

# Report

<b>Subject</b>	<b>Planning proposal - fifth round of general amendments LEP 2012</b>
<b>TRIM Record No</b>	BP19/779:EF17/279
<b>Prepared by</b>	Senior Strategic Planner
<b>Reason</b>	To obtain a resolution of Council to forward the general amendments planning proposal to the Minister for Planning and Public Spaces for a Gateway determination.
<b>Strategic Theme</b>	Our built environment
<b>Strategy</b>	Our land-use planning caters for all sectors of the community.
<b>Action</b>	Ensure a diverse range of land use and development opportunities are available.

## 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, Industry & Environment's guide to preparing planning proposals. A Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* is sought.

It is recommended that Council support the general amendments planning proposal and request a Gateway determination from the Minister for Planning and Public Spaces.

## Recommendation

That:

- Council support the planning proposal for general amendments to LEP 2012 as detailed in Attachment 1, summarised in Table 2 of this report and itemised below.
  - Item A - "Artisan food and drink industry" in business Zones B1, B2, B3 & B4.
  - Item B - "Tourist and visitor accommodation" in Zone R2 Low Density Residential.
  - Item C - Inconsistency between Clause 4.2B(3) and 4.2E(4) regarding dwelling entitlement.
  - Item D - Inconsistency between clause 6.8A and clause 4.2B regarding dual occupancies.

Item E - Inconsistency between clause 4.2B and Clause 6.8 regarding dwelling entitlement.  
Item F - "Roadside stalls" in Zone RU1 Primary Production.  
Item G - Eltham Heritage Map & Schedule 5 inaccuracies.  
Item H - 25 & 27 Earls Court, Goonellabah - minor zoning inconsistency.  
Item I - 27 & 27A Earls Court, Goonellabah - outdated Land Reservation Acquisition Map.  
Item J - Lot Size Map sheets - inconsistent lot size symbols/categories.  
Item K - Additional Permitted Uses Map sheet APU\_006B - legend error.  
Item L - 5A George Drive, Chilcotts Grass - outdated Land Reservation Acquisition Map.  
Item M - 550 Nimbin Road, Blakebrook (part Blakebrook Quarry) - rezoning.  
Item N - 133 and 133A Molesworth Street, Lismore (old art gallery & restaurant) - rezoning.  
Item O - Marom Creek Weir drinking water catchment area.  
Item P - Dunoon Land Zoning Map anomaly.

2. The planning proposal for the general amendments to LEP 2012 as detailed in Attachment 1 and itemised in 1 above is forwarded to the Minister for Planning and Public Spaces for a Gateway determination.
3. Council confirms that staff are to proceed to public exhibition of the planning proposal based on the Gateway determination, and report back to Council with any issues as part of post-exhibition reporting of submissions.

## Background

Regular review and amendment of LEP 2012, Council's principal land use planning document, is an ongoing process. General amendments or "housekeeping amendments" are minor in nature and can involve mapping updates, small scale single lot/part lot rezonings, updates to the land use table and other minor changes to the written instrument. To date LEP 2012 has been the subject of four previous rounds of general amendments which came into effect on 4 April 2014, 19 December 2014, 19 May 2017 and 23 November 2018

### Item F – Roadside stalls and the Council workshop of 17/9/2019

The planning proposal was presented at the Council Briefing of 17/9/2019 and the 16 items were discussed. There was general consensus at the briefing that a minor amendment should be explored for Item F - "Roadside stalls" in Zone RU1 Primary Production, so as not to exclude roadside stalls as Exempt Development on all classified roads.

The Roads and Maritime Services (RMS) maintain a schedule of classified roads under the *Roads Act 1993* and these roads within the Lismore Local Government Area include: Bruxner Highway, Bangalow Road, Dunoon Road, Nimbin Road, Kyogle Road, Coraki Road and Wyrallah Road. Bangalow Road has a traffic count of 7,000 in the rural sections and 12,000 in the Lismore urban area (RMS, *Lismore to Bangalow Road Draft Corridor Strategy*, 2016). Bruxner Highway has a traffic count of approximately 20,000 in the rural section east of Gonnellabah; and 10,000 in the rural section south/southwest of Lismore (LCC, *Strategic Road Review*, 2013).

The current land use regulatory regime for roadside stalls in Zone RU1 Primary Production is "permissible with development consent" regardless of the road frontage.

The two issues raised at the Council workshop and the staff response are provided below in Table 1.

Table 1 – Roadside stalls

Council briefing issue	Staff response
Concern that removing roadside stalls from the proposed Exempt Development (development consent not required subject to criteria), will mean that the stalls will only be located on roads with low traffic volumes and as such sale volumes will be low.	<p>The original proposal would not prohibit roadside stalls from classified roads. They would still be permissible with development consent, thus enabling Council to assess, among other things, road safety and access/egress.</p> <p>Upon reflection, a more balanced approach to this draft planning proposal is to exclude roadside stalls as Exempt Development from the Bruxner Highway and Bangalow Road.</p> <p><b>Recommendation:</b> Amend the proposed provisions to enable roadside stalls as Exempt Development on classified roads with the exceptions of Bruxner Highway and Bangalow Road. The original and proposed amended provisions are provided under Table 3.</p>
The use of a permit for roadside stalls as Exempt Development	<p>The original proposal requires an approval under the <i>Roads Act 1993</i>. Council's Engineers issue these approvals. It is contended that no further permit or approval is required as the issue of safe access and egress are considered as part of the Roads Act approval process.</p> <p><b>Recommendation:</b> No change required.</p>

### Original Roadside stall provisions as presented at Council Briefing

#### Roadside stalls

- (1) *This clause applies to the use of land for a roadside stall for the sale of only agricultural produce.*
- (2) *The roadside stall:*
  - (a) *must be located on land within Zone RU1 Primary Production, and*
  - (b) *must be located wholly on private property, and*
  - (c) *must not be located on land that is adjacent to a classified road, and*
  - (d) *must not have a footprint greater than 4m<sup>2</sup>.*
- (3) *No more than 1 roadside stall may be used on any landholding.*
- (4) *Any relevant approval issued under the Roads Act 1993 must be obtained.*

### Proposed amended Roadside stall provisions

#### Roadside stalls

- (1) *This clause applies to the use of land for a roadside stall for the sale of only agricultural produce.*
- (2) *The roadside stall:*
  - (a) *must be located on land within Zone RU1 Primary Production, and*
  - (b) *must be located wholly on private property, and*
  - (c) *must not be located on land that is adjacent to the Bruxner Highway or Bangalow Road, and*
  - (d) *must not have a footprint greater than 4m<sup>2</sup>.*
- (3) *No more than 1 roadside stall may be used on any landholding.*
- (4) *Any relevant approval issued under the Roads Act 1993 must be obtained.*

## Summary of the general amendments

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*.

The planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning, Industry and Environment (DPI&E) guidelines and is attached to this report (Attachment No. 1). Table 2 below provides a summary of the proposed amendments and the justification associated with each proposal.

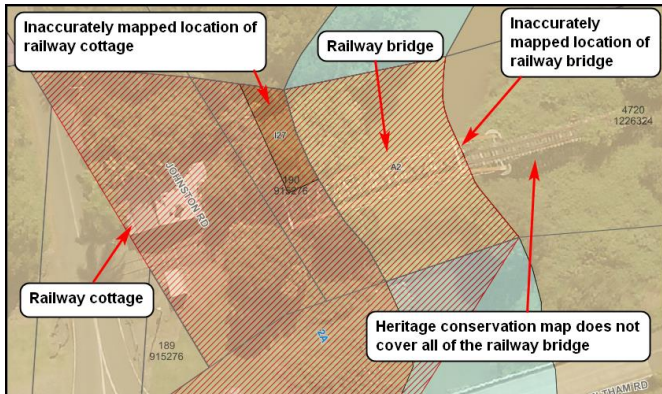
**Table 2 Summary of proposed general amendments**

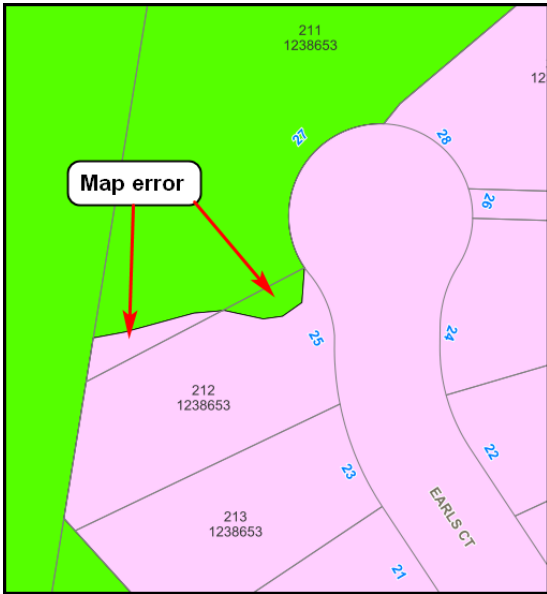
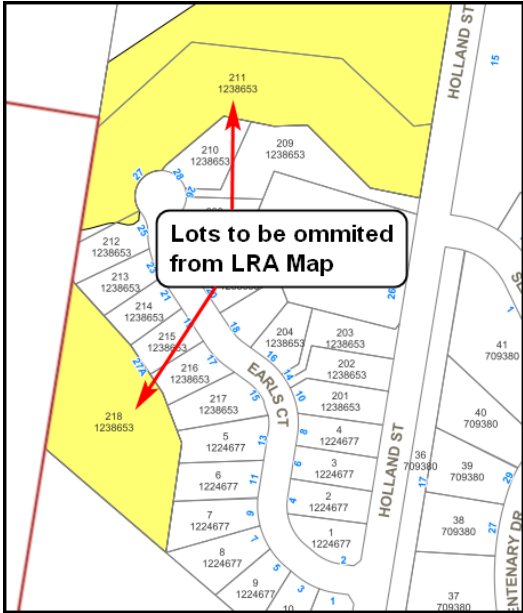
Proposed Amendment	Rationale
<b>Land Use Table</b> <b>Item A</b> “Artisan food and drink industry” in business zones B1, B2, B3 & B4.  <b>Land Use Table</b> <b>Zones B1, B2, B3 &amp; B4</b> Insert “artisan food and drink industry” in alphabetical order in Part 3 – Permitted with consent.	<p>Planning 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><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:</p> <ul style="list-style-type: none"> <li>(a) a retail area for the sale of the products,</li> <li>(b) a restaurant or cafe,</li> <li>(c) facilities for holding tastings, tours or workshops.</li> </ul> <p>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>Staff Recommendation</b> Amend the Land Use Table so as to make ‘artisan food and drink industry’ permissible with consent in Zones B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core &amp; B4 Mixed Use.</p>
<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.	<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 and a lesser area is located in “Medium Flood Risk 2014”. 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:</p> <ul style="list-style-type: none"> <li>(a) backpackers’ accommodation,</li> <li>(b) bed and breakfast accommodation,</li> <li>(c) farm stay accommodation,</li> <li>(d) hotel or motel accommodation,</li> </ul>

Proposed Amendment	Rationale
<p>Insert "farm stay accommodation" in alphabetical order in item 4 Prohibited.</p>	<p>(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>Staff Recommendation</b> Amend the land use table for Zone R2 Low Density Residential to permit tourist and visitor accommodation, with the exception of farm stay accommodation, with development consent.</p>
Part 4 Principal development standards	
<p><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.</p> <p><b>Clause 4.2B(3)(b)</b> Amend Clause 4.2B(3)(b) so as to provide the exclusion used in Clause 4.2E(3)(a)(i). The proposed amended clause 4.2B(3)(b) is to read:</p> <p><i>(b) is a lot created under this Plan (other than under clause 4.2(3) or clause 4.2E(3)(a)(i)).</i></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> <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>The relevant subclauses of 4.2B and 4.2E are provided below. The proposed amendment to clause 4.2B(3)(b) is highlighted in yellow.</p> <p><b>Clause 4.2B(3) – including proposed amendment (in yellow shading)</b> (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</p>

Proposed Amendment	Rationale
	<p>affected by:</p> <ul style="list-style-type: none"> <li>(i) a realignment of its boundaries that did not create an additional lot, or</li> <li>(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or</li> <li>(iii) a consolidation with an adjoining public road or public reserve or for another public purpose.</li> </ul> <p><b>Clause 4.2E(3) &amp; 4.2E(4)</b></p> <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> <ul style="list-style-type: none"> <li>(a) one of the resulting lots will contain either: <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> </ul> </li> <li>(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.</li> </ul> <p>(4) A dwelling cannot be erected on a lot created under subclause (3) (a) (i).</p> <p><b>Staff Recommendation</b></p> <p>Amend clause 4.2B to remove any doubt that an undersized residue rural or environmental lot does not have a dwelling entitlement.</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><b>4.2B Erection of dual occupancies and dwelling houses on land in certain rural and environmental protection zones</b></p> <p>Insert additional subclause within clause 4.2B as follows (to be confirmed by Parliamentary Counsel):</p> <p><i>(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.</i></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> <p><b>Staff Recommendation:</b></p> <p>Insert additional provisions in Part 4 of the LEP involving Strata and Community Title lots in Zone RU1 that will have the effect of limiting the number of dwellings per lot to one.</p>
<p><b>Part 6 – Additional local provisions</b></p>	
<p><b>Item E</b></p> <p>Inconsistency between clause 4.2B which does not permit a dwelling on land without a “dwelling entitlement”</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</i></p>

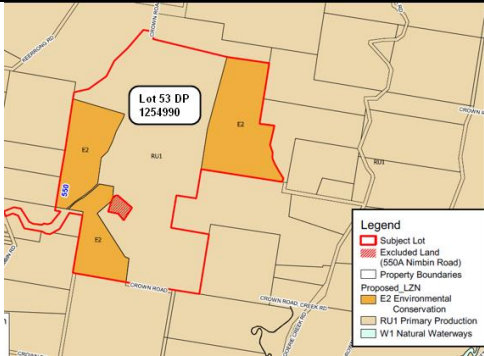
Proposed Amendment	Rationale
<p>and Clause 6.8 <i>Rural Landsharing Community Development</i> which does not reference the “dwelling entitlement” clause.</p> <p><b>6.8 Rural landsharing community development</b></p> <p>Insert additional subclause within clause 6.8(3) as follows (to be confirmed by Parliamentary Counsel):</p> <p>(3)(a) <i>The lot has been created under clause 4.2B(3), and</i></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.</p>	<p><i>occupancies and dwelling houses on land in certain rural and environment protection zones) and the rural landsharing community development (RLCD) clause (Clause 6.8 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><i>69 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><i>70 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 certain rural and environment protection zones is achieved by consistency with Clause 4.2B(3).</p> <p><b>Staff Recommendation:</b></p> <p>Insert additional provisions in Clause 6.8 Rural landsharing community development that require the land to have a dwelling entitlement in order to enable development consent to be issued for a RLCD.</p>
Schedule 2 – Exempt Development	
<p><b>Item F</b></p> <p>“Roadside stalls” in Zone RU1 Primary Production.</p> <p>Insert additional provisions, in alphabetical order in Schedule 2 Exempt Development for roadside stalls as detailed below.</p> <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 the Bruxner Highway or Bangalow 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</i></p>	<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> <p><b>Staff Recommendation:</b></p> <p>Insert additional provisions for roadside stalls in Schedule 2 Exempt Development.</p>


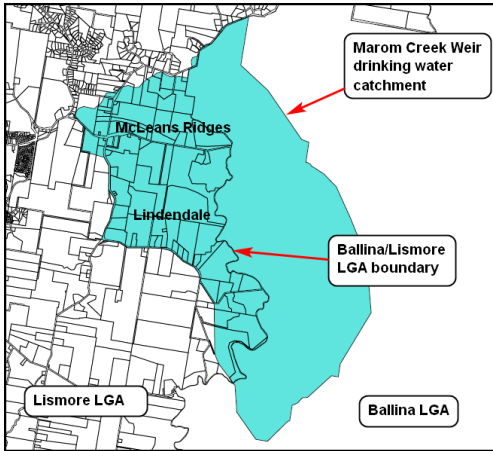
Proposed Amendment	Rationale										
<i>may be used on any landholding.</i> <i>(4) Any relevant approval issued under the Roads Act 1993 must be obtained.</i>											
Schedule 5 & Associated Heritage Map											
<b>Item G</b> Inaccuracies in the Heritage Map and Schedule 5 at Eltham involving the railway cottage, railway bridge and Eltham conservation area.	Various environmental heritage items at Eltham, including 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 that form 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 allotment extends over the Wilsons River crossing area).										
<b>Heritage Map</b> Amend the Heritage Map sheet HER_005B at Johnston Road, Eltham, 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.	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 item, nor is the entire railway bridge located within the Eltham conservation area. 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.										
<b>Schedule 5</b> <b>Part 1 Environmental Heritage</b> Amend the entry for the Eltham Railway Cottage (Item no. I27) as follows:	The address and property description of the railway cottage and railway bridge in Schedule 5 requires amendment as a result of the aforementioned subdivision.										
<table><tr><td>Property description</td></tr><tr><td><b>Omit</b></td></tr><tr><td>Blank</td></tr><tr><td><b>Insert</b></td></tr><tr><td>Lot 4720 DP 1226324</td></tr></table>	Property description	<b>Omit</b>	Blank	<b>Insert</b>	Lot 4720 DP 1226324						
Property description											
<b>Omit</b>											
Blank											
<b>Insert</b>											
Lot 4720 DP 1226324											
<b>Part 3 Archaeological sites</b> Amend the entry for the Eltham Railway Bridge (Item no. A2) as follows:	<b>Staff Recommendation</b> Amend the Heritage Map at Eltham in the area of the railway cottage and railway bridge in accordance with Item G maps.										
<table><tr><td>Address</td><td>Property Description</td></tr><tr><td><b>Omit</b></td><td></td></tr><tr><td>Wilson's Creek (adjacent to Eltham Road)</td><td>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>	Address	Property Description	<b>Omit</b>		Wilson's Creek (adjacent to Eltham Road)	Blank	<b>Insert</b>		Wilsons River (adjacent to Eltham Road)	Lot 190, DP 915276 and Lot 4720 DP 1226324	Amend Schedule 5 Environmental Heritage to update the address and property description of the railway cottage and the railway bridge.
Address	Property Description										
<b>Omit</b>											
Wilson's Creek (adjacent to Eltham Road)	Blank										
<b>Insert</b>											
Wilsons River (adjacent to Eltham Road)	Lot 190, DP 915276 and Lot 4720 DP 1226324										
Mapping											
<b>Item H</b> Minor inconsistency in Zoning, Lot Size and Height of Buildings Maps at 25 & 27 Earls Court, Goonellabah.	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. Refer to the map below.										
<b>Land Zoning Map</b>											

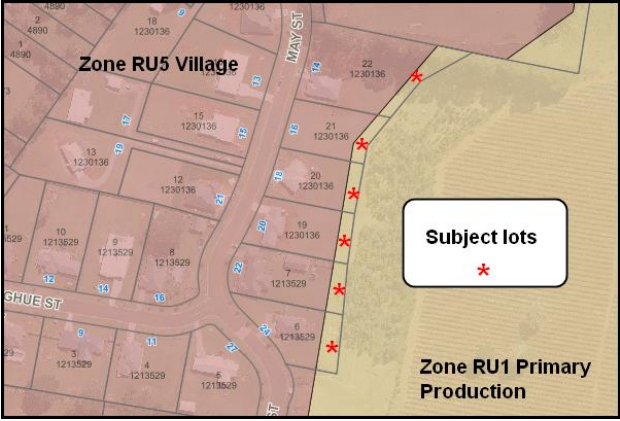
Proposed Amendment	Rationale
<p>Amend the Land Zoning Map – Sheet LZN_005AB for part 25 Earls Court (part Lot 212 DP 1238653) so that Zone R1 Residential applies to the entire allotment; and part 27 Earls Court (part Lot 211 DP 1238653) so that Zone RE1 applies to the entire allotment.</p> <p><b>Lot 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>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> <p><b>Staff recommendation</b> Amend the Land Zoning Map at 25 &amp; 27 Earls Court, Goonellabah (including consequential amendments to the Lot Size and Height of Buildings Maps) in accordance with Item H maps.</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).</p>	<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. Refer to the map below.</p>  <p>The Land Reservation Acquisition map needs to be amended to delete Lots 211 and 218.</p> <p><b>Staff recommendation</b> Amend the Land Reservation Acquisition Map with the deletion of Lots 211 and 218</p>

Proposed Amendment	Rationale																																																										
<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.</p>	<p>both in DP 1238653 in accordance with Item I maps.</p> <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> <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>. A comparison of map legend lot size categories from LSZ_005 &amp; LSZ_007 provided below illustrates the issue.</p> <div data-bbox="679 815 1311 1615"> <table border="1"> <thead> <tr> <th>LSZ_007 Lot Size Legend</th> <th>LSZ_005 Lot Size Legend</th> </tr> <tr> <th>Minimum Lot Size (sq m)</th> <th>Minimum Lot Size (sq m)</th> </tr> </thead> <tbody> <tr><td>F 400</td><td>D 300</td></tr> <tr><td>I 500</td><td>F 400</td></tr> <tr><td>M 600</td><td>I 500</td></tr> <tr><td>Q 700</td><td>M 600</td></tr> <tr><td>S 800</td><td>Q 700</td></tr> <tr><td>T 900</td><td>S 800</td></tr> <tr><td>U1 1000</td><td>T 900</td></tr> <tr><td>U2 1200</td><td>U1 1,000</td></tr> <tr><td>U3 1500</td><td>U2 1,200</td></tr> <tr><td>V1 2000</td><td>U3 1,500</td></tr> <tr><td>V2 2500</td><td>V1 2,000</td></tr> <tr><td>W 3000</td><td>V2 2,500</td></tr> <tr><td>X1 5000</td><td>W1 3,000</td></tr> <tr><td>X2 9000</td><td>W2 3,600</td></tr> <tr><td>Y 1ha</td><td>X1 5,000</td></tr> <tr><td>Z1 2ha</td><td>X2 7,000</td></tr> <tr><td>Z2 3ha</td><td>X3 9,000</td></tr> <tr><td>AA 5ha</td><td>Y1 1ha</td></tr> <tr><td>AB1 10ha</td><td>Y2 1.5ha</td></tr> <tr><td>AB2 20ha</td><td>Z1 2ha</td></tr> <tr><td>AB3 40ha</td><td>Z2 3ha</td></tr> <tr><td></td><td>Z3 4ha</td></tr> <tr><td></td><td>AA 5ha</td></tr> <tr><td></td><td>AB1 10ha</td></tr> <tr><td></td><td>AB2 15ha</td></tr> <tr><td></td><td>AB3 20ha</td></tr> <tr><td></td><td>AB4 40ha</td></tr> </tbody> </table> </div> <p><b>Staff recommendation</b> Amend 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>	LSZ_007 Lot Size Legend	LSZ_005 Lot Size Legend	Minimum Lot Size (sq m)	Minimum Lot Size (sq m)	F 400	D 300	I 500	F 400	M 600	I 500	Q 700	M 600	S 800	Q 700	T 900	S 800	U1 1000	T 900	U2 1200	U1 1,000	U3 1500	U2 1,200	V1 2000	U3 1,500	V2 2500	V1 2,000	W 3000	V2 2,500	X1 5000	W1 3,000	X2 9000	W2 3,600	Y 1ha	X1 5,000	Z1 2ha	X2 7,000	Z2 3ha	X3 9,000	AA 5ha	Y1 1ha	AB1 10ha	Y2 1.5ha	AB2 20ha	Z1 2ha	AB3 40ha	Z2 3ha		Z3 4ha		AA 5ha		AB1 10ha		AB2 15ha		AB3 20ha		AB4 40ha
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<p><b>Item K</b> Irrelevant clutter in the legend of the Additional Permitted Uses Map sheet APU_006B.</p> <p><b>Additional Permitted Uses Map</b> Amend the Additional Permitted Uses Map sheet APU_006B legend</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. A copy of the part of the map legend proposed for amendment is provided below.</p>																																																										

Proposed Amendment	Rationale
<p>by deleting the following unnecessary map tiles 005AAA, 005ABA, 006AAA, 006ABA, 006ABB &amp; 006A.</p>	<div data-bbox="791 163 1219 506"> </div> <p><b>Staff recommendation</b> Amend 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><b>Land Reservation Acquisition Map</b> Amend the Land Reservation Acquisition Map – Sheet LRA_006AB with the deletion of 5A George Drive, Chilcotts Grass (Lot 1 DP 1185561).</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. Refer to map below.</p> <div data-bbox="743 781 1267 1335"> </div> <p><b>Staff recommendation</b> Amend the Land Reservation Acquisition Map with the deletion of Lot 1 DP in accordance with Item L maps.</p>
<p><b>Item M</b> The rezoning of part of 550 Nimbin Road, Blakebrook (part of the Council owned Blakebrook Quarry).</p> <p><b>Land Zoning Map</b> 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.</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. Refer to map below.</p>

Proposed Amendment	Rationale
<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 in accordance with Item M maps.</p>	 <p>The minimum lot size at Lot 53 DP 1254990 is a combination of 20ha and 40ha. It is also proposed to amend the minimum lot size of Zone E2 land to 40ha which is the standard applied to other E2 land throughout the LGA.</p> <p><b>Staff recommendation</b> Amend the Land Zoning Map at 550 Nimbin Road, Blakebrook (including the consequential amendment to the Lot Size Map) in accordance with Item M maps.</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.</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>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 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 2017 "Wilsons River Bridge to Bridge Vision Report" (not adopted by Council) was prepared by consultants Village Well after a place making charrette workshop was held at Council in 2016. The report included some higher order principles as well as some recommendations including:</p> <p><i>Investigate the potential reuse of the former gallery building for uses such as:</i></p> <ul style="list-style-type: none"> <li>• A community space such as an indigenous cultural centre. A gathering spot that celebrates indigenous history and culture, while also providing social services.</li> <li>• A multifunction community space for arts, culture and education. Outdoor space along Spinks Park edge could be used for events and exhibits.</li> </ul> <p>The non-statutory report was not formally adopted by Council. Moreover, it is contended that the recommendation has already been satisfied as Council's property staff have investigated the potential reuse for the building. The use of Zone B3</p>

Proposed Amendment	Rationale
	<p>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. Refer to map below.</p>  <p><b>Staff Recommendation</b> Amend the Land Zoning Map at 133 and 133A Molesworth Street, Lismore and the adjoining road reserve (including consequential amendments to the Height of Buildings and Floor Space Ratio Maps consistent with adjoining and surrounding lots) to apply Zone B3 Commercial Core in accordance with Item N maps.</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 M maps.</p>	<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. Refer to map below.</p>  <p>The inclusion of the Marom Creek Weir drinking water catchment in the Lismore LEP</p>

Proposed Amendment	Rationale
	<p>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> <p><b>Staff recommendation</b> Amend the Drinking Water Catchment Map to include the Marom Creek Weir drinking water catchment in accordance with Item O maps.</p>
<p><b>Item P</b> Minor anomaly in the Land Zoning Map involving six village allotments in Dunoon.</p> <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 each entire allotment.</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>	<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. Refer to the zone map below.</p>  <p><b>Staff recommendation</b> Amend the Land Zoning Map at 14, 16, 18, 20, 22 &amp; 24 May Street, Dunoon (including consequential amendments to the Lot Size and Height of Buildings Maps) in accordance with Item P maps.</p>

## Planning proposal maps

The planning proposal involves, among other things, mapping changes associated with 7 sites and various amendments to map sheet legends and map labelling. The sites range in area from small (urban lots or part lots) to large (Lismore LGA portion of the Marom Creek Weir water catchment). The maps proposed for amendment include: Additional Permitted Uses; Drinking Water Catchment; Floor Space Ratio; Heritage; Height of Buildings; Land Reservation Acquisition; Lot Size; and Land Zoning. The maps provided in Table 1 indicate the key issues. Attachment 2 to this report provides more detailed mapping including aerial location maps and the relevant existing and proposed maps associated with each site.

## Overview of the planning proposal

Table 3 below provides an overview of the planning proposal structured in accordance with the DPI&E guidelines for planning proposals. The detailed planning proposal report is located at Attachment 1 to this report.

**Table 3 Overview of planning proposal**

Part	Requirements	Description of planning proposal
1	<b>OBJECTIVES OR INTENDED OUTCOMES</b>	<p>The outcomes of this proposal follow:</p> <ul style="list-style-type: none"> <li>• Enable the development of “Artisan food and drink industry” in business Zones B1, B2, B3 &amp; B4.</li> <li>• Enable the development of “Tourist and visitor accommodation” in Zone R2 Low Density Residential.</li> <li>• Rectify inconsistencies in clauses 4.2B, 4.2E, 6.8A &amp; 6.8 regarding dwelling entitlements and dual occupancies</li> <li>• Enable “Roadside stalls” as Exempt Development in Zone RU1 Primary Production.</li> <li>• Rectify minor mapping anomalies.</li> <li>• Update the Land Reservation Acquisition Map for consistency with land acquired by Council.</li> <li>• Amend the Land Zoning Map a) for consistency with the Blakebrook Quarry Biodiversity Offset Strategy; and (b) to enable the adaptive reuse of the old art gallery building in the Lismore CBD.</li> <li>• Amend the Drinking Water Catchment Map to increase protection of the Marom Creek Weir drinking water catchment.</li> </ul>
2	<b>EXPLANATION OF PROVISIONS</b>	Refer to Table 1 for detail.
3	<b>JUSTIFICATION</b> <b>Section A – Need for the Planning Proposal</b> <i>1. Is the Planning Proposal a result of any strategic study or report?</i> <i>2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	<ul style="list-style-type: none"> <li>• This general amendments planning proposal is consistent with the Delivery Program Strategy D3.2 and the Operational Plan Action D3.2.1</li> <li>• Refer to Table 1 for justification.</li> </ul>
3	<b>JUSTIFICATION</b> <b>Section B – Relationship to Strategic Planning Framework</b> <i>3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?</i> <i>4. Is the Planning Proposal consistent with the Council's local strategy or other local strategic plan?</i> <i>5. Is the Planning Proposal consistent with applicable State</i>	<ul style="list-style-type: none"> <li>• The planning proposal is consistent with the North Coast Regional Plan actions (refer to Attachment 1 for detail);</li> <li>• Consistent with relevant LEP 2012 zone objectives;</li> <li>• Consistent with Imagine Lismore 4 Year Delivery Program;</li> <li>• Consistent with SEPPs (refer to Attachment 1 for detail);</li> </ul>

Part	Requirements	Description of planning proposal
	<b>Environmental Planning Policies?</b> <b>6. Is the Planning Proposal consistent with applicable s117 Ministerial Directions?</b>	<ul style="list-style-type: none"> <li>Consistent or justifiably inconsistent with s9.1's (refer to Attachment 1 for detail).</li> </ul>
3	<b>JUSTIFICATION</b> <b>Section C – Environment, Social and Economic Impact</b> <b>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?</b> <b>8. Are there any likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?</b> <b>9. How has the Planning Proposal adequately addressed any social and economic effects?</b>	<ul style="list-style-type: none"> <li>The planning proposal is limited to general housekeeping amendments only;</li> <li>There is no critical habitat in the LGA;</li> <li>There will be no adverse impacts on threatened species, populations or ecological communities or their habitats.</li> <li>Each of the sites proposed for rezoning has been reviewed for environmental constraints. The planning proposal will not result in any negative environmental effects;</li> <li>Due to the minor nature of the proposed amendments there are no additional technical reports recommended.</li> <li>No anticipated negative impacts on Aboriginal and European cultural heritage. Refer to Attachment 1 for detail. The planning proposal will be referred to the LALC for comment.</li> <li>No further reporting recommended.</li> </ul>
3	<b>JUSTIFICATION</b> <b>Section D – State and Commonwealth Interests</b> <b>10. Is there adequate public infrastructure for the Planning Proposal?</b> <b>11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?</b>	<ul style="list-style-type: none"> <li>The general amendments do not present any additional demands on public infrastructure;</li> <li>No further reporting recommended.</li> <li>Consultation will be confirmed at Gateway determination.</li> </ul>
4	<b>MAPPING</b>	<ul style="list-style-type: none"> <li>Refer to LEP Maps in Attachment 2 to this report.</li> </ul>
5	<b>COMMUNITY CONSULTATION</b>	<ul style="list-style-type: none"> <li>Recommended 28 day exhibition period.</li> </ul>
6	<b>PROJECT TIMELINE</b>	<ul style="list-style-type: none"> <li>Recommendation of 12 months for completion (Refer to attachment 1 for detail).</li> </ul>
7	<b>DELEGATIONS</b>	<ul style="list-style-type: none"> <li>Planning proposals involving E zones (Item M – Blakebrook Quarry) are not delegated to councils and will remain with the DPI&amp;E for finalisation.</li> </ul>

## Comments

### Finance

Not required.

## Other staff comments

The general amendments planning proposal is the result of input from the Sustainable Development and the Development and Compliance sections of Council.

## LEP delegations

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

Correspondence by the then Department of Planning and Environment on 1 March 2016 states that plan making delegations involving the use of an E zone (Item M – Blakebrook Quarry) remain with the Department. The Department will consult with Council during the drafting and plan making stages of the draft instrument.

## Public consultation

Council will commence community consultation post Gateway determination. For the purposes of public notification, Council considers that a twenty eight (28) day public exhibition period is appropriate.

Notification of the exhibited planning proposal will include:

- publication in Council's Local Matters newsletter that circulates in the area affected by the planning proposal;
- the websites of Lismore City Council and the Department of Planning, Industry and Environment;
- letter to adjoining landholders.

The written notice will:

- provide a brief description of the objectives or intended outcomes of the planning proposal;
- indicate the land that is the subject of the planning proposal;
- state where and when the planning proposal can be inspected;
- provide detail that will enable members of the community to make a submission.

Exhibition material:

- the planning proposal, in the form approved for community consultation by the Director General of the Department of Planning, Industry and Environment;
- the Gateway determination;
- any studies required as part of the planning proposal.

The Gateway determination will confirm the public consultation requirements.

## Conclusion

This report has outlined a planning proposal to undertake Council's fifth round of general amendments of the Lismore LEP 2012. An assessment of the planning proposal indicates that it complies with the relevant SEPPs and is consistent or justifiably inconsistent with the section 9.1 Ministerial Directions. The proposal is also consistent with the actions of the North Coast Regional Plan.

There is sufficient information to enable Council to support the planning proposal and forward it to the Department of Planning, Industry and Environment seeking a Gateway determination.

## Attachment/s

1. Planning Proposal Report (Over 7 pages)
2. Mapping (Over 7 pages)