

SECTION 117 MINISTERIAL DIRECTIONS – COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	Not applicable	Not applicable
1.2 Rural Zones	A planning proposal must not rezone land from a rural zone to a residential zone unless it is justified under clause 5 of the direction. Such justification includes the identification of the land in a strategy.	Justified inconsistency. - The inconsistency is justified because the majority of the subject land has been identified for future housing use since 1992. In April 2011, the Council amended the Lismore Urban Strategy to encompass most of the current study area. Council has also sought the DOPI to amend the Far North Coast Regional Strategy (FNCRS) to reflect the revised study area. - The inconsistency is further justified by the assessment of the Planning Proposal against the sustainability criteria in the FNCRS. The sustainability criteria compliance table indicates that the planning proposal is consistent with the relevant requirements as follows: <i>A small section of the land is identified as State Significant Farmland in the south eastern section of the site. This land is identified for future potential urban use in the Lismore Urban Strategy 2003, consequently, the use of the land for residential development is consistent with the recommendations (section 4) of the Farmland Protection Project.</i>
1.3 Mining Petroleum Production and Extractive Industries	This direction applies when the planning proposal: Has the effect of prohibiting mining of	Consistent. The planning proposal does not have the

	coal or other minerals, production of petroleum, or winning or obtaining extractive materials; Restricting the potential of State or regionally significant mineral resources	effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials. Pursuant to clause 7 SEPP (Mining, Petroleum Production and Extractive industries) 2007, mining, petroleum production and extractive industries can occur where agriculture or industry may be carried out (with or without development consent). Home industries (a form of industry) are permissible in rural and residential zones, therefore a planning proposal to change the zone from rural to residential is consistent with the direction as it maintains the permissibility status quo. The land does not incorporate mineral resources or extractive materials which are of State or regional significance.
1.4 Oyster Aquaculture	Not applicable	Not applicable
1.5 Rural Lands	The planning proposal must be consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008. Rural Planning Principles The Rural Planning Principles are as follows: (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas, (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,	Consistent - The planning proposal identifies land adjacent to existing residential land that will minimise the fragmentation of agricultural land. This approach will also serve to minimise potential land use conflicts. Residential land proposed to adjoin rural land will be of sufficient dimensions to accommodate required DCP buffer distances. - A site specific development control plan will be developed for the land that requires biodiversity values of the riparian lands to be enhanced. - The majority of the proposed residential land is located in the Lismore Urban

	(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development, (d) in planning for rural lands, to balance the social, economic and environmental interests of the community, (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land, (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities, (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing, (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	Strategy. Moreover, the planning proposal has been assessed for consistency with the Far North Coast Regional Strategy Sustainability Criteria.
2. Environment and Heritage		
2.1 Environment Protection Zones	• The planning proposal must include provisions that facilitate protection of environmentally sensitive areas. • Must not reduce protection standards for environmental protection zones.	Consistent • Flora and fauna assessment recommended post gateway determination prior to the making of the plan in order to provide base line data for future biodiversity conservation. • The planning proposal does not involve existing or proposed environmental protection zones. • The planning proposal will result in the

		enhancement and preservation of riparian vegetation and pockets of regrowth endemic woody vegetation.
2.2 Coastal Protection	Not applicable	Not applicable
2.3 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	Consistent • Preliminary assessment indicates no items of Aboriginal or European heritage. • European and Aboriginal heritage assessment recommended post gateway determination prior to making the plan.
2.4 Recreation Vehicle Areas	Not applicable	Not applicable
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The planning proposal must: • Broaden the choice of housing types and locations. • Make efficient use of existing infrastructure and services. • Reduce consumption of land. • Housing of good design. • Residential development not permitted until land is adequately serviced. • Not contain provisions that will reduce residential density.	Consistent • A range of housing types and densities will be permitted. • Adjacent to existing infrastructure. • Range of lot sizes responding to the topography of the site, including small lots. 400m² minimum lot size proposed. • Site specific DCP to provide controls. • LEP 2012 contains provisions that require the provision of services prior to development consent for residential development. • Proposed R1 zone permits all forms of residential development from low density dwelling houses to medium density such as residential flat buildings and the like.
3.2 Caravan Parks and Manufactured Home Estates	• Retain provisions that permit development of caravan park. • Appropriate zone for existing caravan parks.	Consistent • The concept plan has not identified a caravan park or manufactured home estate on the site. • The proposed R1 General Residential zone does permit caravan parks with

		development consent.
3.3 Home Occupations	The planning proposal must permit home occupations in dwelling houses without development consent.	Consistent Home occupations are permitted without development consent under LEP 2012 and SEPP (Exempt and Complying Development Codes) 2008
3.4 Integrating Land Use and Transport	The planning proposal must give effect to and be consistent with the aims, objectives and principles of: <i>Improving Transport Choice</i> – Guidelines for planning and development (DUAP 2001, and <i>The Right Place for Business and Services</i> – Planning Policy (DUAP 2001) <i>Improving Transport Choice</i> - better integrate land use and transport planning and development, - provide transport choice and manage travel demand to improve the environment, accessibility and livability, - reduce growth in the number and length of private car journeys, - make walking, cycling and public transport use more attractive. <i>The Right Place for Business and Services</i> - This policy aims to encourage a network of vibrant, accessible mixed use centres which are closely aligned with and accessible by public transport, walking and cycling. - Objectives include ➤ help reduce reliance on cars and moderate the demand for car travel	Consistent - The site has sufficient capacity to provide access to transport for residents. Street layout will accommodate buses, cars, bikes and pedestrians. - Streets will generally be connected to maximise access. - The site is adjacent to existing residential development and associated infrastructure. - The site is proximal to all existing services including education, retail, recreation, medical, religious, sporting, trade and professional services. - The proposed residential development will strengthen the role of existing centres such as Lismore CBD and Goonellabah shopping centre.

	➤ encourage multi-purpose trips ➤ encourage people to travel on public transport, walk or cycle ➤ provide people with equitable and efficient access ➤ protect and maximise community investment in centres, and in transport infrastructure and facilities ➤ foster growth, competition, innovation and investment confidence in centres,	
3.5 Development Near Licensed Aerodromes	Not applicable	Not applicable
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Not applicable	Not applicable
4.2 Mine Subsidence and Unstable Land	• Applies to mine subsidence areas • Applies to areas identified as unstable	Consistent • The land is not within a mine subsidence area. • A geotechnical assessment was prepared as part of a previous rural residential rezoning for some the land recommending that residential development should be limited to areas with a slope of 20° or less. • It is recommended that a geotechnical report is provided post gateway determination prior to making the plan. • The proposed R1 zone is generally limited to land with a slope of less than 20°
4.3 Flood Prone Land	Not applicable	Not applicable
4.4 Planning for Bushfire Protection	A planning proposal in bush fire prone land: • Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination prior to community consultation. • Have regard to Planning for Bush Fire Protection 2006. • Restrict inappropriate development from hazardous areas.	Consistent. • Parts of the subject land contain bush fire hazards and asset protection zones have been assessed based on slope and existing and proposed vegetation areas. • Perimeter roads, and fuel controlled buffer areas will all be used to ensure the future urban area meets planning standards for

	• Ensure bush fire hazard reduction is not prohibited within the APZ.	bush fire protection contained in Planning for Bush Fire Protection 2006. • Council is required under section 117 of the EP&A Act 1979, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act, and take into account any comments so made. • Bush fire hazard reduction authorised under the <i>Rural Fires Act 1997</i> can be carried out on any land without development consent.
5. Regional Planning		
5.1 Implementation of Regional Strategies	• The planning proposal must be consistent with the Far North Coast Regional Strategy.	Consistent • Refer to the Far North Coast Regional Strategy – Sustainability Criteria compliance table for detail.
5.2 Sydney Drinking Water Catchments	Not applicable	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	• The planning proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project. • Justification for an inconsistency includes consistency with the Far North Coast Regional Strategy 2006 and identification of the land in a council strategy.	Justified inconsistency • A small area of State significant farmland is located in the south eastern section of the land. • Refer to the Far North Coast Regional Strategy – Sustainability Criteria compliance table for detail. • The majority of the proposed R1 land is identified in the Lismore Urban Strategy 2003 for potential residential development.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	Not applicable	Not applicable

6. Local Plan Making		
6.1 Approval and Referral Requirements	• A planning proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of DoPI. • Not identify development as designated development unless justified.	Consistent • The planning proposal does not introduce concurrence, consultation or referral requirements. • Not designated development.
6.2 Reserving Land for Public Purposes	• A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DoPI.	Consistent • The planning proposal incorporates land for public parks. The proponent proposed the use of RE1 Public recreation zone. The use of the RE1 zone for this land is now delayed and R1 is to be applied. The conceptual lot layout will still indicate public parks. The exact location of these parks can be finalised after detailed survey plans are undertaken at DA stage and RE1 can be applied. A future DCP will guide the inclusion of appropriate public park locations.
6.3 Site Specific Provisions	• A planning proposal to allow a particular land use (residential development) must rezone the site to an existing zone already applying to the LEP that allows the land use, without additional development standards to those already in use in that zone.	Consistent • The proposed R1 zone is the most appropriate for future residential development on the land. • No additional development standards are applied that are not already in use for other R1 zone in the LGA.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Not applicable	Not applicable