

Planning Proposal

## GENERAL AMENDMENTS

October 2019



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## EXECUTIVE SUMMARY

Lismore City Council periodically reviews the Local Environmental Plan 2012 (LEP 2012) with amendments involving correction of minor mapping anomalies; minor zone changes; adjustment of the land use table; refinement or addition of non-mandatory provisions; and amendment of schedules as required. This planning proposal comprises the fifth round of general amendments to LEP 2012. Previous general amendments planning proposals were made on 4 April 2014, 19 December 2014, 19 May 2017 and 23 November 2018.

This proposal includes minor amendments to the Land Use Table; Clause 4.2B *Erection of dual occupancies and dwelling houses on land in certain rural and environmental protection zones*; Clause 6.8 *Rural landsharing community development*; Schedule 2 *Exempt Development*; Schedule 5 *Environmental heritage*; Additional Permitted Uses Map; Drinking Water Catchment Map; Floor Space Ratio Map; Heritage Map; Height of Buildings Map; Land Reservation Acquisition Map; Lot Size Map; and Land Zoning Map.

This planning proposal has been prepared in accordance with the Department of Planning & Environment's guide to preparing planning proposals. A Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* is sought.

## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The intended outcomes of this proposal include:

- Enable development of the recently introduced land use term “artisan food and drink industry” with consent in Business Zones including B1, B2, B3 and B4.
- Enable development of a broader variety of “tourist and visitor accommodation” with consent in Zone R2 Low Density Residential.
- Provide consistency in LEP provisions to confirm that dwellings are not permitted on undersized residue lots in Zones RU1, RU2 and E3.
- Provide consistency with LEP provisions to confirm that dual occupancies are not permitted on community title or strata title lots in Zones RU1.
- Provide consistency with LEP provisions to confirm that rural landsharing community development is not permitted on land that does not have a “dwelling entitlement”.
- To enable roadside stalls as Exempt Development in Zone RU1 Primary Production.
- Update the Heritage Map and associated Schedule 5 in response to a recent subdivision and inaccuracies in the Map at Eltham.
- Update the Land Zoning Map (including consequential amendments to the Lot Size Map and/or the Height of Buildings Map and/or the Floor space Ratio Map) to rectify minor anomalies at Earls Court Goonellabah and May Street Dunoon; for compliance with the Blakebrook Quarry Biodiversity Offset Strategy; and to enable adaptive reuse of the old Lismore Art Gallery.
- Update the Land Reservation Acquisition Map at Earls Court Goonellabah, and George Drive Chilcotts Grass in response to the acquisition of the land by Lismore City Council.
- Provide consistency with lot size categories and symbols on the Lot Size Map.
- Rectify a minor anomaly in the legend of one Additional Permitted Uses Map sheet.
- Update the Drinking Water Catchment Map to enhance the protection of the Marom Creek Weir drinking water catchment.

## PART 2 – EXPLANATION OF PROVISIONS

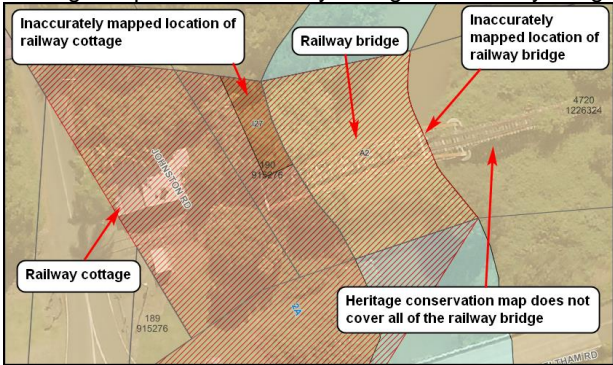
This planning proposal is the fifth round of general amendments to LEP 2012. The proposal includes amendments to the Additional Permitted Uses Map; Drinking Water Catchment Map; Floor Space Ratio Map; Height of Buildings Map; Heritage Map; Land Reservation Acquisition Map; Land Zoning Map; and Lot Size Map. Amendments are also proposed to the Land Use Table; Clause 4.2B *Erection of dual occupancies and dwelling houses on land in certain rural and*

environmental protection zones; Clause 6.8 Rural landsharing community development, Schedule 2 Exempt Development, and Schedule 5 Environmental heritage. Details of the planning proposal are provided in Table 1 below:

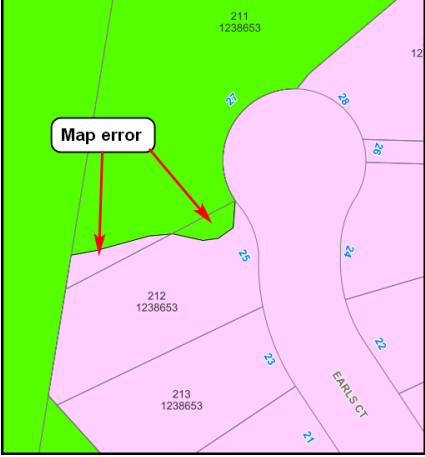
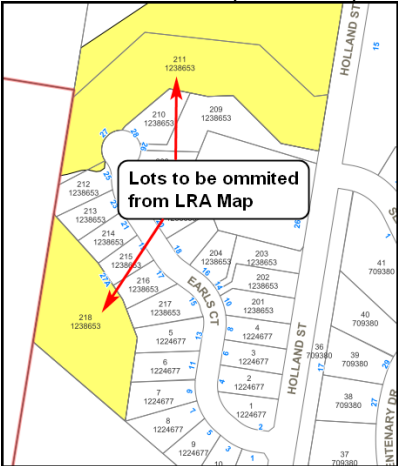
**Table 1 Details of the planning proposal**

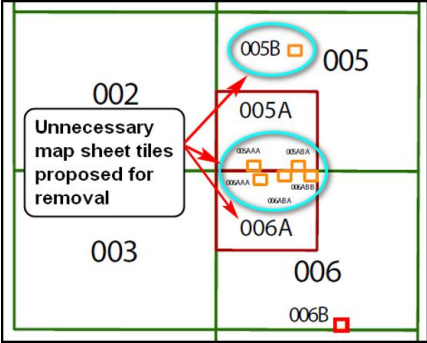
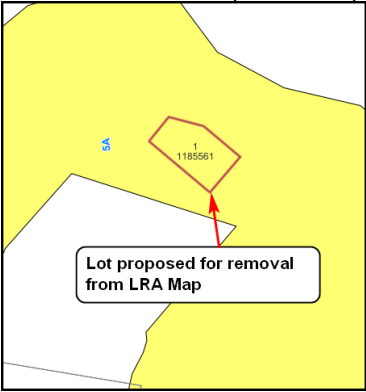
Item/Site	Proposed Amendment
<b>Land Use Table</b>	
<b>Item A</b> “Artisan food and drink industry” in business zones B1, B2, B3 & B4.	<b>Land Use Table</b> <b>Business Zones B1, B2, B3 &amp; B4</b> Insert “artisan food and drink industry” in alphabetical order in Part 3 – Permitted with consent.
<b>Item B</b> “Tourist and visitor accommodation” in Zone R2 Low Density Residential.	<b>Land Use Table</b> <b>Zone R2 Low Density Residential</b> Omit “bed and breakfast accommodation” from item 3 Permitted with consent.  Insert “tourist and visitor accommodation” in alphabetical order in item 3 Permitted with consent.  Insert “farm stay accommodation” in alphabetical order in item 4 Prohibited.
<b>Part 4 Principal development standards</b>	
<b>Item C</b> Inconsistency between Clause 4.2B(3) and 4.2E(4) regarding dwellings on undersized residue lots in certain rural or environmental protection zones.	<b>4.2B Erection of dual occupancies and dwelling houses on land in certain rural and environmental protection zones</b> Amend Clause 4.2B(3)(b) so as to provide the exclusion used in Clause 4.2E(4).  Clause 4.2B and the relevant subclauses of 4.2E are provided below. The proposed amendment to clause 4.2B(3)(b) is highlighted in yellow.  <b>4.2B Erection of dual occupancies and dwelling houses on land in certain rural and environment protection zones</b> (1) The objectives of this clause are as follows: (a) to minimise unplanned rural residential development, (b) to enable the replacement of lawfully erected dual occupancies and dwelling houses in certain rural and environment protection zones. (2) This clause applies to land in the following zones: (a) Zone RU1 Primary Production, (b) Zone RU2 Rural Landscape, (c) Zone E3 Environmental Management. (3) Development consent must not be granted for the erection of a dual occupancy or a dwelling house on land to which this clause applies, and on which no dual occupancy or dwelling house has been erected, unless the land: (a) is a lot that is at least the minimum lot size shown on the <a href="#">Lot Size Map</a> in relation to that land, or (b) is a lot created under this Plan (other than under clause 4.2 (3) or clause 4.2E (3) (a) (i)), or (c) is a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dual occupancy or dwelling house was permissible immediately before that commencement, or (d) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dual occupancy or dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or (e) would have been a lot referred to in paragraph (a), (b), (c) or (d) had it not been affected by: (i) a realignment of its boundaries that did not create an additional lot, or (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or (iii) a consolidation with an adjoining public road or public reserve or for another public purpose. <b>Note.</b> A dwelling cannot be erected on a lot created under clause 9 of <a href="#">State Environmental Planning Policy (Rural Lands) 2008</a> or clause 4.2. (4) Development consent may be granted for the erection of a dual occupancy or dwelling house on land to which this clause applies if there is a lawfully erected dual occupancy or dwelling house on the land and the dual occupancy or dwelling house to be erected is intended only to replace the existing dual occupancy or dwelling house.  <b>Clause 4.2E(3) &amp; 4.2E(4)</b>

Item/Site	Proposed Amendment
	<p>(3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if:</p> <p>(a) one of the resulting lots will contain either:</p> <p>(i) only the land in Zone RU1 Primary Production, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, or</p> <p>(ii) land in a residential, business, industrial or recreation zone, or Zone RU5 Village or Zone SP2 Infrastructure, that has an area that is not less than the minimum size shown on the <a href="#">Lot Size Map</a> in relation to that land as well as all of the land in Zone RU1 Primary Production, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and</p> <p>(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the <a href="#">Lot Size Map</a> in relation to that land.</p> <p>(4) A dwelling cannot be erected on a lot created under subclause (3) (a) (i).</p>
<p><b>Item D</b> Inconsistency between clause 6.8A and clause 4.2B regarding dual occupancies on community title lots created under clause 6.8A.</p>	<p><b>4.2B Erection of dual occupancies and dwelling houses on land in certain rural and environmental protection zones</b> Insert additional subclause within clause 4.2B as follows (the entire clause 4.2B is provided in Item C):</p> <p>(5) Development consent must not be granted for a dual occupancy on land to which this clause applies for strata plan schemes or community title schemes.</p>
<b>Part 6 – Additional local provisions</b>	
<p><b>Item E</b> Inconsistency between clause 4.2B which does not permit a dwelling on land without a “dwelling entitlement” and Clause 6.8 Rural Landsharing Community Development which does not reference the “dwelling entitlement” clause.</p>	<p><b>6.8 Rural landsharing community development</b> Insert additional subclause within clause 6.8(3) as follows:</p> <p>(3)(a) The lot has been created under clause 4.2B(3), and</p> <p>The inclusion of the new subclause 6.8(3)(a) in a provision already spanning from 6.8(3)(a) to 6.8(3)(j) will require the assignment of new alphabetical labelling for each of the existing subclauses so that the existing 6.8(3)(a) becomes 6.8(3)(b); the existing 6.8(3)(b) becomes 6.8(3)(c); and so on. The proposed amended 6.8(3) is provided below.</p> <p>(3) Development consent may be granted to development for the purpose of 3 or more dwellings on a lot to which this clause applies if the consent authority is satisfied that:</p> <p>(a) The lot has been created under clause 4.2B(3), and</p> <p>(b) the lot has an area of at least 10 hectares, and</p> <p>(c) the part of the lot on which the development is to be situated does not have a slope in excess of 18 degrees, and</p> <p>(d) the lot is within 4 kilometres (by road) of services, such as schools, shops or community facilities, and</p> <p>(e) adequate vehicular access is provided to the lot from a bitumen sealed public road and each dwelling on that lot will use the same vehicular point of access to and from that public road, and</p> <p>(f) the proposed dwellings are designed to reasonably accommodate a maximum of the number of people calculated by multiplying the number of dwellings permitted by subclause (4) (rounded up or down in accordance with subclause (5)) by 4, and</p> <p>(g) the development will not impair the use of the land for agriculture or rural industries, and</p> <p>(h) the lot will accommodate the on-site disposal and management of sewage for each dwelling, and</p> <p>(i) the development will not have an adverse impact on the scenic amenity or character of the rural environment, and</p> <p>(j) the development is not likely to cause any land use conflicts with existing agricultural and other rural land uses being undertaken on neighbouring land, and</p> <p>(k) appropriate management measures are in place to ensure the protection and enhancement of the biodiversity of the land.</p>
<b>Schedule 2 – Exempt Development</b>	
<p><b>Item F</b> “Roadside stalls” in Zone RU1 Primary Production.</p>	<p><b>Schedule 2 Exempt Development</b> Insert additional provisions, in alphabetical order in Schedule 2 Exempt Development for roadside stalls as detailed below.</p>

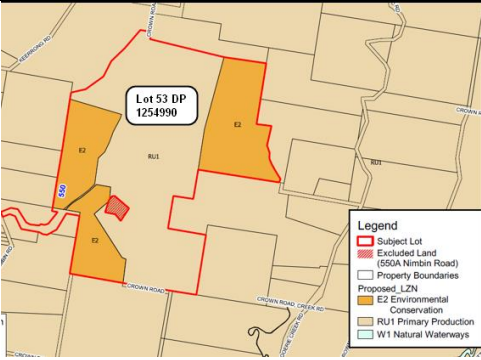

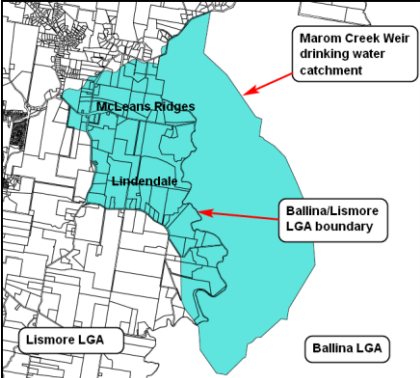
Item/Site	Proposed Amendment															
	<p><b>Roadside stalls</b></p> <p>(1) <i>This clause applies to the use of land for a roadside stall for the sale of only agricultural produce.</i></p> <p>(2) <i>The roadside stall:</i></p> <p>(a) <i>must be located on land within Zone RU1 Primary Production, and</i></p> <p>(b) <i>must be located wholly on private property, and</i></p> <p>(c) <i>must not be located on land that is adjacent to a classified road, and</i></p> <p>(d) <i>must not have a footprint greater than 4m<sup>2</sup>.</i></p> <p>(3) <i>No more than 1 roadside stall may be used on any landholding.</i></p> <p>(4) <i>Any relevant approval issued under the Roads Act 1993 must be obtained.</i></p>															
Schedule 5 & Associated Heritage Map																
<p><b>Item G</b></p> <p>Inaccuracies in the Heritage Map and Schedule 5 at Eltham involving the railway cottage, railway bridge &amp; Eltham Conservation Area.</p>	<p><b>Heritage Map</b></p> <p>Amend the Heritage Map sheet HER_005B at Johnston Road, Eltham for Lot 190 DP 915276 and part Lot 4720 DP 1226324 so that the heritage items and conservation area more accurately reflect the location of the railway cottage and railway bridge. Refer to Heritage Map extract below.</p> <p>Heritage Map – Eltham railway cottage and railway bridge</p>  <p><b>Schedule 5</b></p> <p><b>Part 1 Environmental Heritage</b></p> <p>Amend the entry for the Eltham Railway Cottage (Item no. I27) as follows:</p> <table><tr><td>Property Description</td></tr><tr><td><b>Omit</b></td></tr><tr><td>N/A (currently blank)</td></tr><tr><td><b>Insert</b></td></tr><tr><td>Lot 4720 DP 1226324</td></tr></table> <p><b>Part 3 Archaeological sites</b></p> <p>Amend the entry for the Eltham Railway Bridge (Item no. A2) as follows:</p> <table><tr><th>Address</th><th>Property Description</th></tr><tr><td><b>Omit</b></td><td></td></tr><tr><td>Wilson's Creek (adjacent to Eltham Road)</td><td>N/A (currently blank)</td></tr><tr><td><b>Insert</b></td><td></td></tr><tr><td>Wilsons River (adjacent to Eltham Road)</td><td>Lot 190, DP 915276 and Lot 4720 DP 1226324</td></tr></table>	Property Description	<b>Omit</b>	N/A (currently blank)	<b>Insert</b>	Lot 4720 DP 1226324	Address	Property Description	<b>Omit</b>		Wilson's Creek (adjacent to Eltham Road)	N/A (currently blank)	<b>Insert</b>		Wilsons River (adjacent to Eltham Road)	Lot 190, DP 915276 and Lot 4720 DP 1226324
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Mapping																
<p><b>Item H</b></p> <p>Minor inconsistency in Zoning, Lot Size and Height of Buildings Maps at 25 &amp; 27 Earls Court, Goonellabah.</p>	<p><b>Land Zoning Map</b></p> <p>Amend the Land Zoning Map – Sheet LZN_005AB for part 25 Earls Court (part Lot 212 DP 1238653) so that Zone R1 Residential applies to the entire allotment; and part 27 Earls Court (part Lot 211 DP 1238653) so that Zone RE1 applies to the entire allotment. Refer to Zone Map below.</p> <p>Zone Map 25 &amp; 27 Earls Court</p>															

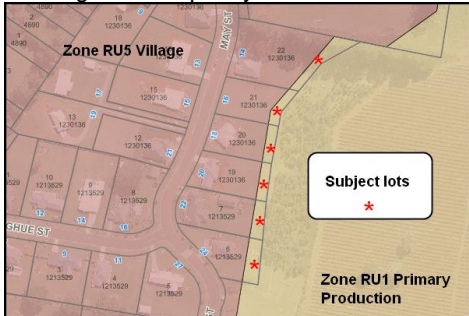


Item/Site	Proposed Amendment
	 <p><b>Lot Size Map</b> Amend the Lot Size Map – Sheet LSZ_005AB so that: no minimum lot size applies to Zone RE1 at 27 Earls Court (Lot 211 DP 1238653); and a minimum lot size of 400m<sup>2</sup> (F) is applied to Zone R1 General Residential at 25 Earls Court (Lot 212 DP 1238653).</p> <p><b>Height of Buildings Map</b> Amend the Height of Buildings Map – Sheet HOB_005AB so that: no maximum building height applies to Zone RE1 Public Recreation at 27 Earls Court (Lot 211 DP 1238653); and 8.5m (I) applies to all Zone R1 General Residential at 25 Earls Court (Lot 212 DP 1238653).</p>
<p><b>Item I</b> Land at 27 &amp; 27A Earls Court, Goonellabah has been acquired by Council which necessitates the amendment of the Land Reservation Acquisition Map.</p>	<p><b>Land Reservation Acquisition Map</b> Amend the Land Reservation Acquisition Map – Sheet LRA_005AB with the deletion of 27 &amp; 27A Earls Court (Lots 211 &amp; 218 DP 1238653). Refer to Land Reservation Acquisition Map below.</p> <p>Land Reservation Acquisition Map 27 &amp; 27A Earls Court</p> 
<p><b>Item J</b> Inconsistency with lot size symbols and categories across the full series of Lot Size Map sheets.</p>	<p><b>Lot Size Map</b> Amend all of the Lot Size Map sheets to include the updated lot size symbols in the legend and on the map sheet wherever superseded lot size symbols appear. The full set of Lot Size Map sheets include: LSZ_001, LSZ_002, LSZ_003, LSZ_004, LSZ_005, LSZ_005AA, LSZ_005AB, LSZ_006, LSZ_006AA, LSZ_006AB, LSZ_007. Refer to the map sheet legend below from LSZ_007 and LSZ_005 as an example of the inconsistencies.</p> <p>Lot Size Map sheet legend extract LSZ_005 &amp; LSZ_007</p>

Item/Site	Proposed Amendment																																																																																																
	<div style="display: flex; justify-content: space-around;"> <div style="width: 45%;"> <p><b>LSZ_007 Lot Size Legend</b></p> <p>Minimum Lot Size (sq m)</p> <table border="1"> <tr><td>F</td><td>400</td></tr> <tr><td>I</td><td>500</td></tr> <tr><td>M</td><td>600</td></tr> <tr><td>Q</td><td>700</td></tr> <tr><td>S</td><td>800</td></tr> <tr><td>T</td><td>900</td></tr> <tr><td>U1</td><td>1000</td></tr> <tr><td>U2</td><td>1200</td></tr> <tr><td>U3</td><td>1500</td></tr> <tr><td>V1</td><td>2000</td></tr> <tr><td>V2</td><td>2500</td></tr> <tr><td>W</td><td>3000</td></tr> <tr><td>X1</td><td>5000</td></tr> <tr><td>X2</td><td>9000</td></tr> <tr><td>Y</td><td>1ha</td></tr> <tr><td>Z1</td><td>2ha</td></tr> <tr><td>Z2</td><td>3ha</td></tr> <tr><td>AA</td><td>5ha</td></tr> <tr><td>AB1</td><td>10ha</td></tr> <tr><td>AB2</td><td>20ha</td></tr> <tr><td>AB3</td><td>40ha</td></tr> </table> </div> <div style="width: 45%;"> <p><b>LSZ_005 Lot Size Legend</b></p> <p>Minimum Lot Size (sq m)</p> <table border="1"> <tr><td>D</td><td>300</td></tr> <tr><td>F</td><td>400</td></tr> <tr><td>I</td><td>500</td></tr> <tr><td>M</td><td>600</td></tr> <tr><td>Q</td><td>700</td></tr> <tr><td>S</td><td>800</td></tr> <tr><td>T</td><td>900</td></tr> <tr><td>U1</td><td>1,000</td></tr> <tr><td>U2</td><td>1,200</td></tr> <tr><td>U3</td><td>1,500</td></tr> <tr><td>V1</td><td>2,000</td></tr> <tr><td>V2</td><td>2,500</td></tr> <tr><td>W1</td><td>3,000</td></tr> <tr><td>W2</td><td>3,600</td></tr> <tr><td>X1</td><td>5,000</td></tr> <tr><td>X2</td><td>7,000</td></tr> <tr><td>X3</td><td>9,000</td></tr> <tr><td>Y1</td><td>1ha</td></tr> <tr><td>Y2</td><td>1.5ha</td></tr> <tr><td>Z1</td><td>2ha</td></tr> <tr><td>Z2</td><td>3ha</td></tr> <tr><td>Z3</td><td>4ha</td></tr> <tr><td>AA</td><td>5ha</td></tr> <tr><td>AB1</td><td>10ha</td></tr> <tr><td>AB2</td><td>15ha</td></tr> <tr><td>AB3</td><td>20ha</td></tr> <tr><td>AB4</td><td>40ha</td></tr> </table> </div> </div>	F	400	I	500	M	600	Q	700	S	800	T	900	U1	1000	U2	1200	U3	1500	V1	2000	V2	2500	W	3000	X1	5000	X2	9000	Y	1ha	Z1	2ha	Z2	3ha	AA	5ha	AB1	10ha	AB2	20ha	AB3	40ha	D	300	F	400	I	500	M	600	Q	700	S	800	T	900	U1	1,000	U2	1,200	U3	1,500	V1	2,000	V2	2,500	W1	3,000	W2	3,600	X1	5,000	X2	7,000	X3	9,000	Y1	1ha	Y2	1.5ha	Z1	2ha	Z2	3ha	Z3	4ha	AA	5ha	AB1	10ha	AB2	15ha	AB3	20ha	AB4	40ha
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<p><b>Item K</b></p> <p>Irrelevant clutter in the legend of the Additional Permitted Uses Map sheet APU_006B.</p>	<p><b>Additional Permitted Uses Map</b></p> <p>Amend the Additional Permitted Uses Map sheet APU_006B legend by deleting the following unnecessary map tiles 005AAA, 005ABA, 006AAA, 006ABA, 006ABB &amp; 006A. Refer to Additional Permitted Uses Map sheet APU_006B legend extract below.</p> <p>Additional Permitted Uses Map legend extract APU_006B</p> 																																																																																																
<p><b>Item L</b></p> <p>Land at 5A George Drive, Chilcotts Grass has been acquired by Council which necessitates the amendment of the Land Reservation Acquisition Map.</p>	<p><b>Land Reservation Acquisition Map</b></p> <p>Amend the Land Reservation Acquisition Map – Sheet LRA_006AB with the deletion of 5A George Drive, Chilcotts Grass (Lot 1 DP 1185561).</p> <p>Land Reservation Acquisition Map 5A George Drive, Chilcotts Grass</p> 																																																																																																
<p><b>Item M</b></p> <p>The rezoning of part of 550 Nimbin Road, Blakebrook (part of the Council owned Blakebrook Quarry).</p>	<p><b>Land Zoning Map</b></p> <p>Amend the Land Zoning Map – Sheet LZN_005A for part 550 Nimbin Road, Blakebrook (part Lot 53 DP 1254990) so that Zone E2 Environmental Conservation applies to 45ha of the lot in accordance with Item M maps. Refer to proposed zone map below.</p> <p>Proposed Zone Map Blakebrook Quarry</p>																																																																																																



Item/Site	Proposed Amendment
	 <p><b>Lot Size Map</b> Amend the Lot Size Map – Sheet LSZ_005 so that a 40ha minimum lot size applies to the 45ha of 550 Nimbin Road, Blakebrook (part Lot 53 DP 1254990) proposed for Zone E2 Environmental Conservation.</p>
<p><b>Item N</b> The rezoning of 133 and 133A Molesworth Street, Lismore (old art gallery building and adjoining restaurant – The Stockpot Kitchen).</p>	<p><b>Land Zoning Map</b> Amend the Land Zoning Map – Sheet LZN_005AA for 133 &amp; 133A Molesworth Street, Lismore (Lot 14 DP 1250790) so that Zone B3 Commercial Core applies to the allotment. Refer to existing Zone Map below.</p> <p>Existing Zone Map 133 &amp; 133A Molesworth Street, Lismore</p>  <p><b>Floor Space Ratio Map</b> Amend the Floor Space Ratio Map – Sheet FSR_005AA for 133 &amp; 133A Molesworth Street, Lismore (Lot 14 DP 1250790) so that a floor space ratio of 2.25:1 (T) applies to the allotment.</p> <p><b>Height of Buildings Map</b> Amend the Height of Buildings Map – Sheet HOB_005AA for 133 &amp; 133A Molesworth Street, Lismore (Lot 14 DP 1250790) so that a maximum building height of 14.5m (N2) applies to the allotment.</p>
<p><b>Item O</b> Marom Creek Weir drinking water catchment area.</p>	<p><b>Drinking Water Catchment Map</b> Amend the Drinking Water Catchment Map – Sheets DWC_005 &amp; DWC_006 so that the Marom Creek Weir drinking water catchment is included in accordance with Item O maps. Refer to proposed Marom Creek Weir drinking water catchment map below.</p> <p>Proposed Marom Creek Weir Drinking Water Catchment Map (Ballina LGA Catchment area shown for information only and is not part of this proposal)</p> 

Item/Site	Proposed Amendment
<b>Item P</b> Minor anomaly in the Land Zoning Map involving six village allotments in Dunoon.	<p><b>Land Zoning Map</b>  Amend the Land Zoning Map – Sheet LZN_005 for part 14, 16, 18, 20, 22 &amp; 24 May Street, Dunoon (part Lots 19, 20, 21 &amp; 22 DP 1230136 and part Lots 6 &amp; 7 DP 1213529) so that Zone RU5 Village applies to the entire allotments. Refer to the existing Zone Map below.</p> <p>Existing Zone Map May Street Dunoon</p>  <p><b>Lot Size Map</b>  Amend the Lot Size Map – Sheet LSZ_005 so that 2500m<sup>2</sup> (V2) applies to the land proposed for Zone RU5 Village at part 14, 16, 18, 20, 22 &amp; 24 May Street, Dunoon (part Lots 19, 20, 21 &amp; 22 DP 1230136 and part Lots 6 &amp; 7 DP 1213529).</p> <p><b>Height of Buildings Map</b>  Amend the Height of Buildings Map – Sheet HOB_005 so that a maximum building height of 8.5m (I) applies to the land proposed for Zone RU5 Village at part 14, 16, 18, 20, 22 &amp; 24 May Street, Dunoon (part Lots 19, 20, 21 &amp; 22 DP 1230136 and part Lots 6 &amp; 7 DP 1213529).</p>

## PART 3 – JUSTIFICATION

### Section A – Need for the Planning Proposal

- Is the Planning Proposal a result of any strategic study or report?**  
The planning proposal is not a result of any strategic study or report. The planning proposal is part of a periodic review of LEP 2012 aiming to correct minor mapping anomalies, minor site specific alteration of land use zones, adjust the land use table, refine non-mandatory provisions and amend schedules as required.
- Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**  
The planning proposal is the best means of achieving the intended outcomes listed in Part 1 of this report. Table No. 2 below provides justification for the proposed amendments.

**Table 2 Justification for the proposed amendments.**

Item	Justification
<b>Land Use Table</b>	
<b>Item A</b> “Artisan food and drink industry” in business zones B1, B2, B3 & B4.	<p>Planning Circular PS 18-008, issued on 31 August 2018, advised councils and other relevant planning authorities, community, industry and practitioners of a number of new or revised retail land uses introduced into the Standard Instrument (Local Environmental Plan) Order 2006. This means that all Standard Instrument LEPs in NSW, including Lismore LEP 2012, were updated by the then Department of Planning and Environment to include the new or revised definitions.</p> <p>The current structure of the Lismore LEP 2012 land use table accommodates the new or revised retail land use definitions without the need for amendment except for the new land use “artisan food and drink industry”. The definition is provided below:</p> <p><i><b>artisan food and drink industry</b> means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:</i></p>

Item	Justification
	<p>(a) a retail area for the sale of the products,  (b) a restaurant or cafe,  (c) facilities for holding tastings, tours or workshops.  Note.  See clause 5.4 for controls in industrial or rural zones relating to the retail floor area of an artisan food and drink industry.  Artisan food and drink industries are a type of light industry—see the definition of that term in this Dictionary.</p> <p>Currently “light industry”, including sub term “artisan food and drink industry”, is permissible with consent in the following zones: RU2 Rural Landscape, RU5 Village, B6 Enterprise Corridor, IN1 General Industrial &amp; IN2 Light Industrial.</p> <p>Council has received enquiries regarding microbreweries (consistent with the definition artisan food and drink industry) in the Lismore CBD in recent times. Such development has the potential to increase the variety of entertainment opportunities in the CBD and could complement existing restaurants, wine bars and pubs. Previous to the introduction of the new land use term “artisan food and drink industry” Council could have considered a DA for a microbrewery as an innominate land use in Zones B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core &amp; B4 Mixed Use. Amending the LEP to permit “artisan food and drink industry” with development consent in the business zones would make it clear to potential developers that Council can consider this form of development.</p>
<p><b>Item B</b>  “Tourist and visitor accommodation” in Zone R2 Low Density Residential.</p>	<p>Council has received enquiries regarding the development of tourist and visitor accommodation in Zone R2 Low Density Residential. The only form of tourist and visitor accommodation currently permissible with development consent in Zone R2 is bed and breakfast accommodation. Zone R2 applies to flood prone residential land in Lismore, East Lismore, South Lismore and North Lismore. Most of this land is in the “High Risk 2014” flood category, with a lesser area in the “Medium Risk 2014” category. The definition of tourist and visitor accommodation is provided below.</p> <p><b>tourist and visitor accommodation</b> means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:  (a) backpackers’ accommodation,  (b) bed and breakfast accommodation,  (c) farm stay accommodation,  (d) hotel or motel accommodation,  (e) serviced apartments,  but does not include:  (f) camping grounds, or  (g) caravan parks, or  (h) eco-tourist facilities.</p> <p>Note. Farm stay accommodation is not possible in Zone R2 Low Density Residential as agriculture is not permissible.</p> <p>Land within Zone R2 is within walking distance to the CBD providing ready access to restaurants, cafes, pubs, clubs, transport links, retail premises and sporting facilities.</p> <p>Development on flood prone land is controlled by LEP 2012 Clause 6.3 requiring development: to be flood compatible; not to significantly adversely affect flood behaviour; to incorporate appropriate measures to manage risk from flood; to not significantly adversely affect the environment; and not to result in unsustainable social and economic costs to the community as a consequence of flooding.</p> <p>Development Control Plan Part A Chapter 8 Flood Prone Lands requires, among other things, development providing temporary accommodation to have a minimum of 90% of the habitable floor area to be at or above the flood planning level; and an approved flood evacuation plan.</p> <p>The existing regulatory regime for development of tourist and visitor accommodation in flood prone areas is robust and would enable Council to consider development applications for tourist and visitor accommodation in Zone R2.</p>
<p><b>Part 4 Principal development standards</b></p>	
<p><b>Item C</b>  Inconsistency between Clause</p>	<p>LEP 2012 clause 4.2E provides a mechanism to enable urban subdivisions on land with multiple zones such as North Lismore Plateau. Under the clause residue lots within zones RU1, E2 or E3, under the minimum lot size, do not have a dwelling entitlement.</p>

Item	Justification
4.2B(3) and 4.2E(4) regarding dwellings on undersized residue lots in certain rural or environmental protection zones.	<p>Clause 4.2B sets out criteria for land within zones RU1, RU2 and E3 to have a dwelling entitlement. It has recently been observed that land excluded from dwelling eligibility under clause 4.2B does not include undersized residue lots created under clause 4.2E.</p> <p>To remove any doubt regarding dwelling entitlements, clause 4.2B should be amended to include land excluded from a dwelling entitlement under clause 4.2E.</p>
<p><b>Item D</b></p> <p>Inconsistency between clause 6.8A and clause 4.2B regarding dual occupancies on community title lots created under clause 6.8A.</p>	<p>Lismore LEP 2012 clause 6.8 <i>Rural landsharing community development</i> enables Council to issue development consent, subject to criteria, for 3 or more dwellings on one lot. The clause does not enable the development of dual occupancy which provides for two dwellings on one lot. The definitions of <i>rural landsharing community development</i> and <i>dual occupancy</i> are mutually exclusive. Moreover, clause 6.8 provides a limit for the maximum number of dwellings on a site.</p> <p>Lismore LEP 2012 was amended (Amendment 20) to include clause 6.8A <i>Minimum subdivision lot size for rural landsharing community development</i> on 12 January 2018. This clause enables the subdivision of certain rural landsharing communities with development consent under the <i>Community Land Development Act 1989</i>. The clause limits the number of dwellings to one per lot.</p> <p>This restriction is not referred to under the dwelling entitlement clause (Clause 4.2B <i>Erection of dual occupancies and dwelling houses on land in certain rural and environment protection zones</i>) and may cause some confusion or indeed create a loop hole making it possible to erect a dual occupancy on a Community Title lot, once the subdivision has been created.</p> <p>A similar risk also exists with the strata lots of Billen Cliffs in Zone RU1 which is the only such development in the Local Government Area. Billen Cliffs was approved some decades ago as a rural landsharing community (multiple occupancy) under a now repealed SEPP. The repealed SEPP defined rural landsharing communities as 3 or more dwellings on one lot and it was never the intention to enable a potential doubling of the dwellings in such a development by permitting dual occupancies.</p> <p>Clause 4.2B (the “dwelling entitlement” clause) should be amended for consistency with clause 6.8A <i>Minimum subdivision lot size for rural landsharing community development</i>.</p>
<b>Part 6 – Additional local provisions</b>	
<p><b>Item E</b></p> <p>Inconsistency between clause 4.2B which does not permit a dwelling on land without a “dwelling entitlement” and Clause 6.8 <i>Rural Landsharing Community Development</i> which does not reference the “dwelling entitlement” clause.</p>	<p>Council has received legal advice indicating that consent can be granted for rural landsharing community development (RLCD) on land without a dwelling entitlement, an unintended consequence of inconsistencies with provisions of the LEP. It appears that there is conflict with the dwelling entitlement clause (Clause 4.2B <i>Erection of dual occupancies and dwelling houses on land in certain rural and environment protection zones</i>) and the rural landsharing community development (RLCD) clause (Clause 6.8 <i>Rural landsharing community development</i>).</p> <p>Extract from legal advice:</p> <p><i>Although clause 4.2B provides that consent must not be granted to dual occupancy or dwelling house on land to which this clause applies unless it has a “dwelling entitlement”, there is no indication that clause 4.2B is a relevant consideration for Council when determining whether to grant consent to a RLCD. Clause 6.8 allows Council to grant consent to development “for the purpose of 3 or more dwellings”. This is distinct from the provision in clause 4.2B(3) which restricts Council from granting consent to a dual occupancy (2 dwellings), or a dwelling house (1 dwelling) (unless the land has a dwelling entitlement). The use of the particular (rural) land for the purpose of a RLCD is distinct and separate from use of the land for the purpose of a dwelling house or a dual occupancy.</i></p> <p>In <i>Project Blue Sky v Australian Broadcasting Authority</i> [1998] the modern approach to statutory construction is set out in the following principles:</p> <p>69 <i>The primary object of statutory construction is to construe the relevant provision so that it is consistent with the language and purpose of all the provisions of the statute...</i></p> <p>70 <i>A legislative instrument must be construed on the prima facie basis that its provisions are intended to give effect to harmonious goals. Where conflict appears to arise from the language of particular provisions, the conflict must be alleviated, so far as possible, by adjusting the meaning of the competing provisions to achieve that result which will best give effect to the purpose and language of those provisions while maintaining the unity of all the statutory provisions...</i></p> <p>The inconsistency in the LEP provisions can be rectified by requiring land to have a dwelling entitlement before consent can be granted for a RLCD. A dwelling entitlement on land in</p>

Item	Justification
	certain rural and environment protection zones is achieved by consistency with Clause 4.2B(3).
<b>Schedule 2 – Exempt Development</b>	
<b>Item F</b> Roadside stalls in Zone RU1 Primary Production.	<p>Community demand exists for small scale rural roadside stalls within Zone RU1 Primary Production without the need to lodge a development application. Roadside stalls are currently permissible with consent in Zones RU1, RU2, RU5, R5, B1, B2, B3, B4 &amp; E3.</p> <p>Ballina LEP 2012 provides for small scale roadside stalls in Zones RU1 and RU2 in Schedule 2 Exempt Development. Ballina's rural zones are generally a mix of RU1 and RU2. Zone RU1 is the predominant rural zone in the Lismore LGA (85% of the LGA). Zone RU2 in the Lismore LGA is only applied to flood prone areas peripheral to North Lismore, South Lismore and East Lismore urban zones.</p> <p>The proposed clause is the same as the Ballina clause with the exception of the removal of Zone RU2 in clause 2(a).</p>
<b>Schedule 5 &amp; Associated Heritage Map</b>	
<b>Item G</b> Inaccuracies in the Heritage Map and Schedule 5 at Eltham involving the railway cottage, railway bridge & Eltham Conservation Area	<p>Various environmental heritage items at Eltham, as well as the 'Eltham Conservation Area', are incorporated in LEP 2012 Schedule 5 'Environmental Heritage' and appear in the LEP Heritage Map. The two heritage listed items, also part of this amendment, include the railway cottage, located at Johnston Road, Eltham (part Lot 4720 DP 1226324); and the railway bridge spanning Lot 190 DP 915276, and part Lot 4720 DP 1226324 (this long linear lot also spans the Wilsons River).</p> <p>The Heritage Map in the area of the railway cottage and the railway bridge is inaccurate as it does not incorporate the entire heritage listed items, nor does the Eltham Conservation Area include the entire railway bridge. Additionally, a subdivision occurred within the rail corridor and road reserve in this location in 2015 and the cadastre and property description is now inaccurate.</p> <p>The address and property description of the railway cottage and railway bridge in Schedule 5 requires amendment as a result of the aforementioned subdivision.</p>
<b>Mapping</b>	
<b>Item H</b> Minor inconsistency in Zoning, Lot Size and Height of Buildings Maps at 25 & 27 Earls Court, Goonellabah.	<p>Stage 2 of the residential subdivision at Earls Court Goonellabah was recently registered and the construction of dwellings is underway with some houses already occupied. The allotment boundaries at 25 Earls Court (Lot 212 DP 1238653 - a private lot within Zone R1) and 27 Earls Court (Lot 211 DP 1238653 - Council owned within Zone RE1) vary slightly from the zone map. Approximately 55m<sup>2</sup> of Lot 212 is erroneously within Zone RE1 and approximately 80m<sup>2</sup> of Lot 211 is erroneously within Zone R1.</p> <p>The proposed minor amendment of the zone boundary in this location will rectify the anomaly. Consequential amendments are also required for the Lot Size and Height of Buildings Maps.</p>
<b>Item I</b> Land at 27 & 27A Earls Court, Goonellabah has been acquired by Council and now requires the amendment of the Land Reservation Acquisition Map.	<p>The final stage of the residential subdivision at Earls Court Goonellabah was recently registered. The subdivision created two lots that are included in the Land Reservation Acquisition Map being 27 &amp; 27A Earls Court (Lots 211 &amp; 218 DP 1238653). These two lots were recently acquired by Council.</p> <p>The Land Reservation Acquisition map needs to be amended to delete Lots 211 and 218.</p>
<b>Item J</b> Inconsistency with lot size symbols and categories across the full series of Lot Size Map sheets.	<p>Lot Size Map sheets include numerous codes to represent the different minimum lot sizes that apply to land. The minimum lot size codes appear on the map and in the legend. Successive amendments involving the addition of new lot size categories have been made only to the relevant individual Lot Size Map sheets over the operation of LEP 2012 without updating the remainder of the map sheets in the lot size series. This has resulted in several labelling inconsistencies across the lot size series of map sheets.</p> <p>This amendment does not involve changing the minimum lot size of any land, it is limited to updating labelling. Some map sheets that are rarely amended will require up to 12 new lot size symbols. Other sheets, such as LSZ_005 that is regularly amended, require only 1 new lot size symbol. Two examples follow:</p>

Item	Justification
	<p>1) The following map sheets do not have the lot size category D 300m<sup>2</sup>: LSZ_003 and LSZ_007.</p> <p>2) Some map sheets display W 3,000m<sup>2</sup> including LSZ_001, LSZ_002, LSZ_003, LSZ_006AA &amp; LSZ_007. LSZ_004 is the only map sheet to display W1 3,000m<sup>2</sup> &amp; W2 4,000m<sup>2</sup>. The remainder of the maps sheets display W1 3,000m<sup>2</sup> &amp; W2 3,600m<sup>2</sup>. In this instance all map sheets will require amendment so that they display W1 3,000m<sup>2</sup>, W2 3,600m<sup>2</sup> &amp; W3 4,000m<sup>2</sup>.</p> <p>The issue can be rectified with the amendment of the Lot Size Map to include updated lot size symbols in the legend and on the map for the full series of Lot Size Map sheets.</p>
<p><b>Item K</b> Irrelevant clutter in the legend of the Additional Permitted Uses Map sheet APU_006B.</p>	<p>The Additional Permitted Uses Map sheet APU_006B was gazetted under LEP 2012 Amendment 19. The map sheet tiles displayed in this map sheet legend include reference to map sheets that are not part of the Additional Permitted Uses Map series (other than standards tiles 001, 002, 003, 004, 005, 006 &amp; 007). The unnecessary map tiles include 005AAA, 005ABA, 006AAA, 006ABA, 006ABB &amp; 006A.</p> <p>The issue can be rectified with the amendment of the Additional Permitted Uses Map sheet APU_006B legend so as to delete the unnecessary map sheet tiles in accordance with Item K map details.</p>
<p><b>Item L</b> Land at 5A George Drive, Chilcotts Grass, identified on the Land Reservation Acquisition Map, has been acquired by Council.</p>	<p>5A George Drive, Chilcotts Grass (Lot 1 DP 1185561) is a 438m<sup>2</sup> allotment within which is located a sewage pump station, part of the southern trunk main. The land was included in the Land Reservation Acquisition (LRA) Map to be acquired by Council. The land is now in Council's ownership and its inclusion in the LRA Map is redundant.</p>
<p><b>Item M</b> The rezoning of part of 550 Nimbin Road, Blakebrook (part of the Council owned Blakebrook Quarry).</p>	<p>Blakebrook Quarry, located at 550 Nimbin Road, Blakebrook (Lot 53 DP 1254990), is the site of a licenced aggregate (basalt or blue metal) extractive industry owned by Lismore City Council. In August 2017 Council sought project approval from the DP&amp;E for an area sufficient for 30 years of quarrying with a maximum extraction rate of 600,000 tonnes per annum. Approval was granted to undertake these works in accordance with a revised set of conditions of approval (CoA). The Blakebrook Quarry Biodiversity Offset Strategy was prepared in accordance with the CoA. The strategy sets out the offset requirements for the quarry. 45ha of land adjoining the quarry was purchased by Council and consolidation of this land and the existing quarry land has occurred to create one lot. The 45ha was acquired to offset ecological impacts associated with clearing vegetation for quarrying operations. It is proposed to rezone this land to E2 Environmental Conservation in order to satisfactorily secure the land for biodiversity offsets.</p> <p>The existing minimum lot size at Lot 53 DP 1254990 is a combination of 20ha and 40ha. A minimum lot size of 40ha is applied to other land within Zone E2 in the LGA.</p>
<p><b>Item N</b> The rezoning of 133 and 133A Molesworth Street, Lismore (old art gallery building and adjoining restaurant – The Stockpot Kitchen).</p>	<p>Development consent 2016/111 was issued in 2016 for a new art gallery at 110 Magellan Street Lismore and the new Lismore Regional Art Gallery was officially opened in October 2017.</p> <p>The old art gallery is located at 133 Molesworth Street, Lismore and an adjoining restaurant is located at 133A Molesworth Street. The old gallery and restaurant are Council owned and located within the one recently consolidated lot known as Lot 14 DP 1250790. The entire lot is classified operational under the <i>Local Government Act 1993</i>. Council resolved to classify the old art gallery portion of the lot operational at its meeting of 7 September 1993. The remainder of the lot within which the restaurant is located was more recently classified operational at Council's meeting of 11 September 2018.</p> <p>Council have difficulty attracting tenants for the old art gallery building due the restrictive Zone RE1 Public Recreation that applies to the land. A group called "Beyond Empathy" has occupied the former baby clinic within the art gallery under a short term licence for a nominal fee of \$1 plus outgoings. Beyond Empathy is an organisation for pregnant Aboriginal women. The women receive prenatal care from midwives. The making of plaster casts of bellies provides an opportunity for younger and older Aboriginal women to connect. The remainder of the old art gallery building remains vacant.</p> <p>The restaurant adjacent to the old gallery building is known as the Stockpot Kitchen – Smokehouse BBQ and Fried Chicken. The restaurateurs relocated from the Bangalow Bowling Club to the Council owned restaurant building and anecdotal evidence suggests that it is a very</p>

Item	Justification
	<p>popular venue for dinners. Notwithstanding the apparent success of this business enterprise, restaurants are one of the few commercial land uses that are permissible with consent in Zone RE1 Public Recreation.</p> <p>The use of Zone B3 Commercial Core for Lot 14 DP 1250790 would facilitate the adaptive reuse of the existing buildings and is consistent with the adjacent business zone in the CBD.</p>
<b>Item O</b> Marom Creek Weir drinking water catchment area.	<p>Rous County Council is the regional water supply authority in the Northern Rivers and provides bulk water to four Local Government Areas (LGA) including Byron, Lismore, Ballina and Richmond Valley from Rocky Creek Dam, Emigrant Creek Dam and the Wilsons River. Lismore, Ballina and Byron local councils also use their own water supplies, albeit to a lesser extent, in certain locations.</p> <p>There are various mechanisms in place to ensure that water catchments are managed in a way that is compatible with the provision of potable water. One of the statutory mechanisms is the use of a LEP Drinking Water Catchments Map and associated clause. The objective of the LEP map and provisions are to protect drinking water quality by minimising adverse impacts of development on the quality and quantity of water entering drinking water storages.</p> <p>Lismore City Council has received a request from Ballina Shire Council to include drinking water catchment mapping for the Marom Creek Weir drinking water catchment area. Ballina Shire Council manages Marom Creek Weir which supplies water to some properties in Alstonville, Wardell and Meerschaum Vale. The weir and approximately 60% of the water catchment are located in the Ballina LGA. The remaining 40% of the catchment is located within the Lismore LGA covering part of Lindendale and the southern portion of McLeans Ridges. The land use zone in this area is Zone RU1 Primary Production.</p> <p>The inclusion of the Marom Creek Weir drinking water catchment in the Lismore LEP Drinking Water Catchment Map would afford greater protection for water quality and quantity at Marom Creek Weir. It should be noted that over half of the north eastern portion of the Lismore LGA, including half of the Lismore urban area, is already located within the Lismore LEP Drinking Water Catchment Map. There will be no additional requirements for land uses permitted without consent such as horticulture or grazing of livestock in Zone RU1 Primary Production. Land uses that do require development consent will be required to consider the LEP Drinking Water Catchment provisions. The LEP provisions are generally satisfied with consistency with the requirements of the Development Control Plan Chapter 22 Water Sensitive Design.</p>
<b>Item P</b> Minor anomaly in the Land Zoning Map involving six village allotments in Dunoon.	<p>14, 16, 18, 20, 22 &amp; 24 May Street, Dunoon (Lots 19, 20, 21 &amp; 22 DP 1230136 and Lots 6 &amp; 7 DP 1213529) are village allotments ranging in area from 2064m<sup>2</sup> to 4520m<sup>2</sup>. The lots were zoned entirely 2(v) Village under LEP 2000. The LEP 2012 Village zone boundary was erroneously shifted by around 10m to the west resulting in the lots being split zoned with the inclusion of a 10m strip of Zone RU1 Primary Production and the remainder of the lots being within Zone RU5 Village. There is no logical reason to maintain split zoned lots in this location when the land is being used entirely as village zoned land. There are no restrictions with regards to buffers or 'no build areas' on the use of the land within the Zone RU1 area under Section 88B of the <i>Conveyancing Act 1919</i>. There is a planted 50m buffer on the adjoining eastern rural lot to minimise land use conflict between residential and horticultural land uses.</p> <p>The lots in this location should be entirely within Zone RU5 Village. Consequential amendments would also be required to the lot size and height of buildings maps.</p>

## 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?

The planning proposal is consistent with the actions contained within the North Coast Regional Plan 2036. A compliance table is provided at Appendix 2.



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

The planning proposal is consistent with the Lismore Growth Management Strategy 2015 – 2035 and Imagine Lismore (Community Strategic Plan) 2017 – 2027.

The planning proposal is consistent with the Lismore 4 year Delivery Program (2017–2021) Strategy D3.2 *Ensure a diverse range of land use and development opportunities are available*. The proposal is also consistent with the 1 year Operational Plan Action D3.2.1 *Monitor the Local Environmental Plan and amend as required in response to community and development industry needs*.

**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 Appendix 3.

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

The planning proposal is consistent, or any inconsistency can be justified, with the applicable s9.1 Ministerial Directions. A Section 9.1 checklist for the planning proposal is provided at Appendix 4.

**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 planning proposal is not likely to adversely impact threatened species, populations or ecological communities or their habitats. Table 3 below provides an assessment of each of the planning proposal items. There is no critical habitat in the Lismore LGA.

**Table 3 Likelihood of adverse impact on threatened species, populations or ecological communities or their habitats.**

Item	Threatened species or high conservation value vegetation on site?	Adverse impact on threatened species, populations or ecological communities or their habitats
<b>Item A</b> "Artisan food and drink industry" in business zones B1, B2, B3 & B4.	Unlikely Business zones are long established and include intensive commercial land uses. Very limited endemic flora other than that which has been planted.	None
<b>Item B</b> "Tourist and visitor accommodation" in Zone R2 Low Density Residential.	Unlikely. Zone R2 is a zone applied to long established flood prone residential areas. The housing stock and associated residential use in these locations have been established for between 50 – 100 years.	Unlikely. Zone R2 does not contain endemic bushland and the likelihood of adverse impacts on threatened species, populations or ecological communities is very low.
<b>Item C</b> Inconsistency between Clause 4.2B(3) and 4.2E(4) regarding dwellings on	N/A	None

Item	Threatened species or high conservation value vegetation on site?	Adverse impact on threatened species, populations or ecological communities or their habitats
undersized residue lots in certain rural or environmental protection zones.		
<b>Item D</b> Inconsistency between clause 6.8A and clause 4.2B regarding dual occupancies on community title lots created under clause 6.8A.	N/A	None
<b>Item E</b> Inconsistency between clause 4.2B which does not permit a dwelling on land without a “dwelling entitlement” and Clause 6.8 <i>Rural Landsharing Community Development</i> which does not reference the “dwelling entitlement” clause.	N/A	None
<b>Item F</b> “Roadside stalls” as Exempt Development in Zone RU1 Primary Production.	N/A	None In accordance with LEP clause 3.1(5)(b) Exempt development must “ <i>not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit</i> ”.
<b>Item G</b> Inaccuracies in the Heritage Map and Schedule 5 at Eltham involving the railway cottage, railway bridge & Eltham Conservation Area.	No	None
<b>Item H</b> Minor inconsistency in Zoning, Lot Size and Height of Buildings Maps at 25 & 27 Earls Court, Goonellabah.	No	None The small area of land involved in the zone correction is vegetated with herbaceous weeds.
<b>Item I</b> Land at 27 & 27A Earls Court, Goonellabah has been acquired by Council which necessitates the amendment of the Land Reservation Acquisition Map.	N/A	None The land is subject to revegetation with native species.
<b>Item J</b> Inconsistency with lot size symbols and categories across the full series of Lot Size Map sheets.	N/A	N/A
<b>Item K</b> Irrelevant clutter in the legend of the Additional Permitted Uses Map sheet APU_006B.	N/A	N/A
<b>Item L</b> Land at 5A George Drive, Chilcotts Grass, identified on the Land Reservation Acquisition Map, has been acquired by Council.	No	None. The 440m <sup>2</sup> allotment is the site of a sewage pump station. The allotment is completely hardstand.
<b>Item M</b> The rezoning of part of 550 Nimbin Road, Blakebrook (part of the Council owned Blakebrook Quarry).	Likely due to the large areas of endemic bushland including subtropical rainforest and sclerophyll forest.	No. The proposed application of E2 and associated Biodiversity Offset Strategy aim to enhance biodiversity at the site.
<b>Item N</b> The rezoning of 133 and 133A Molesworth Street, Lismore (old art gallery building and adjoining restaurant – The Stockpot Kitchen).	No The small area of vegetation in the allotment is limited to maintained lawns.	No
<b>Item O</b>	Likely	No

Item	Threatened species or high conservation value vegetation on site?	Adverse impact on threatened species, populations or ecological communities or their habitats
Marom Creek Weir drinking water catchment area.		The proposed inclusion of the land in the Drinking Water Catchment Map and associated application of LEP clause 6.4 "Drinking water catchment" is likely to have a positive impact on biodiversity conservation.
<b>Item P</b> Minor anomaly in the Land Zoning Map involving six village allotments in Dunoon (14, 16, 18, 20, 22 & 24 May Street).	No – maintained lawns	No

**8. Are there any likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

An overview of the natural hazards that apply to land proposed for rezoning is provided below in Table 4. Several of the sites proposed for minor rezonings are identified as bushfire prone land. The planning proposal will be referred to the NSW Rural Fire Service in accordance with Ministerial Direction 4.4. There are no likely negative environmental effects associated with the planning proposal with regards to natural hazards.

**Table 4 Natural hazards**

Item	Flood	Landslip	Bushfire	Contaminated land	Acid sulfate soils
<b>Item A</b> "Artisan food and drink industry" in business zones B1, B2, B3 & B4.	Yes Most of the business zones in Lismore are in the flood planning area. LEP & DCP provide robust planning controls to mitigate against adverse impacts.	No	Very minor part within zones B1, B2, B3 & B4. Referred to RFS.	N/A under SEPP 55 clause 6.	No
<b>Item B</b> "Tourist and visitor accommodation" in Zone R2 Low Density Residential.	Yes Zone R2 is within the flood planning area. LEP & DCP provide robust planning controls to mitigate against adverse impacts.	No	Very minor part within zone R2. Referred to RFS.	N/A under SEPP 55 clause 6.	No
<b>Item C</b> Inconsistency between Clause 4.2B(3) and 4.2E(4) regarding dwellings on undersized residue lots in certain rural or environmental protection zones.	N/A	N/A	N/A	N/A	N/A
<b>Item D</b> Inconsistency between clause 6.8A and clause 4.2B regarding dual occupancies on	N/A	N/A	N/A	N/A	N/A

Item	Flood	Landslip	Bushfire	Contaminated land	Acid sulfate soils
community title lots created under clause 6.8A.					
<b>Item E</b> Inconsistency between clause 4.2B which does not permit a dwelling on land without a "dwelling entitlement" and Clause 6.8 <i>Rural Landsharing Community Development</i> which does not reference the "dwelling entitlement" clause.	N/A	N/A	N/A	N/A	N/A
<b>Item F</b> "Roadside stalls" in Zone RU1 Primary Production.	Some land within Zone RU1 is flood prone. No negative effects as a result of this constraint due to the small scale nature (4m <sup>2</sup> ) of the proposal.	Unlikely to be developed on areas of landslip due to access requirements. No likely negative environmental effects.	Partly yes. Referred to RFS.	N/A under SEPP 55 clause 6.	Some land within Zone RU1 is located on the Acid Sulfate Soils Map. The scale of works required for a 4m <sup>2</sup> structure is very low risk and would not conflict with LEP cl 6.1 "Acid sulfate soils".
<b>Item G</b> Inaccuracies in the Heritage Map and Schedule 5 at Eltham involving the railway cottage, railway bridge and Eltham Conservation Area.	N/A	N/A	N/A	N/A	N/A
<b>Item H</b> Minor inconsistency in Zoning, Lot Size and Height of Buildings Maps at 25 & 27 Earls Court, Goonellabah.	No	No	Yes. Referred to RFS.	Proposed small scale zone change RE1 to R1 and R1 to RE1 - Assessment under SEPP 55 cl 6 not required.	No
<b>Item I</b> Land at 27 & 27A Earls Court, Goonellabah has been acquired by Council which necessitates the amendment of the Land Reservation Acquisition Map.	N/A	N/A	N/A	N/A	N/A
<b>Item J</b> Inconsistency with lot size symbols and categories across the full series of Lot Size Map sheets.	N/A	N/A	N/A	N/A	N/A
<b>Item K</b> Irrelevant clutter in the legend of the Additional	N/A	N/A	N/A	N/A	N/A

Item	Flood	Landslip	Bushfire	Contaminated land	Acid sulfate soils
Permitted Uses Map sheet APU_006B.					
<b>Item L</b> Land at 5A George Drive, Chilcotts Grass, identified on the Land Reservation Acquisition Map, has been acquired by Council.	N/A	N/A	N/A	N/A	N/A
<b>Item M</b> The rezoning of part of 550 Nimbin Road, Blakebrook (part of the Council owned Blakebrook Quarry) from RU1 to E2.	No	Some slumping. No risk associated with proposal.	Yes. Referred to RFS.	Proposed zone change from RU1 to E2. Assessment under SEPP 55 cl 6 not required.	No
<b>Item N</b> The rezoning of 133 and 133A Molesworth Street, Lismore (old art gallery building and adjoining restaurant – The Stockpot Kitchen).	Yes. LEP and DCP provisions provide robust flood controls that mitigate risks.	No	Yes. Referred to RFS.	Proposed zone change from RE1 to B3. Assessment under SEPP 55 cl 6 not required.	No
<b>Item O</b> Marom Creek Weir drinking water catchment area.	N/A	N/A	N/A	N/A	N/A
<b>Item P</b> Minor anomaly in the Land Zoning Map involving six village allotments in Dunoon (14, 16, 18, 20, 22 & 24 May Street).	No	No	Yes - 14 & 16 May Street only.	Proposed zone change for small area of each lot from RU1 to RU5. Assessment under SEPP 55 cl 6 not required as land was erroneously changed from 2(v) Village to RU1 under the standard instrument LEP	No

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

A review of Aboriginal and European cultural heritage has been undertaken. The general amendments planning proposal involves minor changes to the land use table; minor modifications to existing provisions for consistency across different clauses; the addition of a new item to Schedule 2 Exempt Development; and minor mapping changes. The proposed modifications to the written instrument will have no adverse impacts on cultural heritage values. All of the sites proposed for mapping amendments were assessed for their cultural heritage value using the Aboriginal Heritage Management Information System; and an unpublished report entitled “Wiy-abal Aboriginal Clan (Bundjalung Nation) Cultural Heritage & Values Relating to the Lismore City Council Local Government Area” prepared by Collins M and Heron R dated June 2000. Sites G, M and N are identified as having heritage significance and an assessment of the proposal on heritage values is provided in Table 5 below. The planning proposal does not involve any negative social or economic impacts.

**Table 5 - Heritage**

Item	Heritage assessment
<b>Item G</b> Inaccuracies in the Heritage Map and Schedule 5 at Eltham involving the railway cottage, railway bridge and Eltham Conservation Area.	Item G involves the railway cottage and railway bridge at Eltham, both listed in Lismore LEP 2012 Schedule 5 Environmental Heritage and included in the Heritage Map. The map in the area of these heritage items is inaccurate as it does not incorporate the entire heritage listed item. The proposed minor adjustment for Item G aims to more accurately reflect the location of the heritage items.
<b>Item M</b> The rezoning of part of 550 Nimbin Road, Blakebrook (part of the Council owned Blakebrook Quarry) from RU1 to E2.	Item M involves an item listed in the Collins and Heron report referred to above. The report indicates that there is a burial site located on the hill in close proximity to the Blakebrook Quarry. It is worth noting that the exact location of such a site is not accurately identified in the report. The proposed application of Zone E2 Environmental Conservation is appropriate for the management of cultural values. Two of the E2 zone objectives follow: <ul style="list-style-type: none"> <li>• <i>To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</i></li> <li>• <i>To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</i></li> </ul>
<b>Item N</b> The rezoning of 133 and 133A Molesworth Street, Lismore (old art gallery building and adjoining restaurant – The Stockpot Kitchen).	Item N – Proposed to change the zone of 133 & 133A Molesworth Street, Lismore, from RE1 to B3. The land is listed in Schedule 5 Part 2 – Heritage Conservation Area – Spinks Park/Civic Precinct Conservation Area. The old Lismore art gallery and adjoining restaurant are located on this CBD site. Existing LEP and DCP provisions protect buildings within the precinct regardless of the zone.

## Section D – State and Commonwealth Interests

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

The planning proposal will not create additional demand for public infrastructure.

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

Several of the sites that are subject to the proposed amendments are bush fire prone and Council is required to consult with the NSW Rural Fire Service in accordance with s9.1 Ministerial Direction 4.4.

The planning proposal involves some zones and sites that are within the Lismore Airport Obstacle Limitation Surfaces. On this basis it has been determined that some of the sites are “near” the Lismore Airport. Accordingly, the planning proposal will be referred to the Lismore Airport operator for comment.

The views of State and Commonwealth public authorities will be sought in accordance with the Gateway determination.

## PART 4 - MAPPING

Refer to Appendix 1.

## PART 5 – COMMUNITY CONSULTATION

Council will commence community consultation post Gateway determination. Council considers that a twenty eight (28) day public exhibition period is appropriate in this instance

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, Industry and Environment.
- Letter to affected landholders regarding mapping amendments.

The written notice:

- 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, Industry and Environment.
- The Gateway determination.

## PART 6 – PROJECT TIMELINE

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

Estimated Completion	Plan Making Steps
October 2019	Report planning proposal to Council
December 2019	Gateway determination issued by Department of Planning, Industry and Environment.
January/February 2020	Government agency consultation
February/March 2020	Public consultation
April 2020	Analysis of public submissions & public agency comments Preparation of Council report
June 2020	Report to Council
August 2020	Opinion sought from Parliamentary Counsel's Office Preparation of LEP Map sheets
September 2020	Making of the LEP. Notification of the LEP

## PART 7– LEP DELEGATIONS

Correspondence received by the then Department of Planning and Environment on 1/3/2016 state that plan making delegations involving the use of an E zone remain with the Department. The Department will consult with Council during the drafting and plan making stages of the draft instrument.



## APPENDIX 2

### NORTH COAST REGIONAL PLAN 2036 - COMPLIANCE TABLE

Action	Requirement	Compliance
<b>Direction 1: Deliver environmentally sustainable growth</b>		
1.1	Urban development in mapped areas.	<b>Consistent</b> General amendments only.
1.2	Review mapped areas for high environmental value.	N/A
1.3	Identify residential, commercial or industrial uses in GMS.	N/A
1.4	Prepare land release criteria to assess appropriate locations for future urban growth.	N/A
<b>Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments</b>		
2.1	Implement the 'avoid, minimise, offset' hierarchy to biodiversity.	<b>Consistent</b> This general amendments planning proposal does not focus development on areas of biodiversity sensitivity. Proposed amendments to land use table involve urban areas. Proposed 4m <sup>2</sup> roadside stall as Exempt Development can only occur if, among other things, it does not involve removal of vegetation that requires a permit.
2.2	Ensure local plans manage marine environments, water catchment areas and groundwater sources.	<b>Consistent</b> The proposal includes the addition of the Marom Creek Weir water catchment to the Drinking Water Catchment Map. Regarding other items in the proposal, mechanisms are in place in the LEP to manage drinking water catchments.
<b>Direction 3: Manage natural hazards and climate change</b>		
3.1	Reduce the risk from natural hazards by identifying, avoiding and managing.	<b>Consistent</b> Current legislation in place to minimise risk from bushfire. Robust flood provisions exists in Lismore LEP and DCP. The proposal does not increase risks from natural hazards.
3.2	Review flood risk, bushfire and coastal management mapping.	N/A
3.3	Use latest knowledge on regional climate projections for new urban development.	N/A
<b>Direction 4: Promote renewable energy opportunities</b>		
4.1	Identifying renewable energy resource precincts and infrastructure corridors.	N/A
4.2	Enable appropriate smaller-scale renewable energy projects	N/A
4.3	Promote appropriate smaller and community-scale renewable energy projects.	N/A
<b>Direction 5: Strengthen communities of interest and cross-regional relationships</b>		
5.1	Collaborate on regional and intra-regional housing and employment land delivery, and industry development.	N/A
5.2	Integrate cross-border land use planning between NSW and SE Qld.	N/A
5.2	Cooperation and land use planning between the City of Gold Coast and Tweed Shire Council.	N/A
5.4	Prepare a regional economic development strategy.	N/A
<b>Direction 6: Develop successful centres of employment</b>		
6.1	Facilitate economic activity around industry anchors by considering new infrastructure needs & encourage clusters of related activity.	N/A
6.2	Flexible planning controls, business park development opportunities and opportunities for start-up industries.	N/A

Action	Requirement	Compliance
6.3	Reinforce centres through LGMS and LEP as primary mixed-use locations	<b>Consistent</b> The proposal includes minor amendments to the land use table in response to community demand with an aim to enhance activation in and around the CBD.
6.4	Focus commercial activities in existing centres; place-making focused planning.	<b>Consistent</b> The proposed minor amendments to the land use table aim to assist with focusing commercial activity in and around the CBD.
6.5	Appropriate mix of land uses; prevent encroachment of sensitive uses on employment land	<b>Consistent</b> No encroachment of sensitive uses on employment land.
6.6	Deliver employment land through LGMS and LEP	N/A
6.7	Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor.	N/A
<b>Direction 7: Coordinate the growth of regional cities</b>		
7.1	Prepare action plans for regional cities	N/A
<b>Direction 8: Promote the growth of tourism</b>		
8.1	Facilitate appropriate large-scale tourism developments in prime tourism development areas.	<b>Consistent</b> It is acknowledged that the Lismore LGA is not identified as a prime tourism development area in the North Coast Regional Plan. However, tourism plays an important role in the local economy and the provision of short term accommodation is in demand with visitors to the LGA for events, sports, medical, professional or recreational stays. To this end, the proposal includes the expansion of tourist and visitor accommodation permissibility in zone R2, adjacent to the CBD and commercial areas in South Lismore and, to a lesser extent, North Lismore.
8.2	Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through LGMS and LEP.	<b>Consistent</b> Proposed expansion of tourist and visitor accommodation permissibility in Zone R2.
8.3	Prepare destination management plans or other tourism focused strategies.	N/A
8.4	Promote opportunities to expand visitation to regionally significant nature-based tourism places.	N/A
8.5	Preserve the region's existing tourist and visitor accommodation.	N/A
<b>Direction 9: Strengthen regionally significant transport corridors</b>		
9.1	Encouraging business and employment activities that leverage major transport connections.	N/A
9.2	Minimise impact of development on regionally significant transport infrastructure.	N/A
9.3	Ensure the effective management of the State and regional road network.	N/A
<b>Direction 10: Facilitate air, rail and public transport infrastructure</b>		
10.1	Deliver airport precinct plans that maximise potential of value-adding industries close to airports.	N/A
10.2	Consider airport-related employment/precincts that capitalise on future expanded Gold Coast Airport.	N/A
10.3	Protect the North Coast Rail Line and high-speed rail corridor.	N/A
10.4	Provide public transport where urban area has potential to generate sufficient demand.	N/A
10.5	Deliver a safe and efficient transport network to serve future release areas.	N/A
<b>Direction 11: Protect and enhance productive agricultural lands</b>		

Action	Requirement	Compliance
11.1	Direct urban and rural residential development away from important farmland. Support existing and small-lot primary production.	<b>Consistent</b> General amendments only. The proposal does not involve the expansion of urban or large lot residential land into important farmland.
11.2	Update the Northern Rivers Farmland Protection Project (2005).	N/A
11.3	Identify and protect intensive agriculture clusters in local plans.	<b>Consistent</b> General amendments only without adverse impacts on agricultural production.
11.4	Encourage commercial/tourist/recreation that complements/promotes agricultural sector.	<b>Consistent</b>
11.5	Address sector-specific considerations for agricultural industries through local plans.	N/A
<b>Direction 12: Grow agribusiness across the region</b>		
12.1	Promote the expansion agribusiness in LGMS and LEPs.	<b>Consistent</b> Current provisions in LEP enable expansion of agribusiness.  Items C, D & E aim to provide consistency with LEP provisions regarding dwelling entitlements to remove any unintended "loopholes" would could enable a dwelling or multiple occupancy on land without a dwelling entitlement. This would reduce the potential for unintended land use conflict in rural areas.  Item F – Roadside stall as Exempt development aims to provide opportunities for rural landholders to sell some of their produce.
12.2	Encourage the co-location of intensive primary industries and compatible processing activities.	N/A
12.3	Leverage proximity from the Gold Coast and Brisbane West Wellcamp airports for agribusiness.	N/A
12.4	Facilitate investment in the agricultural supply chain.	N/A
<b>Direction 13: Sustainably manage natural resources</b>		
13.1	Locate sensitive development e.g. residential away from region's natural mineral and forestry resources.	<b>Consistent</b> The planning proposal does not involve urban expansion.
13.2	Plan for the ongoing use of lands with regionally significant construction material resources.	<b>Consistent</b> Existing construction material resources are not compromised by the planning proposal.
<b>Direction 14: Provide great places to live and work</b>		
14.1	Prepare precinct plans in growth areas or centres bypassed by the Pacific Highway. Establish appropriate zoning, development standards & S94.	N/A
14.2	Deliver precinct plans that are consistent with the Precinct Plan Guidelines (Appendix C).	N/A
<b>Direction 15: Develop healthy, safe, socially engaged and well-connected communities</b>		
15.1	Deliver guidelines for healthy built environments.	N/A
15.2	Facilitate more recreational walking and cycling paths.	N/A
15.3	Implement actions and invest in boating infrastructure priorities.	N/A
15.4	Create socially inclusive communities.	<b>Consistent</b> Council's social impact assessment policies do not apply to these general amendments.
15.5	Deliver CPTED.	<b>Consistent</b> The small scale nature of these general amendments do not require the application of Council's CPTED controls.

Action	Requirement	Compliance
<b>Direction 16: Collaborate and partner with Aboriginal communities</b>		
16.1	Develop partnerships with Aboriginal communities to facilitate engagement during the planning process.	N/A
16.2	Engage with Aboriginal communities with preparation of LGMS and LEP.	<b>Consistent</b> The planning proposal will be referred to the Ngulingah LALC.
<b>Direction 17: Increase the economic self-determination of Aboriginal communities</b>		
17.1	Deliver opportunities to increase the economic independence of Aboriginal communities.	N/A
17.2	Foster closer cooperation with LALC.	N/A
17.3	Identify priority sites with economic development potential that LALC may wish to investigate.	N/A
<b>Direction 18: Respect and protect the North Coast's Aboriginal Heritage</b>		
18.1	Ensure Aboriginal objects and places are protected, managed and respected.	<b>Consistent</b> Item M involves an item listed in the "Wiyabal Aboriginal Clan (Bundjalung Nation) Cultural Heritage & Values Relating to the Lismore City Council Local Government Area" prepared by Collins M and Heron R dated June 2000. The proposed application of Zone E2 Environmental Conservation is appropriate for the management of cultural values.
18.2	Undertake Aboriginal cultural heritage assessments to inform planning and development proposals.	<b>Consistent</b> Minor housekeeping amendments only.
18.3	Adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	N/A
18.4	Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas to protect Aboriginal heritage.	N/A
<b>Direction 19: Protect historic heritage</b>		
19.1	Ensure best-practice guidelines are considered when assessing heritage significance.	<b>Consistent</b> Minor housekeeping amendments only.
19.2	Prepare, review and update heritage studies and include appropriate local planning controls.	N/A
19.3	Deliver the adaptive or sympathetic use of heritage items and assets.	<b>Consistent</b> Item G - LEP Schedule 5 heritage items and conservation area. Item G is limited to minor heritage map amendments to accommodate recent boundary adjustment and minor mapping inaccuracies at Eltham.  Item N - is within a Schedule 5 conservation area. Proposed zone change from RE1 to B3 to enable the adaptive reuse of the Council owned old art gallery.
<b>Direction 20: Maintain the region's distinctive built character</b>		
20.1	Development consistent with the North Coast Urban Design Guidelines (2009).	<b>Consistent</b> The proposal is consistent with the key characteristics of villages and Lismore as a regional centre. The proposal is consistent with Settlement growth guidelines.
20.2	Review the North Coast Urban Design Guidelines (2009).	N/A
<b>Direction 21: Coordinate local infrastructure delivery</b>		
21.1	Undertake detailed infrastructure service planning to support proposals for new major release areas.	N/A
21.2	Maximise the cost-effective and efficient use of infrastructure.	<b>Consistent</b> Proposed expansion of land uses within Zones B1, B2, B3, B4 and R2.
<b>Direction 22: Deliver greater housing supply</b>		

Action	Requirement	Compliance
22.1	Deliver an appropriate supply of residential land within LGMS and local plans.	N/A
22.2	Facilitate housing and accommodation options for temporary residents.	N/A
22.3	Monitor the supply of residential land and housing through the North Coast Housing and Land Monitor.	N/A
<b>Direction 23: Increase housing diversity and choice</b>		
23.1	Encourage housing diversity - target 40% of new housing as dual occupancies, apartments, townhouses, villas or dwellings on 400m <sup>2</sup> , by 2036.	N/A
23.2	Develop LGMS to respond to changing housing needs and support initiatives for ageing in place.	N/A
<b>Direction 24: Deliver well-planned rural residential housing areas</b>		
24.1	Facilitate the delivery of well-planned rural residential housing areas.	N/A
24.2	Enable sustainable use of the region's sensitive coastal strip - new rural residential areas located outside the coastal strip, unless in LGMS	N/A
<b>Direction 25: Deliver more opportunities for affordable housing</b>		
25.1	Deliver more opportunities for affordable housing.	N/A
25.2	Prepare guidelines for local housing strategies to plan for local affordable housing needs.	N/A

## APPENDIX 3

### STATE ENVIRONMENTAL PLANNING POLICIES COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 21 – Caravan Parks	N/A	N/A
SEPP No. 33 – Hazardous and Offensive Development	N/A	N/A
SEPP No. 36 – Manufactured Home Estates	N/A	N/A
SEPP No. 44 – Koala Habitat Protection	<p>3 - Aims, Objectives, Etc.</p> <p>(a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat;</p> <p>(b) By encouraging the identification of areas of core koala habitat; and</p> <p>(c) By encouraging the inclusion of areas of core koala habitat in environment protection zones.</p>	<p><b>Consistent</b></p> <p>Land Use Table</p> <ul style="list-style-type: none"> <li>Minor adjustment in established urban areas – very limited area of primary koala habitat in South Lismore on waterfront land at Leycester Creek. Little to no development potential here due to DCP &amp; LEP flood requirements.</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>Minor adjustment of clauses for consistency. Schedule 2 Exempt Development conditional upon, among other things, no tree removal that requires a permit.</li> </ul> <p>Mapping – specific sites</p> <ul style="list-style-type: none"> <li>Item I - some primary koala habitat – proposed deletion from LRA map that will have no impact on development potential. Land is within Zone RE1 and subject to revegetation.</li> <li>Item M – not mapped as koala habitat. Large area of bushland proposed for Zone E2.</li> <li>Item O several areas of primary and secondary koala habitat. The proposed inclusion of the Marom Creek Weir water catchment will have no negative impact on koala habitat.</li> </ul>
SEPP No. 50 – Canal Estate Development	N/A	N/A
SEPP No. 55 – Remediation of Land	<p>6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal</p>	<p><b>Consistent</b></p> <p>Land Use Table</p> <ul style="list-style-type: none"> <li>Not applicable.</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>Not applicable</li> </ul> <p>Mapping – specific sites</p> <ul style="list-style-type: none"> <li>Item H – Minor zone adjustment. Proposed Zone R1 to RE1 and RE1 to R1. Both of these zones are included in SEPP 55 clause 4(c) - consequently no additional reporting required as this is a change from one “sensitive zone” to another “sensitive zone”. Moreover, contaminated land addressed at original rezoning (around 7 years ago) and subdivision stage.</li> <li>Item M – Proposed zone change from RU1 to E2. No additional reporting required under SEPP 55 clause 4(c).</li> </ul>

State Environmental Planning Policy	Requirements	Compliance
		<ul style="list-style-type: none"> <li>Item N – Proposed zone change from RE1 to B3. No additional reporting required under SEPP 55 clause 4(c).</li> <li>Item P – Proposed zone change from RU1 to RU5 Village. Proposed amendment to rectify zoning error. This RU1 land was originally zoned 2(v) Village 7 years ago under LEP 2000. The allotments are used as Village land and the partial application of RU5 was done in error. No additional reporting required under SEPP 55 clause 4(c).</li> </ul>
SEPP No. 64 – Advertising and Signage	N/A	N/A
SEPP No. 65 – Design Quality of Residential Flat Development	N/A	N/A
SEPP No 70 – Affordable Housing ( <i>Revised Schemes</i> )	N/A	N/A
SEPP (Affordable Rental Housing) 2009	N/A	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A	N/A
SEPP (Coastal Management) 2018	<p><b>3 Aim of Policy</b> The aim of this Policy is to promote and coordinate an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objectives of the Coastal Management Act 2016 by:</p> <p>(a) managing development in the coastal zone and protecting coastal environmental assets,  (b) establish a framework for land use planning to guide decision making in the coastal zone,  (c) mapping the 4 coastal management areas that comprise the NSW coastal zone.</p>	<p><b>Consistent</b> The planning proposal is consistent with the objects of the <i>Coastal Management Act 2016</i>.</p> <p><b>Land Use Table</b></p> <ul style="list-style-type: none"> <li>Item A &amp; B involve changes to the land use table for Zone B1, B2, B3, B4 and R2. Much of this land is within the Coastal Environment Area and some of it is in the Coastal Use Area.</li> </ul> <p><b>Clauses 4.2B &amp; 6.8 and Schedule 2</b></p> <ul style="list-style-type: none"> <li>This part of the proposal involves rural land, relatively minor areas of which are located within the Coastal Environment Area and the Coastal Use Area.</li> <li>Proposed amendments to provide consistency to clauses 4.2B and 6.8. There is no increased development potential regarding this minor housekeeping part of the planning proposal.</li> <li>The proposed inclusion of roadside stalls within Zone RU1 in Schedule 2 Exempt Development. Relatively minor areas of Zone RU1 are located within the Coastal Environment Area and the Coastal Use Area.</li> </ul> <p><b>Mapping – specific sites</b></p> <ul style="list-style-type: none"> <li>Item O is the only site proposed for a mapping amendment that is within the Coastal Use Area and the Coastal Environment Area. The proposed DWC mapping is consistent with the aims of the SEPP.</li> <li>Item N – Proposed to change the zone of 133 &amp; 133A Molesworth Street, Lismore, from RE1 to B3. The old Lismore art gallery and adjoining restaurant are located on this CBD</li> </ul>



State Environmental Planning Policy	Requirements	Compliance
		site. The proposed zone change will enable the adaptive reuse of the building which will increase employment opportunities and assist with activating the CBD. The proposed zone change does not compromise the aims of the SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	3 Aims of the Policy The aim of this Policy is to facilitate the effective delivery of educational establishment and early education and care facilities.	<b>Consistent</b> Land Use Table <ul style="list-style-type: none"> <li>The two amendments to the land use table do not compromise the aims of the SEPP</li> </ul> Clauses 4.2B & 6.8 and Schedule 2 <ul style="list-style-type: none"> <li>N/A</li> </ul> Mapping – specific sites <ul style="list-style-type: none"> <li>Housekeeping mapping amendments only. Proposed zone changes involving Items M &amp; N do not compromise the aims of the SEPP.</li> </ul>
SEPP (Exempt and Complying Development Codes) 2008	1.3 Aims of Policy This Policy aims to provide streamlined assessment processes for development that complies with specified development standards.	<b>Consistent</b> Item F – addition or roadside stalls in Zone RU1 to Schedule 2 Exempt Development. This item is not list as exempt in the SEPP. The proposal does not introduce any inconsistencies with the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	2 Aims of Policy (1) This Policy aims to encourage the provision of housing (including residential care facilities) that will: (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and (b) make efficient use of existing infrastructure and services, and (c) be of good design.	<b>Consistent</b> This general amendments planning proposal involves housekeeping matters only and does not compromise the aims of the SEPP.
SEPP (Infrastructure) 2007	2 Aim of Policy  The aim of this policy is to facilitate the effective delivery of infrastructure across the State.	<b>Consistent</b>  The proposed general amendments do not compromise the aim of the SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	2 Aims of Policy The aims of this Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries: (a) to provide for the proper management and development of mineral, petroleum and extractive material resources, and (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and (b1) to promote the development of significant mineral resources, and (c) to establish appropriate planning controls to encourage ecologically sustainable development, of mineral, petroleum and extractive material resources, and	<b>Consistent</b> The proposed general amendments do not inhibit the lawful extraction of mineral, petroleum and extractive material resources.

State Environmental Planning Policy	Requirements	Compliance
	(d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development:	
SEPP (Primary Production and Rural Development) 2019	<p>3 Aims of Policy</p> <p>The aims of this Policy are as follows:</p> <p>(a) to facilitate the orderly economic use and development of lands for primary production,</p> <p>(b) to reduce land use conflict and sterilisation of rural land,</p> <p>(c) ensure ongoing viability of agriculture on State significant agricultural land,</p> <p>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, artificial water supply or drainage,</p> <p>(e) to encourage sustainable agriculture, including sustainable aquaculture,</p> <p>(f) to consider the effects of proposed development on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to be treated as designated development.</p>	<p><b>Consistent</b></p> <p>Land Use Table</p> <ul style="list-style-type: none"> <li>The two amendments to the land use table involve urban zones and do not compromise the aims of the SEPP.</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>Proposed amendments to clause 4.2B and 6.8 aim to provide consistency between existing LEP provisions regarding dwellings on rural land. The proposal will close any “loopholes” that may be interpreted as enabling additional dwellings on some rural land when it was never intended. The proposal will eliminate the potential for increased land use conflict and sterilisation of rural land.</li> <li>The proposed inclusion of roadside stalls in Schedule 2 Exempt Development will to facilitate the orderly economic use and development of lands for primary production.</li> </ul> <p>Mapping – specific sites</p> <ul style="list-style-type: none"> <li>Item O – State significant farmland. Proposed to include Marom Creek Weir water catchment (all Zone RU1) in the DWC Map. Extensive agriculture and intensive plant agriculture (excluding turf farming) are permitted without consent in Zone RU1.</li> </ul>
SEPP (State and Regional Development) 2011	N/A	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	N/A	N/A

## APPENDIX 4

### SECTION 9.1 MINISTERIAL DIRECTIONS COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	<p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> <li>• Give effect to objectives of this direction</li> <li>• Retain existing business and industrial zones.</li> <li>• Not reduce floor space for employment areas and related public services in business zones.</li> <li>• Not reduce potential floor space for industrial uses in industrial zones.</li> <li>• New employment areas in accordance with strategy approved by Director General DP&amp;E.</li> </ul>	<p><b>Consistent</b></p> <p>Land Use Table</p> <ul style="list-style-type: none"> <li>• Item A - Proposed to amend land use table for Zones B1, B2, B3 &amp; B4 so that "artisan food and drink industry" is permissible with consent. This land use will potentially increase employment uses in commercial zones and complement existing businesses in these areas. Moreover, it will potentially assist with activating the CBD.</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>• N/A</li> </ul> <p>Mapping – specific sites</p> <ul style="list-style-type: none"> <li>• Item O – Proposed to change the zone of 133 &amp; 133A Molesworth Street, Lismore, from RE1 to B3. The old Lismore art gallery and adjoining restaurant are located on this CBD site. The proposed zone change will enable the adaptive reuse of the building which will increase employment opportunities and assist with activating the CBD.</li> </ul>
1.2 Rural Zones	<p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> <li>• Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</li> <li>• Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</li> </ul>	<p><b>Justified inconsistency</b></p> <p>Land Use Table</p> <ul style="list-style-type: none"> <li>• N/A</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>• N/A</li> </ul> <p>Mapping – specific sites</p> <ul style="list-style-type: none"> <li>• Item M – <b>Consistent</b> with SEPP. This proposal involves rural land, however, the proposed zone is not residential, business, industrial, village or tourist. 45ha part Lot 201 DP 1227138 (Blakebrook Quarry 550 Nimbin Road, Blakebrook) proposed to change from Zone RU1 to Zone E2 in accordance with Biodiversity Offsets Strategy associated with the operation of the quarry. Consistent with SEPP.</li> <li>• Item P – <b>Justified inconsistency</b>. 14, 16, 18, 20, 22 &amp; 24 May Street, Dunoon (Lots 19, 20, 21 &amp; 22 DP 1230136 and Lots 6 &amp; 7 DP 1213529) are village lots located in Dunoon. The lots range in area from 2064m<sup>2</sup> to 4520m<sup>2</sup>. The lots were zoned entirely 2(v) Village under LEP 2000. The LEP 2012 Village zone boundary was erroneously shifted by around 10m to the west resulting in the lots being split zoned with the inclusion of a 10m strip of Zone RU1 Primary Production and the remainder of the lots being within Zone RU5 Village. There is no logical reason to maintain split zoned lots in this location when the land is being used entirely as village zoned land.</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</li> </ul>	N/A

Ministerial Directions	Requirements	Compliance
	obtaining extractive materials; <ul style="list-style-type: none"> <li>Restricting the potential of State or regionally significant mineral resources</li> </ul>	
1.4 Oyster Aquaculture	N/A	N/A
1.5 Rural Lands	(4) If this direction applies a planning proposal must: (a) be consistent with strategic plan, (b) consider the significance of agriculture, (c) identify and protect environmental values, (d) consider natural and physical constraints of the land, (e) promote opportunities for investment in productive sustainable rural economic activities, (f) support farmers exercising their right to farm, (g) minimise the fragmentation of rural land and reduce the risk of land use conflict	<b>Consistent</b> Land Use Table <ul style="list-style-type: none"> <li>N/A</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>This part of the proposal involves rural land.</li> <li>Proposed amendments to provide consistency to clauses 4.2B and 6.8. The proposal will close any “loopholes” that may be interpreted as enabling additional dwellings on some rural land when it was never intended. The proposal will eliminate the potential for increased land use conflict and sterilisation of rural land.</li> <li>The proposed inclusion of roadside stalls in Schedule 2 Exempt Development will to facilitate the orderly economic use and development of lands for primary production.</li> </ul> <p>Mapping – specific sites</p> <ul style="list-style-type: none"> <li>Item G – Eltham heritage mapping within Zone RU1 Primary Production. Minor housekeeping amendment to heritage map and associated Schedule 5. The land is within the closed rail corridor and is within Zone RU1, not because of its agricultural potential, but in accordance with LEP Practice Note PN 10-001.</li> <li>Item M – Council owned Blakebrook Quarry within Zone RU1 and partly proposed for Zone E2 in accordance with the Blakebrook Quarry Biodiversity Offsets Strategy. The proposed E2 land is not used for agriculture. The blue metal quarry provides a significant resource for the region with appropriate approvals in place for the extraction of 600,000 tonnes per annum.</li> <li>Item O – State significant farmland. Proposed to include Marom Creek Weir water catchment (all Zone RU1) in the DWC Map. Extensive agriculture and intensive plant agriculture (excluding turf farming) are permitted without consent in Zone RU1.</li> <li>Item P – 14, 16, 18, 20, 22 &amp; 24 May Street, Dunoon (Lots 19, 20, 21 &amp; 22 DP 1230136 and Lots 6 &amp; 7 DP 1213529) are village lots located in Dunoon. The lots range in area from 2064m<sup>2</sup> to 4520m<sup>2</sup>. The lots were zoned entirely 2(v) Village under LEP 2000. The LEP 2012 Village zone boundary was erroneously shifted by around 10m to the west resulting in the lots being split zoned with the inclusion of a 10m strip of Zone RU1 Primary Production and the remainder of the lots being within Zone RU5 Village. There is no logical reason to maintain split zoned lots in this location when the land is being used entirely as village zoned land.</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	<b>Consistent</b> <ul style="list-style-type: none"> <li>The planning proposal does not involve <i>environmentally sensitive areas</i> listed in Clause 3.3 of the LEP 2012.</li> </ul>

Ministerial Directions	Requirements	Compliance
	Must not reduce protection standards for environmental protection zones.	<ul style="list-style-type: none"> <li>The planning proposal does not reduce environmental protection standards.</li> <li>Item M – Council owned Blakebrook Quarry within Zone RU1 and partly proposed for Zone E2 (45ha) in accordance with the Blakebrook Quarry Biodiversity Offsets Strategy.</li> </ul>
2.2 Coastal Management	<p><b>3 When this direction applies</b> This direction applies to land that is within the coastal zone under the <i>Coastal Management Act 2016</i>.</p> <p>4 A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) The objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management area;</p> <p>(b) The NSW Coastal Management Manual and associated Toolkit;</p> <p>(c) NSW Coastal Design Guidelines 2003;</p> <p>(d) Any relevant Coastal Management Program or Coastal Zone Management Plan.</p> <p>5 Not rezone land to enable increased development within a coastal vulnerability area;</p> <p>6 Not rezone land to enable increased development within coastal wetlands and littoral rainforests.</p>	<p><b>Consistent</b></p> <p>Land Use Table</p> <ul style="list-style-type: none"> <li>Item A &amp; B involve changes to the land use table for Zone B1, B2, B3, B4 and R2. Much of this land is within the Coastal Environment Area and some of it is in the Coastal Use Area. Consistent with clauses 4, 5 &amp; 6 of the Direction.</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>This part of the proposal involves rural land, relatively minor areas of which are located within the Coastal Environment Area and the Coastal Use Area.</li> <li>Proposed amendments to provide consistency to clauses 4.2B and 6.8. There is no increased development potential regarding this minor housekeeping part of the planning proposal.</li> <li>The proposed inclusion of roadside stalls within Zone RU1 in Schedule 2 Exempt Development. Relatively minor areas of Zone RU1 are located within the Coastal Environment Area and the Coastal Use Area.</li> <li>Consistent with clauses 4, 5 &amp; 6 of the Direction.</li> </ul> <p>Mapping – specific sites</p> <ul style="list-style-type: none"> <li>Item O is the only site proposed for a mapping amendment that is within the Coastal Use Area and the Coastal Environment Area.</li> <li>Item N – Proposed to change the zone of 133 &amp; 133A Molesworth Street, Lismore, from RE1 to B3. The old Lismore art gallery and adjoining restaurant are located on this CBD site. The proposed zone change will enable the adaptive reuse of the building which will increase employment opportunities and assist with activating the CBD.</li> <li>Consistent with clauses 4, 5 &amp; 6 of the Direction.</li> </ul> <p><i>Assessment comments</i></p> <p>The planning proposal is consistent with the objects of the <i>Coastal Management Act 2016</i>.</p> <ul style="list-style-type: none"> <li>The NSW Coastal Management Manual provides guidance to assist local councils when preparing and implementing Coastal Management Programs (CMP) under the <i>Coastal Management Act 2016</i>, which replaced the <i>Coastal Protection Act 1979</i>. The coastal zone in Lismore City Council LGA and adjoining council areas operates under a Coastal Zone Management Plan (CZMP) prepared under the <i>Coastal Protection Act 1979</i>. The CZMP currently operates under the savings and transitional provisions of the <i>Coastal Management Act 2016</i> until such time that a CMP is adopted. The Coastal Management Manual and associated Toolkit would be used to prepare a future CMP.</li> <li>The planning proposal is consistent with the NSW Coastal Design Guidelines 2003.</li> <li>The planning proposal is consistent with the management strategies of the Coastal Zone</li> </ul>

Ministerial Directions	Requirements	Compliance
		<p>Management Plan (CZMP) for the Richmond River Estuary 2011.</p> <ul style="list-style-type: none"> <li>• There is no land in the Lismore LGA within the Coastal Vulnerability Area.</li> <li>• There is no littoral rainforest within the Lismore LGA.</li> <li>• The planning proposal does not involve the rezoning of any land mapped as Coastal Wetland.</li> </ul>
2.3 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	<p><b>Consistent</b></p> <p>Land Use Table</p> <ul style="list-style-type: none"> <li>• Items A &amp; B involve minor changes to the land use table within developed urban zones including B1, B2, B3, B4 and R2. There are some Schedule 5 Environmental Heritage Items within these zones. The proposal does not compromise the existing LEP provisions that facilitate the conservation of these items.</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>• Items C, D, E &amp; F involve land in some non-urban zones. There are some Schedule 5 Environmental Heritage Items within these zones. The proposal does not compromise the existing LEP provisions that facilitate the conservation of these items.</li> <li>• Proposed amendments to provide consistency to clauses 4.2B and 6.8. There is no increased development potential regarding this minor housekeeping part of the planning proposal.</li> <li>• The proposed inclusion of roadside stalls within Zone RU1 in Schedule 2 Exempt Development. LEP clause 3.1 Exempt Development does not enable exempt development on land that is on the State Heritage Register.</li> </ul> <p>Mapping – specific sites</p> <ul style="list-style-type: none"> <li>• Item G involves the railway cottage, railway bridge and conservation area at Eltham. These items are listed in Lismore LEP 2012 Schedule 5 Environmental Heritage and included in the Heritage Map. The map in the area of these heritage items and conservation area is inaccurate and the Schedule 5 entry is out of date as a result of a recent subdivision. The proposal will rectify these minor issues.</li> <li>• Item M involves an item listed in the Collins and Heron report referred to above. The report indicates that there is a burial site located on the hill in close proximity to the Blakebrook Quarry. It is worth noting that the exact location of such a site is not accurately identified in the report. The proposed application of Zone E2 Environmental Conservation is appropriate for the management of cultural values. Two of the E2 zone objectives follow: <ul style="list-style-type: none"> <li><i>To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</i></li> <li><i>To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</i></li> </ul> </li> <li>• Item N – Proposed to change the zone of 133 &amp; 133A Molesworth Street, Lismore, from RE1 to B3. The land is listed in Schedule 5 Part 2 – Heritage Conservation Area – Spinks Park/Civic Precinct Conservation Area. The old Lismore art</li> </ul>

Ministerial Directions	Requirements	Compliance
		gallery and adjoining restaurant are located on this CBD site. Existing LEP and DCP provisions protect buildings within the precinct.
2.4 Recreation Vehicle Areas	N/A	N/A
2.5 Application of E2 & E3 Zones Far Nth Coast LEPs	<p>7 Public and private land inconsistent with the criteria</p> <p>Public land may be zoned E2 or E3 despite being inconsistent with the criteria, if the primary use of the land is environmental conservation or environmental management.</p>	<p><b>Consistent</b></p> <p>Land use table N/A</p> <p>Clauses 4.2B, 4.2E, 6.8, 6.8A 7 Schedule 5 N/A</p> <p>Mapping – specific sites Item M – 550 Nimbin Road, Blakebrook (Council owned quarry)</p> <p>Blakebrook Quarry is the only item in the planning proposal that involves an E Zone. The quarry is located at 550 Nimbin Road, Blakebrook (Lot 53 DP 1254990) and is the site of a licenced aggregate (basalt or blue metal) extractive industry owned by Lismore City Council. In August 2017 Council sought project approval from the DP&amp;E for an area sufficient for 30 years of quarrying with a maximum extraction rate of 600,000 tonnes per annum. Approval was granted to undertake these works in accordance with a revised set of conditions of approval (CoA). The Blakebrook Quarry Biodiversity Offset Strategy was prepared in accordance with the CoA. The strategy sets out the offset requirements for the quarry. 45ha of land adjoining the quarry was purchased by Council and consolidation of this land and the existing quarry land has occurred to create one lot. The 45ha was acquired to offset ecological impacts associated with clearing vegetation for quarrying operations. It is proposed to rezone this land to E2 Environmental Conservation in order to satisfactorily secure the land for biodiversity offsets.</p>
<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> <p>Land Use Table</p> <ul style="list-style-type: none"> <li>• Item B – Housekeeping amendment to land use table with the proposed inclusion of <i>tourist and visitor accommodation</i> as permissible with consent in Zone R2. This zone has limited application and is in close proximity to business zones in Lismore, South Lismore and North Lismore.</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>• N/A</li> </ul> <p>Mapping – specific sites</p> <ul style="list-style-type: none"> <li>• Item H – Housekeeping amendment with a minor adjustment of Zone RE1 and R1 boundaries to rectify an inconsistency with the cadastre of two allotments.</li> <li>• Item P – Housekeeping amendment with a minor adjustment of Zone RU1 and RU5 boundaries to rectify an inconsistency with the cadastre of six allotments.</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> <p>Land Use Table</p>



Ministerial Directions	Requirements	Compliance
		<ul style="list-style-type: none"> <li>Items A &amp; B minor amendments to the land use table will not affect the existing prohibition of caravan parks in Zones B1, B2, B3, B4 &amp; R2.</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>Items C, D, E &amp; F involve minor housekeeping amendments to Part 4, Part 6 and Schedule 2 of the LEP. This proposal is unrelated to the permissibility of caravan parks.</li> </ul> <p>Mapping – specific sites</p> <ul style="list-style-type: none"> <li>Item M – Council owned Blakebrook Quarry within Zone RU1 and partly proposed for Zone E2 in accordance with the Blakebrook Quarry Biodiversity Offsets Strategy. Caravan parks are permissible with consent in Zone RU1 and prohibited in Zone E2. However, it is extremely unlikely that the area proposed for Zone E2 would have been suitable for caravan parks for the following reasons: proximity to a quarry with approval to extract up to 600,000 tonnes of blue metal per year; steep topography; and high conservation value forest.</li> <li>Item O – Proposed inclusion in Drinking Water Catchment Map of Marom Creek Weir catchment. The area is primarily within Zone RU1 and caravan parks are permissible with consent.</li> <li>Item P – Housekeeping amendment with a minor adjustment of Zone RU1 and RU5 boundaries to rectify an inconsistency with the cadastre involving six allotments. Caravan parks are permissible with consent in both Zones RU1 and RU5, however, the subject 6 village allotments are not suited to for the development of a caravan park due to the small area of land and the presence of recently constructed dwellings on each lot.</li> </ul>
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	<p><b>Consistent</b></p> <p>The general amendments planning proposal does not change the permissibility of home occupations.</p>
3.4 Integrating Land Use and Transport	<p>A Planning Proposal must locate zones for urban purposes and include provisions 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><b>Consistent</b></p> <p>Land Use Table</p> <ul style="list-style-type: none"> <li>Items A &amp; B minor amendments to the land use table. Proposed to include additional land uses in established urban zones to make use of existing infrastructure and services including public transport and footpaths/bicycle paths. Facilitate the activation of the CBD.</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>Minor housekeeping amendments only.</li> </ul> <p>Mapping – specific sites</p> <ul style="list-style-type: none"> <li>Item H – Housekeeping amendment with a minor adjustment of Zone RE1 and R1 boundaries to rectify an inconsistency with the cadastre of two allotments.</li> <li>Item N - Proposed to change the zone of 133 &amp; 133A Molesworth Street, Lismore, from RE1 to B3. The proposed zone change will enable the adaptive reuse of the old Lismore art gallery and adjoining restaurant on this CBD site.</li> <li>Item P – Housekeeping amendment with a minor adjustment of Zone RU1 and RU5 boundaries to</li> </ul>

Ministerial Directions	Requirements	Compliance
		rectify an inconsistency with the cadastre of six allotments.
3.5 Development Near Licensed Aerodromes	<p>A planning proposal in the vicinity of a licensed aerodrome is to be:</p> <ul style="list-style-type: none"> <li>Referred to Civil Aviation Safety Authority and the lessee of the aerodrome.</li> <li>Take into consideration the Obstacle Limitation Surface (OLS).</li> <li>Prepare standards such as height if land is affected by OLS.</li> <li>Obtain permission from CASA where the planning proposal allows, as permissible with consent, development that encroaches above the OLS. Permission must be obtained prior to public exhibition.</li> <li>Not rezone land for various listed noise sensitive land uses where the ANEF exceeds specified thresholds.</li> </ul>	<p><b>Consistent</b></p> <p>The planning proposal involves some zones and sites that are within the Lismore Airport Obstacle Limitation Surfaces. On this basis it has been determined that some of the sites are “near” the Lismore Airport. The planning proposal will be referred to the Lismore Airport operator for comment.</p>
3.6 Shooting Ranges	<p>(4) A planning proposal must not seek to rezone land adjacent to and/or adjoining an existing shooting range that has the effect of:</p> <p>(a) permitting more intensive land uses than those which are permitted under the existing zone: or</p> <p>(b) permitting land uses that are incompatible with the noise emitted by the existing shooting range.</p>	<p><b>Consistent</b></p> <p>Land Use Table</p> <ul style="list-style-type: none"> <li>N/A</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>Items C, D, E &amp; F involve non-urban zones including Zone RU1 Primary Production. The Lismore Rifle and Pistol Club at 49 Rifle Range Road, Tuncester is located within Zone RU1. Adjoining land is also located in Zone RU1.</li> <li>The proposed amendments to provisions affecting Zone RU1 are housekeeping only and do not permit more intensive or incompatible land uses on land adjoining the shooting range.</li> <li>Lismore DCP Chapter 11 Buffer Areas includes buffer requirements for the Tuncester shooting range</li> </ul> <p>Mapping – specific sites</p> <ul style="list-style-type: none"> <li>N/A</li> </ul>
3.7 Reduction in non-hosted short term rental accommodation period	N/A	N/A
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	<p>(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.</p>	<p><b>Consistent</b></p> <p>Land Use Table</p> <ul style="list-style-type: none"> <li>N/A</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>Items C, D, E &amp; F involve non-urban zones including Zone RU1 Primary Production. A significant area of Zone RU1 in the southern part of the LGA is included in the Acid Sulfate Soils Map.</li> <li>The proposed amendments to provisions affecting Zone RU1 are housekeeping only and do not permit more intensive land uses.</li> </ul>

Ministerial Directions	Requirements	Compliance
		<ul style="list-style-type: none"> <li>The proposed amendment of Schedule 2 Exempt Development to include 4m<sup>2</sup> road side stalls is consistent with Clause 6.1 Acid sulfate soils subclause 6.1(1) objective “to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage”. The erection of a 4m<sup>2</sup> roadside stall would not involve “works” under subclause 6.1(2) where works involve the disturbance of more than 1 tonne of soil.</li> </ul> <p>Mapping – specific sites</p> <ul style="list-style-type: none"> <li>N/A</li> </ul>
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> <li>A planning proposal must not permit development on unstable land.</li> </ul>	<p><b>Consistent</b></p> <p>Land Use Table</p> <ul style="list-style-type: none"> <li>Items A &amp; B involve minor changes to the land use table in zones B1, B2, B3, B4 &amp; R2. None of these zones include land identified as being unstable.</li> <li>No areas of mine subsidence.</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>Items C, D &amp; E are housekeeping amendments only aiming to provide consistency between some existing LEP clauses 4.2B, 4.2E &amp; 6.8. The proposal does not permit more intensive land uses. It does not change the development status of any unstable land where the aforementioned clauses apply.</li> <li>Item F - The proposed amendment of Schedule 2 Exempt Development to include 4m<sup>2</sup> road side stalls in Zone RU1. Some areas of Zone RU1 throughout the LGA are mapped as unstable. However it is unlikely that a roadside stall would be developed on unstable areas or landslide sites due to the steep slope and consequent inaccessibility. Moreover, Clause 3.1 Note refers to the EP&amp;A Act 1979 which requires that exempt development must be of minimal environmental impact.</li> <li>No areas of mine subsidence.</li> </ul> <p>Mapping – specific sites</p> <ul style="list-style-type: none"> <li>Item M - The rezoning from RU1 to E2 of 45ha of 550 Nimbin Road, Blakebrook (part of the Council owned Blakebrook Quarry) in accordance with the Biodiversity Offset Strategy. Approximately 5ha of the proposed E2 is unstable land. The proposed E2 will reduce the permitted development.</li> </ul>
4.3 Flood Land Prone	<p>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A draft LEP shall not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas,</p>	<p><b>Consistent</b></p> <p>Land Use Table</p> <ul style="list-style-type: none"> <li>Items A &amp; B involve minor changes to the land use table within Zones B1, B2, B3, B4 &amp; R2. Most of the business zones in Lismore are in the flood planning area and all of Zone R2 is within the flood planning area. These are long established urban zones located in and around the CBD and South Lismore and North Lismore commercial areas. The LEP &amp; DCP provide robust planning controls to mitigate against adverse impacts.</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>Items C, D, E &amp; F involve non-urban zones including Zone RU1 Primary Production. A</li> </ul>

Ministerial Directions	Requirements	Compliance
	<p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the development of that land,</p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p>	<p>significant area of Zone RU1 in the LGA is included in the Flood Planning Map.</p> <ul style="list-style-type: none"> <li>The proposed amendments to provisions affecting Zone RU1 are housekeeping only and do not permit more intensive land uses.</li> <li>The proposed amendment of Schedule 2 Exempt Development to include 4m<sup>2</sup> roadside stalls represents a very low risk form of development. LEP clause 3.1 Exempt development includes, among other things, provisions relating to structural adequacy.</li> </ul> <p>Mapping – specific sites</p> <ul style="list-style-type: none"> <li>Item G - Inaccuracies in the Heritage Map and Schedule 5 at Eltham involving the railway cottage, railway bridge and conservation area. The land is on the flood planning map. The proposed amendment to the Heritage Map and Schedule 5 involve minor “housekeeping” changes and do not increase development potential in the area.</li> <li>Item N - The rezoning of 133 and 133A Molesworth Street, Lismore (old art gallery building and adjoining restaurant – The Stockpot Kitchen). The land is on the Flood Planning Map. The land is not identified as floodway or high flood risk. The proposed rezoning from RE1 to B3 will enable the adaptive reuse of this Council owned CBD building. Robust flood planning provisions are provided in the LEP and DCP.</li> </ul>
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>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> <p>Land Use Table</p> <ul style="list-style-type: none"> <li>Items A &amp; B involve minor changes to the land use table in Zones B1, B2, B3, B4 &amp; R2. Very minor areas of these zones are identified as bush fire prone.</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>Items C, D, E &amp; F involve non-urban zones including Zone RU1 Primary Production. A significant area of Zone RU1 is bush fire prone.</li> <li>Item C, D &amp; E - proposed amendments to provisions affecting Zone RU1 are housekeeping only and do not permit more intensive land uses.</li> <li>Item F - proposed amendment of Schedule 2 Exempt Development to include 4m<sup>2</sup> roadside stalls. A significant portion of non-urban land in the LGA is bushfire prone. The nature of the proposed exempt development is very low risk.</li> </ul> <p>Mapping – specific sites</p> <p>The relevant bushfire prone sites are listed below. Other sites are bushfire prone, however, the proposed mapping amendment is unrelated to the hazard and are not listed.</p>

Ministerial Directions	Requirements	Compliance
		<ul style="list-style-type: none"> <li>Item H – Bushfire prone land. Minor inconsistency in Zoning, Lot Size and Height of Buildings Maps at 25 &amp; 27 Earls Court, Goonellabah</li> <li>Item M – Bushfire prone land. The rezoning of part of 550 Nimbin Road, Blakebrook (part of the Council owned Blakebrook Quarry) from RU1 to E2 in accordance with the Blakebrook Quarry Biodiversity Offset Strategy.</li> <li>Item N – Bushfire prone land. The rezoning of 133 and 133A Molesworth Street, Lismore (old art gallery building and adjoining restaurant – The Stockpot Kitchen.</li> </ul>
<b>5. Regional Planning</b>		
5.1 Regional Strategies	N/A	N/A
5.2 Sydney Drinking Water Catchments	N/A	N/A
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 for urban or rural residential purposes.</li> </ul>	<p><b>Justified inconsistency</b> Land Use Table</p> <ul style="list-style-type: none"> <li>N/A</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>N/A</li> </ul> <p>Mapping – specific sites The only relevant site is discussed below.</p> <ul style="list-style-type: none"> <li>Item P – The small area of each of the 6 lots that forms the subject of this proposal are mapped as Regionally Significant Farmland. 14, 16, 18, 20, 22 &amp; 24 May Street, Dunoon (Lots 19, 20, 21 &amp; 22 DP 1230136 and Lots 6 &amp; 7 DP 1213529) are village lots located in Dunoon. The lots range in area from 2064m<sup>2</sup> to 4520m<sup>2</sup>. The lots were zoned entirely 2(v) Village under LEP 2000. The LEP 2012 Village zone boundary was erroneously shifted by around 10m to the west resulting in the lots being split zoned with the inclusion of a 10m strip of Zone RU1 Primary Production and the remainder of the lots being within Zone RU5 Village. There is no logical reason to maintain split zoned lots in this location when the land is being used entirely as village zoned land.</li> </ul>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A
5.9 North West Rail Link Corridor Strategy	N/A	N/A
5.10 Implementation of Regional Plans	<ul style="list-style-type: none"> <li>The planning proposal must be consistent with the North Coast Regional Plan 2036.</li> </ul>	<ul style="list-style-type: none"> <li>Consistent (refer to Appendix 2)</li> </ul>
5.11 Development of Aboriginal Land Council land	N/A	N/A
<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</li> </ul>	<p><b>Consistent</b> There are no referral or concurrence requirements in the planning proposal.</p> <p>The proposal does not identify development as designated development.</p>

Ministerial Directions	Requirements	Compliance
	<p>relevant Minister or public authority; and the Director General of the Department of Planning &amp; Environment.</p> <ul style="list-style-type: none"> <li>Not identify development as designated development unless justified.</li> </ul>	
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> Land Use Table</p> <ul style="list-style-type: none"> <li>N/A</li> </ul> <p>Clauses 4.2B &amp; 6.8 and Schedule 2</p> <ul style="list-style-type: none"> <li>N/A</li> </ul> <p>Mapping – specific sites The sites that involve Zone RE1 Public Recreation are discussed below. Approval of the Director General of the DP&amp;E will be sought.</p> <ul style="list-style-type: none"> <li>Item H - Minor inconsistency in Zoning, Lot Size and Height of Buildings Maps at 25 (Lot 212 DP 1238653 - a private lot within Zone R1) &amp; 27 (Lot 211 DP 1238653 - Council owned within Zone RE1) Earls Court, Goonellabah. Approximately 55m<sup>2</sup> of Lot 212 is erroneously within Zone RE1 and approximately 80m<sup>2</sup> of Lot 211 is erroneously within Zone R1. The proposed amendment will rectify the inconsistency. There will be a net gain of land within Zone RE1.</li> <li>Item N - The rezoning of 133 and 133A Molesworth Street, Lismore (old art gallery building and adjoining restaurant – The Stockpot Kitchen). The new Lismore Regional Art Gallery was officially opened in October 2017. The old art gallery and adjoining restaurant, located at 133 &amp; 133A Molesworth Street Lismore (Lot 14 DP 1250790), are Council owned and classified operational under the <i>Local Government Act 1993</i>. Council have difficulty attracting commercial tenants for the old art gallery building due the restrictive Zone RE1 Public Recreation that applies to the land. The use of Zone B3 Commercial Core for Lot 14 DP 1250790 would facilitate the adaptive reuse of the existing buildings and is consistent with the adjacent business zone in the CBD.</li> </ul>
6.3 Site Specific Provisions	<ul style="list-style-type: none"> <li>A planning proposal to allow a particular land use (residential development) must rezone the site to an existing zone already applying to the LEP that allows the land use, without additional development standards to those already in use in that zone.</li> </ul>	N/A
<b>7. Metropolitan Planning</b>		
7.1 Metropolitan Strategy	N/A	N/A