

Planning Proposal

REZONING of land at 4 Blue Knob Road, Nimbin

January 2017



TABLE OF CONTENTS

Part 1 – Objectives or Intended Outcomes	2
Part 2 – Explanation of Provisions	6
Part 3 – Justification	6
Section A – Need for the Planning Proposal	6
Section B – Relationship to Strategic Planning Framework	7
Section C – Environmental, Social and Economic Impact	10
Section D – State and Commonwealth Interests	11
Part 4 - Mapping.....	12
Part 5 – Community Consultation.....	17
Part 6 – Project Timeline	17

APPENDICES

Appendix 1- Assessment against State Environmental Planning Policies

Appendix 2 - Assessment against Section 117 Directions

Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to enable the development of part of Lot 11 DP 1182866 at 4 Blue Knob Road, Nimbin for large lot residential development. This objective will be achieved through an amendment to the Lismore Local Environmental Plan 2012 (LEP 2012), specifically the maps for land use zones, lot size and height of buildings. The site is presently in the RU1 Primary Production zone in the Lismore Local Environmental Plan 2012 as shown on Figure 1 below with a minimum lot size of 40ha.

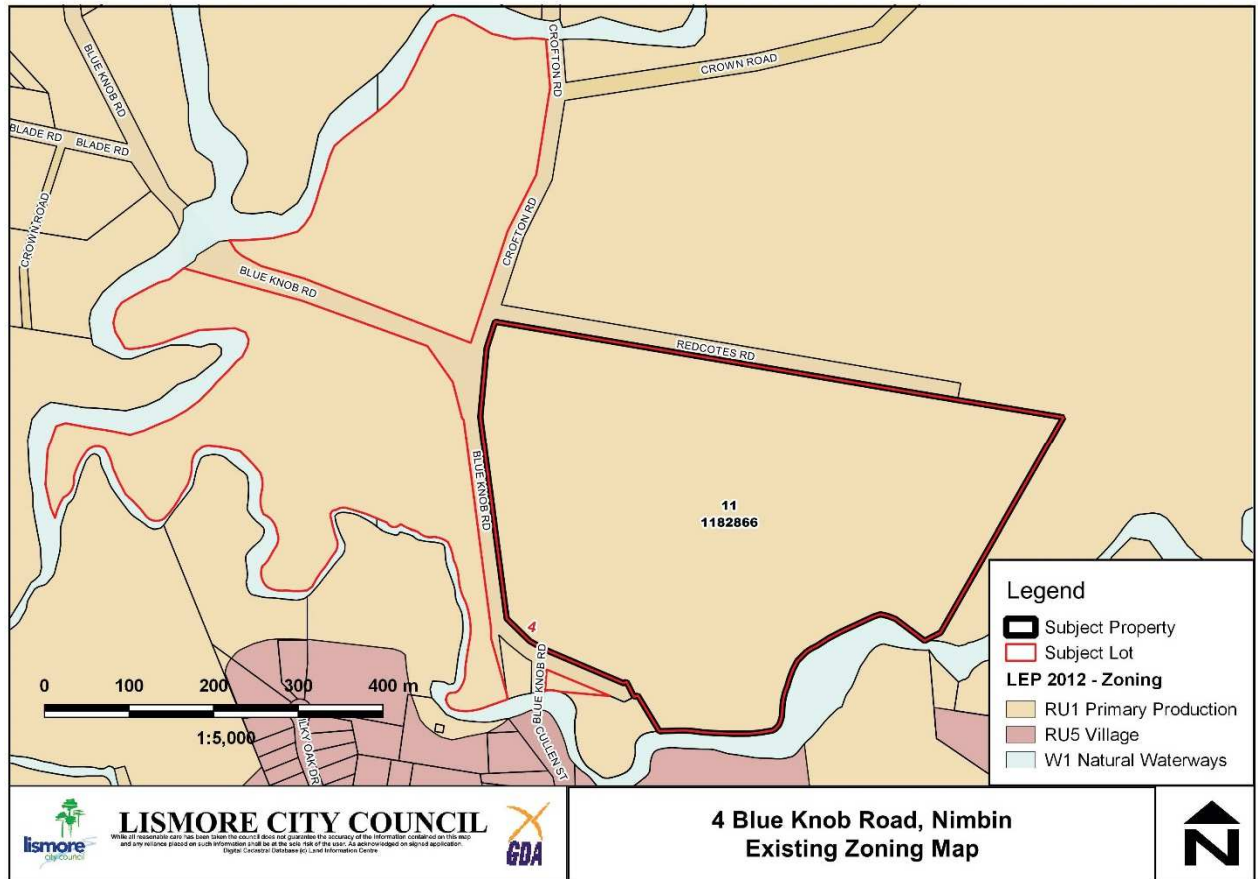


Figure 1: Current zone Lismore LEP 2012

Site description and setting

The land subject to this proposal forms part of a larger title totalling 40 hectares that crosses the western and northern parts of Blue Knob Road, dividing it into 3 sections. Only the land south of Redcotes and east of Blue Knob Roads is proposed to be rezoned as shown in the yellow shaded section in Figure 2. The balance land within the greater title is proposed to remain within RU1 Primary Production.

The land subject to this proposal totals approximately 10 hectares in area and currently accommodates a dwelling and various dairy farming outbuildings. The site comprises exotic grass species used for beef grazing.

The southern boundary of the site is defined by Mulgum Creek. The topography is gentle to undulating with the steeper parts and intermittent drainage lines remaining in RU1 Zone.

The site is located less than 1 km from the town center of Nimbin, in a northerly direction, across the Mulgum Creek. It offers opportunities for pedestrian and bicycle access into the main town centre.

The village of Nimbin operates as a service center for the north west of the Lismore LGA and as such offers high level community, recreation and commercial services such as a hospital and ancillary health facilities, primary and secondary schools and a shopping strip.

Nimbin is serviced with reticulated sewerage and water to the extent of the RU5 Village zoning that covers the commercial, residential and community facilities of the town.

Beyond the village center, the Nimbin locality also comprises two large lot rural residential areas at Gungas Road and Cecil Street. Figure 2 below provides an aerial photograph of the site. The yellow hatched area is subject to rezoning while the rest of the title will remain in RU1 Primary Production zone.

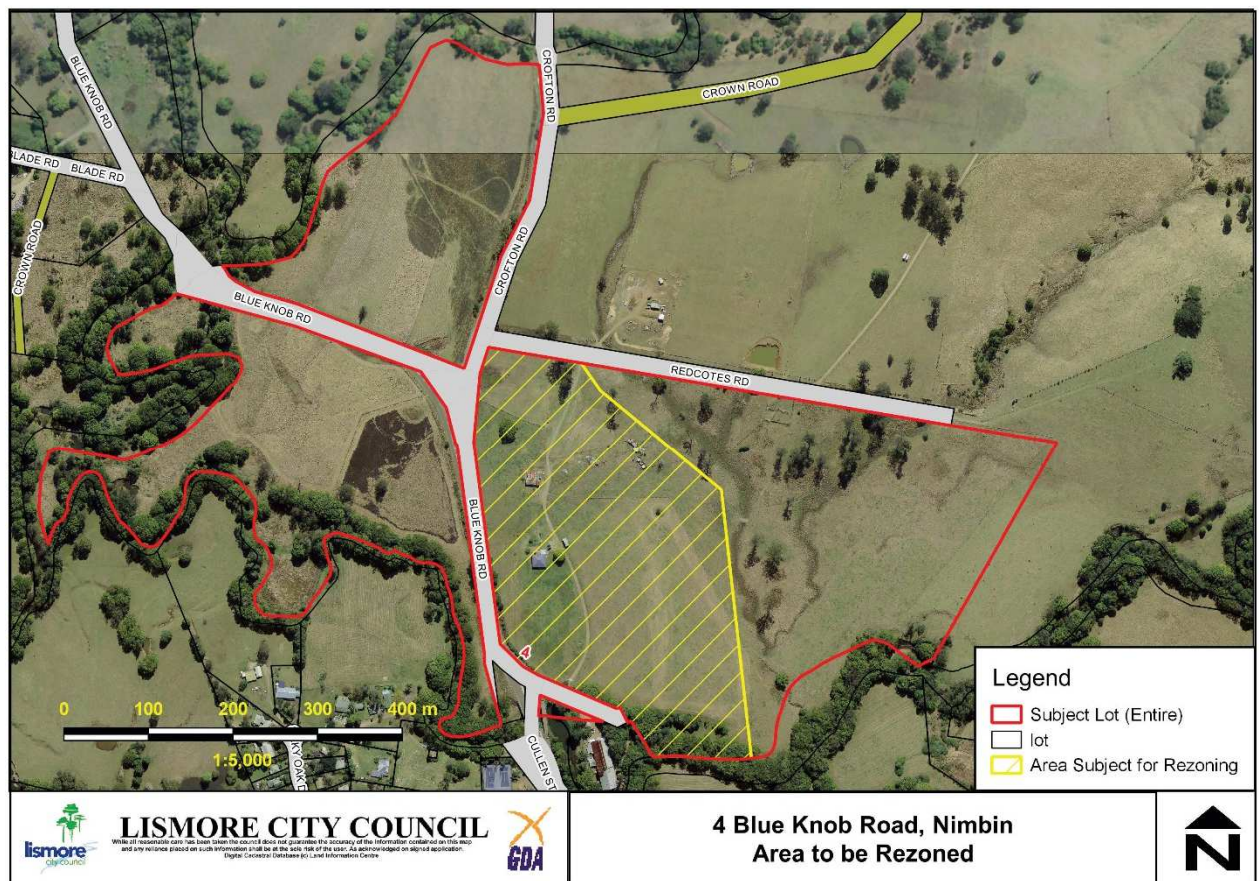


Figure 2: Aerial photograph of the site

Part 2 - Explanation of Provisions

The objective of the proposal will be achieved by amending the Lismore Local Environmental Plan 2012 to rezone the land from the RU1 Primary Production zone to the R5 Large Lot Residential zone. The following map sheets are proposed for amendment. The proposed LEP maps are included in Part 4 of this planning proposal:

- Land Zoning Map – [Sheet LZN_001 and LZN_004] to apply Zone R5 Large Lot Residential to the site.
- Lot Size Map – [Sheet LSZ_001 and LSZ_004] to apply a 2500m², 4000m² and 10ha minimum lot size to the site.
- Height of Buildings Map – [Sheet HOB_001 and HOB_004] to apply an 8.5m maximum building height to the site.

Part 3 - Justification

Section A - Need for the Planning Proposal

There is a need for the Planning Proposal to allow for the rezoning of the site from primary production to large lot residential. The population within the Council area is projected to grow by 8,000 additional residents by 2031 (Far North Coast Regional Strategy 2006-31, December 2006) (FNCRS) resulting in demand for additional residential land. The Draft North Coast Regional Plan (March 2016) states that an extra 4,200-5,000 dwellings will be needed in the Lismore City Council Local Government Area by 2036. The proposed rezoning will assist in meeting this demand for residential land.

Q1. Is the planning proposal a result of any strategic study or report?

The Lismore Growth Management Strategy 2015-2035 (GMS) was adopted by Council at its Ordinary meeting on 12 May 2015 and identifies land preferred for development for residential and employment purposes.

The subject site is specifically identified and discussed in the GMS as having potential for large lot housing (see Figure 3 over the page 'Nimbin - Potential large lot residential') rather than supporting an extension of village style housing due to the limited capacity for Nimbin's town water and sewerage system to be further extended. The GMS also suggests that the development of 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.

The GMS was conditionally approved by the Department of Planning and Environment on 11 August 2015. While the site contains a small portion of regionally significant farmland (approximately 3.6 hectares), it is noteworthy that this land has been excluded from the area proposed to be rezoned and will thus remain in the RU1 Primary Production Zone.

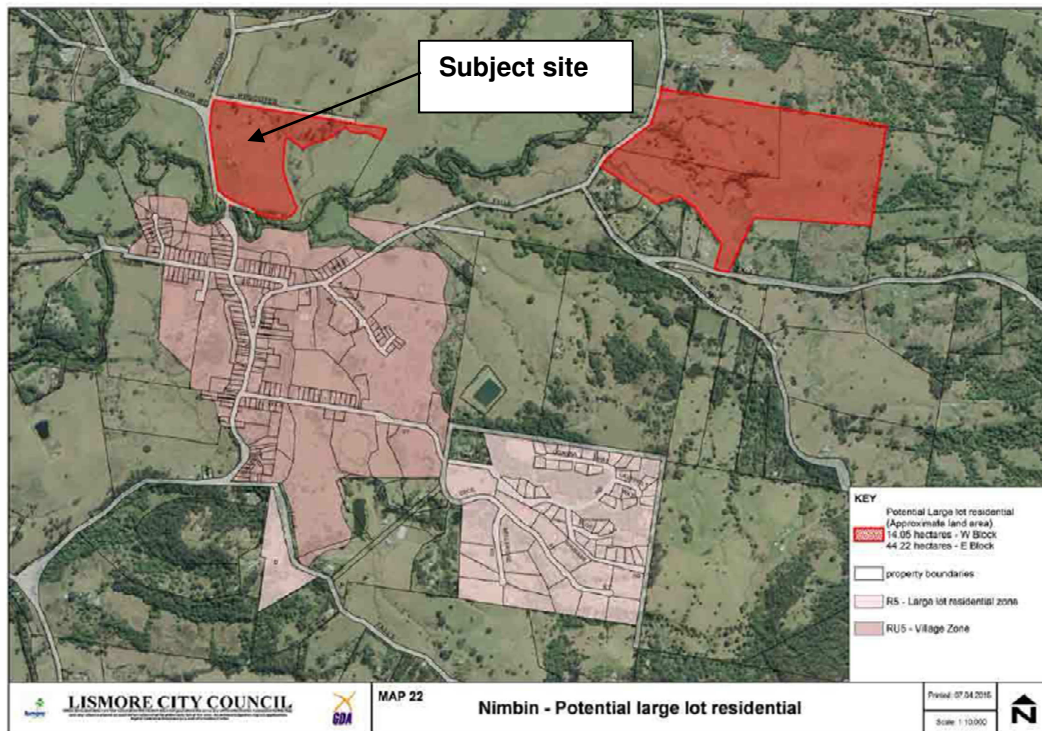


Figure 3: 4 Blue Knob Road, Nimbin in GMS 2015-2035

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal to rezone the land to R5 Large Lot Residential zone and an associated amendment of the Lot Size and building height map is the best way to enable large lot residential subdivision.

Clause 4.2B(3) of the Lismore LEP 2012 allows for the erection of a dwelling house in Zone RU1 on land that is at least the minimum lot size applying to the land. The current minimum lot size applying to the land is 40ha which precludes subdivision of the land and the development of additional dwellings. Therefore, a change to the zoning and minimum lot size is necessary to achieve the objectives and intended outcomes and the planning proposal is the only means to achieve this.

A change in zoning and minimum lot size is consistent with Council's Growth Management Strategy (GMS) and therefore is considered to be the most appropriate means of enabling the development of the land.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The FNCRS is the current overarching State Government framework for the management of growth for the Far North Coast. The FNCRS identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing network of major urban centres, reinforcing village character and requiring efficient use of existing services and major transport routes.

The FNCRS aims to facilitate the development of settlement and housing to meet the region's projected population growth sustainably and protect the unique environmental assets, cultural values and natural resources of the region. The FNCRS states that 'future rural residential land will only be released in accordance with a Local Growth Management Strategy' (FNCRS, pg.30). The planning proposal is consistent with this Action.

The Draft North Coast Regional Plan (Draft NCRP) is intended to replace the FNCRS. The Draft NCRP also seeks to sustainably manage the growth of the North Coast and allocate further development of land for residential and employment purposes in appropriate locations.

The subject site is located outside the 'urban growth area' on Figure 29 of the Draft NCRP Map which is consistent with its zoning for large lot residential rather than urban residential.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Planning Proposal is consistent with the following strategic planning documents:

- Imagine Lismore (Lismore Community Strategic Plan) 2013-2023
- Lismore Growth Management Strategy 2015-2035 (GMS)

Imagine Lismore (Lismore Community Strategic Plan) 2013-2023

Imagine Lismore 2013-2023 was developed and endorsed by Council in accordance with the *Local Government Act 1993*. The plan identifies the main priorities and aspirations for the future of the local government area for a period of at least 10 years.

The planning proposal is consistent with Imagine Lismore's community visions and aspirations for growth as follows:

- The subject site is identified in the Lismore Growth Management Strategy 2015-2035;
- The site is close to existing development and services;
- The loss of a small amount of agricultural land is offset by the net benefit of the residential development close to services and is not prime agricultural land, and;
- The section of the site that is subject to rezoning is not flood prone.

Lismore Growth Management Strategy 2015-2035

The subject site is identified on Map 22 of the GMS as having potential for large lot residential as shown in Figure 3.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the requirements of the applicable State Environmental Planning Policies (SEPPs). An assessment against relevant SEPPs is provided at **Appendix 1**.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with applicable Section 117 Directions or any inconsistency can be justified. An assessment against the Ministerial Directions is provided at **Appendix 2**.

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Following a site inspection, Council's Ecologist has confirmed that the area subject to rezoning has low ecological value as the site has previously been cleared of native vegetation and currently 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 Tallowwood 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. It is important to note that both these species are not located on the area subject to rezoning, but in the adjacent area proposed to be retained as RU1 – Primary Production zone.

Council's Ecologist recommends that technical reporting on ecology post-Gateway determination should consist of a fauna habitat assessment.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

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 should include systematic and judgemental sampling that is supported by a comprehensive historical review.

Bush Fire

The southern boundary of the site that abuts Mulgum Creek contains dense vegetation and is mapped as bushfire prone as shown on Figure 4. 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.

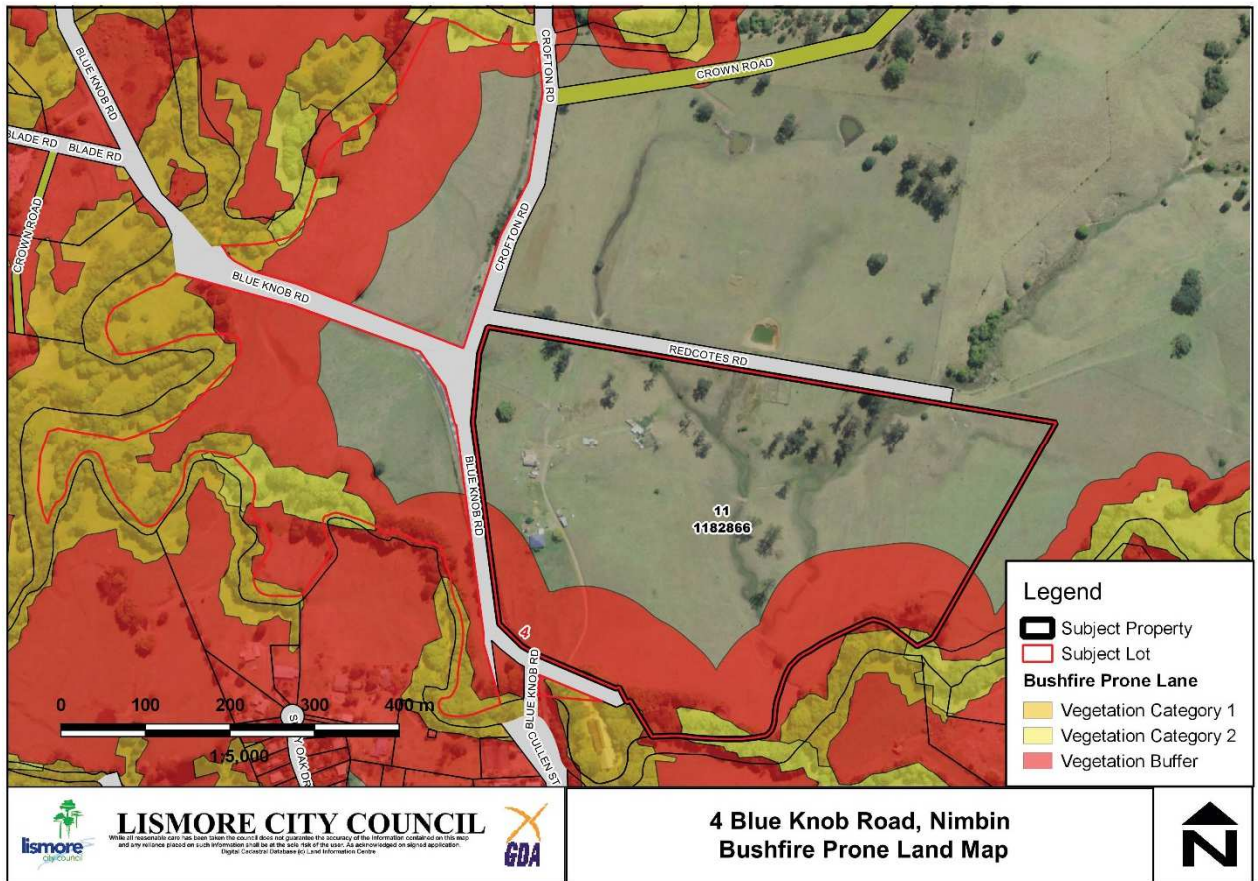


Figure 4: Bushfire prone land 4 Blue Knob Road, Nimbin

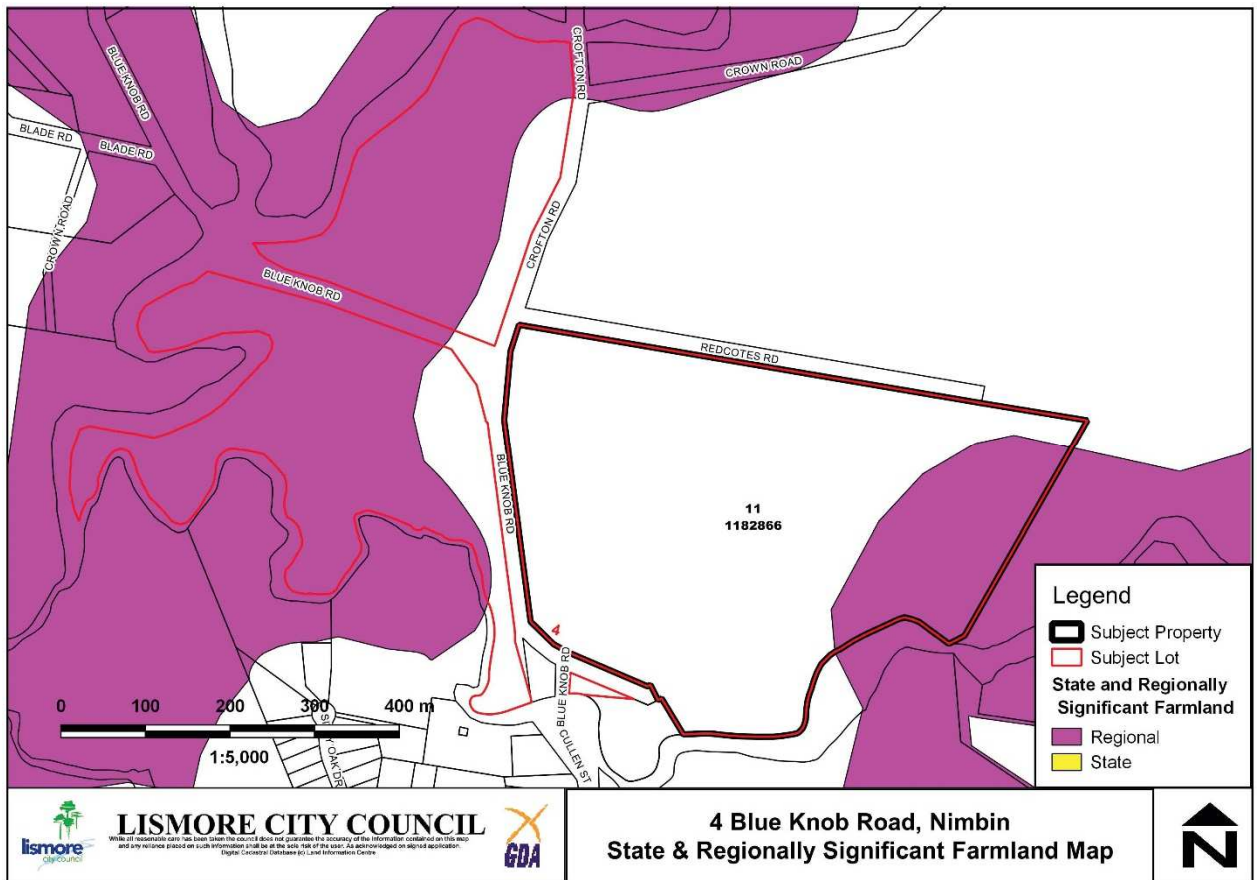


Figure 5: Regionally Significant land at 4 Blue Knob Road, Nimbin

Regionally Significant Farmland

The eastern part of the subject site does comprise 'Regionally Significant Farmland' according to the Northern Rivers Farmland Protection project as shown in Figure 5. However this area is excluded from the land that is proposed to be rezoned as part of this proposal and was not identified in the GMS as having any potential for future large lot residential development due to its status as 'Regionally Significant Farmland'.

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.

Geotechnical Hazards

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. Figure 6 below shows the contours and drainage at the site.

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

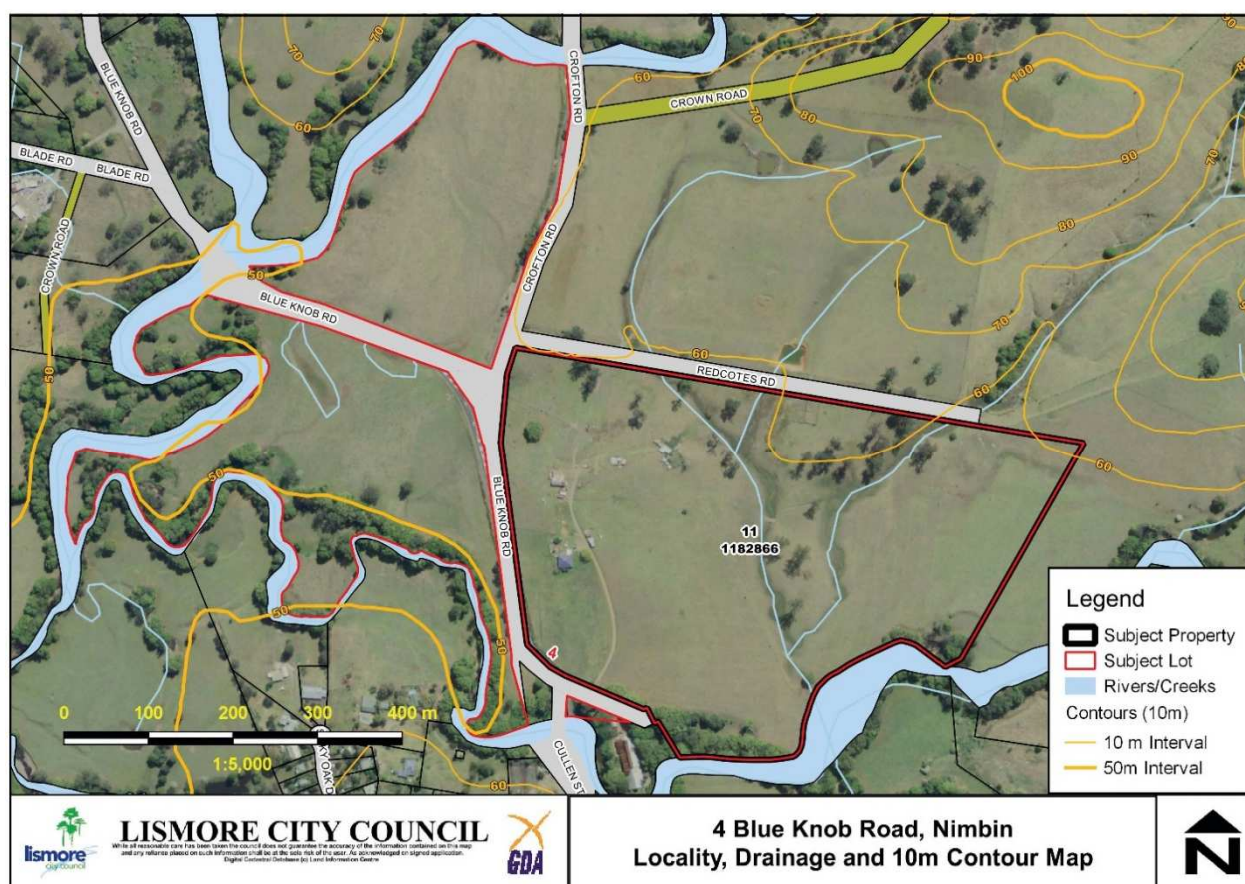


Figure 6 – Drainage and Contours at 4 Blue Knob Road, Nimbin

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 as shown in Figure 7. The land proposed for rezoning is not identified as flood prone.

With regards 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.

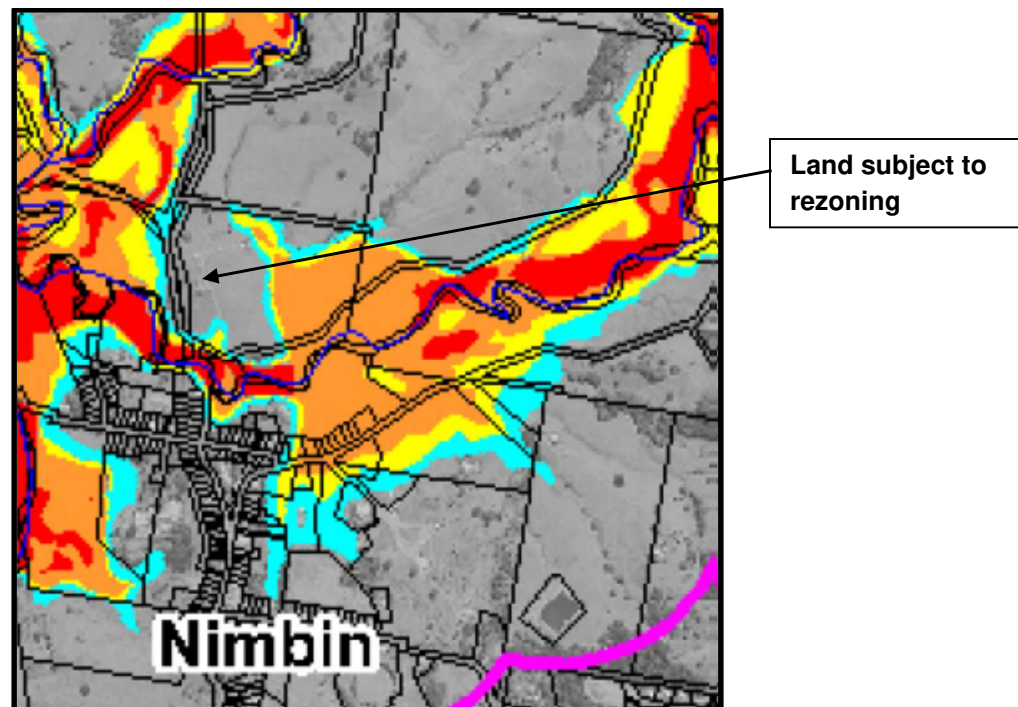


Figure 7: Nimbin as shown in the Lismore Rural Flood Hazard Mapping, 2013

Stormwater Management

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.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Economic Impacts

It is expected that this planning proposal and its resultant large lot residential development is likely to have a positive economic impact for 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

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 (AIHMS) shows no records of Aboriginal sites or places on the site. Council's Environmental and Cultural Heritage Contractor has advised that while 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.

Nonetheless, it is recommended that the Planning Proposal be referred to Ngulingah Local Aboriginal Land Council following the Gateway Determination and that an Aboriginal cultural heritage assessment be prepared for the proposal.

Social Impacts

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

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Water supply

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

Management of effluent

The site is not currently serviced by reticulated sewerage however, Council's Strategic 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 located 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 be 2,500m² and 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.

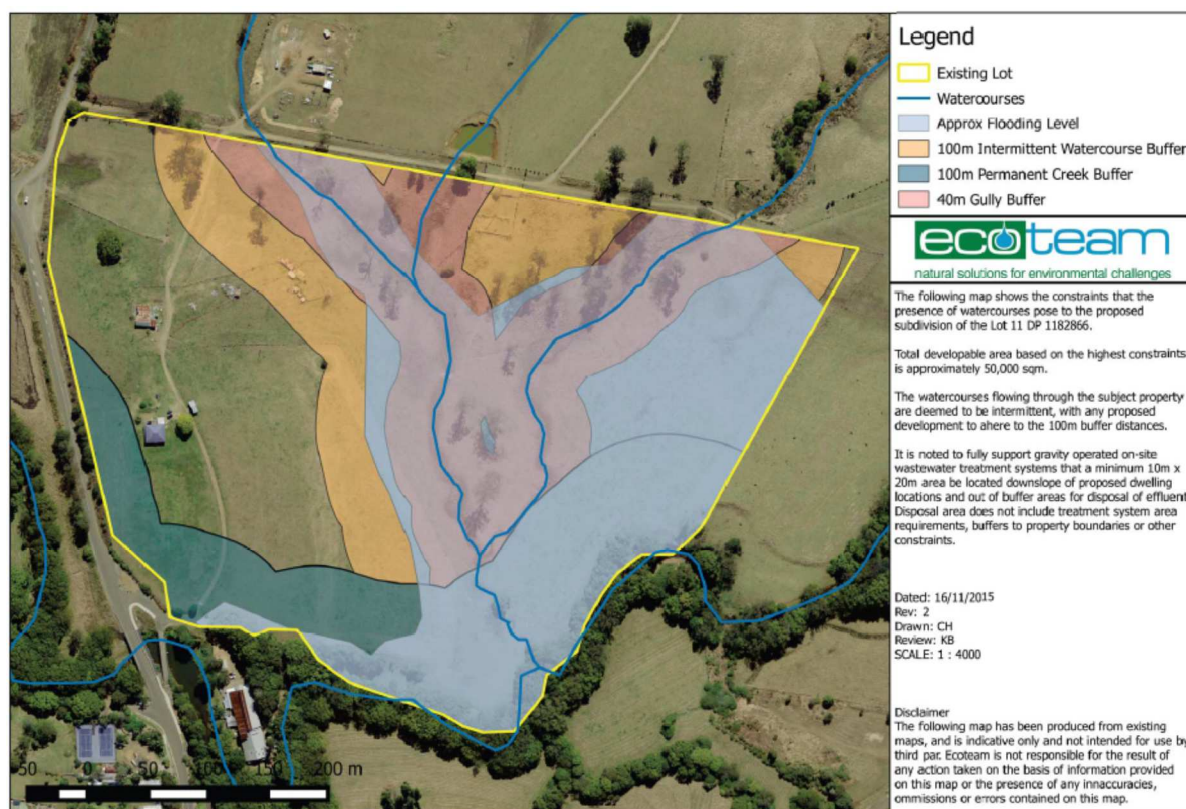


Figure 8: Constraints map showing watercourse buffers (Source: EcoTeam Site Assessment report)

Education, Health and Emergency Services

Nimbin contains a primary and secondary school, a wide range of health facilities including a hospital and community health services, police station and a rural fire service.

Roads and Traffic

The planning proposal will create the potential for approximately 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.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The draft Planning Proposal was referred to the Office of Environment and Heritage (OEH) for preliminary advice prior to Council consideration of the proposal. OEH's recommendations that an ecological assessment and Aboriginal Cultural Heritage Assessment be prepared post-Gateway are supported by Council's specialist staff.

It is recommended that the following authorities are consulted following the Gateway determination and in accordance with any s117 directions and conditions of the determination:

- Rural Fire Service
- Department of Primary Industries
- Office of Environment and Heritage.

Part 4 - Mapping

Current zoning

The land is currently in the RU1 Primary Production zone under the provisions of the Lismore Local Environmental Plan 2012. The land is also mapped on the Lot Size Map with a minimum lot size of 40ha. There is no maximum height of buildings that applies to the land. Extracts of the relevant Lismore LEP 2012 maps are included below at Figures 9-14.

Proposed land zoning, lot size and height of buildings

It is proposed to rezone the land from Zone RU1 Primary Production to Zone R5 Large Lot Residential. The change to the zoning map will require corresponding changes to the following as shown in Figures 9-14 below:

- a. Land Zoning Map – R5 Large Lot Residential
- b. Height of Buildings Map – 8.5 metres maximum
- c. Lot Size Map – minimum 2500m² and 4,000m²

This will be achieved by amending map sheets:

LZN_001 and LZN_004

LSZ_001 and LSZ_004

HOB_001 and HOB_004

No changes are required to the Lismore LEP 2012 written instrument.

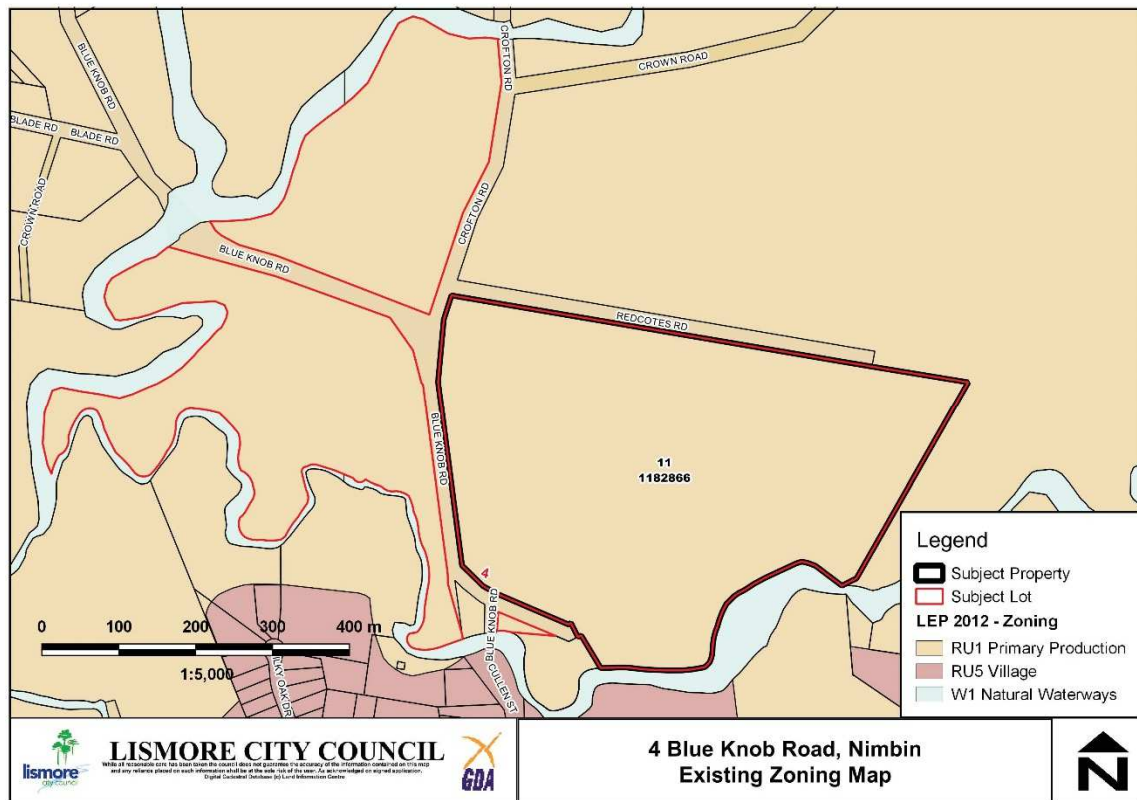


Figure 9: Existing Land Zoning

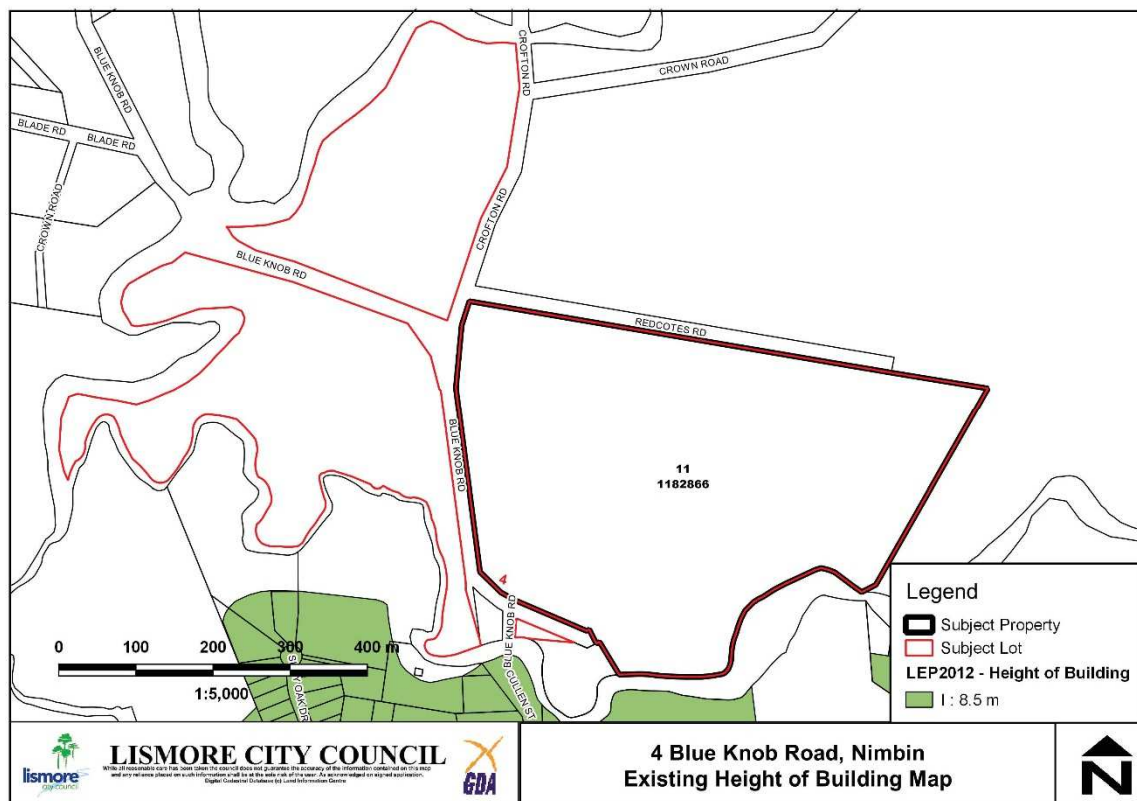


Figure 10: Existing Height of Buildings

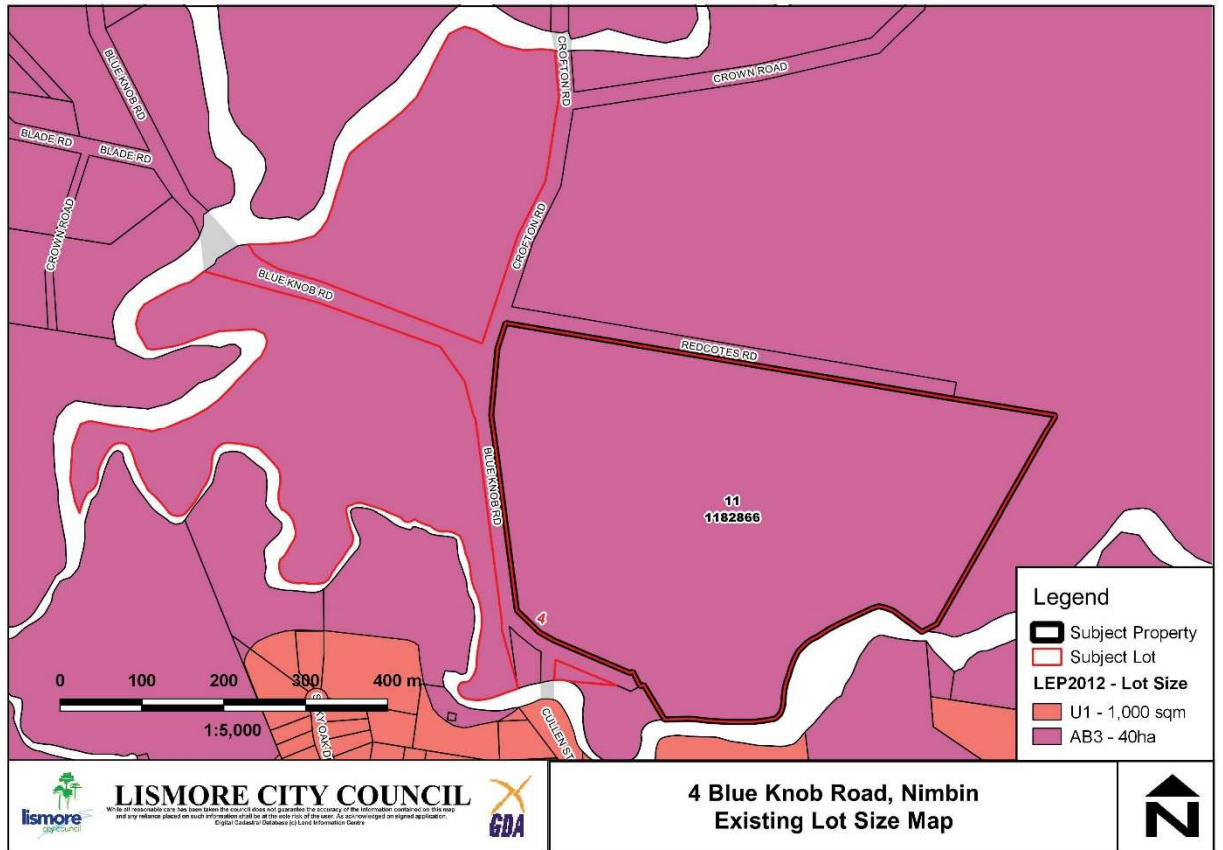


Figure 11: Existing Lot Size

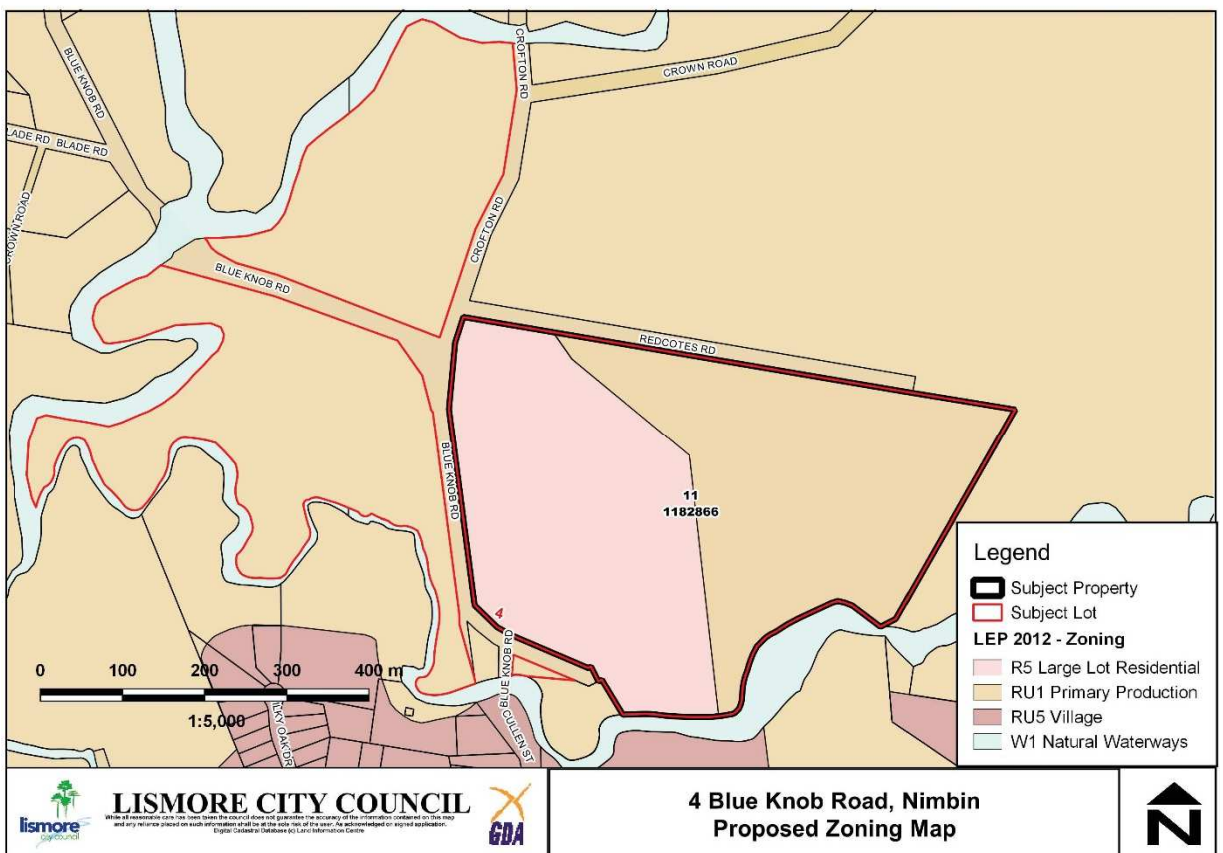


Figure 12: Proposed Land Zoning

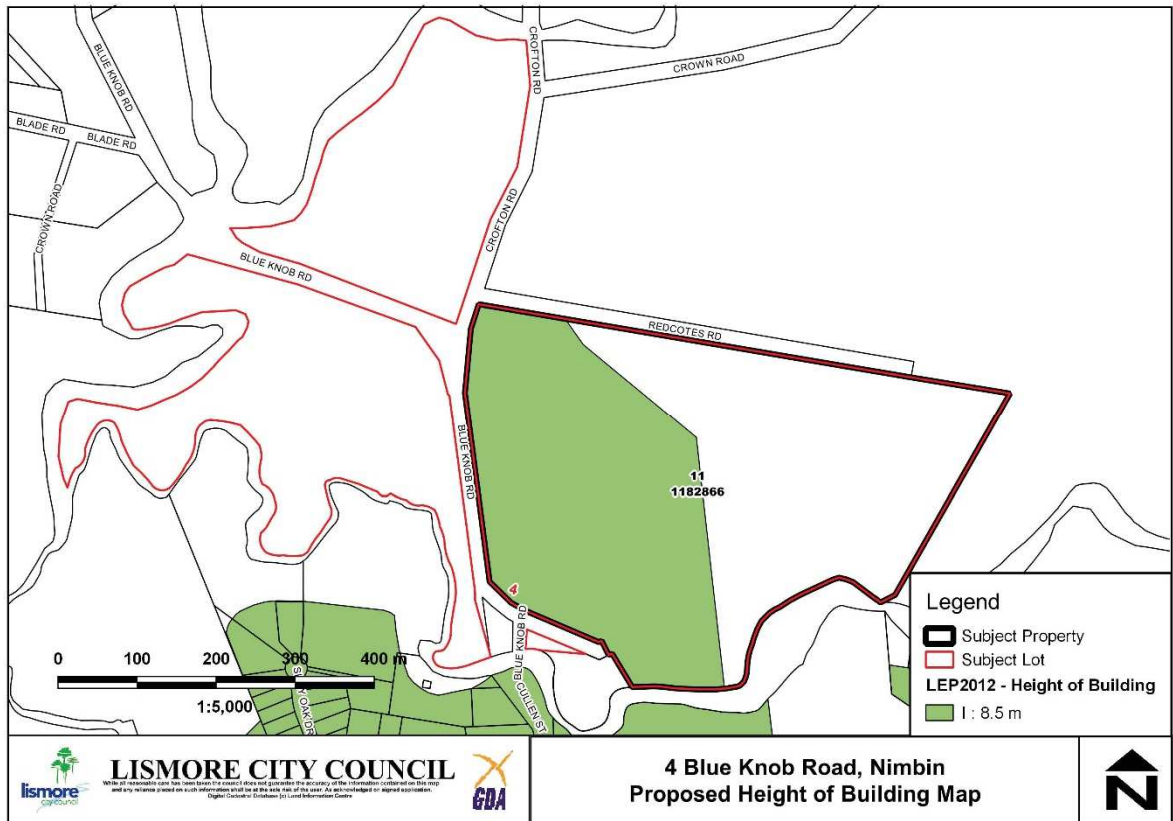


Figure 13: Proposed Height of Buildings

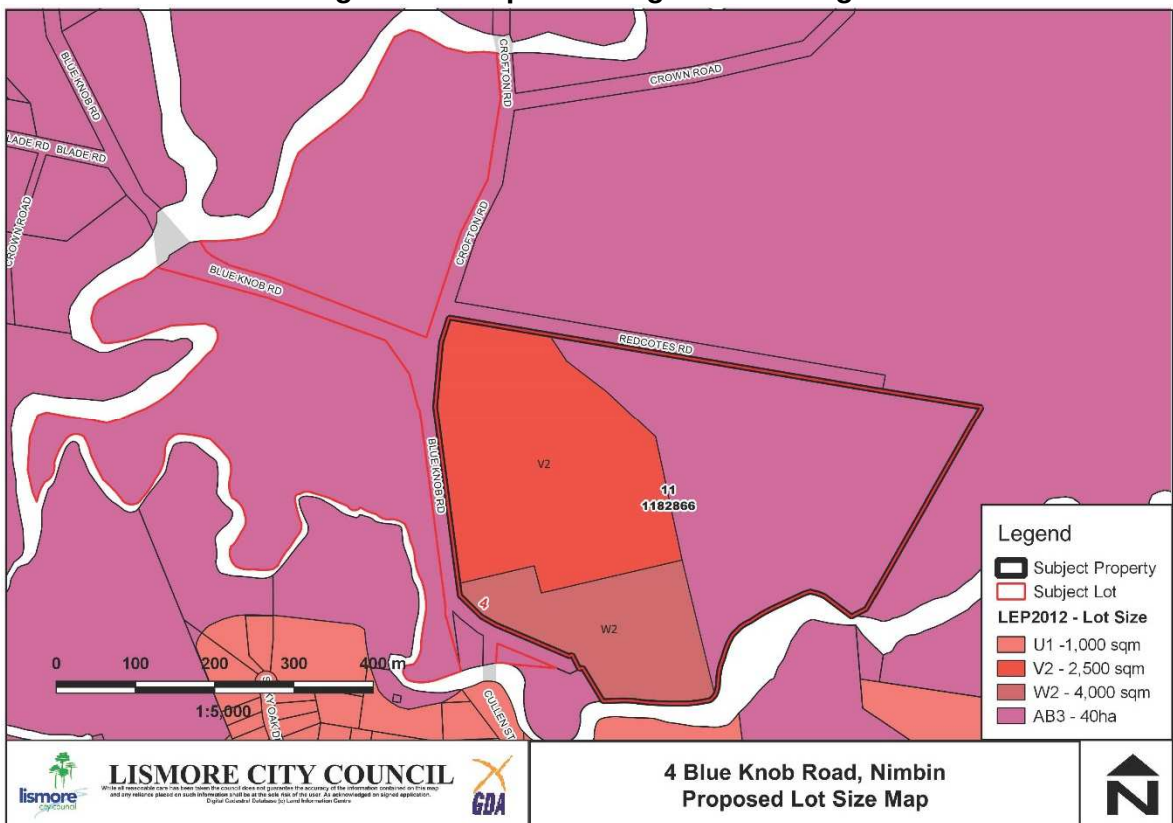


Figure 14: Proposed Lot Size

Part 5 - Community 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.
- 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.

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.

Part 6 - Project Timeline

It is anticipated that the planning proposal will be completed within nine (9) months with an indicative timeline shown below:

- Report to Council – **February 2017**
- Gateway determination issued - **March 2017**
- Agency and public consultation - **March 2017 to April 2017**
- Consideration of submissions - **May 2017**
- Council consideration of the proposal post exhibition - **June 2017**
- Anticipated date of submission to the Department for notification of the making of the LEP - **July 2017**
- Anticipated date for plan making - **August 2017**

Conclusion

The subject land has been identified in the Lismore Local Growth Management Strategy 2015-2035 as having potential for large lot residential. A preliminary assessment of the Planning Proposal indicates that it responds to the constraints of the land and is consistent with relevant State Environmental Planning Policies and s117 Ministerial Directions, or any inconsistency 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 its consideration and response.

APPENDIX 1 Compliance with applicable State Environmental Planning Policies

State Environmental Planning Policy	Requirements	Compliance
SEPP 44 – Koala Habitat Protection	3 Aims, objectives etc (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones. 16 Preparation of local environmental studies The Director General may require that potential or core koala habitat not proposed for environmental protection zoning is the subject of an environmental study.	Consistent. Council's GIS mapping does not identify the site as containing Koala habitat. However, a site inspection by Council's Ecologist indicated that Koala food trees are present within the area, but are not present on the land subject to the rezoning. The site is greater than 1 ha in area, however no 'core koala habitat' or 'potential Koala habitat' has been found on the land subject to the rezoning. Therefore, the planning proposal is not inconsistent with the provisions of SEPP 44.
SEPP 55 – Remediation of Land	6 Contamination and remediation to be considered in zoning or rezoning proposal Council is required to consider whether the land is contaminated when rezoning for residential development.	Consistent. A preliminary contaminated land assessment has not been prepared at this stage. Council's EHO has recommended that post Gateway determination a technical report will be required that supports the site being used for residential purposes.
SEPP (Affordable Rental Housing) 2009	No specific requirement regarding rezoning land.	Not applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	No specific requirement regarding rezoning land.	Not applicable.
SEPP (Infrastructure) 2007	No specific requirement regarding rezoning land.	Not applicable.
SEPP (Rural Lands) 2008	2 Aims of Policy The aims of this Policy are as follows: (a) orderly and economic use and development of rural lands, (b) regard to Rural Planning Principles and the Rural Subdivision Principles, (c) to implement measures designed to reduce land use conflicts, (d) to identify State significant agricultural (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.	Consistent. Part of the site is identified as regionally significant farmland in the Far North Coast Farmland Protection Project. This area is not proposed to be rezoned, and presumably will be used for productive agriculture in the future. The planning proposal is consistent with the SEPP because the land has been identified in the Far North Coast Regional Strategy as being outside the urban growth area and thus suitable for large lot residential rather than urban residential. The land is also identified in the Lismore Growth Management Strategy 2015-2035 (GMS) as having potential for large lot residential. In preparing the GMS

State Environmental Planning Policy	Requirements	Compliance
		Council has had consideration for the Rural Planning Principles within the SEPP and therefore, the planning proposal is consistent with the SEPP.

APPENDIX 2 – Compliance with Section 117 Ministerial Directions

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	Not applicable	Not applicable
1.2 Rural Zones	A Planning Proposal must not rezone land from a rural zone to a residential zone unless it is justified under clause 5 of the direction. Such justification includes the identification of the land in a strategy.	Justified inconsistency. The inconsistency is justified because the subject land is identified in the Lismore Growth Management Strategy 2015-2035 as having potential for large lot residential.
1.3 Mining Petroleum Production and Extractive Industries	This direction applies when the Planning Proposal: Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials; Restricting the potential of State or regionally significant mineral resources	Not applicable. The Planning Proposal does not have the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials. Pursuant to clause 7 <i>SEPP (Mining, Petroleum Production and Extractive industries) 2007</i> , mining, petroleum production and extractive industries can occur where agriculture or industry may be carried out (with or without development consent). The land does not accommodate mineral resources or extractive materials which are of State or regional significance.
1.4 Oyster Aquaculture	Not applicable	Not applicable.
1.5 Rural Lands	The Planning Proposal must be consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008. Rural Planning Principles The Rural Planning Principles are as follows: (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas, (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State, (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development, (d) in planning for rural lands, to balance the social, economic and environmental interests of the community, (e) the identification and protection of natural resources, having regard to maintaining	Consistent. This proposal is consistent with this Direction because the subject land is identified in the Lismore Growth Management Strategy 2015-2035 (GMS) as having potential for large lot residential. In preparing the GMS Council has recognised the significance of socio-economic benefits of rural land uses. While there is an area of regionally significant land on the subject site, this portion is not subject to rezoning and will presumably be used for productive agriculture in the future.

Ministerial Directions	Requirements	Compliance
	biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land, (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities, (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing, (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	
2. Environment and Heritage		
2.1 Environment Protection Zones	The Planning Proposal must include provisions that facilitate protection of environmentally sensitive areas. Must not reduce protection standards for environmental protection zones.	Consistent. The site has no environmentally sensitive areas. The Planning Proposal does not involve existing or proposed environmental protection zones.
2.2 Coastal Protection	Not applicable	Not applicable
2.3 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	Consistent. Preliminary assessment through an AHIMs search and a review of Schedule 5 in the Lismore LEP 2012 indicates no items or places of Aboriginal or European heritage significance. Council's Environmental and Cultural Heritage contractor suggested the proposal is unlikely to have an adverse impact on cultural heritage. It is recommended that the Ngulingah Local Aboriginal Land Council be consulted and an Aboriginal cultural heritage assessment be prepared.
2.4 Recreation Vehicle Areas	Not applicable	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	A planning proposal that introduces or alters an E2 or E3 zone or an overlay must apply zones and clauses consistent with the Northern Councils E Zone Review Final Recommendations	Not applicable. This planning proposal does not introduce or alter E Zones or overlays.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Where applicable a Planning Proposal must include provisions that encourage housing that will: (a) Broaden the choice of housing types and locations. (b) Make efficient use of existing infrastructure and services.	Consistent. This proposal is consistent with the Direction because: • The proposal will result in greater housing choice and diversity being available on the market • The subject site is situated adjacent to an established village which contains community, commercial

Ministerial Directions	Requirements	Compliance
	(c) Reduce consumption of land on the urban fringe. (d) Housing of good design. In addition, a planning proposal must: - Contain a requirement that residential development is not permitted until land is adequately serviced. - Not contain provisions that will reduce permissible residential density of land.	and social facilities and is serviced by existing infrastructure. The planning proposal will therefore make more efficient use of these services and infrastructure by facilitating increased development. Lismore LEP 2012 stipulates the provision of services prior to development consent for residential development. The planning proposal is therefore consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	(a) Retain provisions that permit development of caravan parks. (b) Retain zonings of existing caravan parks. (c) Take into account principles for siting manufactured home estates.	Consistent. This planning proposal does not identify suitable zones, locations or provisions for caravan parks or manufactured home estates. The site does not contain an existing caravan park.
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	Consistent. Home occupations are permitted without development consent under LEP 2012 and SEPP (Exempt and Complying Development Codes) 2008. This planning proposal does not affect these provisions.
3.4 Integrating Land Use and Transport	The Planning Proposal must give effect to and be consistent with the aims, objectives and principles of: <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001) - better integrate land use and transport planning and development, - provide transport choice and manage travel demand to improve the environment, accessibility and livability, - reduce growth in the number and length of private car journeys, - make walking, cycling and public transport use more attractive. <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001) This policy aims to encourage a network of vibrant, accessible mixed use centres that are closely aligned with and accessible by public transport, walking and cycling. Objectives include: - help reduce reliance on cars and moderate the demand for car travel	Consistent. This proposal is consistent with this Direction because the site is less than 1km from the village center and is well positioned to allow for easy walking and cycling into the village center. Journeys by car will be less than 1km to the village center which contains a range of health, education, recreational facilities and commercial operations. The planning proposal will facilitate development that will access services and facilities in Nimbin and thus serve to reinforce the role and importance of this village for the north west region of the LGA.

Ministerial Directions	Requirements	Compliance
	- encourage multi-purpose trips - encourage people to travel on public transport, walk or cycle - provide people with equitable and efficient access - protect and maximise community investment in centres, and in transport infrastructure and facilities - foster growth, competition, innovation and investment confidence in centres,	
3.5 Development Near Licensed Aerodromes	Not applicable	Not applicable. The site is not in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	Not applicable	Not applicable. The site is not located adjacent to an existing shooting range.
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Not applicable	Not applicable.
4.2 Mine Subsidence and Unstable Land	Applies to mine subsidence areas Applies to areas identified as unstable	Consistent. The land is not within a mine subsidence area. The site is not mapped as being unstable or prone to subsidence and displays no physical evidence of this. The planning proposal is therefore consistent with this Direction.
4.3 Flood Prone Land	Not applicable	Not applicable. The land is not within a Flood Planning Area in the Lismore LEP 2012. Part of the site is mapped as flood prone in the Lismore Rural Flood Hazard Mapping. However this section is not subject to the rezoning and its use for productive agriculture will not be changed by this proposal.
4.4 Planning for Bushfire Protection	A Planning Proposal in bush fire prone land: (a) Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to community consultation. (b) Have regard to Planning for Bush Fire Protection 2006. (c) Restrict inappropriate development from hazardous areas. (d) Ensure bush fire hazard reduction is not prohibited within the APZ.	Consistent. The southern boundary of the subject site abuts Mulgum Creek and is mapped as being bushfire prone land, predominately under the 'Vegetation buffer' category. A preliminary bush fire threat assessment was submitted with the planning proposal. This assessment found that the site can accommodate future development that will comply with the relevant provisions of Planning for Bushfire Protection 2006. Council is required under section 117 of the EP&A Act 1979, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to undertaking community consultation in satisfaction of section 57

Ministerial Directions	Requirements	Compliance
		of the EP&A Act, and take into account any comments. The planning proposal is consistent with this Direction.
5. Regional Planning		
5.1 Implementation of Regional Strategies	The Planning Proposal must be consistent with the Far North Coast Regional Strategy.	Consistent. This proposal is consistent with the Draft North Coast Regional Plan 2016 'Urban Growth Area Map' because it shows the site outside of the Urban Growth Area and thus suitable for large lot residential rather than urban residential.
5.2 Sydney Drinking Water Catchments	Not applicable	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	The Planning Proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project. The Direction does not apply to areas contained within a 'town and village growth boundary' in the Far North Coast Regional Strategy.	Not applicable. The subject site contains regionally significant farmland however it is not subject to rezoning and will be retained for productive agriculture. The proposal is therefore consistent with this Direction.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	Not applicable.
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	Not applicable.
6. Local Plan Making		
6.1 Approval and Referral Requirements	A Planning Proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning. It must not identify development as designated development unless justified.	Consistent. The Planning Proposal does not introduce new concurrence, consultation or referral requirements. Nor does it propose new forms of designated development.
6.2 Reserving Land for Public Purposes	A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of the Department of Planning.	Consistent. This planning proposal does not affect public land.
6.3 Site Specific Provisions	A Planning Proposal to allow a particular land use (residential development) must rezone the site to an existing zone already applying to the LEP that allows the land use, without additional development standards to those already in use in that zone.	Consistent. The proposed R5 zone is the most appropriate for future residential development on the land. No additional development standards are applied that are not already in use.
7. Metropolitan Planning – Not applicable		

