

Subdivision Provisions - planning proposal

Table No. 1 State Environmental Planning Policy compliance table

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 6 – Number of Storeys in a Building	Not applicable	Not applicable
SEPP No 14 – Coastal Wetlands	Not applicable	Not applicable
SEPP No. 21 – Caravan Parks	Not applicable	Not applicable
SEPP No. 22 – Shops and Commercial Premises	Not applicable	Not applicable
SEPP No. 26 – Littoral Rainforests	Not applicable	Not applicable
SEPP No. 30 – Intensive Agriculture	Not applicable	Not applicable
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)	Not applicable	Not applicable
SEPP No. 33 – Hazardous and Offensive Development	Not applicable	Not applicable
SEPP No. 36 – Manufactured Home Estates	Not applicable	Not applicable
SEPP 44 – Koala Habitat Protection	3 Aims, objectives etc (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.	Consistent
SEPP No. 50 – Canal Estate Development	Not applicable	Not applicable
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable	Not applicable
SEPP 55 – Remediation of Land	6 Contamination and remediation to be considered in zoning or rezoning proposal 7 Contamination and remediation to be considered in determining development application	Not applicable. Clause 6 addressed at rezoning stage and clause 7 addressed at development application stage.
SEPP No. 62 – Sustainable Aquaculture	Not applicable	Not applicable
SEPP No. 64 – Advertising and	Not applicable	Not applicable

State Environmental Planning Policy	Requirements	Compliance
Signage		
SEPP No. 65 – Design Quality of Residential Flat Development	Not applicable	Not applicable
SEPP No 70 – Affordable Housing (Revised Schemes)	Not applicable	Not applicable
SEPP No. 71 – Coastal Protection	Not applicable	Not applicable
SEPP (Affordable Rental Housing) 2009	Not applicable	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable	Not applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable	Not applicable
SEPP (Infrastructure) 2007	Not applicable	Not applicable
SEPP (Major Development) 2005	Not applicable	Not applicable
SEPP (Mining, petroleum Production and Extractive Industries) 2007	Not applicable	Not applicable
SEPP (Rural Lands) 2008	Consistency with the following: 7 Rural Planning Principles 8 Rural Subdivision Principles	Consistent
SEPP (SEPP 53 Transitional Provisions) 2011	Not applicable	Not applicable
SEPP (State and Regional Development) 2011	Not applicable	Not applicable
SEPP (Temporary Structures) 2007	Not applicable	Not applicable
SEPP (Urban Renewal) 2010	Not applicable	Not applicable

Table No. 2 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	What a council must do if this direction applies (4) A draft LEP shall: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing	The proposed boundary adjustment provisions will not result in the creation of any additional lots or the opportunity for additional dwellings. The proposed residual lots provisions only apply to existing urban or large lot residential zoned land or land

Ministerial Directions	Requirements	Compliance
	town or village).	adjacent to this land
1.3 Mining Petroleum Production and Extractive Industries	Not applicable	Not applicable
1.4 Oyster Aquaculture	Not applicable	Not applicable
1.5 Rural Lands	The planning proposal must be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in SEPP (Rural Lands) 2008.	Consistent
2. Environment and Heritage		
2.1 Environment Protection Zones	Must not reduce protection standards for environmental protection zones.	Consistent
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.	Not applicable
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
3.2 Caravan Parks and Manufactured Home Estates	• Retain provisions that permit development of caravan park. • Appropriate zone for existing caravan parks.	Not applicable
3.3 Home Occupations	The planning proposal must permit home occupations in dwelling houses without development consent.	Not applicable
3.4 Integrating Land Use and Transport	Not applicable	Not applicable
3.5 Development Near Licensed Aerodromes	Not applicable	Not applicable
4. Hazard and Risk		
4.1 Acid Sulfate Soils	(6) A council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of	Consistent, no intensification of land use proposed on land identified on the Acid Sulfate Soils Planning Maps

Ministerial Directions	Requirements	Compliance
	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.	
4.2 Mine Subsidence and Unstable Land	• Applies to mine subsidence areas • Applies to areas identified as unstable	Consistent • The land is not within a mine subsidence area. • The proposal does not incorporate intensification of land uses in any unstable land.
4.3 Flood Prone Land	A draft LEP shall not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (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.	Consistent
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. • Ensure bush fire hazard reduction is not prohibited within	Consistent. • Many parts of the Lismore LGA are mapped as bushfire prone land. • 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

Ministerial Directions	Requirements	Compliance
	the APZ.	undertaking community consultation in satisfaction of section 57 of the EP&A Act, and take into account any comments so made.
5. Regional Planning		
5.1 Implementation of Regional Strategies	The planning proposal must be consistent with the Far North Coast Regional Strategy.	Consistent The proposed provisions will result in positive agricultural and environmental outcomes as well as facilitate the strategic release of urban and large lot residential land.
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.	Not applicable
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
6.3 Site Specific Provisions	A planning proposal to allow a particular land use (residential development) must rezone the	Not applicable

Ministerial Directions	Requirements	Compliance
	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.	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Not applicable	Not applicable