proposal indicates that no Aboriginal sites are identified as recorded in or near the location and no Aboriginal places have been declared on or near the site. However, it is recommended consultation occurs with the Ngulingah Local Aboriginal Land Council (LALC) to confirm the suitability of the proposal.
Objective 5: Manage and improve resilience to shocks and stresses, natural hazards and climate change	The proposal aims to support the operations of a gas-fitting and plumbing business on land that is not affected by natural hazards. The proposal indicates that this will improve the resilience of the business and more broadly Lismore LGA by enabling the company to continue to operate when essential services, such as plumbing, are required during natural disasters.
Objective 8: Support the productivity of agricultural land	The lot contains mapped Important Farmland of regional significance. The planning proposal affects approximately 1000m² of this farmland (Figure 3). An Agricultural Land Assessment was prepared to support the planning proposal which concludes that the proposal: • will not impact on the current beef cattle enterprise on the property; • will have negligible impact on the primary production values of the land due to the small area of important farmland affected; and • will not adversely impact adjoining agricultural land due to the setbacks to surrounding land and the scale and nature of the proposal. Given the small area of important farmland affected, it considered unlikely the planning proposal will compromise agricultural production on the site or in the surrounding area. Therefore, the inconsistency of the proposal with this objective is of minor significance. It is recommended that consultation be undertaken with the Department of Primary Industries and Regional Development (DPIRD) – Agriculture and this forms a condition of the Gateway determination.

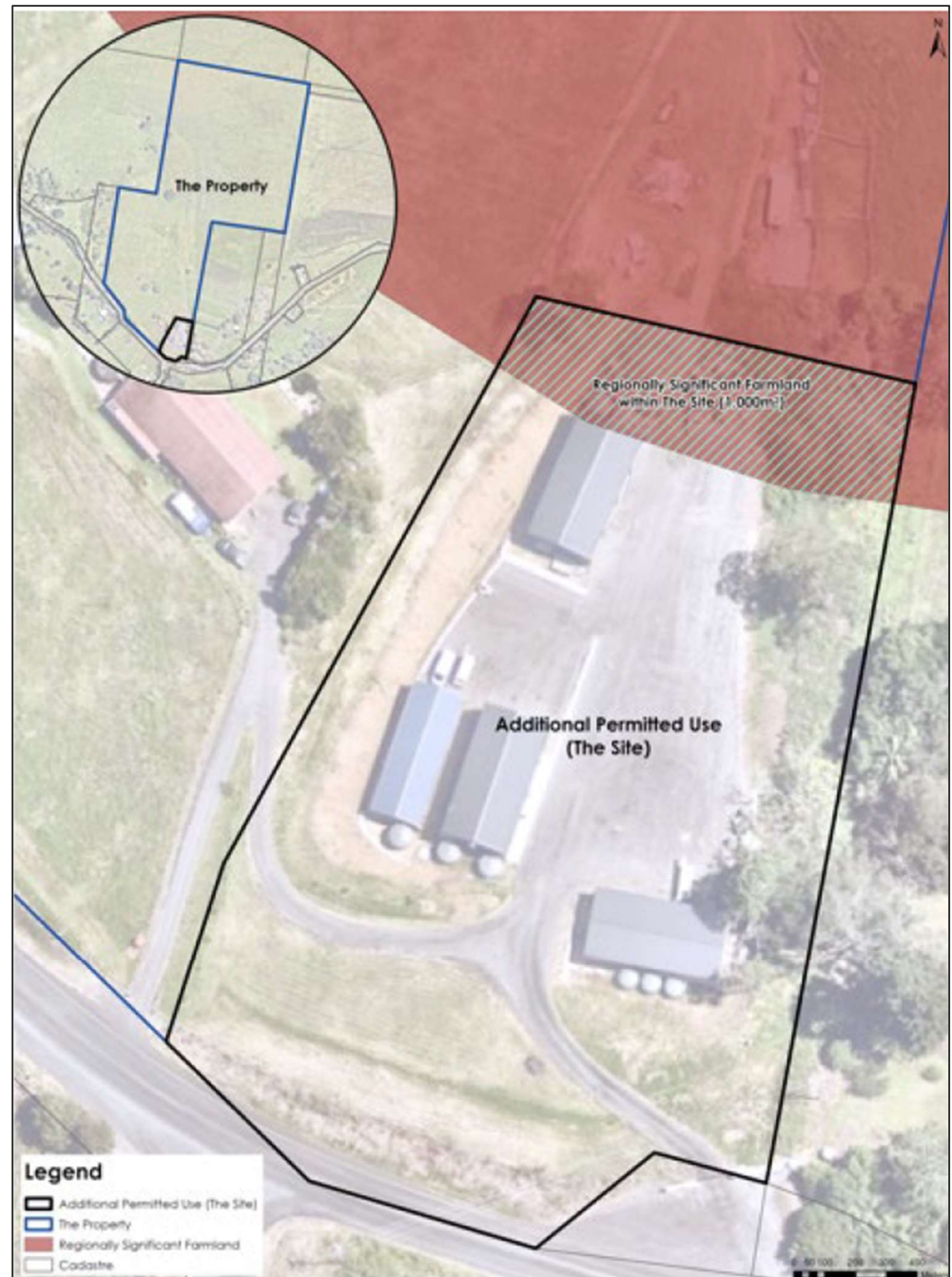


Figure 3 APU and mapped Regional Significant Farmland (source: Planning proposal Agricultural Land Assessment)

Local Government Narrative

The proposal aligns with the relevant Local Government Narratives for Lismore, including:

- Protect the on-going viability of important farmland areas while allowing sustainable practices and other compatible uses on agricultural land across the LGA; and
- Support the development of employment lands, including commercial and industrial employment opportunities such as retail sharing outside the Lismore CBD.

3.2 Local Strategic Planning Statement

The proposal states that it is consistent with Council's Local Strategic Planning Statement – *Inspire Lismore 2040*, as stated in the table below:

Table 5 Local strategic planning statement

LSPS Planning Priority	Justification
Inspire Lismore 2040 – Local Strategic Planning Statement (LSPS)	The planning proposal is not inconsistent with the LSPS. The following Planning Priorities of the LSPS are relevant to the proposal. <i>1 Growth is consolidated around Lismore city, CBD and villages</i> The lot is within 3.5km to the Lismore CBD. <i>3 Rural and natural landscapes will be identified and protected.</i> The planning proposal is unlikely to in result in any adverse impact upon the existing rural landscape. <i>4 Recognise, embrace and protect our cultural heritage</i> No Aboriginal sites are recorded on or near the subject land. <i>8 Consolidate existing industries and support their continued growth</i> The proposal supports the relocation of a business to land not affected by natural hazards. <i>10 Areas of high biodiversity value and connectivity are protected and enhanced.</i> The planning proposal area contains four sheds and hardstand areas. The land is not mapped as containing potential High Environmental Value (HEV) by the North Coast Regional Plan 2041 or on the Biodiversity Values (BV) Map. <i>12 Protect and improve productive agricultural land and other natural resources.</i> Due to the small area of important farmland affected and the existing improvements on the land, it considered unlikely the planning proposal will compromise agricultural production on the site or in the surrounding area. <i>13 Identify, manage and adapt to risks from natural hazards.</i> The land is not mapped as flood prone, bushfire prone or as having a probability of acid sulfate soils. <i>14 Build community resilience and adapt to climate changes.</i> This proposal supports an existing business on land that is not affected by natural hazards.

3.3 Section 9.1 Ministerial Directions

The planning proposal is consistent with all applicable directions except for those discussed below:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Justifiably inconsistent	This Direction applies as the planning proposal that will allow a particular development to be carried out on the land. The inconsistency is considered to be of minor significance as the proposal will support the continued operations of an existing business without enabling a significantly different development to establish on the site in the future which may have negative impacts
5.3 Development Near Regulated Airports and Defence Airfields	Unresolved	The proposal is located within proximity to the Lismore Airport and within a mapped obstacle height limitation area. This direction will remain unresolved until consultation has been undertaken with the operator of the airport, Civil Aviation Authority (CASA) and Airservices Australia.
9.2 Rural Lands	Justifiably inconsistent	This Direction applies as the planning proposal affects land within a rural zone and does not give effect to all of the requirements of the direction. The inconsistency is considered to be of minor significance given it is unlikely the planning proposal will not compromise agricultural production on the site or in the surrounding area due to the small area of important farmland affected. Consultation with DPIRD – Agriculture is recommended and forms a condition of the Gateway determination.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 7 Environmental impact assessment

Potential Impact	Assessment
Biodiversity	The land is not mapped as containing potential HEV by the North Coast Regional Plan 2041 or on the BV Map.

	The planning proposal indicates that the planning proposal area is cleared of vegetation and contains four sheds and hardstand areas. As such, it is not anticipated that the proposal will have a negative impact on biodiversity.
Contamination of land	The planning proposal identifies the site is not mapped as a potentially contaminated site by Council. Further, as the proposal will facilitate the continued use of the site for a gas-fitting and plumbing business, Council do not consider that investigations in relation to potential site contamination are required.

4.2 Social and economic

The planning proposal will allow for the land to continue to be used for a gas-fitting and plumbing business and agriculture. No adverse social or economic impacts have been identified. The following table provides an assessment of the potential impacts associated with the proposal.

Table 8 Social and economic impact assessment

Potential Impact	Assessment
Land Use Conflict	The Agricultural Lands Assessment prepared to accompany the planning proposal considers the potential for land use conflict and determines that the proposed land uses do not conflict with the current beef cattle operation on the property and neither activity requires a buffer from the other to operate successfully. It also determines that the proposal will not impact adjoining properties utilised for agriculture. The report notes that the gas-fitting and plumbing business is largely conducted within the existing sheds on the property. Consultation with DPIRD – Agriculture is recommended and forms a condition of the Gateway determination.
Acoustic Impacts	A Noise Impact Survey and Assessment has been prepared to accompany the planning proposal. The report considers potential noise sources from the operations of the gas-fitting and plumbing business and includes recommendations to mitigate noise impacts on sensitive receivers.
Traffic and Parking	A Traffic and Parking Impact Assessment has been prepared to support the planning proposal. This report concludes that the site is suitable for the proposed additional use of the site as a gas-fitting and plumbing business with respect to traffic and parking. The report confirms that the proposal will have a negligible effect on the capacity and operation of the surrounding road network.
Airport Operations	The land is within the 54.5m contour on the airport Obstacle Limitation Surface map. No building height controls currently apply to the property. Notwithstanding consultation is recommended with the airport operator, CASA and Airservices Australia due to the proximity of the site to the Lismore Airport and forms a condition of the Gateway determination.

4.3 Infrastructure

The planning proposal states there will be no change to existing public infrastructure.

5 Consultation

5.1 Community

The planning proposal is categorised as standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Operator of the Lismore Airport
- Air Services Australia
- CASA
- Ngulingah Local Aboriginal Land Council
- DPIRD - Agriculture

6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard. A timeframe of nine months in line with the Department's commitment to reducing processing times and with regard to the benchmark timeframes.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

As the planning proposal is of local significance, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is not inconsistent with local and regional strategic planning policies; and
- site specific issues can be adequately considered and managed.

9 Recommendation

It is recommended the delegate of the Secretary:

- agree that any inconsistencies with section 9.1 Directions 1.4 Site Specific Provisions and 9.2 Rural Lands is justified; and
- note that the consistency with section 9.1 Direction 5.3 Development Near Regulated Airports and Defence Airfields is unresolved and will require justification.

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

The following conditions are recommended to be included on the Gateway determination:

1. Prior to agency and community consultation, the planning proposal is to be updated to seek an amendment to Part 6 of the Lismore Local Environment Plan 2012 to include a new local provision:
 - (a) which permits a light industry with consent and describes the operations involved; and
 - (b) includes a new map to identify the area to which the local provision applies.
2. Consultation is required with the following public authorities:
 - Operator of the Lismore Airport
 - Air Services Australia
 - CASA
 - Ngulingah Local Aboriginal Land Council
 - DPIRD - Agriculture
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. Given the nature of the planning proposal, it is recommended that the Gateway not authorise Council to be the local plan-making authority and that an LEP completion date of within 9 months be included on the Gateway



17-10-2025

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