

Report

Subject	Planning Proposal to rezone land at 4 Blue Knob Road, Nimbin to Large Lot Residential subdivision
TRIM Record No	BP16/1054:EF16/217
Prepared by	Strategic Planner
Reason	To obtain a Council resolution to support a planning proposal for the rezoning of part of 4 Blue Knob Road, Nimbin to R5 Large Lot Residential and seek a Gateway Determination from the Department of Planning and Environment

Executive Summary

This report provides Council with an overview of a planning proposal for 4 Blue Knob Road, Nimbin (Lot 11 DP 1182866) that seeks to amend the Lismore Local Environmental Plan 2012 to enable large lot residential subdivision as follows:

- amend the zone applying to part of the land from RU1 Primary Production to R5 Large Lot Residential;
- amend the minimum lot size applying to the land from 40ha to 2,500m² and 4,000m².
- apply a building height limit of 8.5 metres consistent with other land in the R5 zone.

Council staff have assessed the site and the proposal and found there are no constraints or issues to prevent progression of the planning proposal. It is recommended that Council support the planning proposal as part of the implementation of the Lismore Growth Management Strategy 2015-2035 and refer the proposal to the NSW Department of Planning and Environment for a Gateway Determination.

Recommendation

That:

1. Council support the planning proposal included at Attachment 1 of this report that proposes amendments to the Lismore LEP 2012 to facilitate the subdivision of Lot 11 DP 1182866 at 4 Blue Knob Road, Nimbin for large lot residential development.
2. Council forward the planning proposal to the NSW Department of Planning and Environment with a request for a Gateway Determination.
3. Council agree that staff can place the planning proposal on public exhibition and consult with Government agencies based on the Gateway Determination and report back to Council with any issues that are raised during public exhibition.

Background

On 16 May 2016 Council received a planning proposal to rezone part of Lot 11 DP 1182866 at 4 Blue Knob Road, Nimbin. The site is located on the northern side adjacent to the village. The subject land is currently in the RU1 Primary Production zone and the LEP minimum lot size for subdivision is 40ha. There is no maximum height of buildings that applies to land in the RU1 zone. Figure 1 is an aerial image of the subject site showing the part of the title that is subject to rezoning, which is approximately 10ha. Figure 2 is the current zone map.

The applicant is seeking to rezone part of the land to R5 Large Lot Residential with the aim of subdividing to create approximately fifteen (15) lots. An indicative lot size layout was submitted showing a minimum lot size of 2,500m² and 4,000m². The applicant has requested two dwelling entitlements be

approved on the eastern and western parts of the residue land that will remain within RU1 Primary Production zone. This is not supported for reasons discussed in a later section of this report.

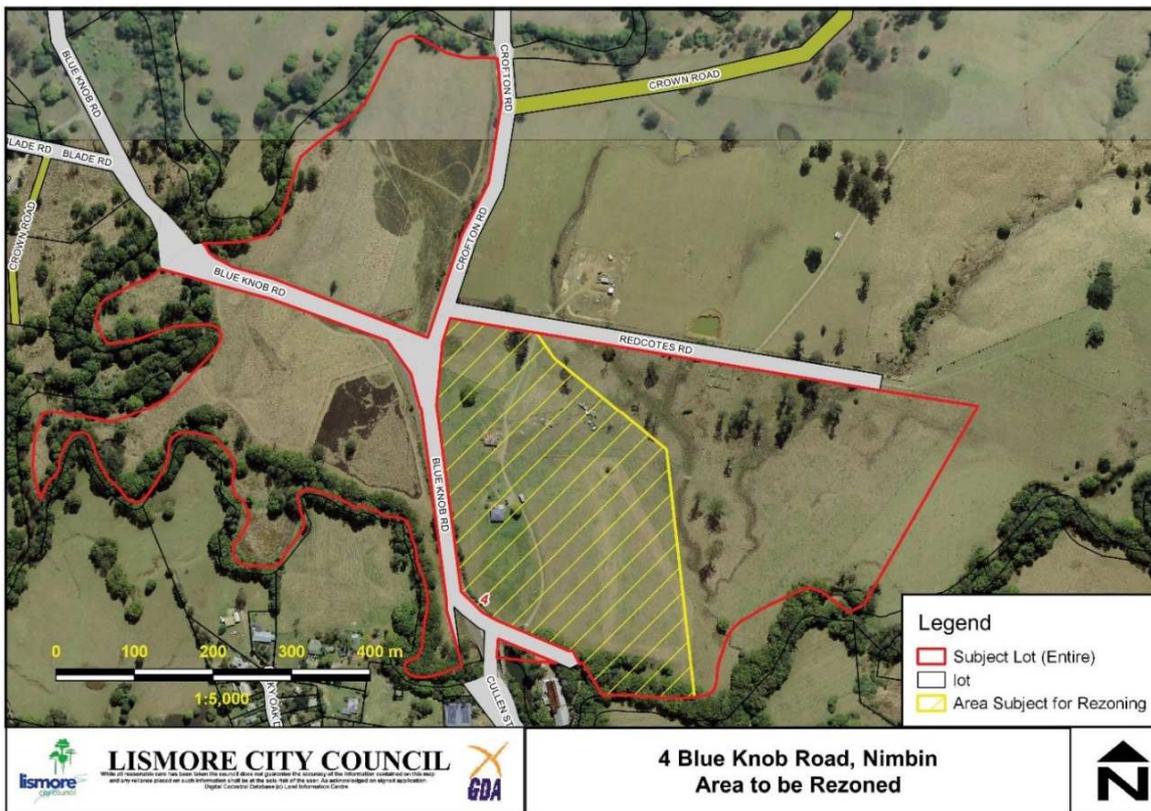


Figure 1 – 4 Blue Knob Road, Nimbin

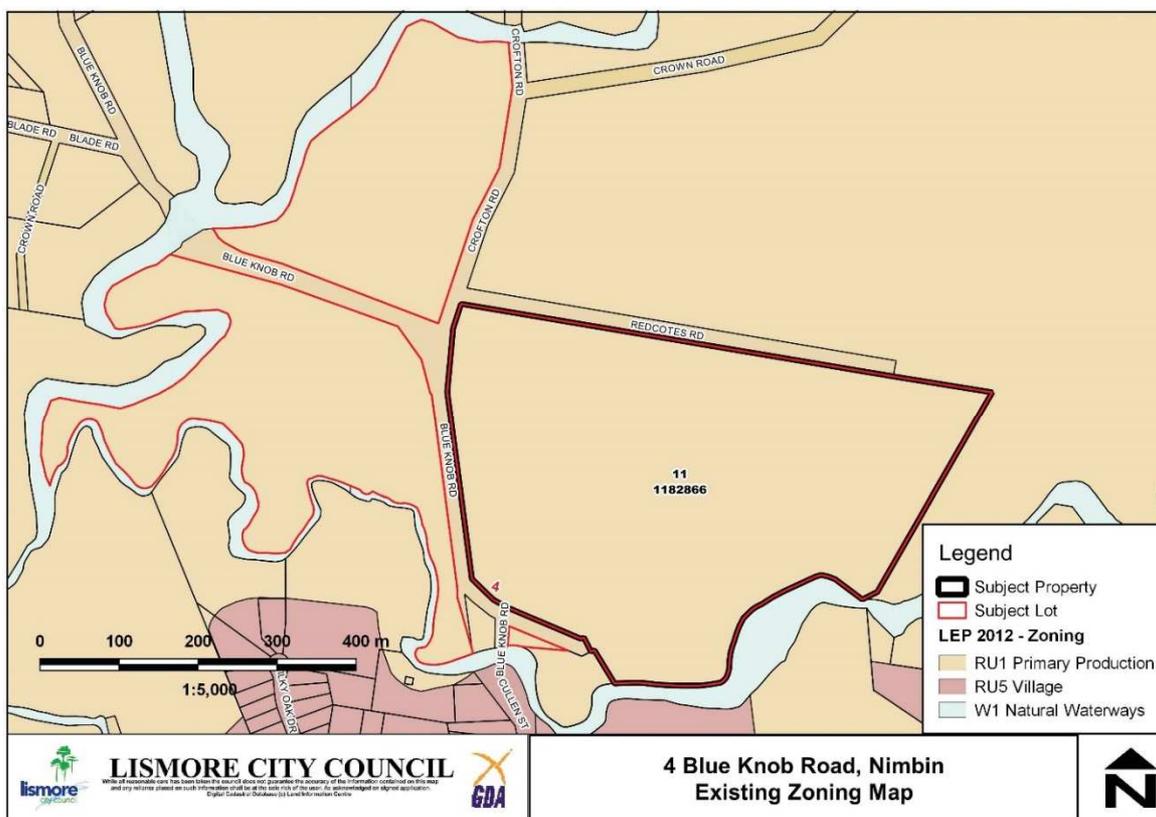


Figure 2 – Current zone map in Lismore LEP

Lismore Growth Management Strategy

The Lismore Growth Management Strategy 2015-2035 (GMS) was adopted by Lismore City Council on 12 May 2015 and identifies land preferred for development for residential and employment purposes. The GMS was conditionally approved by the Department of Planning and Environment on 11 August 2015.

The subject site is specifically identified and discussed in the GMS as having potential for large lot housing (see Figure 3: 'Nimbin - Potential large lot residential') rather than supporting an extension of village style housing due to the surplus of village zoned land, the low demand for village zoned land and the limited capacity of Nimbin's town water and sewerage system to be further extended. The GMS also suggests that the extent of development on this site will depend on the capacity of the land to dispose of effluent on-site, an issue that is addressed later in this report.

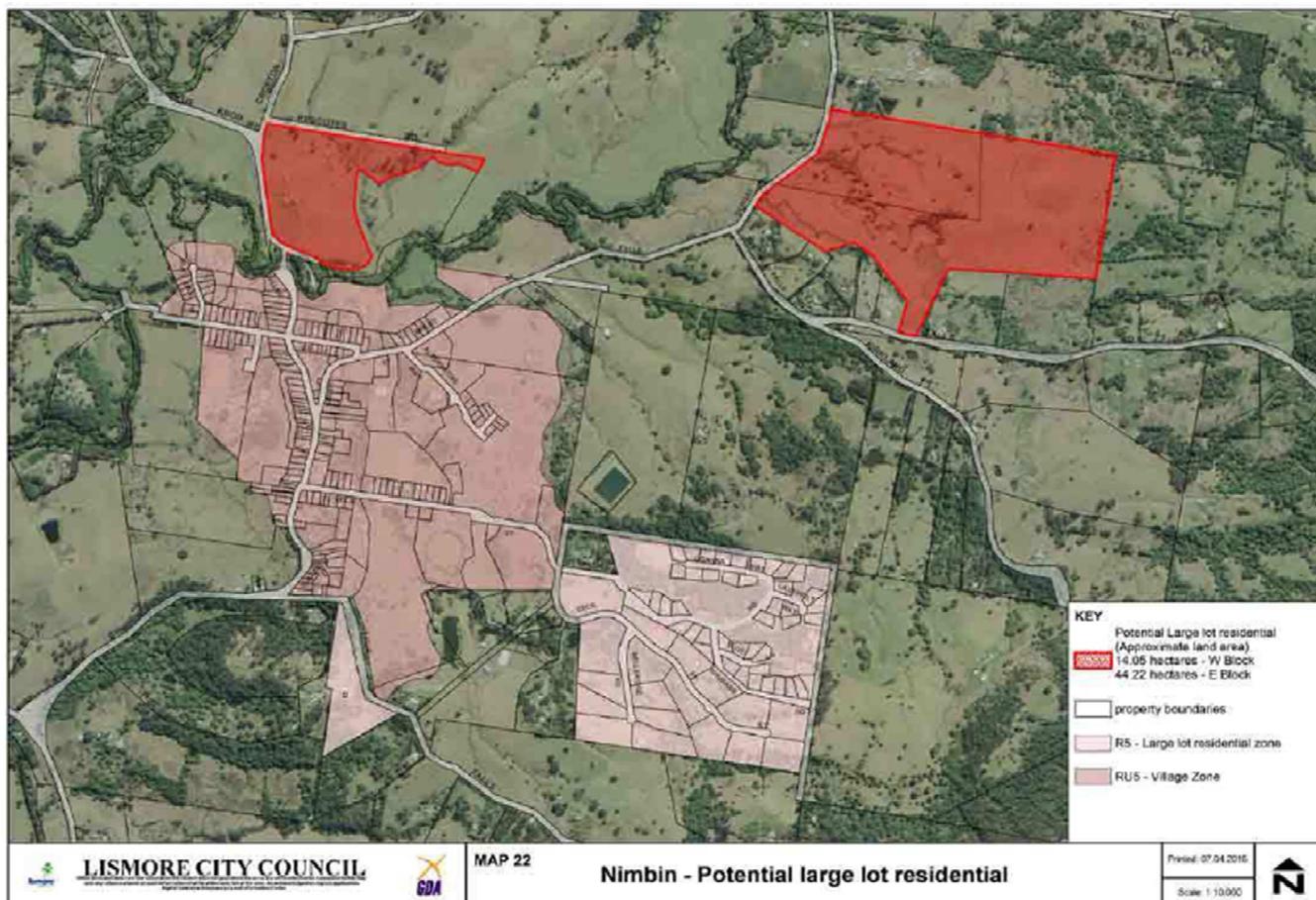


Figure 3 – 4 Blue Knob Road, Nimbin in GMS 2015-2035

Characteristics of the subject site

The part of the property that is the subject of this proposal totals approximately 10 hectares in area and currently accommodates a dwelling and various dairy farming outbuildings. The site comprises exotic grass species and is used for beef grazing. It is elevated from nearby Mulgum Creek and intermittent drainage lines and enjoys favourable views across the surrounding landscape. The southern boundary of the site is defined by Mulgum Creek. As shown on Figure 4, the topography is gentle to undulating with a maximum slope of up to 20% where it falls towards the intermittent drainage line that runs north/south and intersects with Mulgum Creek. The steeper parts and intermittent drainage lines not being included in this rezoning proposal.

The subject land forms part of a larger title totaling 40 hectares that crosses the western and northern parts of Blue Knob Road, giving it the appearance of being divided into 3 separate parcels. This proposal is limited to the land south of Redcotes Road and east of Blue Knob Road as shown in the section shaded yellow in Figure 1. The balance parcels of the title are proposed to remain within RU1 Primary Production zone.

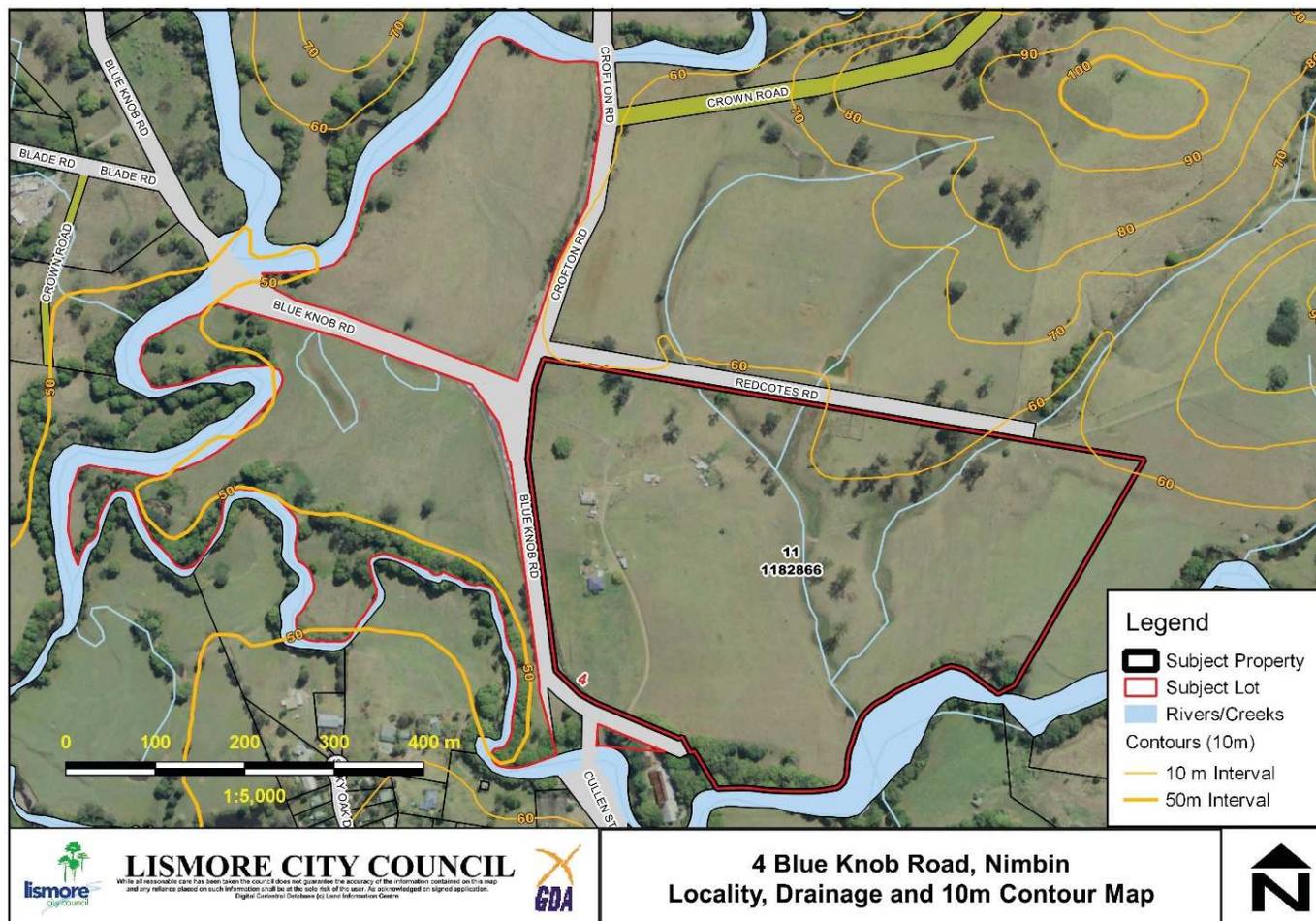


Figure 4 – Drainage and Contours at 4 Blue Knob Road, Nimbin

This site is mapped as containing some bushfire prone land predominately within the ‘Vegetation Buffer’ category. Refer to Figure 5 below.

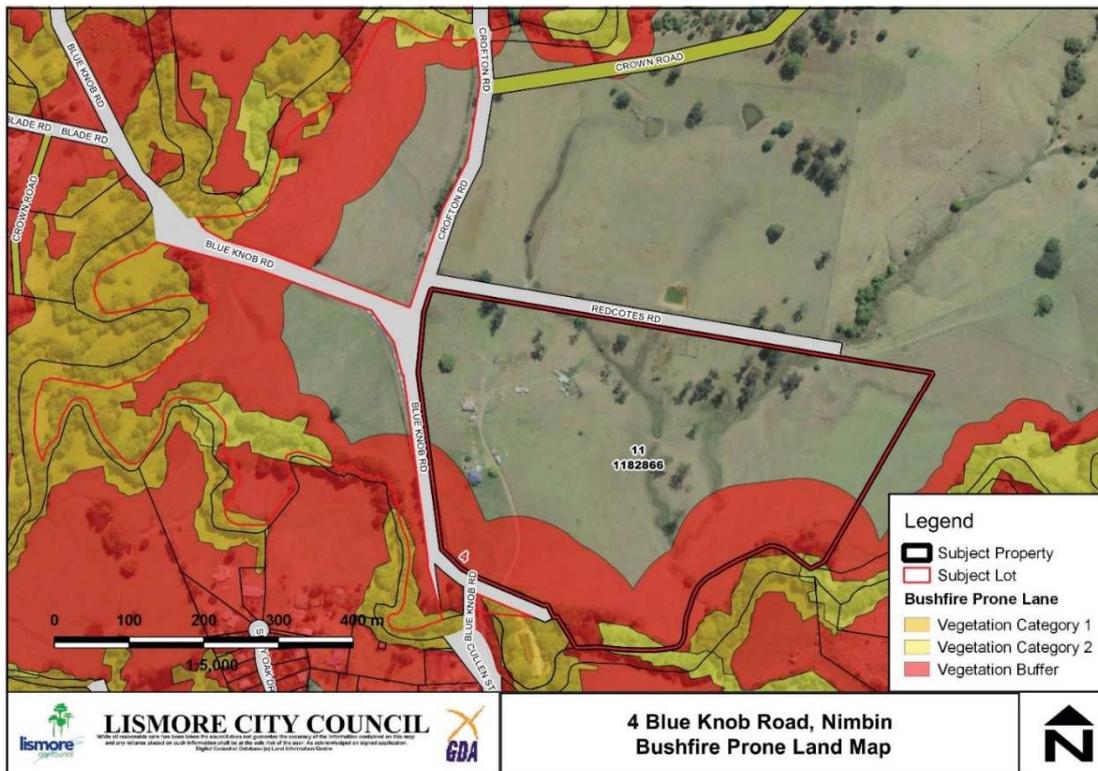


Figure 5 - Bushfire prone land 4 Blue Knob Road, Nimbin

The site contains regionally significant farmland as mapped by Northern Rivers Farmland Protection project and shown on Figure 6; however this land is excluded from the area proposed to be rezoned and will thus remain in the RU1 Primary Production Zone.

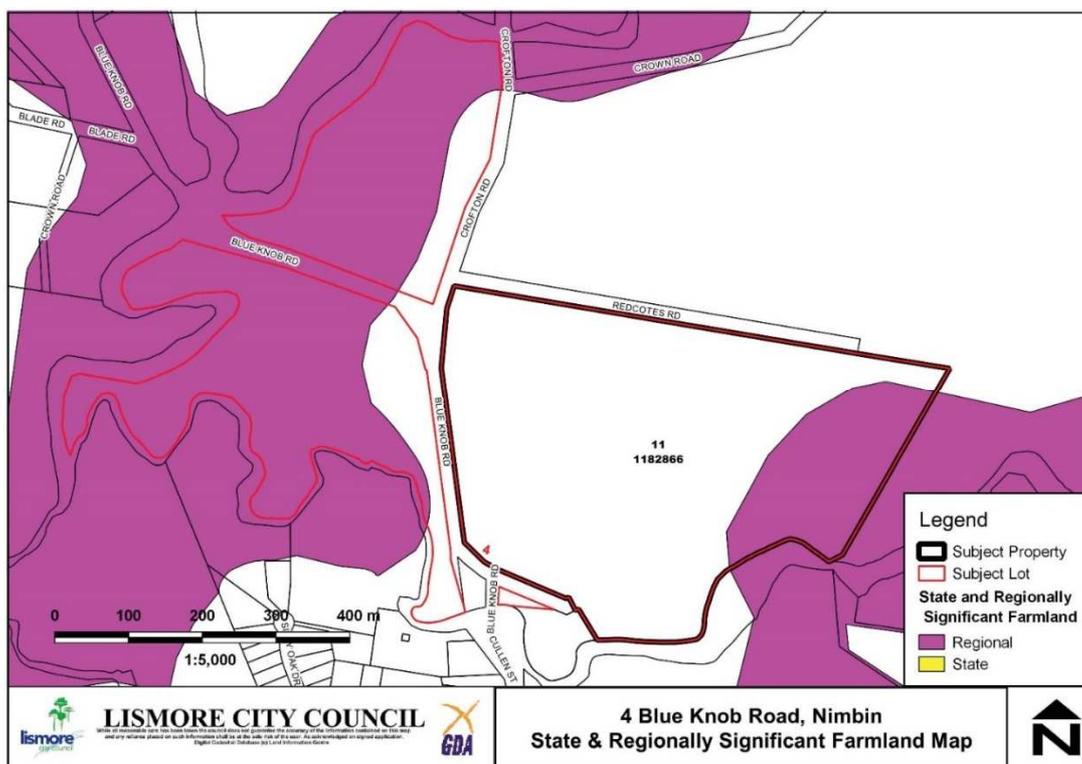


Figure 6 – Regionally Significant farmland at 4 Blue Knob Road, Nimbin

Environmental, Social and Economic Impact Assessment

Environmental and physical constraints

Biodiversity

The subject site has previously been cleared of native vegetation and predominately supports exotic pastures. Council's GIS mapping does not show koala habitat being evident on the site. Notwithstanding this, Council's Ecologist observed a small number of mature Tallowood koala habitat food trees on the elevated ridge areas of the site. Hairy Joint-grass was also observed growing on the moist periphery of ephemeral drainage lines that are connected to nearby Mulgum Creek. Neither of these species are located on the area subject to rezoning, but in the adjacent area proposed to be retained in RU1 – Primary Production zone. Council's Ecologist recommends that technical reporting on ecology post-Gateway determination should consist of a fauna habitat assessment that includes a significant impact assessment for threatened species under relevant legislation and an assessment according to the State Environmental Planning Policy (SEPP) 44 Koala Habitat Protection.

Preliminary advice from the Office of Environment and Heritage (OEH) supports the preparation of an ecological assessment for the entire title notwithstanding that only 10ha of the 40ha total area of the site is proposed to be rezoned to R5 Large Lot Residential. Staff consider that the ecological assessment be confined to the 20ha area south of Redcotes Road and east of Blue Knob Road to enable a comprehensive assessment of the impacts of future subdivision for large lot residential on any threatened species habitat/ecological communities and riparian corridors. Any impacts of future large lot residential subdivision on the remaining parts of the title (west of Blue Knob and Crofton Roads) are unlikely given their physical separation by road and are limited by the retention of these sections in the RU1 Primary Agriculture zone which cannot be further subdivided or used for additional residential purposes under current provisions.

OEH also recommends that Council consider zoning any areas of high environmental value and/or areas with Aboriginal cultural heritage as E2 Environmental Conservation. Beyond the current Review of Deferred Matters (E Zone review), a LGA wide review of the application of E Zones will be considered as a future strategic project.

Land contamination

A preliminary contaminated land assessment has not been prepared. However, Council's Environmental Health Officer (EHO) recommends that post-Gateway determination, the applicant should submit a technical report that supports the proposed site being used or remediated for residential purposes. This report is to include systematic and judgmental sampling that is supported by a comprehensive historical review.

Geotechnical

The site slope is gentle to undulating with a maximum slope of up to 20% where it falls towards the intermittent drainage line that runs north/south and intersects with Mulgum Creek. The section of the land subject to rezoning is relatively flat with the steeper parts and intermittent drainage lines remaining in RU1 Zone.

Council's Strategic Engineer has advised that a geotechnical hazard assessment is not required prior to the Gateway determination due to Council's mapping showing the site is not prone to potential mass soil movement and the slope generally being less than 20%. It is deemed appropriate that any geotechnical matters can be dealt with at the Development Assessment stage.

Bushfire

The southern boundary of the site that abuts Mulgum Creek contains dense vegetation and is mapped as bushfire prone as shown in Figure 5. A Bushfire Hazard Assessment has been submitted as part of this proposal which indicates that future development will be able to meet the requirements of Planning for Bushfire Protection 2006. The planning proposal will require referral to the NSW Rural Fire Service due to the land being prone to bushfire.

Land use conflict

The planning proposal will result in the potential for additional dwellings on land adjoining rural land which has the potential to generate land use conflict. Following a site inspection, Council's EHO has advised that no critical land use conflict was identified that would prevent this planning proposal being progressed.

Flooding

The subject site is not in the Flood Planning Area of the Lismore Local Environmental Plan 2012. However, part of the site is mapped as being prone to flooding, ranging from low to extreme hazard, in the Lismore Rural Flood Hazard Mapping (LRFHM) 2013 as shown in Figure 7 below. The LRFHM uses hydrologic modelling based on the model developed for the Richmond River Flood Mapping Study and the topographic survey for the modelling has used techniques such as LiDAR (Light detection and ranging).

The flood prone parts of the site are excluded from the 10ha part that is proposed for rezoning, which is consistent with the GMS and OEH preliminary advice that '*flood prone parts of the planning area should not be zoned for more intensive land uses*'. OEH also recommends that flood prone areas be considered for environmental protection zoning; however, this does not meet the criteria for E zoning specified by the Department of Planning and Environment.

OEH has advised that the planning proposal should consider the objectives of the NSW Government Floodplain Development Manual, the primary objective being to reduce the impact of flooding and flood liability on individual owners/occupiers of flood prone land. The planning proposal implements this objective by excluding flood prone land from the rezoning area.

While the LRFHM 2013 is an appropriate flood planning tool for broad based strategic planning purposes, it is acknowledged that it does not contain more detailed flood hazard information at the individual lot level. OEH considers that the LRFHM 2013 does not contemplate '*the implications of flooding over the full range of floods, including the probable maximum flood*'. However the low hazard areas in the LRFHM mapping are defined by the probable maximum flood being approximated by 3 times the 1 in 100 year ARI (Average Recurrence Interval).

In assessing this proposal, Council is using the best flood data currently available for Nimbin. The commencement of a floodplain management process for Nimbin, as recommended by OEH, would be subject to future budget priorities.

With regard to roads, Council's Strategic Engineer has indicated that the flood immunity of the Blue Knob Road intersection be investigated at the development assessment stage due to the possible isolation of residents if the single intersection is inundated during a flood event.

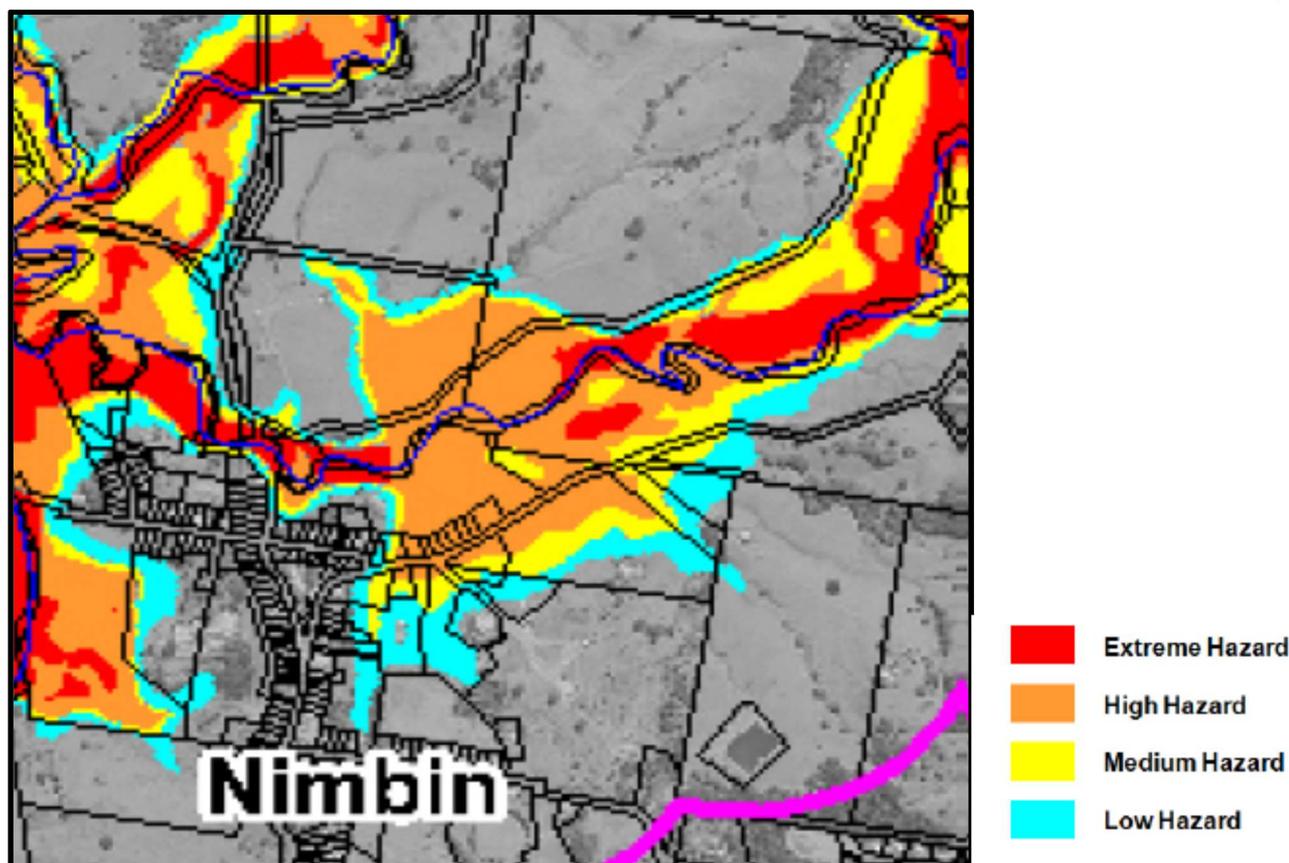


Figure 7 - Nimbin as shown in the Lismore Rural Flood Hazard Mapping, 2013

Social, economic and cultural heritage impacts

Aboriginal and European cultural heritage

The site is not mapped in the LEP as containing any features or values in relation to Aboriginal or European cultural heritage. A search of the NSW Office of Environment and Heritage Aboriginal Heritage Information Management System shows that no records of Aboriginal sites or places on the site. Council's heritage contractor has advised that the locality comprises various AHIMS records within a 2km radius including wild resource use places, traditional campsites and artefacts. It is not anticipated that the Planning Proposal will have an adverse impact on cultural heritage.

However, it is recommended that the Planning Proposal is referred to Ngulingah Local Aboriginal Land Council following Gateway Determination in addition to an Aboriginal Cultural Heritage Assessment (ACHA) being prepared. While preliminary advice from OEH supports the preparation of an ACHA for the entire site, staff support the ACHA being limited to the 20ha area south of Redcotes and east of Blue Knob roads where the greatest impact from the rezoning and future development will be apparent.

Social impacts

Due to the nature and scale of the proposal there are not expected to be any adverse social impacts, although the proposal is expected to generate significant community interest. The provision of additional land for residential development will increase housing choice.

Economic impacts

It is expected that this planning proposal and its resultant large lot residential development is likely to have a positive economic impact on Nimbin and Lismore by generating additional economic activity from construction works in the short to medium term. It is also envisaged that this development will attract additional population growth to Nimbin which is positive for the town's long term growth. Another positive economic indicator for the area is real estate data suggesting an increase in land values, as reported recently by the local media.

Lismore City Council

Meeting held 14 February 2017 - Planning Proposal to rezone land at 4 Blue Knob Road, Nimbin to Large Lot Residential subdivision

Servicing and infrastructure

Water

The subject site is not currently serviced by reticulated water and is not able to be serviced in the future. It is therefore recommended that potable water be obtained through roof collection and stored in domestic rainwater tanks.

Sewerage

The site is not currently serviced by reticulated sewerage; however, Council's Strategic Water and Wastewater Engineer has advised it is feasible that a connection could be made to the town sewerage system using pressure sewerage. On the basis of this advice, the applicant has indicated that the lots adjacent to Mulgum Creek may be connected to the town's reticulated system. These lots are proposed to have a minimum size of 4,000m² to offer a mix of different lot sizes and promote housing choice and diversity in the local housing market. If connection to the town sewerage system does not ultimately prove to be financially viable, there is an option for these allotments to be serviced by on-site wastewater systems provided they are located outside of the 100m buffer from both watercourses.

The majority of the lots are proposed to have a minimum size of 2,500m² and be serviced by on-site wastewater management systems. A preliminary technical report prepared by Ecoteam consultants has been reviewed by Council's EHO which satisfactorily demonstrates that the land is suitable for low tech gravity fed on-site wastewater disposal systems to cater for large lot residential development.

Figure 8 shows the site with a buffer distance of 100m from Mulgum Creek and the intermittent drainage lines that run north/south. It is proposed that all on-site wastewater systems be located outside this 100m buffer from both watercourses, to accord with Council's Onsite Sewage and Wastewater Management Strategy that specifies effluent disposal areas be located at a minimum of 100m from permanent watercourses.

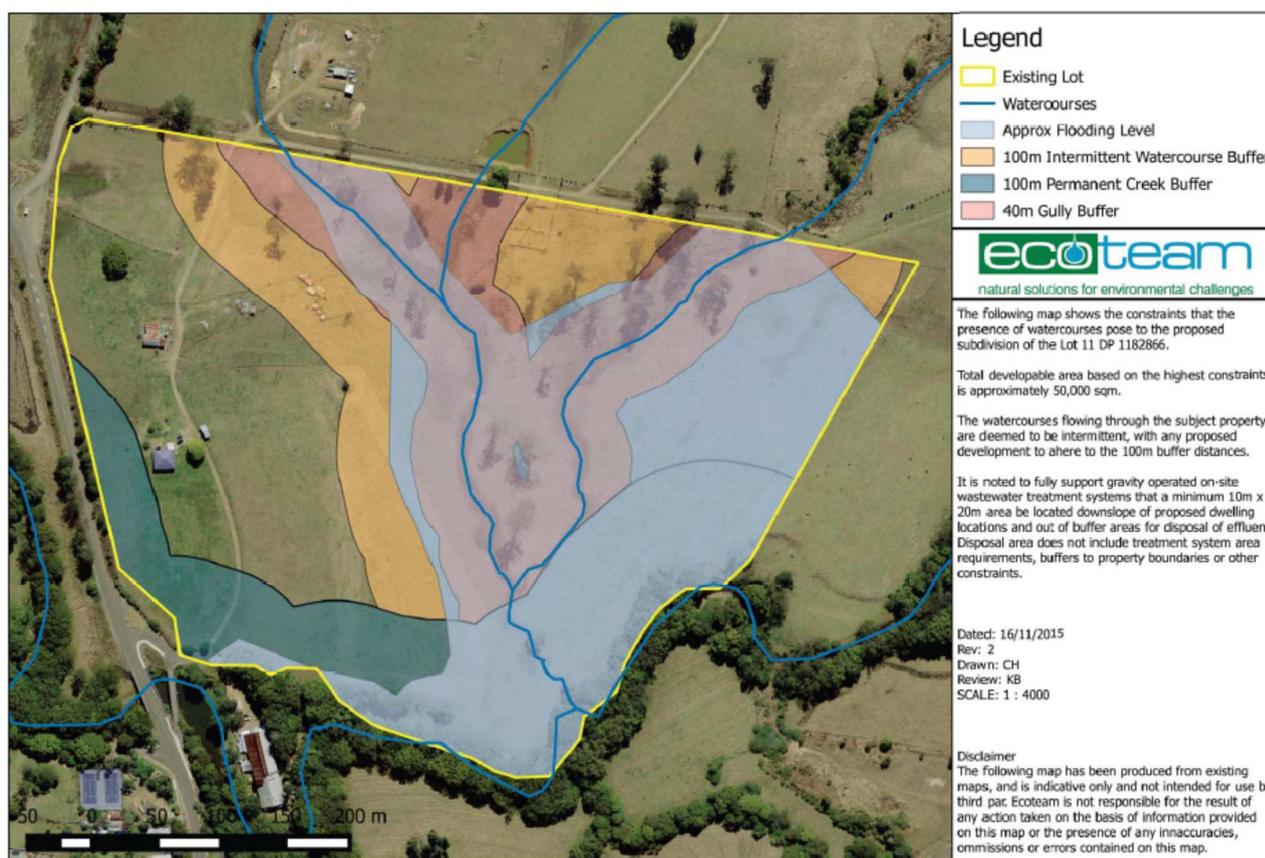


Figure 8 - Constraints map showing watercourse buffers (Source: EcoTeam Site Assessment report)

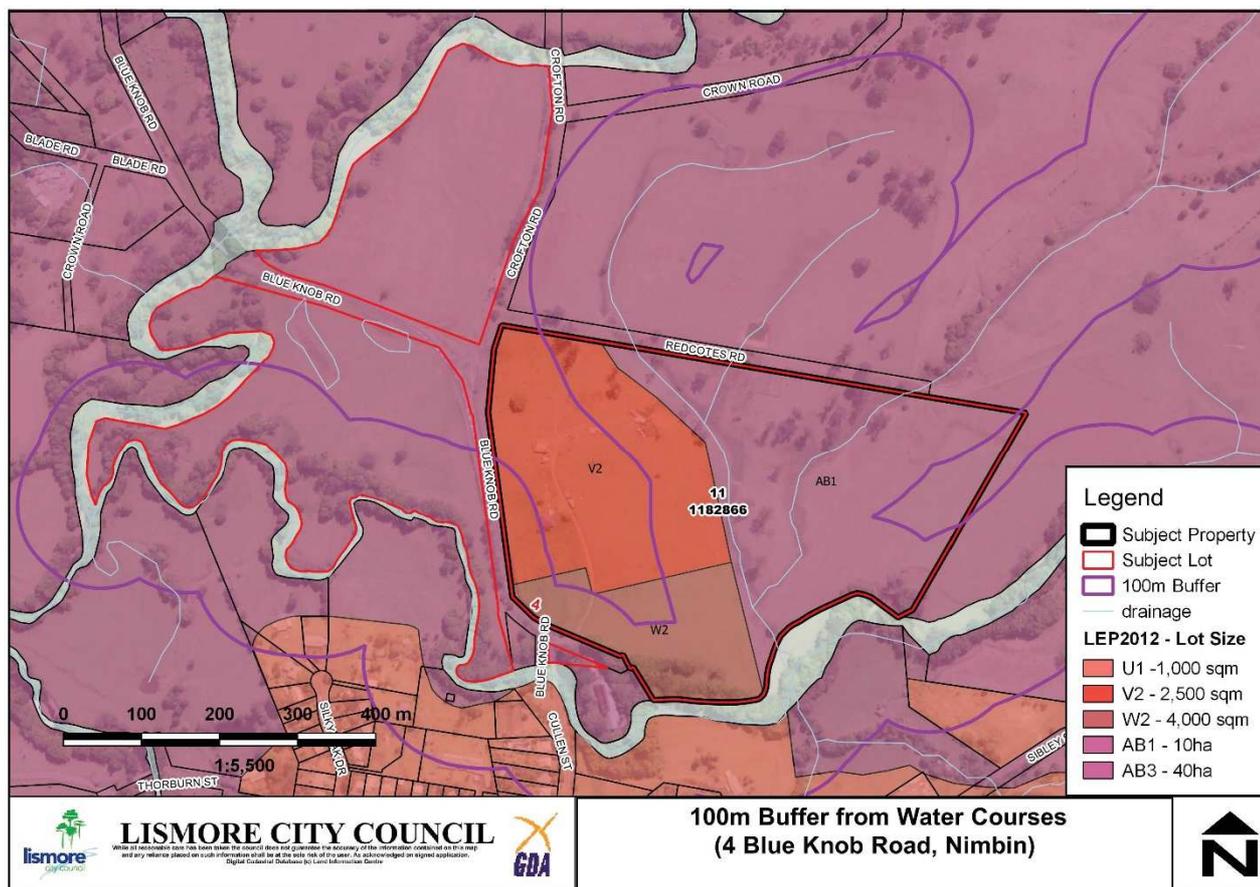


Figure 9 - 100m Buffer to Watercourses and lot size map

Figure 9 above shows the proposed lot size map in relation to the creek, drainage lines and the 100 meter buffer. This figure demonstrates that there is sufficient land unconstrained by the 100m buffer to watercourses where onsite wastewater systems can be located for lots with a minimum size of 2,500m² and lots with a minimum size of 4,000m². Council’s EHO has advised that where necessary a combination of gravity and pump operated systems could be used to provide for on-site wastewater management and achieve good subdivision layout and housing outcomes.

Storm water

Council’s EHO has advised that technical reporting on storm water quality can be dealt with at the stage of subdivision approval and is not required at this stage in the project.

Roads and traffic

The planning proposal will ostensibly create the potential for fifteen (15) additional lots.

Primary access to the site is proposed to be from Blue Knob Road where the property is currently accessed through a bitumen sealed driveway located at the southern boundary of the site. Council’s Strategic Engineer has advised that a technical assessment of the intersection including SIDRA analysis will be required as part of a traffic assessment at the development assessment stage.

Based on the predicted lot yield of 15, Council’s Strategic Engineer has predicted the site will likely generate approximately 70 trips per day depending on development density. While these additional trips are expected to be accommodated by Blue Knob Road and Cullen Street, a traffic assessment should be provided to confirm this at the development assessment stage.

A section 94 contributions plan for Lismore LGA was adopted by Council in 2014 which outlines contributions for public infrastructure that apply to new rural dwellings and rural lots.

Building entitlements for RU1 Zoned Land

The applicant is seeking two building entitlements to be approved for the balance parts of the land that will remain in RU1 Primary Production zone. The location of each is shown on Figure 10 below.

Staff have identified that the dwelling entitlement shown on the eastern residue land is located on land constrained by the 100m buffer from the intermittent watercourse as shown on the constraints maps at Figures 8 and 9. If the applicant can demonstrate that this land is capable of accommodating an onsite wastewater system in accordance with Council's Onsite Wastewater Strategy, an amendment to the Planning Proposal may be considered at the post Gateway stage to enable a building entitlement on this eastern portion given that the land is not flood prone, is directly accessible via Redcotes Road and may not be of a size that allows economically viable agricultural activity.

The granting of a dwelling entitlement on the western part of Crofton Road, which is 7ha in area, as shown on the map below is not supported as the land is flood prone as identified in the Lismore Rural Flood Hazard mapping. Moreover, there is no evidence that substantiates the argument that a dwelling is required on this land to support its continued use for productive agriculture.

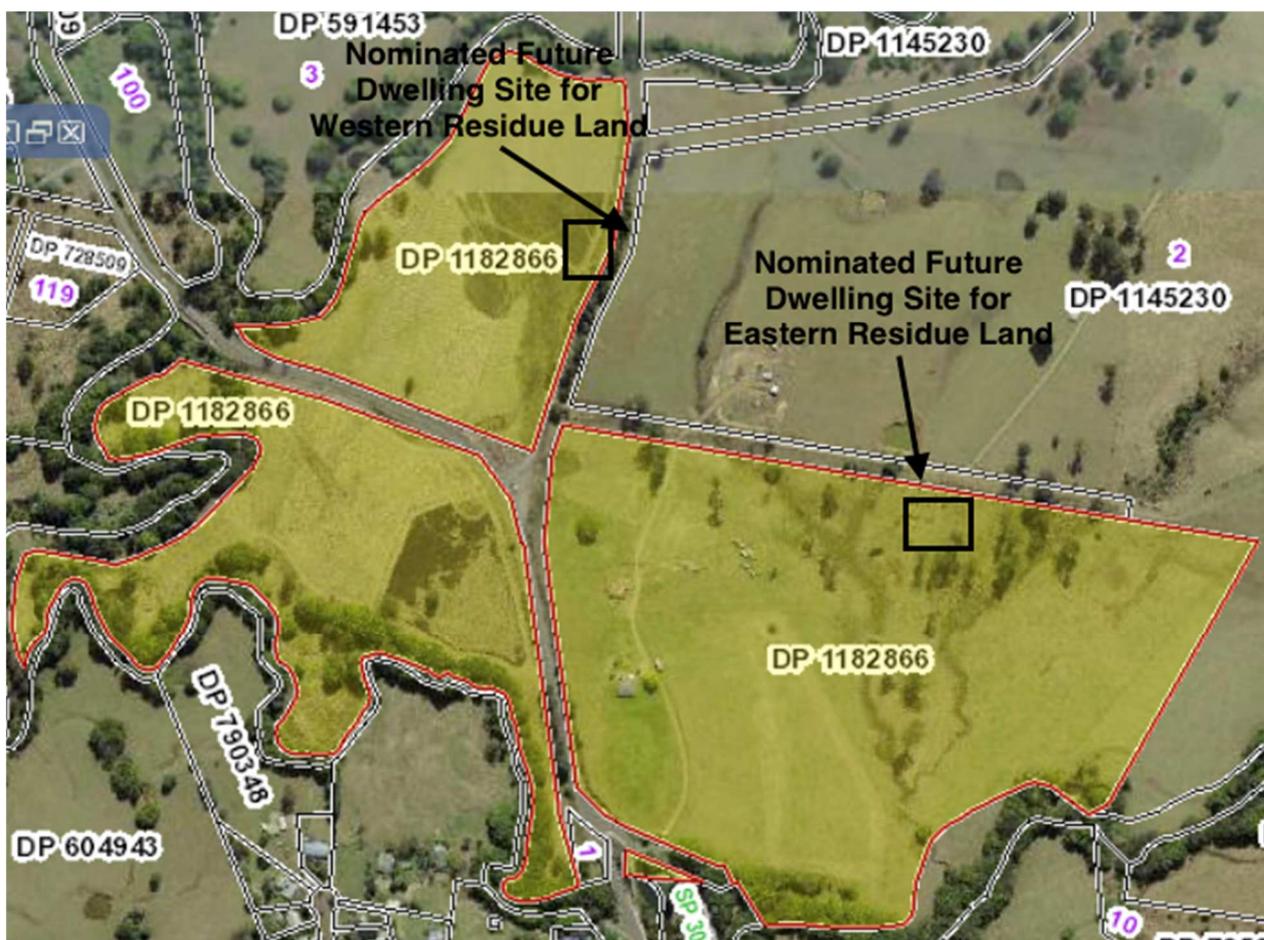


Figure 10 - Location of proposed dwelling entitlements

Pre-Gateway Government Agency Comments

Government agency and organisation consultation requirements form part of the Gateway determination. Consequently, such consultation is generally undertaken post-Gateway determination. In this instance, the planning proposal was referred to the Office of Environment and Heritage after a request from that agency for early referrals of planning proposals. Preliminary agency comments and a staff assessment have been provided in previous sections of this report. A copy of the correspondence is included as an attachment to this report.

Overview of the Planning Proposal

Based on the assessment of site constraints and servicing issues in the foregoing sections of this report, the following changes to Lismore LEP 2012 maps are proposed:

1. Amend the Land Zoning Map to change the zone from RU1 Primary Production to R5 Large Lot Residential.
2. Amend the Lot Size Map to change the minimum lot size from 40ha to 2,500m² and 4,000m²
3. Amend the Height of Buildings map to apply an 8.5 metre maximum building height to the land.

The maps are shown after Table 1 in Figures 11-16. The planning proposal does not propose to amend the Lismore LEP 2012 written instrument.

Table 1 - Summary of planning proposal to rezone 4 Blue Knob Road, Nimbin

PART	REQUIREMENTS	DESCRIPTION OF PLANNING PROPOSAL
1	OBJECTIVES OR INTENDED OUTCOMES	The objective of the planning proposal is to enable the development of 4 Blue Knob Road, Nimbin for large lot residential purposes.
2	EXPLANATION OF PROVISIONS	The planning proposal seeks to amend the following parts of the Lismore LEP 2012: Land Zoning Map - Sheet LZN_001 and LZN_004 Lot Size Map - Sheet LSZ_001 and LSZ_004 Height Of Buildings Map - Sheet HOB_001 and HOB_004 No amendments are proposed to the LEP written instrument.
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>	The land is identified in the Lismore GMS as having potential for large lot residential. The Planning Proposal is the best means to achieve the objective because rezoning of the land is required to enable future subdivision.
4	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 s117 Ministerial Directions?</i>	The planning proposal is consistent with the Far North Coast Regional Strategy because the subject site is outside the Urban Growth Area Map and is endorsed in a local Growth Management Strategy. The planning proposal is consistent with the Lismore GMS. The planning proposal is consistent with Imagine Lismore's community vision and aspirations. This proposal is consistent with the relevant SEPP's as outlined in Attachment 1. Further SEPP compliance assessment will be undertaken with the submission of additional studies post Gateway. This proposal is consistent or any inconsistency can be justified with applicable s117 Ministerial Directions as outlined in Attachment 1.

PART	REQUIREMENTS	DESCRIPTION OF PLANNING PROPOSAL
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 effects as a result of the Planning Proposal and how are they proposed to be managed?</i> <i>Has the Planning Proposal adequately addressed any social and economic effects?</i></p>	<p>One threatened flora species (Hairy Joint Grass) was identified on the site, however it was located on the eastern portion of the site that is not subject to rezoning.</p> <p>A small number of mature Tallowwood trees (a primary Koala food tree) were observed on site, however these are not located on the portion of the site subject to rezoning.</p> <p>It is recommended that post-Gateway a Flora and Fauna assessment be prepared.</p> <p>Due to the part of the site subject to the rezoning being largely devoid of native vegetation, there are not expected to be any significant environmental effects. Environmental effects are discussed in detail in the Environmental, Social and Economic Impact Assessment above.</p> <p>There is a low risk this proposal will impact any items of cultural heritage significance, however, it is recommended the Planning Proposal be referred to Ngulingah Local Aboriginal Land Council and that an Aboriginal Cultural Heritage Assessment (ACHA) be prepared.</p> <p>Due to the nature and scale of the planning proposal there are not expected to be any significant adverse social or economic effects.</p>
6	<p>JUSTIFICATION Section D - State and Commonwealth Interests <i>Is there adequate public infrastructure for the Planning Proposal?</i> <i>What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?</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> <p>Council has referred the proposal to the Office of Environment and Heritage (OEH) for preliminary advice which is discussed in this report.</p> <p>It is proposed that the public authorities listed below are consulted and that this consultation is undertaken concurrent with the public exhibition of the Planning Proposal:</p> <p>Rural Fire Service, Department of Primary Industries, and Office of Environment and Heritage.</p>
7	<p>MAPPING</p>	<p>It is proposed to rezone the land to R5 Large Lot Residential with a lot size of 2,500m² and 4,000m² and height of building of 8.5 metres. Refer to LEP maps in the next section of this report.</p>
7	<p>COMMUNITY CONSULTATION</p>	<p>A 28 day community consultation period is recommended but this will be confirmed in the Gateway determination.</p>
8	<p>PROJECT TIMELINE</p>	<p>Recommendation of 12 months for completion. Refer to Attachment 1 for detail.</p>
9	<p>DELEGATIONS</p>	<p>Recommendation for Council to exercise plan making delegations.</p>

Local Environmental Plan Maps

The proposed LEP maps are shown in Figures 11-16 below.

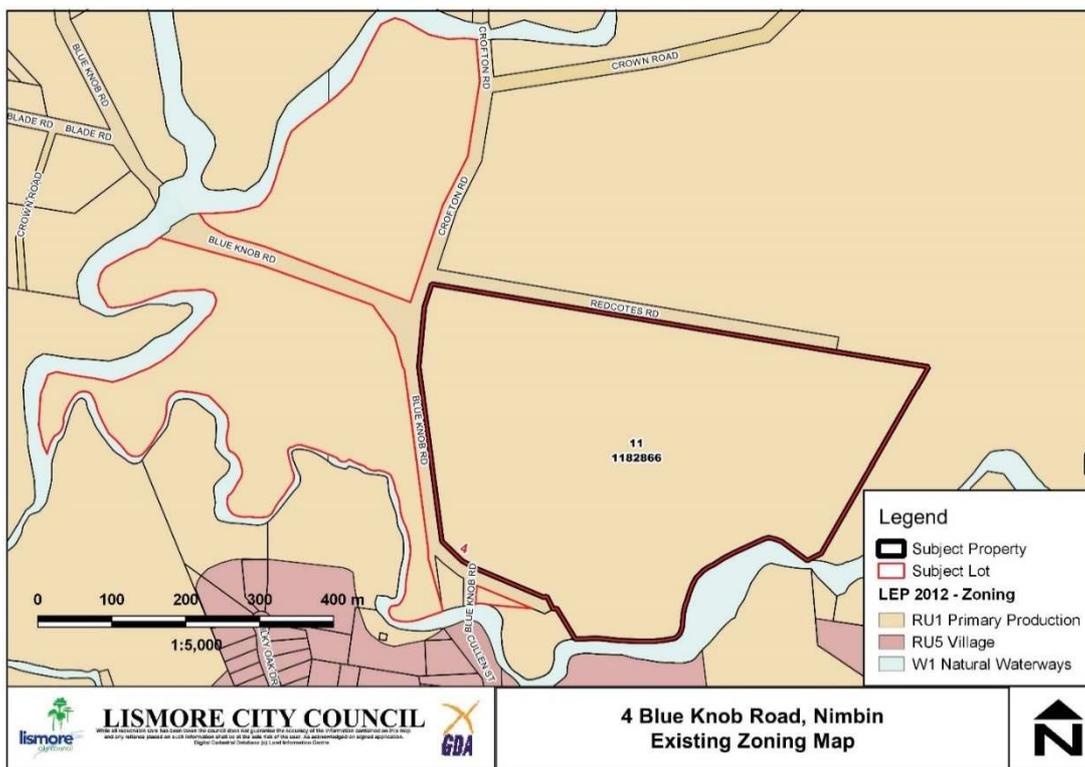


Figure 11 - Existing Zoning Map

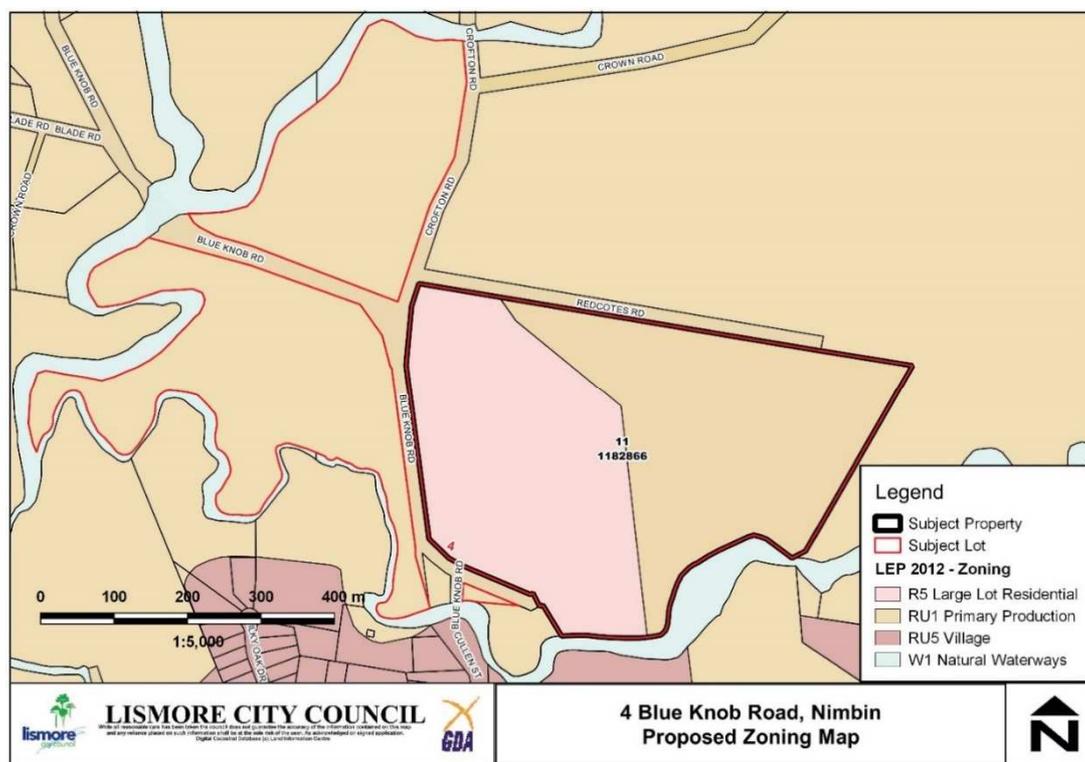


Figure 12 - Proposed Zoning Map

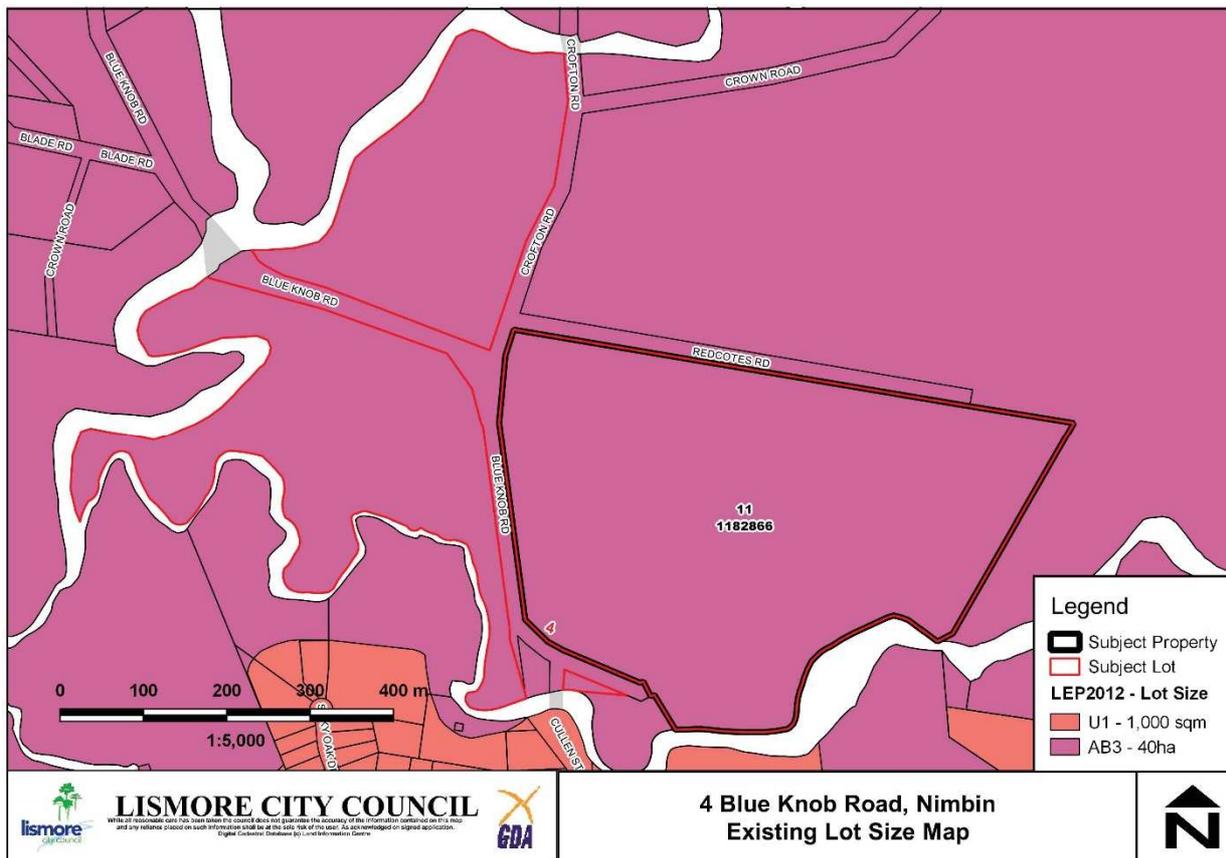


Figure 13 - Existing Lot Size Map

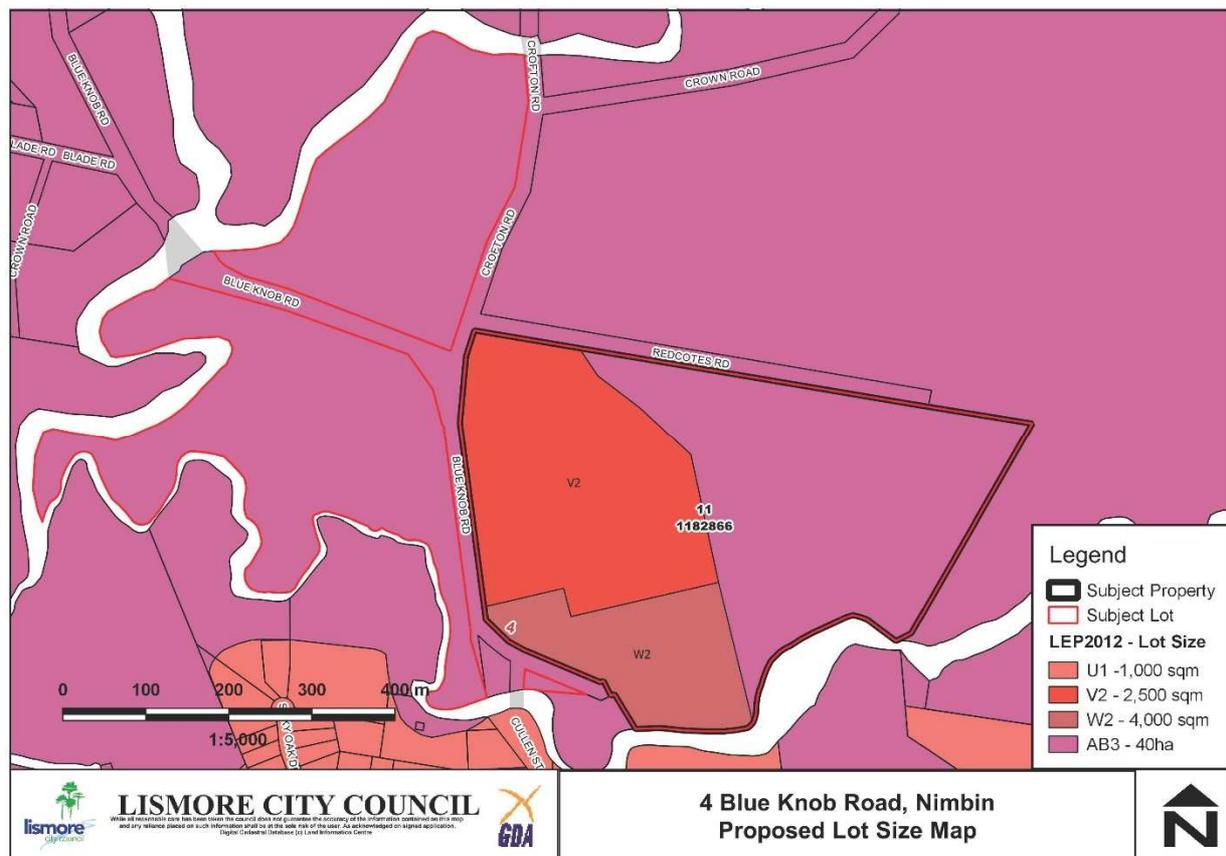


Figure 14 - Proposed Lot Size Map

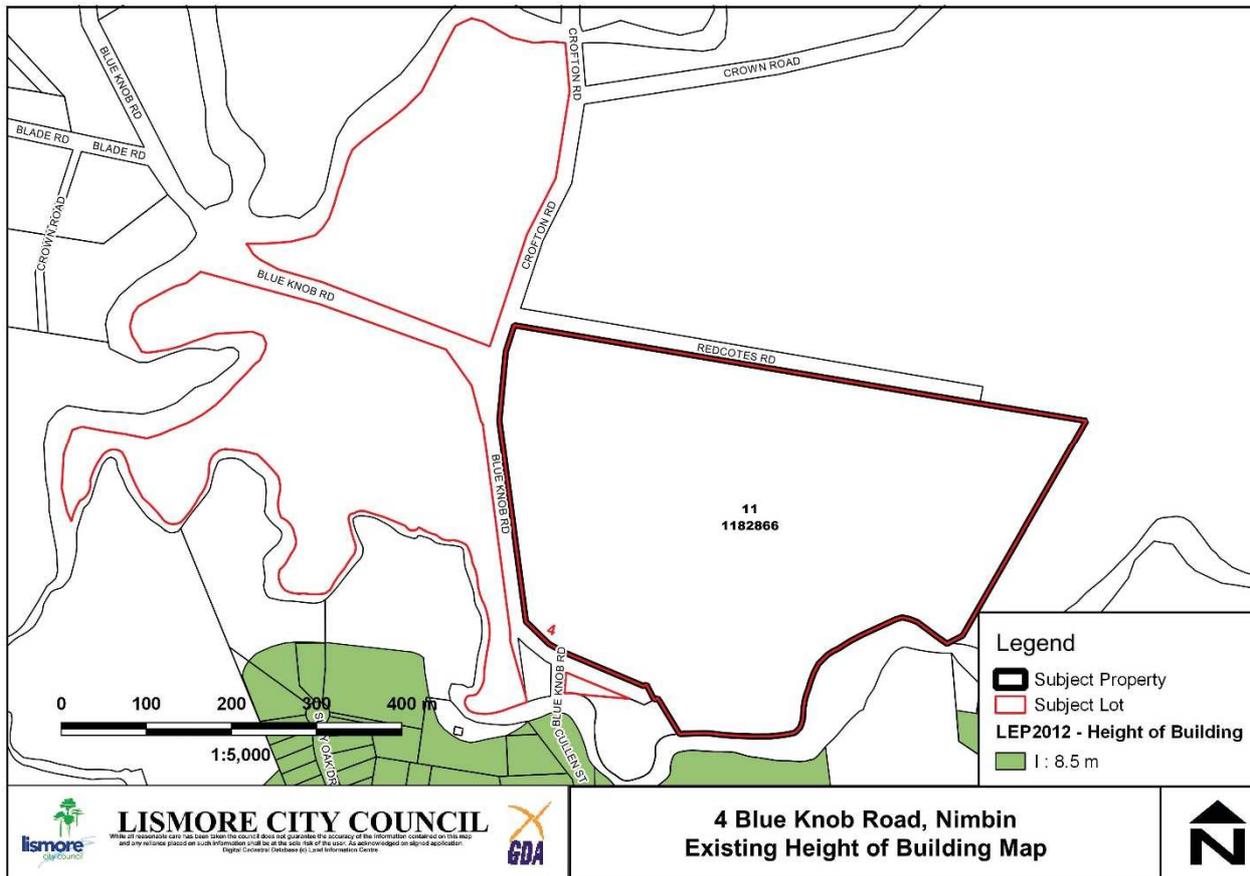


Figure 15 - Existing Height of Building Map

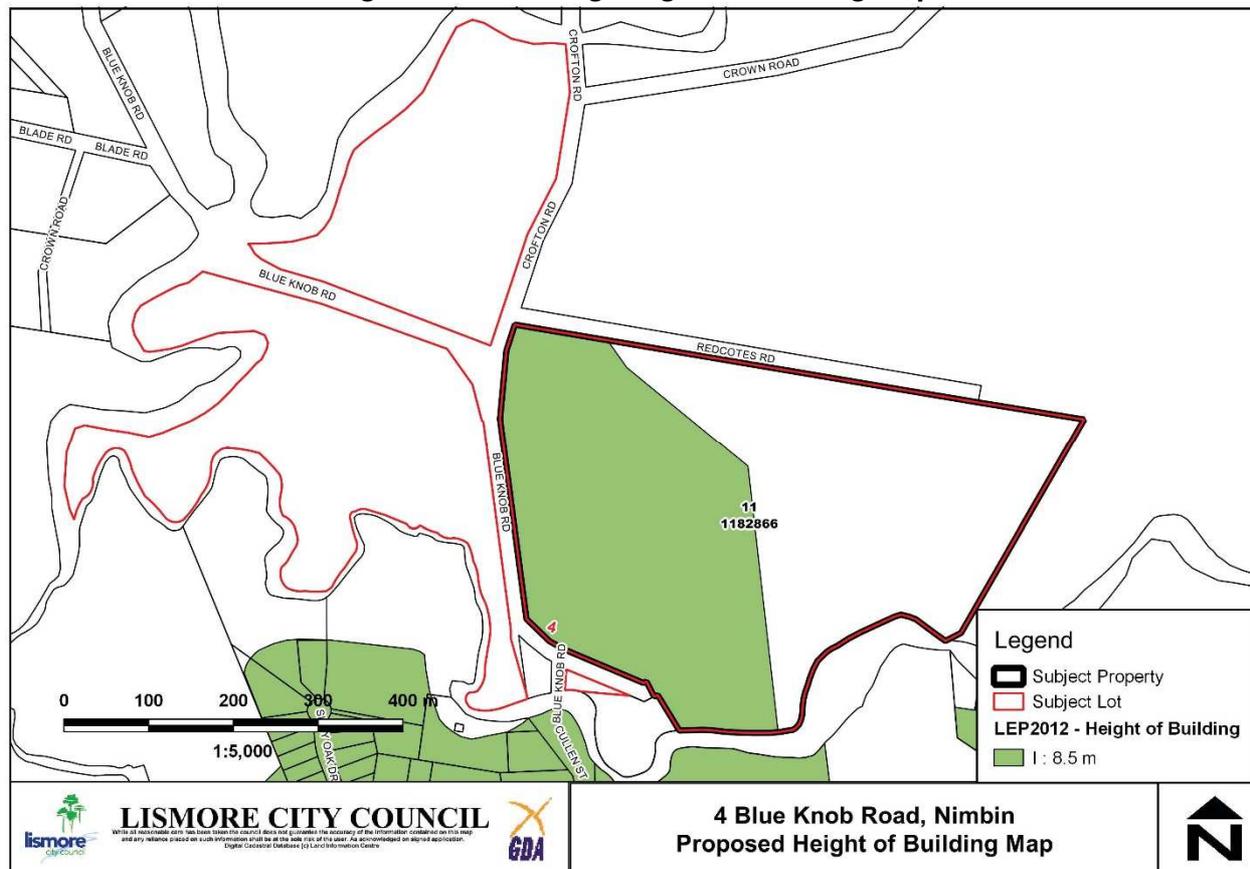


Figure 16 - Proposed Height of Building Map

Strategic Alignment

The Planning Proposal is consistent and implements the following sections of *Imagine Lismore 10 Year Plan*:

Community Vision: Affordable Housing

“Through the implementation of the Lismore Housing Strategy and the Growth Management Strategy we will ensure that Lismore provides housing options that are affordable, appropriate and accessible to the different economic and social needs of the community.”

Service: Strategic Planning, Assessment and Construction

“The Growth Management Strategy will be completed in 2014. The implementation of the Strategy will see the values of the community enshrined in Lismore’s planning framework.”

The Lismore Growth Management Strategy 2015-2035 clearly identifies the subject land on Map 22 “Nimbin – Potential Large Lot Residential”. The GMS states on page 88 regarding the implementation of the GMS that, *“the rezoning of identified village and large lot residential expansion areas will occur by way of landowner initiated planning proposals.”*

Direct costs associated with the planning proposal are met by the proponent. The benefits of the proposal include the facilitation of the future development of land that has been identified in the GMS and FNCRS as being potentially suitable for residential development.

The only risk associated with the proposal for Council is that the landholder decides not to proceed with development of the land.

Comments

Finance

Not required.

Other staff comments

The Planning Proposal has been reviewed by Council’s specialist staff and their comments incorporated into the above environmental, social and economic assessment section.

Public consultation

Council will carry out public consultation on the planning proposal following Gateway Determination. For the purposes of public notification, it is considered that a twenty-eight (28) day exhibition period is appropriate. Notification of the planning proposal will include:

- Publication in Council’s Local Matters that circulates in the area affected by the planning proposal.
- Placing a notice on the websites of Council and the Department of Planning and Environment.
- Written notification to adjoining land owners.
- Referral to Ngulingah Local Aboriginal Land Council.
- Potential meeting with the Nimbin Local Advisory Group.

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.

Material to be exhibited will include:

- 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.

Key stakeholders will be identified and contacted directly to ensure that they are aware of the planning proposal. The Ngulingah Local Aboriginal Land Council will be consulted. The Gateway Determination will confirm community consultation requirements.

LEP delegations

Council resolved at its Ordinary meeting of 11 December 2012 to accept the delegations which enable Council to process the final stages of a planning proposal (LEP amendment). The delegations only extend to routine LEPs. Council does have delegation in this instance as it is a rezoning consistent with an endorsed strategy, unless the Gateway Determination advises otherwise.

Conclusion

The planning proposal seeks to amend certain provisions of the Lismore LEP 2012 that apply to 4 Blue Knob Road, Nimbin to facilitate the future development of the site for large lot residential development. The planning proposal is consistent with the FNCRS and the GMS which both identify the site as future large lot residential land. 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. Preliminary Comments Office of Environment and Heritage