

# Planning Proposal

## 87 PINEAPPLE ROAD, GOONELLABAH

April 2015



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## EXECUTIVE SUMMARY

### 1. Background

This planning proposal has been prepared in respect to land described as 87 Pineapple Road, Goonellabah (Lot 5 DP 253464). The land is located directly south-west of land included within the 'Pineapple Road Precinct' (**PRP**) which is party to a separate planning proposal currently being assessed by Lismore City Council.

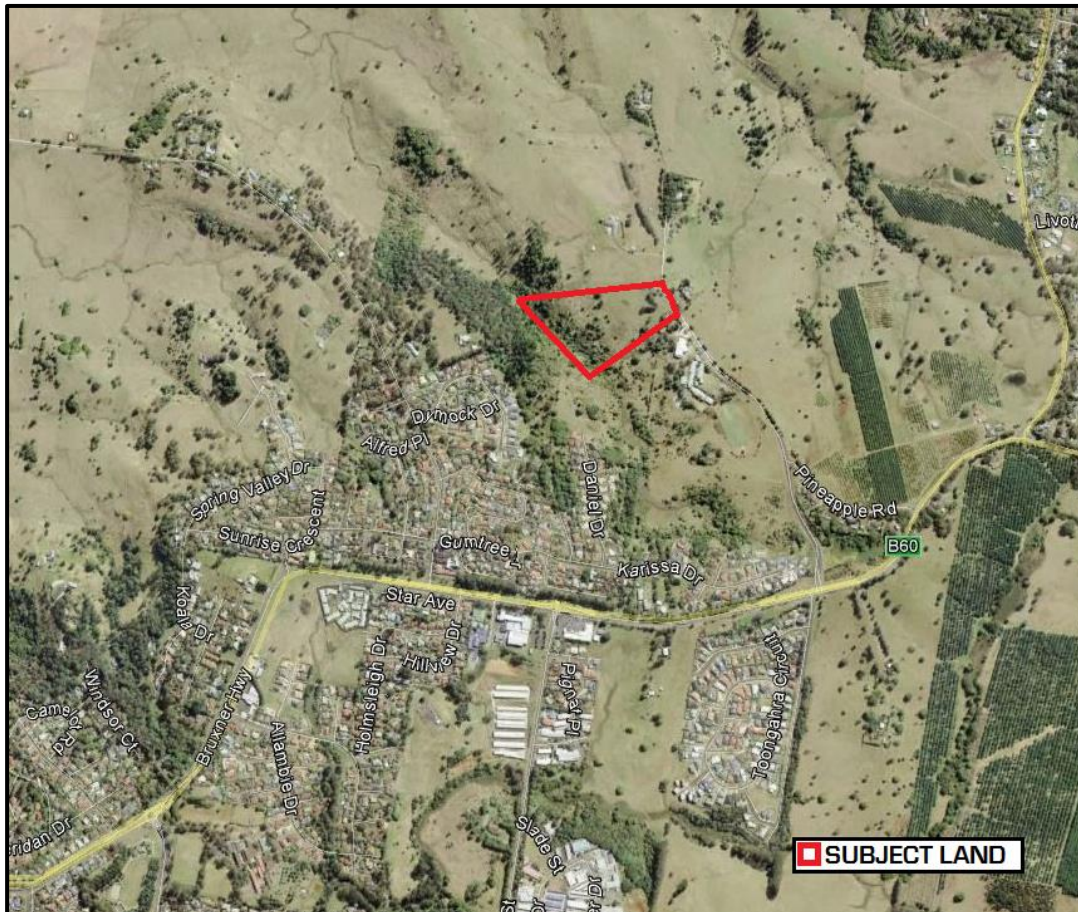
The planning proposal aims to result in a Local Environment Plan (LEP) which alters the zoning of part of the land to Zone R1 General Residential. This planning proposal will assess the social, economic and environmental aspects of the proposed rezoning.

This planning proposal has been completed in accordance with the Department of Planning & Environment's guide to preparing Planning Proposals. A Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979* is sought.

The land is mapped for potential residential development in the Lismore Urban Strategy (2003) and the Draft Lismore Growth Management Strategy.

The subject land is located north of the intersection of Pineapple Road and Ballina Road and 6 kilometres east from the Lismore CBD (see Figure 1).

The surrounding land uses comprise a mixture of agricultural, residential, rural residential development and an educational establishment (Summerland Christian College). Rural land utilised for grazing purposes is the predominant land use of the locality with the land being adjoined to the north, west and east by rural allotments.



**Figure 1.** 87 Pineapple Road, Goonellabah subject to the Planning Proposal

## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this proposal is to enable the future urban development of 87 Pineapple Road, Goonellabah through the rezoning of part of the land to Zone R1 General Residential.

The aims of the planning proposal are outlined below.

- *Increase the supply and diversity of housing.*
- *Provide land conducive for well-designed residential development.*
- *Maximise the use of existing and planned infrastructure and services including schools, hospitals, retail, specialist services, road networks, water and sewer.*
- *Assist in achieving the aims of the Far North Coast Regional Strategy 2006-2031.*
- *Acknowledge the importance of the location of the land, adjacent to the Better Building Regional Cities Funded Infrastructure.*
- *Provide land with high levels of residential amenity including northern and north eastern aspects, panoramic district views and favourable breezes.*

The rezoning of the land to a residential zone would permit a Torrens Title subdivision with an expected yield of approximately 30 lots.

## PART 2 – EXPLANATION OF PROVISIONS

The outcome of the Planning Proposal is to amend the following maps of the Lismore Local Environmental Plan 2012:

- Land Zoning Map – Sheet LZN\_005 and LZN\_005AB to apply Zone R1 General Residential to part of the site. It is proposed that the residue remains within Zone RU1 Primary Production.
- Lot Size Map – Sheet LSZ\_005 and LSZ\_005AB to apply a 400m<sup>2</sup> minimum lot size to the part of the site proposed for Zone R1 General Residential.
- Height of Buildings Map – Sheet HOB\_005 and HOB\_005AB to apply an 8.5m maximum building height to the part of the site proposed for Zone R1 General Residential.

## PART 3 - JUSTIFICATION

### Section A – Need for the Planning Proposal

**1. *Is the Planning Proposal a result of any strategic study or report?***

The subject land was first officially identified as a potential location for higher order development under the Lismore Local Environment Plan (1992) with the area designated with the 1(d) Investigation zone. The designation allowed for the site to be considered for higher order residential development.

The Lismore Local Environment Plan 2000 continued the designation of the land with the 1(d) Investigation zone,

The subject land is identified for potential rural residential development in the Lismore Urban Strategy 2003 and the Regional City Plan 2005. The Lismore Urban Strategy was later amended in 2011 to incorporate land within the Pineapple Road Precinct, including the subject land for residential development.

**2. *Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

Yes. In order for a Development Application to be considered for the subdivision and development of the land for residential purposes it is necessary to first amend the planning framework applying to the land in particular zoning, minimum lot size and maximum building height.

### Section B – Relationship to Strategic Planning Framework

**3. *Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?***

In December 2006 the Minister for Planning released the Far North Coast Regional Strategy 2006-2031. The purpose of the Strategy is to provide land use planning policy guidance for the sustainable development of the Far North Coast region between 2006 and 2031.

Chapter 7 of the Strategy lists several Actions regarding settlement and housing including:

*Tweed Heads, Lismore and Ballina will be promoted and supported as major regional centres of population and service provision for the region.*

The Strategy sets a target of 8,000 additional new dwellings for the Lismore Local Government Area by the year 2031. The Pineapple Road precinct is outside of the Strategy's Town and Village Growth Boundary Map. The Lismore Urban Strategy was amended in 2011 to include the Pineapple Road Precinct, including the subject allotment.

Where land is not within the Town and Village Growth Boundary, Chapter 3 of the FNCRS outlines the appropriate process for rezoning land located outside of this map:

*...any development proposals for greenfield sites west of the Coastal Area and outside of the Town and Village Growth Boundary be subject to satisfying the Sustainability Criteria.*

A compliance table detailing consistency with the Far North Coast Regional Strategy's Sustainability Criteria is located at Appendix 1 of this report. The planning proposal is consistent with the Far North Coast Regional Strategy's outcomes and actions subject to further studies.

#### **4. *Is the Planning Proposal consistent with the Council's local strategy or other local strategic plan?***

Yes. As outlined below, the Planning Proposal is consistent with a range of local strategic planning documents including:

- Lismore Local Environmental Plan 2012;
- Lismore Urban Strategy 2003;
- Imagine Lismore (Community Strategic Plan) 2013 - 2023

#### **Lismore Local Environmental Plan 2012**

87 Pineapple Road, Goonellabah is within Zone RU1 Primary Production under Lismore Local Environmental Plan 2012.

The table below outlines consistency with LEP 2012 Zone RU1 objectives.

| LEP 2012 (RU1 Zone Objectives)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <ul style="list-style-type: none"> <li>• <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i></li> <li>• <i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i></li> <li>• <i>To minimise the fragmentation and alienation of resource lands.</i></li> <li>• <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i></li> <li>• <i>To preserve rural resources by ensuring that the viability of rural land is not extinguished by inappropriate development or incompatible uses.</i></li> <li>• <i>To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment.</i></li> </ul> | <p>This report supports further investigation of the subject land in respect of its suitability for residential zoning. The Planning Proposal has been considered against the Far North Coast Regional Strategy Sustainability Criteria and it is recommended that it be submitted to the Department of Planning and Environment for a Gateway Determination.</p> <p>The land is currently predominantly used for agricultural purposes.</p> <p>The subject land is located abutting to the north and to the eastern side of Pineapple Road by the PRP which is currently the subject of a rezoning proposal. Accordingly, the rezoning of the land is consistent with the strategic intent for the precinct and through the rezoning of the property will address any potential land use conflicts which may be created through the retention of the land as essentially an island of rural zoned land.</p> <p>The land has limited agricultural viability through the existing lot size and existing residential and educational uses which adjoin the land.</p> |

### **Lismore Urban Strategy 2003 (as Amended)**

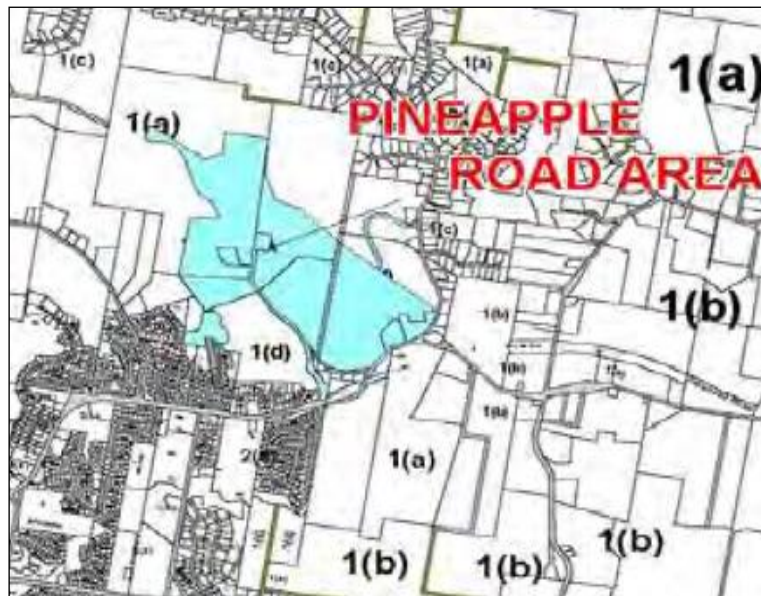
The subject land is identified for potential residential development in the Lismore Urban Strategy 2003 as illustrated in Figure 2.

The principal aim of the strategy is to ensure that sufficient land is identified in suitable locations in Lismore in order to facilitate growth in residential, commercial and industrial development. Section 9.0 of the Lismore Urban Strategy states:

*Land must satisfy three main capability and suitability criteria to be included in this strategy for potential residential purposes. It must:*

- a) be physically unconstrained, and*
- b) exhibit attributes that will make it desirable to homebuilders in the current marketplace, and*
- c) be capable of being developed and serviced in a cost effective manner.*





**Figure 2.** Extract Lismore Urban Strategy – Location of Greenfield Investigation Sites

### **Imagine Lismore (Community Strategic Plan) 2013 - 2023**

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

- The subject site is identified in the Draft Lismore Growth Management Strategy;
- The proposal is in close proximity to existing development and services;
- The loss of agricultural land is offset by the net benefit of the residential development in such close proximity to services;
- The land is not flood prone;
- The residue rural land is large enough to accommodate any vegetation offset requirements that may be needed as a result of future development of the land.

#### **5. *Is the Planning Proposal consistent with applicable State Environmental Planning Policies?***

The Planning Proposal is consistent with the applicable State Environmental Planning Policies. A checklist of the SEPPs is provided at Attachment 2.

#### **6. *Is the Planning Proposal consistent with applicable s117 Ministerial Directions?***

The Planning Proposal is consistent, or justifiably inconsistent with the applicable s117 Ministerial Directions. A Section 117 checklist for the Planning Proposal is provided at Attachment 3.

## **Section C – Environmental, Social and Economic Impact**

### **7. *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?***

The dry rainforest that originally occupied the site would have been completely cleared and the predominant vegetation is now pasture species. The majority of the woody vegetation is located in the gully which is not subject to the proposed rezoning. There is a small area mapped as dry rainforest in the gully and a small windbreak in the developable portion of the land is mapped as primary koala habitat.

There do not appear to be any significant ecological impediments to the proposal proceeding to the next stage of the Gateway process.

It is recommended that the applicant provide a flora and fauna assessment that includes an analysis of both terrestrial and aquatic habitats for the entire site post Gateway Determination.

The flora and fauna assessment should be prepared in accordance with both the structure and content guidelines specified in the following NSW State Government guidelines:

- DEC (2004). Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities (working draft), Department of Environment and Conservation NSW, Hurstville, NSW.
- DECC (2007). Threatened species assessment guidelines: The assessment of significance, Department of Environment and Climate Change NSW, Sydney South, NSW.

The flora and fauna assessment should also include an assessment under the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999*.

### **8. *Are there any 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 was undertaken as part of the planning proposal for the adjoining Pineapple Road Precinct. No specific land contamination issues were raised with land immediately adjoining the subject land at 87 Pineapple Road.

It is recommended that a preliminary contaminated land assessment be undertaken for the area proposed for residential zoning post Gateway determination, prior to the making of the plan. The assessment is to be undertaken in accordance with guidelines made or approved by NSW EPA in accordance with the *Contaminated Land Management Act 1997*.

### **Bush Fire**

The site has been identified as being bushfire prone land. A bush fire threat assessment report, in accordance with the provisions of Planning for Bush Fire Protection 2006, will be required after receipt of the Gateway determination.

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 take into account any comments received.

It is likely that the requirements of Planning for Bush Fire Protection 2006 can be satisfied with minimal environmental impact.

### **Land Use Conflict**

The planning proposal will result in the creation of an interface between existing rural and proposed residential land uses which has the potential to generate land use conflict. It is noted the rezoning of the land will be consistent with the zonings proposed to the north and as such the extent of potential land use conflict is significantly reduced.

Notwithstanding this, it is recommended that a *Land Use Conflict Risk Assessment* (LUCRA) be undertaken. The methodology for the assessment should be consistent with that presented in the publication *'Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast'*.

The LUCRA is a development design tool to avoid or better manage the potential conflicts between different and incompatible land uses in rural areas. The LUCRA will be used in conjunction with Council's development controls to prescribe appropriate spatial separation or buffer distances between incompatible land uses.

### **Geotechnical**

The immediate adjoining PRP planning proposal has been the subject of a geotechnical report prepared by Shaw Urquhart. The report provides various slope categories and describes the risk of instability associated with each of the categories. The risk of slope instability generally increases with the gradient of the site (Shaw Urquhart, section 4.5.4). Slopes under 12° (21% grade) are generally not geotechnically constrained. Areas between 12° to 18° (21% - 33%) are unlikely to be subject to slope instability. Areas steeper than 18° have a higher geotechnical risk profile and residential development may not be suitable. The proposed Zone R1 General Residential is limited to areas with a slope < 18°.

It is recommended that a geotechnical report is submitted post Gateway determination that reflects the proposed more intensive residential use and addresses existing controls in relation to the slope of the land.

### **Road Noise**

The Lismore Strategic Road Review 2013 identifies that Pineapple Road will remain a no-through road for the distant future (20 years plus). Pineapple Road will be considered a local road under the provisions of the NSW Roads Noise Policy. Therefore, an engineering report is not required to address the matter of road noise in accordance with the NSW Roads Noise Policy. The property is located 800m from the Bruxner Highway and noise from this source is not considered an issue.

## **9. *How has the Planning Proposal adequately addressed any social and economic effects?***

### **Aboriginal and European cultural heritage**

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the subject allotment on 23 March 2015. No Aboriginal sites or places were recorded or declared on that date.

The allotment is not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 LEP 2012.

Further assessment is required of European and Aboriginal cultural heritage in order to demonstrate consistency with Section 117 of the *EP&A Act 1979*, Ministerial Direction 2.3 – Heritage Conservation. In this regard, it is recommended that an Aboriginal and European heritage assessment is undertaken for the site post Gateway determination.

### **Social Impact**

The social impact assessment submitted for the larger Pineapple Road Precinct planning proposal indicates that the rezoning of that land for residential development will have positive social and economic effects. In particular, the development of the land for housing will assist in meeting regional dwelling targets.

It is recommended that a social impact assessment be provided post Gateway Determination in accordance with Councils Social Impact Assessment Policy and Guidelines.

## ***Section D – State and Commonwealth Interests***

### ***10. Is there adequate public infrastructure for the Planning Proposal?***

#### **Water**

Reticulated water supply is available to service the subject land and adjoining Pineapple Road Precinct, however detailed modelling will be required to be completed as part of the Gateway process incorporating liaison with Rous Water in respect to the augmentation of the water supply system and the potential need for a new water reservoir.

#### **Sewer**

Further development of the northern ridges, including Pineapple Road is constrained by the lack of capacity in the Northern Trunk Main and by a lack of pump station capacity.

Furthermore, Lismore City Council has adopted their Strategic Business Plan which provides for the construction of the “Northern Front” which will service Pineapple Road, Lagoon Grass and Trinity Drive urban release areas. Accordingly, all proposed lots will have capacity to be serviced by the northern front, however, the subject land will be required to integrate with the adjoining Pineapple Road Precinct planning proposal for the infrastructure design and construction.

#### **Traffic**

Pineapple Road provides the main link between the site and the Bruxner Highway. This road was identified in the Lismore City Wide Road Study as future Sub-arterial Road. The

more recent Lismore City Council Strategic Road Review indicates that the time frame for this is beyond the current 20 year planning horizon for the road network.

The Pineapple Road development will create an incremental demand upon the broader local road system inclusive of the major intersections at Pineapple Road/Bruxner Highway and Richmond Hill Road/Bruxner Highway. A detailed traffic impact assessment (by Matrix Traffic Consulting July 2014) was submitted with the larger Pineapple Road Precinct planning proposal to consider additional traffic generation upon the broader road network.

Increased traffic on the local road network will be offset by the recently completed roundabout at the intersection of Pineapple Road, Oliver Avenue and the Bruxner Highway. This infrastructure project was enabled through Lismore City Council's successful application under the Commonwealth Government's "Building Better Regional Cities" program.

It is recommended that a detailed traffic impact assessment be provided post Gateway determination.

### **Stormwater**

The Newton Denny Chapelle report lodged for the adjacent Pineapple Road Precinct proposal includes the following general comments:

- Appropriate integrated stormwater management will be employed within the Pineapple Road Precinct. The integration of landowners as part of the single Planning Proposal enhances the opportunity for water sensitive urban design principles to be employed.
- Consistent with catchment and stormwater management planning (Catchment Management Authority and Council).
- Stormwater design encourages permeable ground surfaces and water sensitive urban design practices.
- Stormwater treatment to be incorporated into any preliminary design, including at source treatment.

To assess stormwater management associated with residential development of the land a detailed stormwater management plan is required post Gateway determination. The stormwater management plan is to be consistent with the Northern Rivers Catchment Management Authority and Council's guidelines and requirements. Stormwater

management is to be integrated throughout the site and based on water sensitive urban design principles.

**11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

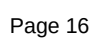
This section of the Planning Proposal will be completed following consultation with the State and Commonwealth Public Authorities identified in the Gateway determination.

The following table provides a summary of the relevant public authorities, which in the opinion of Council, should be consulted in accordance with the Gateway determination.

| Public Authority/Stakeholder              | Issue Requiring Comment                                                                                                                 |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| NSW Rural Fire Service                    | Section 117 of the <i>EP&amp;A Act 1979</i> , Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service. |
| Department of Primary Industries          | Use of existing agricultural land for residential development.                                                                          |
| Members of the Local Aboriginal Community | Aboriginal Heritage                                                                                                                     |
| Office of Environment and Heritage        | Environment and Cultural Heritage                                                                                                       |
| Rous Water                                | Water supply                                                                                                                            |

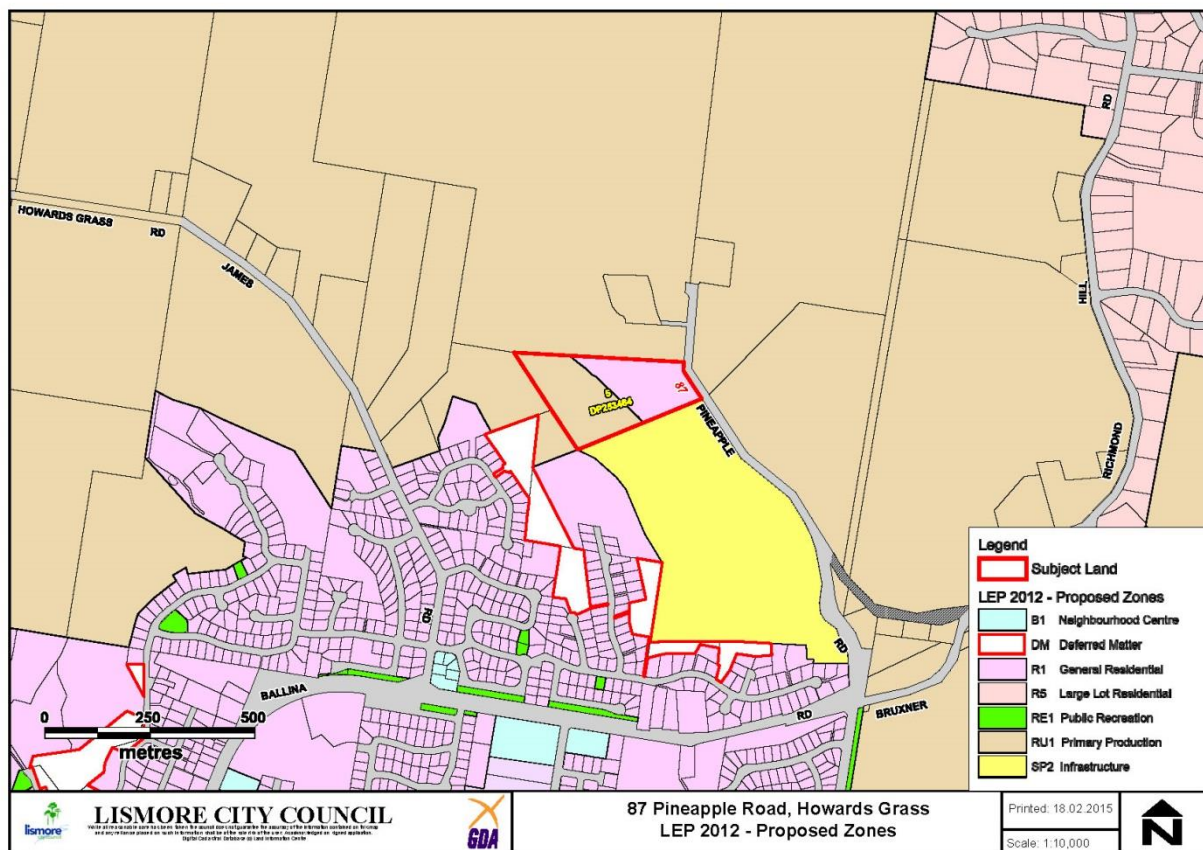
The proposed agency consultation will be confirmed with the Gateway determination. The outcomes of the consultation will be reported back to Council post public consultation.

### Map 1 – 87 Pineapple Road, Goonellabah - Existing Zoning Map

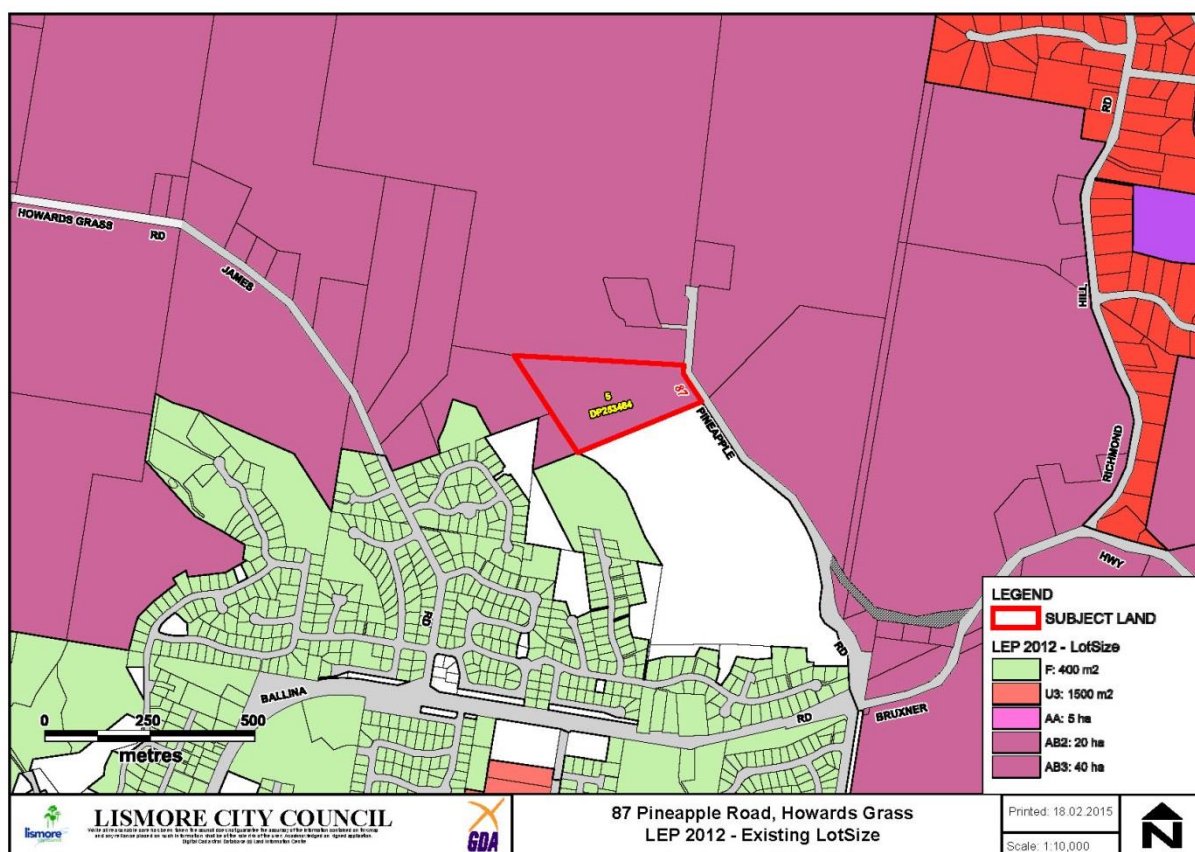




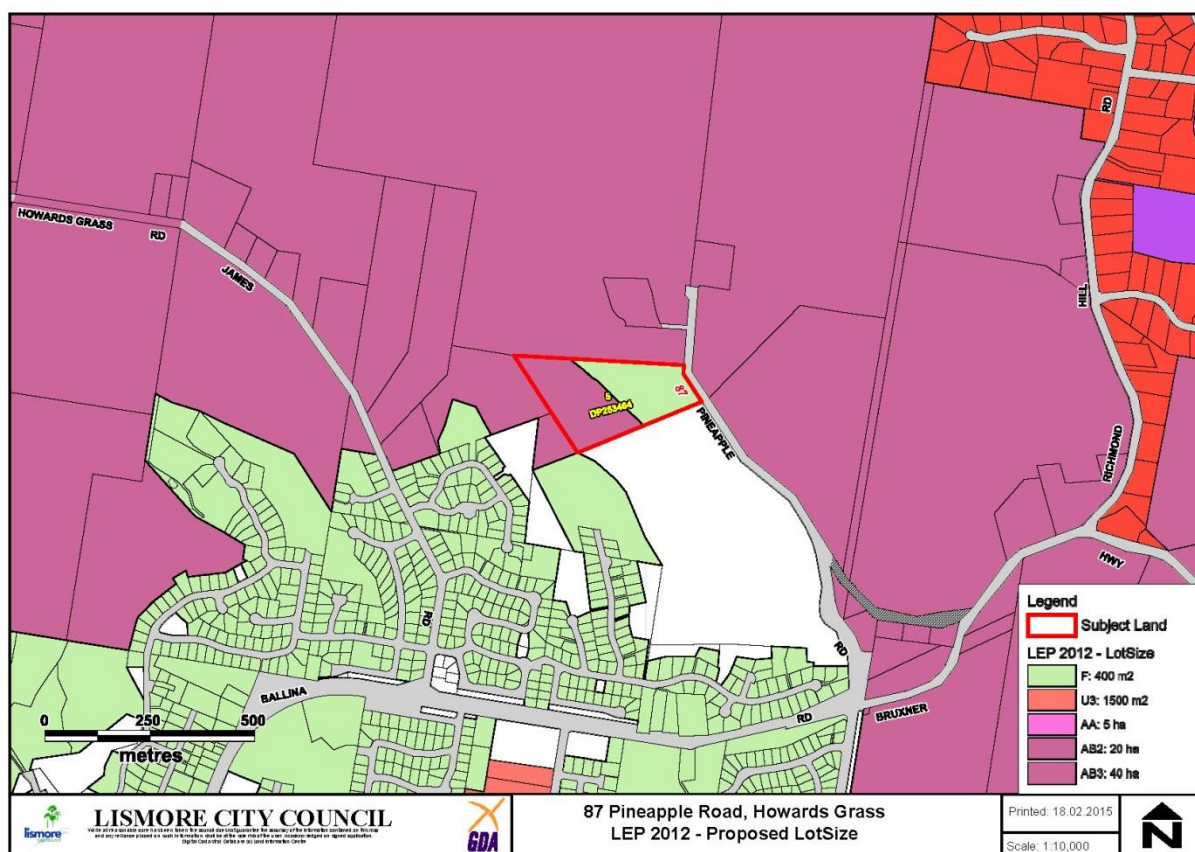
## Map 2 - 87 Pineapple Road, Goonellabah - Proposed Zoning Map



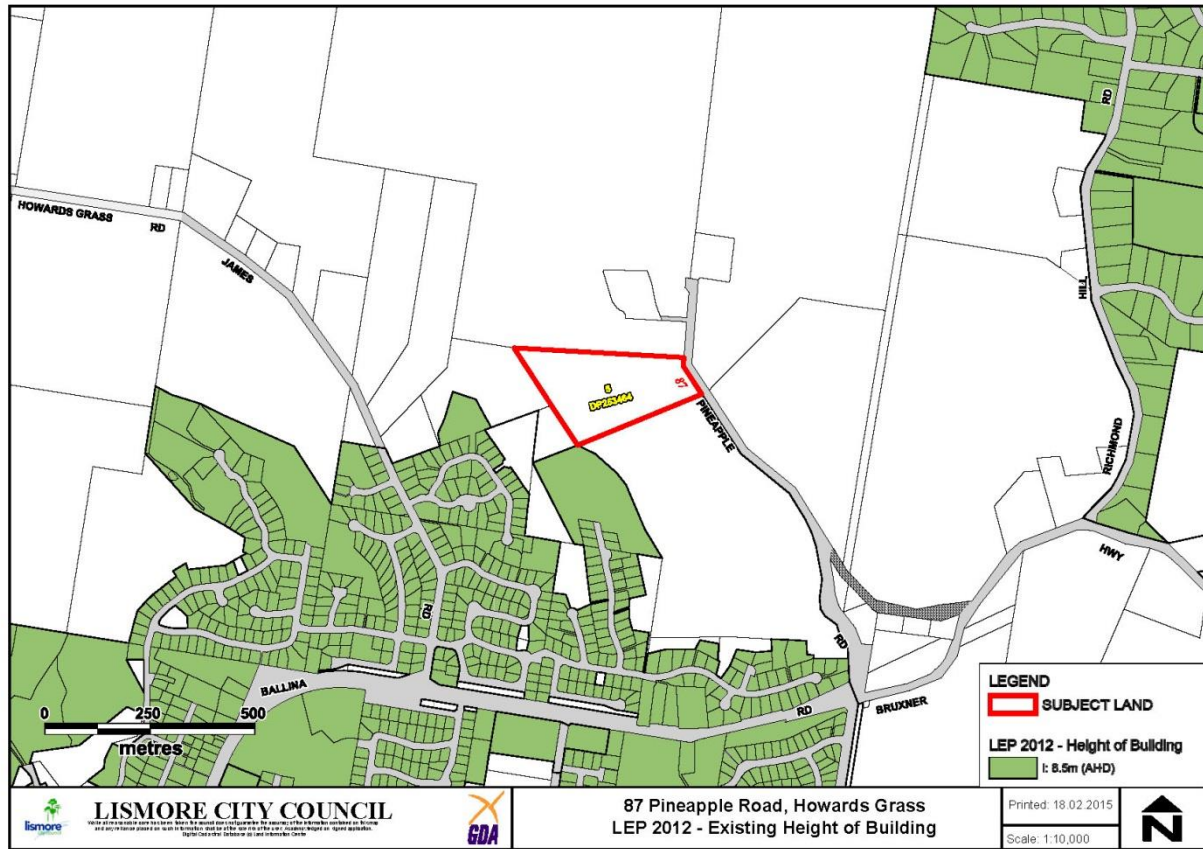
### Map 3 - 87 Pineapple Road, Goonellabah - Existing Lot Size Map



### Map 4 - 87 Pineapple Road, Goonellabah - Proposed Lot Size Map

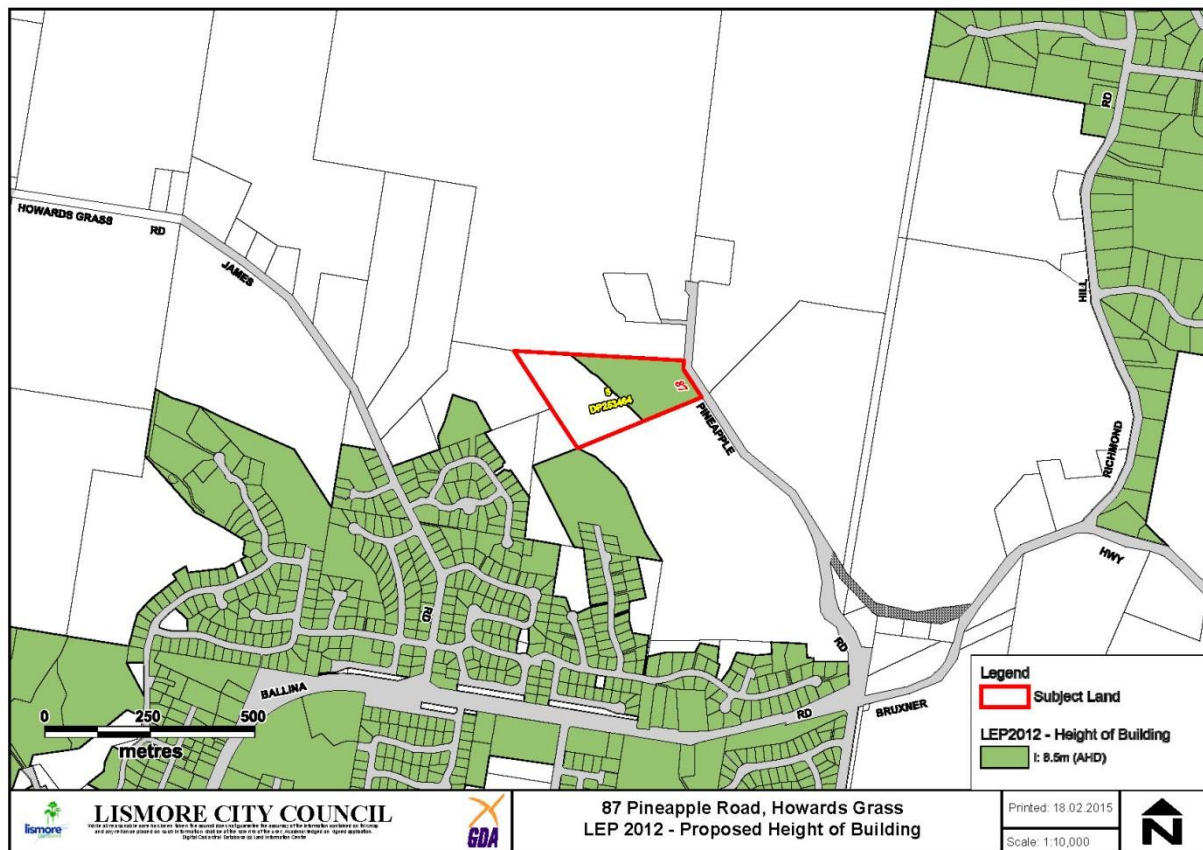


## Map 5 – 87 Pineapple Road, Goonellabah - Existing Height of Building Map





## Map 6 – 87 Pineapple Road, Goonellabah – Proposed Height of Building Map



## PART 5 – COMMUNITY CONSULTATION

Council will commence community consultation post 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.

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.

Key stakeholders will be identified and contacted directly to ensure that they are aware of the planning proposal. The Gateway determination will confirm the public consultation requirements.

## PART 6 – PROJECT TIMELINE

The proposed timeline for the completion of the planning proposal is as follows:

| Estimated Completion   | Plan Making Steps                                                                                                   |
|------------------------|---------------------------------------------------------------------------------------------------------------------|
| April 2015             | Report planning proposal to Council                                                                                 |
| May 2015               | Gateway determination issued by Department of Planning and Environment.                                             |
| May 2015               | Request additional technical information                                                                            |
| September/October 2015 | Council reviews technical information<br>Government agency consultation<br>Public exhibition                        |
| November 2015          | Analysis of public submissions & public agency comments<br>Preparation of LEP maps<br>Preparation of Council report |
| December 2015          | Report to Council                                                                                                   |
| February 2016          | Opinion sought from Parliamentary Counsel's Office (if delegated)<br>Plan making by RPA (if delegated)              |
| March 2016             | Notification of the draft Local Environmental Plan                                                                  |

## PART 7– LEP DELEGATIONS

Council resolved at its Ordinary meeting of 11 December 2012 to accept the delegations which will enable Council to process the final stages of a planning proposal as outlined in Planning Circular PS12-006.

In accordance with the resolution, Council wrote to the Minister of Planning and Infrastructure accepting the delegations under Section 59 of the *Environmental Planning and Assessment Act 1979* and informed the Minister that the function is sub-delegated to the General Manager in accordance with Section 381 of the *Local Government Act 1993*.

The delegations only extend to routine LEPs as listed below:

- Section 73A Amendments (minor errors and anomalies, amending references to documents, etc.);
- Council land reclassifications;
- Some local heritage items;
- Spot re-zonings consistent with endorsed strategies and/or surrounding zones;
- Mapping alterations; and
- Other matters of local significance as determined by the Gateway.

Council seeks to exercise delegations for plan making in this instance.

## APPENDIX 1

### FAR NORTH COAST REGIONAL STRATEGY – SUSTAINABILITY CRITERIA COMPLIANCE TABLE

| Threshold Sustainability Criteria for any proposed development site outside designated areas in regional strategies                                               | Measurable explanation of criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <b>1. Infrastructure provision</b><br>Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way | <ul style="list-style-type: none"> <li>• Development is consistent with the outcomes of the Far North Coast Regional Strategy, any subregional strategy, regional infrastructure plan and relevant section 117 directions.</li> <li>• The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on Government methodology for determining infrastructure development contributions.</li> <li>• Preparedness to enter into development agreement.</li> </ul> | <ul style="list-style-type: none"> <li>• The entire area of the subject land is identified in the Lismore Urban Strategy 2003.</li> <li>• The planning proposal is consistent with relevant FNCRS outcomes, in particular with regard to infrastructure provision. Where more detail is needed, further assessment and studies are required post gateway determination including a traffic management plan and a stormwater management plan.</li> <li>• The proposed residential land is generally free of natural hazards with the exception of small areas of bush fire prone land.</li> <li>• The land is adjacent to existing residential land and in close proximity to all existing services including water, sewer, telecommunications and transport demonstrating consistency with s117 Direction 3.1 Residential Zones.</li> <li>• Local bus services will be able to access the development and opportunities will be provided for walking and cycling, demonstrating consistency with s117 Direction 3.4 Integrating Land Use and Transport. A traffic impact assessment is required post gateway determination.</li> <li>• The planning proposal will assist in achieving the settlement and housing targets set by the FNCRS.</li> <li>• Given the relatively small scale of the future residential lot yield and the proximity of the land to the larger Pineapple Road Precinct proposal which includes neighbourhood parks, no open space is proposed within this planning proposal.</li> <li>• Applicable section 94 contributions and section 64 headwork charges will be levied in accordance with Council's s94</li> </ul> |



| Threshold Sustainability Criteria for any proposed development site outside designated areas in regional strategies                                               | Measurable explanation of criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Plan and Development Servicing Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>2. Access</b><br>Accessible transport options for efficient and sustainable travel between home, jobs, services and recreation to be existing or provided      | <ul style="list-style-type: none"> <li>• Accessibility of the area by public transport and/or appropriate road access in terms of:               <ul style="list-style-type: none"> <li>➢ Location/land use – to existing networks and related activity centres.</li> <li>➢ Network – the area's potential to be serviced by economically efficient transport services.</li> <li>➢ Catchment – the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals.</li> </ul> </li> <li>• No negative impact on performance of existing subregional road, bus, rail, ferry and freight network.</li> </ul> | <ul style="list-style-type: none"> <li>• The subject land is strategically located adjacent to the future potential by-pass which will provide opportunities for improved connectivity with Bangalow Road and the Lismore CBD in addition to providing scope for public transport connectivity.</li> <li>• The land is located within 4 kilometres of the Goonellabah Town Centre which contains supermarkets and specialty shops. The proposed residential land is accessible to health, education, retail, recreation, religious and other services located within Lismore. Close proximity to other regional centres and upgraded highways.</li> <li>• The provision of the new roundabout as part of the Building Better Regional cities program has enhanced traffic flow at the intersection of Pineapple Road, Ballina Road and Oliver Avenue.</li> </ul> |
| <b>3. Housing Diversity</b><br>Provide a range of housing choices to ensure a broad population can be housed                                                      | <ul style="list-style-type: none"> <li>• Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• The planning proposal would enable a variety of residential housing options ranging from integrated housing to single dwellings.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>4. Employment Lands</b><br>Provide regional/local employment opportunities to support the Far North Coast's expanding role in wider regional and NSW economies | <ul style="list-style-type: none"> <li>• Maintain or improve the existing level of subregional employment self-containment.</li> <li>• Meets subregional employment projections.               <ul style="list-style-type: none"> <li>➢ Employment related land is provided in appropriately zoned areas.</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>• The proposal is for residential development and does not include any future commercial or industrial land use zones. The location is considered more suitable for residential uses consistent with the surrounding land uses.</li> <li>• Lismore City Council's draft Growth Management Strategy 2014 – 2034 points out that the supply of business and industrial zoned land is surplus to the projected demand over the 20 year life span of the strategy.</li> </ul>                                                                                                                                                                                                                                                                                                                                                 |
| <b>5. Avoidance of Risk</b><br>Land use conflicts and risks to human health and life, avoided                                                                     | <ul style="list-style-type: none"> <li>• No residential development within 1:100 floodplain.</li> <li>• Avoidance of physically constrained land e.g.               <ul style="list-style-type: none"> <li>➢ High slope.</li> <li>➢ Highly erodible.</li> </ul> </li> <li>• Avoidance of land use conflicts</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>• The land is not constrained by flood or acid sulfate soils nor is the land in the coastal zone.</li> </ul> <p><u>Land contamination</u></p> <ul style="list-style-type: none"> <li>• A preliminary contaminated lands assessment was undertaken</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Threshold Sustainability Criteria for any proposed development site outside designated areas in regional strategies | Measurable explanation of criteria                                                                                                                                                                                                   | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                     | <p>with adjacent existing or future land use as planned under relevant subregional or regional strategy.</p> <ul style="list-style-type: none"> <li>Where relevant available safe evacuation route (flood and bush fire).</li> </ul> | <p>pursuant to the Gateway determination for the Pineapple Road Precinct, which directly adjoins the subject site. Whilst the assessment identified potential contamination associated with previous land use practices upon land located on the eastern side of Pineapple Road, Council is satisfied that any remediation works can be undertaken at development application stage.</p> <ul style="list-style-type: none"> <li>It is recommended that a contaminated land assessment is undertaken for the entire area proposed for residential zoning post Gateway Determination, prior to the making of the plan.</li> </ul> <p><u>Bush fire</u></p> <ul style="list-style-type: none"> <li>Some of the allotment is mapped as bush fire prone land. The area of proposed residential zone is largely cleared of woody vegetation and only small areas of proposed Zone R1 are mapped as hazard, with larger buffer areas.</li> <li>Council is required under section 117 of the EP&amp;A Act 1979, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination in satisfaction of section 57 of the EP&amp;A Act, and take into account any comments so made.</li> <li>The requirements of Planning for Bush Fire Protection 2006 can be satisfied with minimal environmental impact.</li> <li>A detailed report is proposed to be prepared pursuant to a Gateway determination.</li> </ul> <p><u>Buffer areas</u></p> <ul style="list-style-type: none"> <li>Lismore Development Control Plan Chapter 11 – Buffer Areas, recommends that dwelling sites adjoining grazing land shall have a minimum 30m setback in order to minimise potential land use conflicts. The proposed residential zone will only adjoin rural zoned land to the west. Lots</li> </ul> |

| Threshold Sustainability Criteria for any proposed development site outside designated areas in regional strategies | Measurable explanation of criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>in this location will have to be of dimensions that can satisfy DCP buffer requirements. This issue can be dealt with at development application stage.</p> <ul style="list-style-type: none"> <li>The proposed residential land does not adjoin land currently used for intensive plant agriculture so DCP Chapter 11 horticultural buffer provisions do not apply.</li> </ul> <p><u>Geotechnical</u></p> <ul style="list-style-type: none"> <li>The applicant refers to a geotechnical report prepared by Shaw Urquhart that accompanied the Pineapple Road Planning Proposal for land immediately adjoining 87 Pineapple Road. The area of the allotment that is proposed for Zone R1 General Residential has a slope of less than 18° or 33% in accordance with the recommendations of the Shaw Urquhart report. Steeper land in the western half of the allotment is proposed to remain within Zone RU1 Primary Production.</li> <li>It is recommended that a geotechnical report is submitted post Gateway determination.</li> </ul> |
| <p><b>6. Natural Resources</b><br/>Natural resource limits not exceeded/environmental footprint minimised</p>       | <ul style="list-style-type: none"> <li>Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows.</li> <li>Demonstrates most efficient/suitable use of land. <ul style="list-style-type: none"> <li>➤ Avoids identified significant agricultural land.</li> <li>➤ Avoids productive resource lands – extractive industries, coal, gas and other mining and quarrying.</li> </ul> </li> <li>Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy – requires demonstration of efficient and sustainable supply solution.</li> </ul> | <ul style="list-style-type: none"> <li>The Precinct will be capable of being serviced by the reticulated water network supplied by Rous Water. Further consultation with Rous Water will be undertaken post Gateway determination.</li> <li>Approximately 1.8ha of the proposed 3ha of Zone R1 General Residential land is identified as State Significant Farmland. This land is identified for future potential urban use in the Lismore Urban Strategy 2003; consequently, the use of the land for residential development is consistent with the recommendations of the Farmland Protection Project.</li> <li>The land is not zoned or mapped for the purposes of an extractive industry.</li> <li>The favourable location of the site is such that the use of solar aspect and sea breezes will maximise thermal comfort without</li> </ul>                                                                                                                                                                                              |

| Threshold Sustainability Criteria for any proposed development site outside designated areas in regional strategies       | Measurable explanation of criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>unreasonable demands on existing energy infrastructure.</p> <ul style="list-style-type: none"> <li>The Infrastructure Delivery Plan prepared for the Pineapple Road Precinct planning proposal details the ability of the subject land to connect to sewerage infrastructure. The construction of the northern front gravity sewer is listed in the Lismore City Council Strategic Business Plan for Water Supply and Wastewater Services 2014, scheduled for completion by 2016/2017.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>7. Environmental Protection</b><br/>Protect and enhance biodiversity, air quality, heritage and waterway health</p> | <ul style="list-style-type: none"> <li>Consistent with Government approved Regional Conservation Plan (if available).</li> <li>Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC). This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats.</li> <li>Maintain or improve existing environmental condition for air quality.</li> <li>Maintain or improve existing environmental condition for water quality. <ul style="list-style-type: none"> <li>Consistent with community water quality objectives for recreational water use and river health (DEC and CMA).</li> <li>Consistent with catchment and stormwater management planning (CMA and council).</li> </ul> </li> <li>Protects areas of Aboriginal cultural heritage value (as agreed by DEC).</li> </ul> | <ul style="list-style-type: none"> <li>The Planning Proposal is consistent with the outcomes of the Far North Coast Regional Conservation Plan. The proposed residential zone is located well clear of riparian areas and generally clear of isolated areas of regrowth endemic woody vegetation. Development of the site provides an opportunity to rehabilitate the degraded riparian areas of the site. A flora and fauna assessment is required post Gateway determination.</li> <li>A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the subject allotment on 23 March 2015. No Aboriginal sites or places were recorded or declared on that date.</li> <li>The allotment is not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 LEP 2012.</li> <li>Further assessment is required of European and Aboriginal cultural heritage in order to demonstrate consistency with Section 117 of the EP&amp;A Act 1979, Ministerial Direction 2.3 – Heritage Conservation. In this regard, it is recommended that an Aboriginal and European heritage assessment is undertaken for the site.</li> <li>Stormwater management incorporating water sensitive urban design principles will be used within the development. A stormwater management plan is</li> </ul> |

| Threshold Sustainability Criteria for any proposed development site outside designated areas in regional strategies                                                                  | Measurable explanation of criteria                                                                                                                                                                                                                                                                                                                                                                 | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                    | recommended post Gateway Determination.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>8. Quality and Equity in Services</b><br/> Quality health, education, legal, recreational, cultural and community development and other government services are accessible</p> | <ul style="list-style-type: none"> <li>• Available and accessible services. <ul style="list-style-type: none"> <li>➢ Do adequate services exist?</li> <li>➢ Are they at capacity or is some capacity available?</li> <li>➢ Has Government planned and budgeted for further service provision?</li> <li>➢ Developer funding for required service upgrade/access is available</li> </ul> </li> </ul> | <p>The development of the site for residential purposes would result in an increase in population in the area. Adequate services exist within the locality as shown below. Lismore provides a wide range of education, health, recreational, legal, religious, retail, cultural and community services which are sufficient to meet the needs of the population increase proposed on the site. Consolidation of urban development within Lismore will reinforce the centre's role as a 'Major Regional Centre' as described in the FNCRS. The area is in close proximity to the following services:</p> <ul style="list-style-type: none"> <li>• Goonellabah Town Centre, including Sports and Aquatic Centre (3km).</li> <li>• Lismore Base Hospital (6km) and St Vincent's Hospital (8km).</li> <li>• Schools: 7 high schools, six in the Lismore urban area; numerous primary schools.</li> <li>• Southern Cross University (5km).</li> <li>• Lismore CBD and regional retail and banking facilities, industrial centres, professional services, churches (10km).</li> <li>• Sports fields/recreation facilities including soccer, rugby league, netball, tennis, rugby union, swimming, roller skating, PCYC, Marshall arts academy, golf course, shooting, ten pin bowling, lawn bowls, cinemas, (10km)</li> <li>• Goonellabah Medical Centre (3km).</li> <li>• Neighbourhood Shopping Centre (2km).</li> </ul> <p>It is recommended that a social impact assessment is required post Gateway determination.</p> |

## APPENDIX 2

### STATE ENVIRONMENTAL PLANNING POLICIES

#### COMPLIANCE TABLE

| State Environmental Planning Policy                                         | Requirements                                                                                                                                                                                                                                                                                                                                                        | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP No. 6 – Number of Storeys in a Building                                | Not Applicable                                                                                                                                                                                                                                                                                                                                                      | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No 14 – Coastal Wetlands                                               | Not Applicable                                                                                                                                                                                                                                                                                                                                                      | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. 21 – Caravan Parks                                                 | Not Applicable                                                                                                                                                                                                                                                                                                                                                      | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. 22 – Shops and Commercial Premises                                 | Not Applicable                                                                                                                                                                                                                                                                                                                                                      | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. 26 – Littoral Rainforests                                          | Not Applicable                                                                                                                                                                                                                                                                                                                                                      | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. 30 – Intensive Agriculture                                         | Not Applicable                                                                                                                                                                                                                                                                                                                                                      | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. 32 – Urban Consolidation<br>( <i>Redevelopment of Urban Land</i> ) | Not Applicable                                                                                                                                                                                                                                                                                                                                                      | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. 33 – Hazardous and Offensive Development                           | Not Applicable                                                                                                                                                                                                                                                                                                                                                      | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. 36 – Manufactured Home Estates                                     | Not Applicable                                                                                                                                                                                                                                                                                                                                                      | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>SEPP No. 44 – Koala Habitat Protection</b>                               | <b>3 - Aims, Objectives, Etc.</b><br>(a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat;<br>(b) By encouraging the identification of areas of core koala habitat; and<br>(c) By encouraging the inclusion of areas of core koala habitat in environment protection zones. | <b>Consistent</b> <ul style="list-style-type: none"> <li>Council's Comprehensive Koala Plan of Management for South East Lismore 2013 identifies a small area of planted windbreak trees as primary koala habitat. There are a range of compensatory planting options provided in the CKPoM including planting on site. There is adequate area on site for compensatory plantings.</li> <li>It is worth noting that clause 53(1) of the Native Vegetation Regulation 2013, provides for the clearing of native vegetation that has been planted, as a Routine Agricultural Management Activity and consent for clearing is not required. Some of the trees are located within 10m of the existing dwelling and could also be removed under the Rural Fire Service's 10/50 Vegetation Clearing Code of Practice.</li> </ul> |
| SEPP No. 50 – Canal Estate Development                                      | Not Applicable                                                                                                                                                                                                                                                                                                                                                      | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| SEPP No. 52 – Farm Dams and Other Works in Land and                         | Not Applicable                                                                                                                                                                                                                                                                                                                                                      | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| State Environmental Planning Policy                                | Requirements                                                                              | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Water Management Plan Areas                                        |                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>SEPP No. 55 – Remediation of Land</b>                           | <b>6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal</b> | <b>Consistent</b> <ul style="list-style-type: none"> <li>A preliminary contaminated land assessment will be done post gateway.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 62 – Sustainable Aquaculture                              | Not Applicable                                                                            | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| SEPP No. 64 – Advertising and Signage                              | Not Applicable                                                                            | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| SEPP No. 65 – Design Quality of Residential Flat Development       | Not Applicable                                                                            | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| SEPP No 70 – Affordable Housing ( <i>Revised Schemes</i> )         | Not Applicable                                                                            | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| SEPP No. 71 – Coastal Protection                                   | Not Applicable                                                                            | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| SEPP (Affordable Rental Housing) 2009                              | Not Applicable                                                                            | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| SEPP (Building Sustainability Index: BASIX) 2004                   | Not Applicable                                                                            | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| SEPP (Exempt and Complying Development Codes) 2008                 | Not Applicable                                                                            | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| SEPP (Housing for Seniors or People with a Disability) 2004        | Not Applicable                                                                            | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| SEPP (Infrastructure) 2007                                         | Applicable                                                                                | <b>Consistent</b> <ul style="list-style-type: none"> <li>The planning proposal is consistent with the aims of the SEPP. The proposed R1 zone is a prescribed zone within which various forms of infrastructure are either permissible with or without development consent.</li> <li>It is also worth noting that the proposed R1 zone will prohibit various forms of infrastructure that are deemed incompatible with residential development. These include research stations, sewage treatment plants, water recycling facilities, waste or resource management facilities and water treatment facilities.</li> </ul> |
| SEPP (Major Development) 2005                                      | Not Applicable                                                                            | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | Not Applicable                                                                            | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>SEPP (Rural Lands) 2008</b>                                     | Consistency with the following:<br><br><b>7 Rural Planning Principles</b>                 | <b>Consistent</b> <ul style="list-style-type: none"> <li>The planning proposal is consistent with the Rural</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |



| State Environmental Planning Policy         | Requirements                          | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                             | <b>8 Rural Subdivision Principles</b> | <p>Planning Principles and rural subdivision Principles.</p> <ul style="list-style-type: none"> <li>• The planning proposal identifies land adjacent to the existing residential land that will minimise the fragmentation of agricultural land. This approach will also serve to minimise potential land use conflicts. Residential land proposed to adjoin rural land will be of sufficient dimensions to accommodate required DCP buffer distances.</li> <li>• A site specific structure plan will be developed for the land that requires biodiversity values of the riparian lands to be enhanced.</li> <li>• All of the proposed residential land is located in the Lismore Urban Strategy. Moreover, the planning proposal has been assessed for consistency with the Far North Coast Regional Strategy Sustainability Criteria.</li> </ul> |
| SEPP (SEPP 53 Transitional Provisions) 2011 | Not Applicable                        | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| SEPP (State and Regional Development) 2011  | Not Applicable                        | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| SEPP (Urban Renewal) 2010                   | Not Applicable                        | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

## APPENDIX 3

### SECTION 117 MINISTERIAL DIRECTIONS

#### COMPLIANCE TABLE

| Ministerial Directions                                    | Requirements                                                                                                                                                                                                                                                                                                             | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Employment and Resources</b>                        |                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 1.1 Business and Industrial Zones                         | Not Applicable                                                                                                                                                                                                                                                                                                           | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1.2 Rural Zones                                           | <p>(4) A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p>        | <p><b>Justifiably Inconsistent</b></p> <ul style="list-style-type: none"> <li>The inconsistency is justified because the subject land has been identified for future housing in the Lismore Urban Strategy 2003.</li> <li>The proposal is consistent with the objective of this Ministerial Direction.</li> <li>The inconsistency is further justified by the assessment of the planning proposal against the sustainability criteria in the FNCRS. The sustainability criteria compliance table indicates that the planning proposal is consistent with the relevant requirements as follows: <p><i>Approximately 1.8ha of the proposed 3ha of Zone R1 General Residential land is identified as State Significant Farmland. This land is identified for future potential urban use in the Lismore Urban Strategy 2003; consequently, the use of the land for residential development is consistent with the recommendations of the Farmland Protection Project.</i></p> </li> <li>A Land Use Conflict Risk Assessment (LUCRA) is recommended post Gateway determination.</li> </ul> |
| 1.3 Mining Petroleum Production and Extractive Industries | <p>This direction applies when the planning proposal:</p> <ul style="list-style-type: none"> <li>Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials;</li> <li>Restricting the potential of State or regionally significant</li> </ul> | <p><b>Not applicable</b></p> <ul style="list-style-type: none"> <li>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 SEPP</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| Ministerial Directions             | Requirements                                                                                                                                        | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                    | mineral resources                                                                                                                                   | <p>(Mining, Petroleum Production and Extractive industries) 2007, mining, petroleum production and extractive industries can occur where agriculture or industry may be carried out (with or without development consent). Home industries (a form of industry) are permissible in rural and residential zones, therefore a planning proposal to change the zone from rural to residential is consistent with the direction as it maintains the permissibility status quo.</p> <ul style="list-style-type: none"> <li>The land does not incorporate mineral resources or extractive materials which are of State or regional significance.</li> </ul>                                                                                                                                                                      |
| 1.4 Oyster Aquaculture             | Not Applicable                                                                                                                                      | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 1.5 Rural Lands                    | The Planning Proposal must be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in SEPP (Rural Lands) 2008. | <p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>The planning proposal identifies land adjacent to existing residential land that will minimise the fragmentation of agricultural land. This approach will also serve to minimise potential land use conflicts. Residential land proposed to adjoin rural land will be of sufficient dimensions to accommodate required DCP buffer distances.</li> <li>Site specific development control plan provisions will be developed for the land that will require biodiversity values of the riparian lands to be enhanced.</li> <li>All of the proposed residential land is located in the Lismore Urban Strategy. Moreover, the planning proposal has been assessed for consistency with the Far North Coast Regional Strategy Sustainability Criteria</li> </ul> |
| <b>2. Environment and Heritage</b> |                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 2.1 Environment Protection Zones   | Must include provisions that facilitate the protection and conservation of environmentally sensitive areas.                                         | <p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>The Planning Proposal does not involve <i>environmentally sensitive areas</i> listed Clause 3.3 of the Lismore LEP 2012.</li> <li>The Planning Proposal does not reduce environmental</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| Ministerial Directions                                  | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                               | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                                                         | Must not reduce protection standards for environmental protection zones.                                                                                                                                                                                                                                                                                                                                                                   | <p>protection standards to the land.</p> <ul style="list-style-type: none"> <li>It is recommended that the applicant provide a flora and fauna assessment that includes an analysis of both terrestrial and aquatic habitats for the entire site post Gateway determination and prior to the making of the plan. The flora and fauna report is to be prepared in accordance with both the structure and content guidelines specified in the relevant NSW State Government guidelines.</li> </ul> |
| 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.                                                                                                                                                                                                                                                                                                                        | <p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>There are no known items of European or Aboriginal heritage located on the subject land.</li> <li>An Aboriginal and European heritage assessment is recommended post Gateway determination.</li> </ul>                                                                                                                                                                                                                           |
| 2.4 Recreation Vehicle Areas                            | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                             | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>3. Housing, Infrastructure and Urban Development</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 3.1 Residential Zones                                   | <p>The planning proposal must:</p> <ul style="list-style-type: none"> <li>Broaden the choice of housing types and locations.</li> <li>Make efficient use of existing infrastructure and services.</li> <li>Reduce consumption of land.</li> <li>Housing of good design.</li> <li>Residential development not permitted until land is adequately serviced.</li> <li>Not contain provisions that will reduce residential density.</li> </ul> | <p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>A range of housing types and densities are permissible within the zone.</li> <li>The land is adjacent to existing infrastructure and services and planned future infrastructure.</li> <li>The proposed minimum lot size is 400m<sup>2</sup>.</li> <li>LEP 2012 clause 6.9 requires the provision of services prior to granting development consent.</li> </ul>                                                                   |
| 3.2 Caravan Parks and Manufactured Home Estates         | <ul style="list-style-type: none"> <li>Retain provisions that permit development of caravan park.</li> <li>Appropriate zone for existing caravan parks.</li> </ul>                                                                                                                                                                                                                                                                         | <p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>The proposed Zone R1 General Residential does permit caravan parks with development consent.</li> <li>The residue Zone RU1 also permits caravan parks with development consent, however, there is limited potential for this form of</li> </ul>                                                                                                                                                                                  |

| Ministerial Directions                   | Requirements                                                                                                                                                                                                                                                                                                                                                                  | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                                          |                                                                                                                                                                                                                                                                                                                                                                               | development in this portion of the lot due to the various constraints of the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 3.3 Home Occupations                     | The Planning Proposal must permit home occupations in dwelling houses without development consent.                                                                                                                                                                                                                                                                            | <b>Consistent</b> <ul style="list-style-type: none"> <li>Development consent is not required for home occupations under LEP 2012 and SEPP (Exempt and Complying Development Codes) 2008.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 3.4 Integrating Land Use and Transport   | <p>A Planning Proposal must locate zones for urban purposes that give effect to:</p> <ul style="list-style-type: none"> <li>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>The Right Place for Business and Services – Planning Policy (DUAP 2001)</li> </ul>                                                                 | <p>Consistent</p> <ul style="list-style-type: none"> <li>The site has sufficient capacity to provide access to transport for residents. Street layout will accommodate buses, cars, bikes and pedestrians.</li> <li>Streets will generally be connected to maximise access.</li> <li>The site is adjacent to existing residential development and associated infrastructure.</li> <li>The site is proximal to all existing services including education, retail, recreation, medical, religious, sporting, trade and professional services.</li> <li>The proposed residential development will strengthen the role of existing centres such as Lismore CBD and Goonellabah shopping centre.</li> </ul> |
| 3.5 Development Near Licensed Aerodromes | Not Applicable                                                                                                                                                                                                                                                                                                                                                                | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 3.6 Shooting Ranges                      | Not Applicable                                                                                                                                                                                                                                                                                                                                                                | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>4. Hazard and Risk</b>                |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 4.1 Acid Sulfate Soils                   | (6) A Council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the Council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. | <b>Consistent</b> <p>The subject site is not identified on Council's Acid Sulfate Soils Planning Maps.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 4.2 Mine Subsidence and Unstable Land    | <ul style="list-style-type: none"> <li>Applies to mine subsidence areas.</li> <li>Applies to areas identified as unstable.</li> </ul>                                                                                                                                                                                                                                         | <b>Consistent</b> <ul style="list-style-type: none"> <li>The land is not within a mine subsidence area.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| Ministerial Directions                                                     | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>It is recommended that a geotechnical report is provided post gateway determination prior to making the plan.</li> <li>The proposed Zone R1 is generally limited to land with a slope of less than 18°. Slopes greater than 18° are proposed to remain within Zone RU1.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 4.3 Flood Prone Land                                                       | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                           | No Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4.4 Planning for Bushfire Protection                                       | <p>A Planning Proposal in bush fire prone land:</p> <ul style="list-style-type: none"> <li>Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination prior to community consultation.</li> <li>Have regard to 'Planning for Bush Fire Protection 2006'.</li> <li>Restrict inappropriate development from hazardous areas.</li> <li>Ensure bush fire hazard reduction is not prohibited within the APZ.</li> </ul> | <p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>Parts of the subject land contain bush fire hazard and asset protection zones will need to be assessed based on slope and existing and proposed vegetation areas.</li> <li>A detailed bush fire threat assessment is recommended post Gateway determination. This report will be required to illustrate compliance with Planning for Bush fire Protection 2006.</li> <li>Council is required under section 117 of the <i>EP&amp;A Act 1979</i>, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and take into account any comments made.</li> <li>Bush fire hazard reduction authorised under the <i>Rural Fires Act 1997</i> can be carried out on any land without development consent.</li> </ul> |
| <b>5. Regional Planning</b>                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 5.1 Implementation of Regional Strategies                                  | <ul style="list-style-type: none"> <li>The Planning Proposal must be consistent with the Far North Coast Regional Strategy.</li> </ul>                                                                                                                                                                                                                                                                                                                                   | <p><b>Consistent</b></p> <p>The Planning Proposal is consistent with the Far North Coast Regional Strategy – refer to the FNCRS Sustainability Criteria compliance table for detail (Appendix 1).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 5.2 Sydney Drinking Water Catchments                                       | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast | <ul style="list-style-type: none"> <li>The Planning Proposal must not re-zone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.</li> </ul>                                                                                                                                                                                                                                                                  | <p><b>Justified Inconsistency</b></p> <ul style="list-style-type: none"> <li>Approximately 1.8ha of the proposed 3ha of Zone R1 General Residential land is identified as State Significant Farmland. This land is</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Ministerial Directions                                                       | Requirements                                                                                                                                                                                                                                                                                                                                                                                                   | Compliance                                                                                                                                                                                                                                      |
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|                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                | identified for future potential urban use in the Lismore Urban Strategy 2003; consequently, the use of the land for residential development is consistent with the recommendations of the Farmland Protection Project.                          |
| 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                                                                                                                                                                                                                                  |
| 5.9 North West Rail Link Corridor Strategy                                   | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                 | Not Applicable                                                                                                                                                                                                                                  |
| <b>6. Local Plan Making</b>                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                 |
| 6.1 Approval and Referral Requirements                                       | <ul style="list-style-type: none"> <li>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 &amp; Environment.</li> <li>Not identify development as designated development unless justified.</li> </ul> | <p><b>Consistent</b></p> <p>There are no referral or concurrence requirements in the Planning Proposal.</p> <p>The proposal does not identify development as designated development.</p>                                                        |
| 6.2 Reserving Land for Public Purposes                                       | <ul style="list-style-type: none"> <li>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 DP&amp;E.</li> </ul>                                                                                                                                                    | <p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>No land is proposed to be zoned for public recreation purposes. This is consistent with the Lismore Urban Strategy and the draft Lismore Growth Management Strategy.</li> </ul> |
| 6.3 Site Specific Provisions                                                 | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                 | Not Applicable                                                                                                                                                                                                                                  |
| <b>7. Metropolitan Planning</b>                                              |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                 |
| 7.1 Implementation of the Metropolitan Strategy                              | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                 | Not Applicable                                                                                                                                                                                                                                  |