

LISMORE CITY COUNCIL

PLANNING PROPOSAL

**FIRST ROUND OF 'HOUSEKEEPING' OR
GENERAL AMENDMENTS**

LISMORE LEP2012

9 July, 2013

Report

Subject	Planning proposal - first round of general amendments LEP 2012 and associated minor DCP amendment
TRIM Record No	BP13/505:EF13/132
Prepared by	Senior Strategic Planner
Reason	To obtain a resolution of Council to forward the general amendments planning proposal to the Minister of Planning and Infrastructure for a Gateway determination. To obtain a resolution of Council to publicly exhibit an associated minor DCP amendment.
Community Strategic Plan Link	Provide Sustainable Land-use Planning

Overview of Report

The first round of general amendments to Lismore LEP 2012 and an associated minor DCP amendment form the subject of this report. The planning proposal consists of minor refinements and includes:

- Zone changes to correct anomalies and mapping errors
- The inclusion of 13 privately owned allotments zoned RE1 Public Recreation in the Land Reservation Acquisition Map
- Minor modifications of the land use table in the RU5 Village zone and the RU2 Rural Landscape zone
- The inclusion of a local provision on sex services premises
- The insertion of a missing zone label in the Land Zoning Map
- The amendment of the signage provisions in Schedule 2 Exempt Development so that portable signs are excluded from public land unless permitted in accordance with Council policy.

Also incorporated in this report, but not part of the planning proposal, is the proposed amendment No. 14 to the DCP signage provisions for consistency with the proposed amendment to LEP 2012 Schedule 2 signage provisions.

Background

The preparation of the new Local Environmental Plan for Lismore commenced in October 2006 and LEP 2012 was made on 22 February 2013. The final version of the LEP was significantly different to the earliest version after consideration of issues raised during public consultation, refinements made by Council staff, amendments to the Standard Instrument LEP, modifications made by the Department of Planning and Infrastructure (DP&I) and Parliamentary Counsel. "Housekeeping" or general amendments to make minor refinements to the Local Environmental Plan were logged during the last stages of the plan making process and form the basis of this report.

The proposed zone changes are to correct anomalies in order to more accurately reflect the location of the land, existing or approved and yet to be developed buildings and uses. Zone amendments include: the use of a more suitable zone to replace IN2 Light Industrial zone that was used only in an attempt to conform with the DP&I's advice to use a surrounding zone instead of SP2 Infrastructure zone; the superseded use of RE1 Public Recreation zone after the sale of public land; the erroneous use of RE1; the more appropriate use of R1 General Residential zone instead of B2 Local Centre zone; the replacement of RU1 Primary Production with R5 Large Lot Residential zone for a rural allotment to

reflect inclusion of the land in LEP Schedule 1 Additional Permitted Uses for the purposes of a 26 lot Community Title subdivision.

The proposed inclusion of any privately owned land within RE1 Public Recreation zone in the LEP Land Reservation Acquisition Map is in accordance with section 27 of the *Environmental Planning and Assessment Act 1979* and advice received from the DP&I. There are currently thirteen privately owned allotments within the Local Government Area (LGA) that are all partially within the RE1 Public Recreation zone. RE1 was applied in this instance in riparian locations along the Tucki Tucki Creek and its tributaries. The objective of the Land Reservation Acquisition Map and the associated mandatory LEP clause 5.1 (Relevant acquisition authority) is to identify the relevant authority, in this case council, to acquire land for certain public purposes.

The proposal to amend the land use table to include two additional land uses as permitted with development consent in the RU5 Village zone recognises existing businesses that have been in operation for several decades in villages within the LGA. Additionally, it is proposed to prohibit dual occupancies from the RU2 Rural Landscape zone. The RU2 zone covered 42% of the total area of the LGA when the new LEP was first publicly exhibited in its draft form and permissible attached dual occupancies were deemed appropriate. The use of the RU2 zone was almost eliminated with the exception of publically exhibited RU2 land, adjacent to urban zones, classified as either high risk flood or floodway. The establishment of higher density residential accommodation such as dual occupancies in high risk flood areas is not in the public interest.

The proposed use of the model local provision *sex services premises* was first raised by the DP&I at the closing stages of the making of the new LEP. Whilst development applications for *sex services premises* (means a brothel, but does not include home occupation (sex services)) are not common for Lismore City Council, the only controls available for Council's use are the NSW Land and Environment Court's Brothel Planning Principles contained within *Martyn v Hornsby Shire Council* [2004] NSWLEC 614.

The proposal also seeks to rectify the omission of a zone label in the LEP Land Zoning Map.

The proposed amendment to Schedule 2 Exempt Development involves modifying the signage provisions. Currently portable signs are permitted as Exempt development, subject to criteria, within the business and industrial zones on public and private land. The proposal involves the restriction of this type of signage to private land unless otherwise permitted with Council policy. Additionally, it is proposed to expand the zones to which this clause applies to include the RU5 Village zone in order to cater for businesses in these centres. A consequence of modifying the signage provisions of Schedule 2 will be the need to amend Lismore Development Control Plan Chapter 9 *Portable Footpath Sign* provisions. The following section of this report describes the proposed DCP amendment.

Summary of Proposed DCP Amendment No. 14

The existing DCP Chapter 9 portable footpath sign provisions are:

Portable footpath signs

Portable footpath signs are not permissible unless they are consistent with the criteria listed in schedule 2 LEP 2012. Portable weighted signs, "A" frames and retractable signs are classified as exempt development in schedule 2 LEP 2012. This form of signage is only permitted in business and industrial zones. A maximum advertising area of 0.6m² on either side of the structure is permitted under schedule 2 in business zones and a maximum area of 4m² on either side of the sign in industrial zones.

Proposed amended DCP portable footpath sign provisions:

Portable footpath signs

Portable signs, including portable weighted signs, A – frame signs and retractable signs, are not permissible unless they are consistent with the criteria listed in Schedule 2 Exempt Development LEP 2012. Part A - Chapter 9 Signage of the DCP is provided as Attachment 3 to see the context to the proposed changes.

Planning Proposal

Part 1 Objectives and intended outcomes

The objectives of the proposed amendment to Lismore Local Environmental Plan 2012 include:

- To correct zoning anomalies in order to more accurately reflect the location of the land, existing or approved and yet to be developed buildings and uses.
- To include privately owned land zoned RE1 Public Recreation in the Land Reservation Acquisition Map.
- To rectify anomalies in the Land Use Table.
- To minimise potential land use conflict associated with *sex services premises* with the introduction of a local clause.
- To rectify a minor labelling omission in the Land Zoning Map.
- To modify Schedule 2 Exempt Development signage provisions so as to provide an appropriate level of pedestrian access in business and industrial zones, and decrease potential visual clutter associated with portable footpath signs.

Part 2 Explanation of provisions

The planning proposal incorporates the first round of general amendments or minor refinements to Lismore LEP 2012 to correct anomalies and introduce a new local clause. Attachment 1 provides detail of the proposed modifications to the LEP. The proposal includes:

- Zone changes to correct anomalies and mapping errors.
- The inclusion of 13 privately owned allotments zoned RE1 Public Recreation in the Land Reservation Acquisition Map.
- Minor modifications of the land use table in the RU5 Village zone and the RU2 Rural Landscape zone.
- The inclusion of a local provision on *sex services premises*.
- The insertion of a missing zone label in the Land Zoning Map.
- The amendment of the signage provisions in Schedule 2 Exempt Development so that portable signs are excluded from public land unless permitted in accordance with Council policy.

Part 3 Justification

Section A – Need for the Planning Proposal

1. 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. Lismore LEP 2012 was made on 22 February 2013 in accordance with the *Environmental Planning and Assessment Act 1979* and associated Regulation. The proposal is limited to minor refinements to the new LEP.

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

The objectives relate to refinements of LEP provisions and associated maps. A planning proposal is required in order to have amendments to the LEP considered and approved.

Section B – Relationship to Strategic Planning Framework

3. *Is the Planning Proposal consistent with the objectives and actions contained within the Far North Coast Regional Strategy?*

The planning proposal is consistent with the objectives and actions contained within the Far North Coast Regional Strategy.

4. *Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

The planning proposal is consistent with Lismore City Council's Community Strategic Plan.

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

The planning proposal is consistent with the applicable State Environmental Planning Policies. Refer to Attachment 2 for State Environmental Planning Policy compliance table.

6. *Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The planning proposal is consistent or justifiably inconsistent with the applicable section 117 Ministerial Directions. Refer to Attachment 2 for Section 117 Ministerial Directions compliance table.

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?*

There is no land on the Critical Habitat Register within the Lismore Local Government Area.

The planning proposal will not adversely affect threatened species, populations or ecological communities, or their habitats. The proposal is limited to minor "housekeeping" amendments involving adjustments to the land use table, the introduction of a new *sex services premises* provision, an amendment to the Land Reservation Acquisition Map and minor amendments to the Land Zoning Map.

Proposed zone changes involve: developed urban land vegetated with ornamental species; urban land vegetated with woody weeds; and rural land with a mixture of exotic and indigenous woody vegetation and various pasture species (296 Stony Chute Road, Nimbin). The rural land at Nimbin was the subject of amendment No. 29 LEP 2000. The land is now listed in Schedule 1 Additional Permitted Uses in LEP 2012 for the purposes of a 26 lot community title subdivision.

The proposed zone change from RU1 Primary Production to R5 Large Lot Residential more accurately reflects the approved, yet to be developed use of the land, and the approach Council has taken to the zoning of other land to R5 Large Lot Residential. There is no further potential to subdivide the land as the minimum lot size is not proposed to change. The indicative lot layout that formed part of LEP 2000 amendment 29 does not change as a result of the proposed zone change.

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

There are no likely negative environmental effects as a result of the planning proposal.

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

The planning proposal does not involve any negative social or economic impacts. The proposed zone changes seek to rectify anomalies that will recognise existing development such as an educational establishment, infrastructure and dwelling houses; or an approved and yet to be developed subdivision.

The proposed amendments to the RU5 Village zone land use table recognise existing businesses including *high technology industry* and *vehicle sales or hire premises*, which enables any potential future development of these enterprises without reliance on the existing use provisions of the *EP&A Act 1979*.

The proposed sex services premises clause will assist mitigation of land use conflicts associated with the land use. The proposed amendment to the Land Reservation Acquisition Map will provide consistency with the mandatory clause 5.1 "Relevant acquisition authority" and ensure consistency with the objectives of the *Land Acquisition (Just Terms Compensation) Act 1991*.

The proposal does not include impacts on existing social infrastructure such as schools and hospitals or existing retail centres. The proposal does not involve known items or places of European or Aboriginal cultural heritage.

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?

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

Public authority/stakeholder	Issue requiring comment
NSW Rural Fire Service	Section 117 of the EP&A Act 1979, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service

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

Part 4 Mapping

Refer to Attachment 1 for detail and maps.

Part 5 Community Consultation

Council will commence community consultation in accordance with the Gateway Determination. For the purposes of public notification, Council considers that the planning proposal is low impact in accordance with the DP&I's *A guide to preparing local environmental plans*. In this regard, a fourteen (14) day public exhibition period is deemed appropriate.

Notification of the exhibited planning proposal will include:

- a newspaper advertisement that circulates in the Lismore LGA, which is the area affected by the planning proposal
- the website of Lismore City Council and the Department of Planning and Infrastructure.

Exhibition material:

- the planning proposal, in the form approved for community consultation by the Director General of the Department of Planning and Infrastructure
- the Gateway determination.

Part 6 Project Timeline

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

Estimated completion	Plan making step
July 2013	Report planning proposal to Council
August 2013	Gateway determination issued by Department of Planning and infrastructure
September 2013	Preparation for public exhibition
October 2013	Government agency consultation Public exhibition
November 2013	Analysis of public submissions Preparation of Council report
December 2013	Public submissions report to Council
January 2014	Submission of endorsed LEP to DP&I for finalisation

Sustainability Assessment

Sustainable Economic Growth and Development

The planning proposal does not impact negatively on sustainable economic growth and development.

The proposal is generally limited to minor ‘housekeeping’ amendments. Some elements of the proposal such as the modification to the RU5 Village zone land use table will assist with economic growth and development. The proposed zone changes seek to rectify anomalies that will recognise existing development such as an educational establishment, infrastructure and dwelling houses; or an approved and yet to be developed subdivision.

The proposed amendment to the exempt signage provisions clarifies Council’s desire to limit portable signs from public land unless permitted in accordance with Council policy. Other forms of signage are permissible, subject to certain criteria, so businesses will not be disadvantaged.

Social Inclusion and Participation

The planning proposal seeks to rectify minor anomalies with the new LEP. The proposed zone changes are consistent with the pattern of surrounding land use zones and are consistent with the strategic planning framework. The proposed *sex services premises* clause seeks to address land use conflict issues potentially associated with the land use. Proposed minor changes to the land use table reflect the diversity of uses in the villages as well as recognising the flooding constraints associated with the RU2 Rural Landscape zone.

Protect, Conserve and Enhance the Environment and Biodiversity

The planning proposal is generally limited to LEP matters that operate in developed urban areas. The proposal does not hinder the conservation of biodiversity in the areas that form the subject of this amendment.

Best-Practice Corporate Governance

The refinement of LEP anomalies will assist in the delivery of a high level of customer service, a key component of corporate governance.

Comments

Finance

From a financial perspective, the proposed inclusion of any privately owned land within RE1 Public Recreation zone in the LEP Land Reservation Acquisition Map requires comment.

The properties referred to are identified for acquisition in Council's Lismore Contributions Plan (Section 94) in *Table 3 – Urban Catchment East Local Works Programme*, and *Maps 5 and 6 – Tucki Creek/Platypus Park Indicative Acquisition Areas*. In these cases, if a land owner did contact Council to initiate acquisition, the funding source would be from Recreation & Community Facilities section 94 contributions. If there were insufficient section 94 contributions collected at the time, it is permissible to internally borrow from other Section 94 Contributions (Car Parking, Strategic Urban Roads, Rural Fire Service, Footpaths/Cycleways, SES, Nimbin Traffic Management & Rural Roads). The internal loan plus interest would be repaid as contributions were received.

Other staff comments

The contents of the planning proposal have been discussed with the Manager of Development and Compliance.

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.

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

The delegations only extend to routine LEPs as listed below:

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

Council does not wish to exercise delegations for plan making in this instance.

Public consultation

Community consultation for a planning proposal of this nature would normally incorporate an exhibition period of fourteen (14) days. Notice of the public exhibition will be given:

- in a newspaper that circulates in the Lismore LGA, as the area affected by the planning proposal;
- on the web site of Council and the DP&I; and
- in writing to affected landowners.

If approved, the DP&I will prescribe the duration of the public exhibition period in the Gateway determination.

Conclusion

A preliminary assessment of the planning proposal indicates that it complies with the relevant SEPPs and is consistent or justifiably inconsistent with the section 117 Ministerial Directions. The proposal is also consistent with the objectives and actions contained within the Far North Coast Regional Strategy.

There is sufficient information to enable Council to support the planning proposal and forward it to the Department of Planning and Infrastructure for its consideration and response.

A minor amendment is also required to the Development Control Plan signage provisions for consistency with the planning proposal. This can be publicly exhibited at any stage.

Attachment/s

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| 1. Planning proposal - First round of general amendments LEP 2012 | (Over 7 pages) |
| 2. SEPP & s117 compliance table - planning proposal first round of general amendments LEP 2012 | (Over 7 pages) |
| 3. Part A - Chapter 9 Signage | (Over 7 pages) |

Recommendation

That:

1. Council support the planning proposal for the first round of general amendments as detailed in Attachment 1 and this report and forward it to the Department of Planning and Infrastructure to seek a Gateway Determination.
2. Proposed Amendment No. 14 to the Lismore Development Control Plan 2007 (Part A - Chapter 9 Signage) as detailed below, be placed on public exhibition for a period of not less than twenty eight (28) days.

Existing DCP clause to be revoked:

Portable footpath signs

Portable footpath signs are not permissible unless they are consistent with the criteria listed in schedule 2 LEP 2012. Portable weighted signs, "A" frames and retractable signs are classified as exempt development in schedule 2 LEP 2012. This form of signage is only permitted in business and industrial zones. A maximum advertising area of 0.6m² on either side of the structure is permitted under schedule 2 in business zones and a maximum area of 4m² on either side of the sign in industrial zones.

Proposed new amended DCP clause:

Portable footpath signs

Portable signs, including portable weighted signs, A – frame signs and retractable signs, are not permissible unless they are consistent with the criteria listed in Schedule 2 Exempt Development LEP 2012.

Attachment 1: Planning proposal – first round of general amendments Lismore LEP 2012

No.	Item	Additional information/Justification	Recommendation /Proposal
1.	51, 61 and 85 Brunswick Street, Lismore (Lot 4 DP 726489, Lot 7301 DP 1140177, Lot 2 DP 726489) and 38 High Street, Lismore Heights (Lot 1 DP 874980) are zoned IN2 Light Industrial in LEP 2012. The zone is inappropriate for the location and current use of the site and the use of RU1 Primary Production is more suitable for the site.	Refer to maps The 4 allotments below were all within zone No. zone 5 Special Uses Zone – water supply under LEP 2000. All of the lots are currently zoned IN2 Light Industry. A brief description of the land uses follows: • 51 Brunswick Street, Lismore (Lot 4 DP 726489) vacant. • 61 Brunswick Street, Lismore (Lot 7301 DP 1140177) incorporates State Emergency Service, water supply reservoirs (<i>water reticulation system</i>). • 85 Brunswick Street, Lismore (Lot 2 DP 726489) vacant • 38 High Street, Lismore Heights (Lot 1 DP 874980) <i>telecommunications facility</i> SEPP (Infrastructure) 2007 provides for the development of Infrastructure. The following is a brief description about the ISEPP permissibility for the abovementioned infrastructure categories: • <i>Emergency services facilities</i> ISEPP prescribed zones include RU1, IN2 & SP2. • <i>Water reticulation system</i> – without consent on any land • <i>Telecommunications facilities</i> with & without consent on any land LEP Practice note PN10-001 provided guidance for councils regarding the use of SP2 Infrastructure Zone in the Standard Instrument LEP. The guidelines require the use of an adjoining zone rather than SP2. Relevant extracts follow: PN10-001 Zoning for Infrastructure <i>existing "special use" zones should be rezoned the same as the adjacent land (if a prescribed zone)</i> Adjacent zones include RE1 Public Recreation, RE2 Private Recreation, IN2 Light Industrial, R1General Residential and RU1 Primary Production. Principle 1.2	Amend Land Zoning Map – Sheet LZN_005AB so that the following land are changed from IN2 Light Industrial Zone to RU1 Primary Production zone: • 51 Brunswick Street, Lismore (Lot 4 DP 726489) • 61 Brunswick Street, Lismore (Lot 7301 DP 1140177) • 85 Brunswick Street, Lismore (Lot 2 DP 726489) • 38 High Street, Lismore Heights (Lot 1 DP 874980) • Adjacent eastern road reserve Amend Lot Size Map – Sheet LSZ_005AB so that the following land are changed from 1500m² to 40ha: • 51 Brunswick Street, Lismore (Lot 4 DP 726489) • 61 Brunswick Street, Lismore (Lot 7301 DP 1140177) • 85 Brunswick Street, Lismore (Lot 2 DP 726489) • 38 High Street, Lismore Heights (Lot 1 DP 874980)

No.	Item	Additional information/Justification	Recommendation /Proposal
		<i>In many cases the infrastructure land would have been zoned the same as the adjoining land if it had not been used instead for an infrastructure purpose.</i> It is unlikely that the land would have been zoned IN2 if it had not been used for an infrastructure purpose. The land has been used for infrastructure for several decades. It is visually prominent and adjacent to existing residential development. In accordance with clause 6 of SEPP 55, a preliminary contaminated land assessment is required if the zone is to be changed to three of the other adjacent zones i.e. R1, RE1 and RE2. This leaves RU1. Part of 61 Brunswick St, Lismore that includes SES building (<i>emergency services facility</i>) should be included within a prescribed zone. Of the adjacent zones, this includes IN2 and RU1. SP2 is also a prescribed zone. The remainder of the land is used for <i>water reticulation systems</i> (water storage reservoirs) and telecommunication facilities. These development types can occur on any land with or without consent in some instances. No prescribed zones. Therefore Council can select the most appropriate adjacent zone from IN2 (current zone) or RU1. IN2 Light Industrial zone was used only in an attempt to conform to the DP&I's advice to use a surrounding zone instead of SP2 Infrastructure zone. There is no strategic intent to use the land for industrial purposes and upon reflection RU1 Primary Production zone is more appropriate.	
2.	65 Hindmarsh Street, Lismore (Trinity Catholic College Sports Centre and Language Centre Lot 1 DP 1112274) is within RE1 Public Recreation zone.	Refer to maps The land was purchased by the College in 2009. The zone applied to this allotment should be consistent with the zone used for the remainder of the Saint Joseph's Site of the College i.e. R1 General Residential zone. Trinity Catholic College Sports Centre and Language Centre are located on the closed section of Orion Street Road reserve, now Lot 1 DP 1112274 (65 Hindmarsh Street, Lismore). The land was zoned 6(a) Recreation Zone under LEP 2000 and was translated to the equivalent RE1 Public recreation zone	Amend Land Zoning Map – Sheets LZN_005AA and LZN_005AB so that Lot 1 DP 1112274 (65 Hindmarsh Street, Lismore) is changed from RE1 Public Recreation to R1 General Residential. Amend the Minimum Lot Size Map – Sheets LSZ_005AA and LSZ_005AB so that Lot 1 DP 1112274 (65 Hindmarsh Street, Lismore) has a minimum lot size of 400m².

No.	Item	Additional information/Justification	Recommendation /Proposal
		under LEP 2012. RE1 zone prohibits development for educational establishment. Existing use provisions may not apply due to the use of 50m rule adjacent to zone boundary. 50m rule no longer applies in public recreation zone in new LEP. Therefore, any future development that requires consent may not be permissible on this land. The remainder of Saint Joseph's Site - Trinity Catholic College is within R1 Residential Zone in accordance with LEP Practice Note PN10-001. The land also has a minimum lot size of 400m² and a maximum building height of 9.0m.	Amend the Height of Buildings Map – Sheets HOB_005AA and HOB_005AB so that Lot 1 DP 1112274 (65 Hindmarsh Street, Lismore) has a maximum building height of 9.0m.
3.	15 Westview Drive, Goonellabah (Lot 23 DP 829442) is zoned RE1 public Recreation. The land is in private ownership and incorporates a dwelling house. The land was zoned 2(a) residential in LEP 2000.	Refer to maps RE1 Public Recreation Zone has been used on this site in error. The land should be zoned R1 General Residential Zone.	Amend Land Zoning Map – Sheet LZN_006AB so that Lot 23 DP 829442, 15 Westview Drive, Goonellabah is changed from RE1 Public Recreation zone to R1 General Residential zone. Amend the Minimum Lot Size Map – Sheet LSZ_006AB so that Lot 23 DP 829442, 15 Westview Drive, Goonellabah has a minimum lot size of 400m². Amend the Height of Buildings Map – Sheet HOB_006AB so that Lot 23 DP 829442, 15 Westview Drive, Goonellabah has a maximum building height of 8.5m.
4.	Part 105 Taylor Road, Chilcotts Grass (Part Lot 1 DP 796712). House located within part of the RE1 Public Recreation zone.	Refer to maps There is a house and a shed within the RE1 Public Recreation zone at 105 Taylor Road, Chilcotts Grass (Lot 1 DP 796712). These buildings are in excess of 40m from the watercourse. 40m was the distance that was required from the watercourse for the use of RE1 in the rezoning process. The R1 General Residential zone can be extended to cover the area occupied by the house and shed and replace the use of RE1 zone in this location. This will still leave a distance of around 40m within RE1 land to the watercourse to act as a riparian buffer. Given that the land is currently zoned RE1 Public recreation, it can be changed to R1	Amend Land Zoning Map – Sheet LZN_006AB so that the area of land that incorporates the dwelling and shed on Lot 1 DP 796712, 105 Taylor Road, Chilcotts Grass is changed from RE1 Public Recreation zone to R1 General Residential zone. Amend the Minimum Lot Size Map – Sheet LSZ_006AB so that the area of land that incorporates the dwelling and shed on Lot 1 DP 796712, 105 Taylor Road, Chilcotts Grass has a minimum lot size of 400m².

No.	Item	Additional information/Justification	Recommendation /Proposal
		General Residential Zone and still be consistent with clause 6(4) of SEPP 55 without the need for further consideration of potential contaminated land.	Amend the Height of Buildings Map – Sheet HOB_006AB so that the area of land that incorporates the dwelling and shed on Lot 1 DP 796712, 105 Taylor Road, Chilcotts Grass has a maximum building height of 8.5m.
5.	20 Gordon Blair Drive, Goonellabah (Lot 76 DP 1149576) is currently zoned B2 Local Centre. The Council owned land is more appropriately zoned R1 General Residential.	Refer to maps 20 Gordon Blair Drive, Goonellabah (Lot 76 DP 1149576) is a 2461m² allotment owned by Council and is in a location that is not appropriate for commercial development. The land is currently zoned B2 Local Centre and the use of the B3 label on Land Zoning Map – Sheet LZN_005AB was a mistake. The land was zoned 6(a) Recreation under LEP 2000. Notwithstanding the erroneous label used in LEP 2012 zone map, the most appropriate zone for this land is R1 General Residential. Given that the land was zoned 6(a) Recreation under LEP 2000 the land can be changed to R1 General Residential Zone and still be consistent with clause 6(4) of SEPP 55 without the need for further consideration of potential contaminated land.	Amend Land Zoning Map – Sheets LZN_005AB and LZN_006AB so that 20 Gordon Blair Drive, Goonellabah (Lot 76 DP 1149576) is changed from B2 Local Centre to R1 General Residential zone. Amend Lot Size Map – Sheets LSZ_005AB and LSZ_006AB so that 20 Gordon Blair Drive, Goonellabah (Lot 76 DP 1149576) has a minimum lot size of 400m². Amend Height of Buildings Map – Sheets HOB_005AB and HOB_006AB so that 20 Gordon Blair Drive, Goonellabah (Lot 76 DP 1149576) is changed from 11.5m to 8.5m maximum building height.
6.	296 Stony Chute Road, Nimbin (Lot 4 DP 1048778) to be zoned R5. Included in Schedule 1 Additional Permitted Uses for a 26 lot community title subdivision.	Refer to maps LEP 2000 amendment 29 gazetted on 27/8/2010 for a maximum of twenty six (26) rural residential lots, one (1) neighbourhood lot under the <i>Community Land Development Act 1989</i> and a residue lot. LEP 2000 amendment 29, as listed in schedule 4 of that LEP was translated to Schedule 1 of LEP 2012. RU1 zone was used. Consistent with other more recent rezoning approvals, such as at Tullera and High Street, Nimbin, the more appropriate zone is R5 Large Lot Residential. A minimum lot size of 40ha should be maintained as the listing in schedule 1 will allow the subdivision. Minimum lot size may be adjusted in the future to reflect the final lot layout after a development application is lodged for subdivision.	Amend Land Zoning Map – Sheet LZN_001 so that 296 Stony Chute Road, Nimbin (Lot 4 DP 1048778) is changed from RU1 Primary Production zone to R5 Large Lot Residential zone. Amend the Height of Buildings Map – Sheet HOB_001 so that 296 Stony Chute Road, Nimbin (Lot 4 DP 1048778) has a maximum building height of 8.5m.

No.	Item	Additional information/Justification	Recommendation /Proposal
		A maximum height of buildings of 8.5m has been applied to all R5 zone throughout the LGA. The height of buildings map should be amended to include this land as 8.5m.	
7.	13 allotments are partially zoned RE1 Public Recreation and are not owned by Lismore City Council. The land was not included in the Land Reservation Acquisition Map.	Refer to maps The Department of Planning and Infrastructure has advised that this land should be included in the Land Reservation Acquisition Map. The list of allotments partially zoned RE1 in private ownership follow: • 8 Willow Tree Drive, Chilcotts Grass (Lot 9 DP262461) • 665 Ballina Road, Goonellabah (Lot 2 DP533490) • 51 Taylor Road, Chilcotts Grass (Lot 10 DP247057) • 9 Willow Tree Drive, Chilcotts Grass (Lot 8 DP262461) • 5 George Drive, Chilcotts Grass (Lot 301 DP882629) • 105 Taylor Road, Chilcotts Grass (Lot 1 DP796712) • 123 Taylor Road, Chilcotts Grass (Lot 1 DP123272) • 671A Ballina Road, Goonellabah (Lot 3 DP363139) • 262 Rous Road, Goonellabah (Lot 1 DP118525) • 4 Holland Street, Goonellabah (Lot 12 DP858912) • 138 Oliver Avenue, Goonellabah (Lot 56 DP813730) • 20 Holland Street, Goonellabah (Lot 2 DP1021834) • 805 Ballina Road, Goonellabah (Lot 2 DP1112474)	Amend the Land Reservation Acquisition Map to include the area of land zoned RE1 Public Recreation on the 13 allotments as listed in the discussion/justification column. The following additional map sheets will be required: LRA_005AB and LRA_006AB. Existing map sheet LRA_005 will need to be amended.
8.	LEP land use table RU5 zone Review RU5 Village zone land use table with regards permissibility of <i>vehicle sales or hire premises</i> and <i>light industry</i> (<i>high technology industry</i>)	vehicle sales or hire premises <i>Motor showrooms</i> (LEP 2000) were permissible with consent in 2(v) Village zone under LEP 2000. The equivalent land use under LEP 2012 is prohibited. Villages will never be lined with long stretches of car sales yards; however, there are some existing small scale operations in the villages such as Clunes Auto Centre Used Car Yard which has existed for decades at 23 Main Street, Clunes (Lot 2 DP 826791). <i>Vehicle sales or hire premises</i> are a sub term of <i>commercial premises</i> under the new LEP. All of the Village Development Control Plans nominate a potential commercial precinct.	Amend the land use table for the RU5 Village zone so that <i>vehicle sales or hire premises</i> and <i>high technology industries</i> are permitted with consent. This requires the deletion of <i>vehicle sales or hire premises</i> and <i>high technology industries</i> from Part 4 Prohibited and their inclusion in Part 3 of the RU5 land use table.

No.	Item	Additional information/Justification	Recommendation /Proposal
		Permissible <i>vehicle sales or hire premises</i> is consistent with the Far North Coast Regional Strategy. A village: <i>"is a relatively small stand alone settlement", "has a small vibrant mixed use commercial, retail and residential precinct"</i> vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there. Note. Vehicle sales or hire premises are a type of retail premises—see the definition of that term in this Dictionary. light industry (high technology industry) <i>Light industries</i> and <i>industries</i> were permissible with consent in 2(v) Village zone under LEP 2000. <i>Light industries</i> and the sub term <i>home industries</i> are permissible with consent in RU5 Village zone under LEP 2012. Certain <i>home industries</i> are permissible without consent under the Codes SEPP and <i>home industries</i> not in accordance with the SEPP may be permissible with consent in RU5. The <i>light industry</i> sub term <i>high technology industries</i> is prohibited in RU5 Village zone. The land use table in this form does not cater for small scale high technology businesses such as the Rainbow Power Company which has existed at 7 Alternative Way, Nimbin (Lot 53 DP 858241) since 1987. Nimbin DCP has a light industry precinct and the Rainbow Power Company is located within this precinct. light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following: (a) high technology industry, (b) home industry. Note. Light industries are a type of industry—see the definition of that term in this Dictionary.	

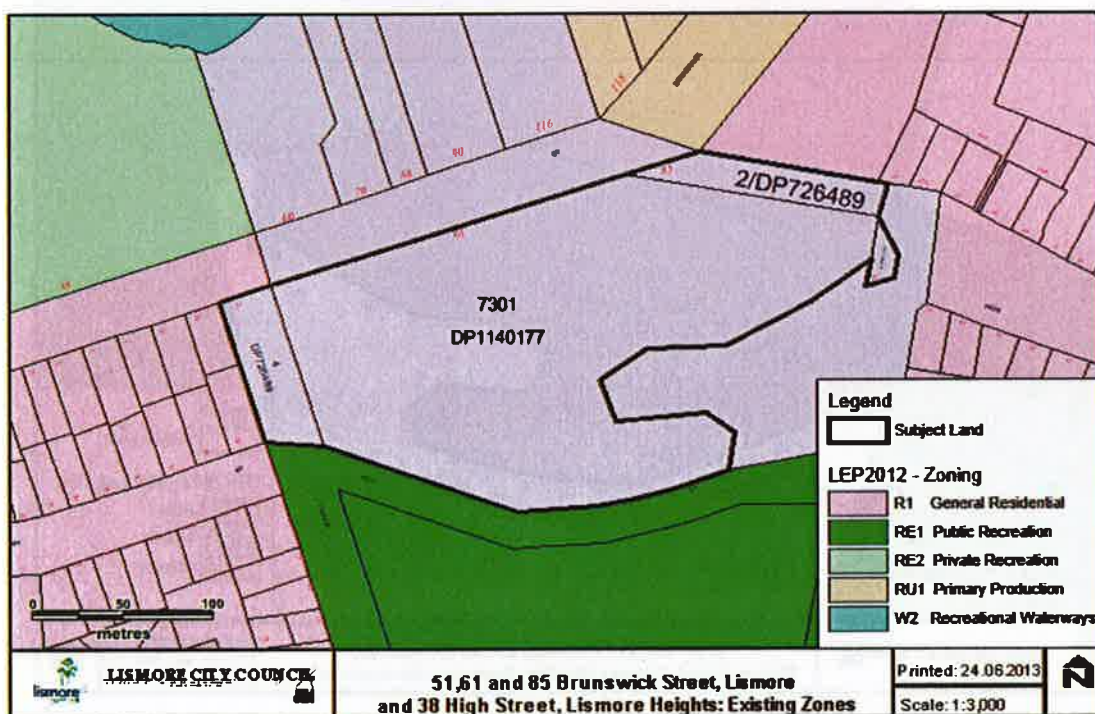
No.	Item	Additional information/Justification	Recommendation /Proposal
		high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following: (a) electronic or micro-electronic systems, goods or components, (b) information technology (such as computer software or hardware), (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature, (d) biological, pharmaceutical, medical or paramedical systems, goods or components, (e) film, television or multi-media technologies, including any post production systems, goods or components, (f) telecommunications systems, goods or components, (g) sustainable energy technologies, (h) any other goods, systems or components intended for use in a science or technology related field, but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood. Note. High technology industries are a type of light industry—see the definition of that term in this Dictionary.	
9.	LEP land use table RU2 zone Amend the land use table so that dual occupancies are prohibited in RU2 Rural Landscape.	The new Lismore LEP in its original draft form was known as Draft LEP 2010. RU1 incorporated 42.95% of the total land area of the LGA in DLEP 2010 and RU2 42.12% of the LGA. Dual occupancies (attached) were permissible with consent in both zones. After the consideration of submissions received during the public exhibition period the use of RU2 was almost eliminated with the exception of publically exhibited RU2 land located in urban high risk flood prone areas and urban floodway. These areas are limited to East Lismore, South Lismore and North Lismore. Dual occupancies in high risk flood areas or floodways are not in the public interest. New dwellings are not permitted in floodway under DCP Chapter 8. Dual occupancies were prohibited in 2(f)(Residential (Flood Liable) Zone) under LEP 2000. 2(f) was mostly translated to R2 Low Density Residential LEP 2012. Dual occupancies are prohibited in R2.	Amend the land use table so that: <i>Dual occupancies</i> are prohibited in RU2. To achieve this prohibition <i>Dual occupancies (attached)</i> is to be deleted from Part 3 Permitted with consent of the RU2 land use table.

10	Local provision for sex services premises.	LEP definition: sex services premises means a brothel, but does not include home occupation (sex services). Development applications for sex services premises are not very common in Lismore. Council does not have controls relating to this land use so the NSW Land and Environment Court Planning Principles for brothels provide relevant heads of consideration. The Department of Planning and Infrastructure has prepared a model local provision for this land use. Richmond Valley has modified the local model provision in its LEP and this clause, with minor amendments to references to zones, is recommended over the model clause for the following reasons: • More consistent with the NSW Land and Environment Planning Principles. • This clause includes an objective and the model clause does not. DP&I model local clause for sex services premises 6.6 Restriction on consent for particular sex services premises [local] (1) Development consent must not be granted for development for the purposes of sex services premises if the premises will be located on land that adjoins, or that is separated only by a road from, land: (a) in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R3 Medium Density Residential, or (b) used as a place of public worship or for community or school uses, or (c) in Zone RE1 Public Recreation. (2) In deciding whether to grant consent to any such development, the consent authority must take into account the impact that the proposed development would have on children who use the land. Proposed local clause for sex services premises 6.xxx Location of sex services premises (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.	Use proposed local clause for sex services premises. Refer to discussion/justification column.
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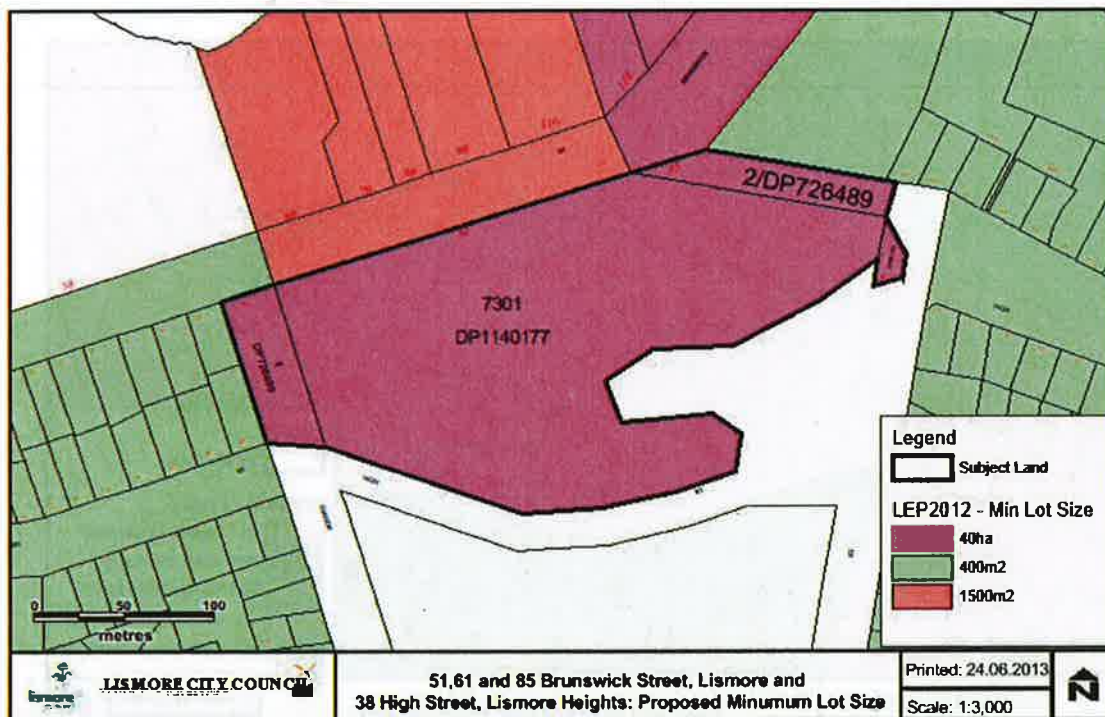
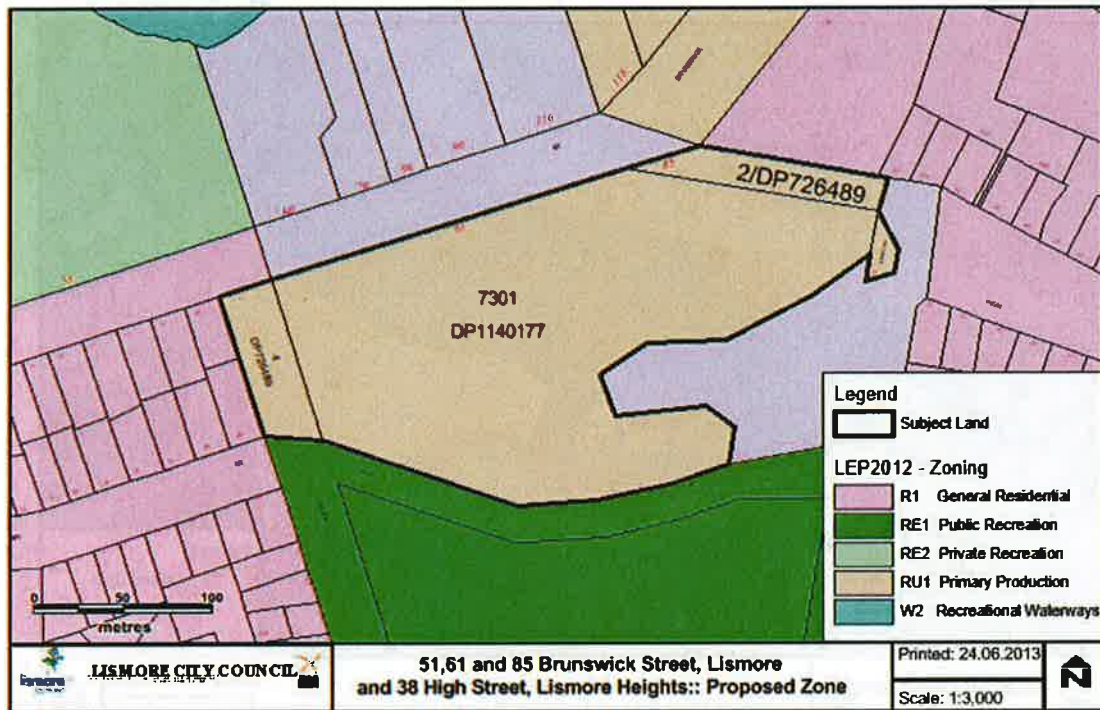
		(2) In deciding whether to grant development consent for development for the purposes of sex services premises, the consent authority must consider the following: (a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land: (i) in Zone R1 General Residential, R2 Low Density Residential or Zone RE1 Public Recreation, or (ii) used for the purposes of a child care centre, a community facility, a school or a place of public worship, (b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children: (i) that adjoins the proposed development, or (ii) that can be viewed from the proposed development, or (iii) from which a person can view the proposed development.	
11.	RU5 zone label is missing from the zone map at the Channon.		Amend Land Zoning Map – Sheet LZN_005 so that the RU5 Village zone label appears at The Channon
12.	LEP Schedule 2 Exempt Development to be amended so that portable weighted, A frame and retractable signs are not Exempt Development on public land, road reserves and public footpaths, unless in accordance with Council policy.	Development consent 5.2010.543.1 provided approval for outdoor dining in a specified precinct in the Lismore CBD. Condition No. 5 of this consent follows: <i>Signage associated with outdoor dining that is provided in accordance with Council's Outdoor dining Policy is approved under this consent, provided details of such signage are provided with the licence application and are consistent with the provisions of Council policy.</i> Exempt portable signage on public land has the potential to increase public injury; decrease public access, especially disabled access; decrease visual amenity; and increase Council's liability for injury claims. Existing and proposed amended provisions follow: Existing provision in Exempt Schedule (3) Portable weighted, A frame and retractable signs in business and industrial zones <i>Must comply with all of the following requirements:</i> (a) relevant provisions of the <u>Local Government Act 1993</u> and the <u>Roads Act 1993</u>, (b) must not be located on a classified road,	Amend Schedule 2 Exempt Development by substituting existing clause 3 Signage – business identification signs with proposed amended clause 3 (refer to discussion column) Non planning proposal issue: Amend section 9.11 DCP to reflect amended schedule 2.

	(c) must not be illuminated, (d) maximum 1 sign per occupancy, (e) if on a road reserve—must be at least 600mm from kerb and 2.4m from shop or building front, (f) maximum advertising area of 0.6m² on either side of structure, (g) if erected on land in an industrial zone, maximum area—8m² Proposed amended provision for Exempt Schedule (3) Portable weighted, A frame and retractable signs in business and industrial zones and RU5 Village zone Must comply with all of the following requirements: (a) must not be located on public land, road reserves and public footpaths unless permitted in accordance with Council policy, (b) must not be illuminated, (c) maximum 1 sign per occupancy, (d) maximum advertising area of 0.6m² on either side of structure, (e) if erected on land in an industrial zone, maximum advertising area of 4m² on either side of structure. Expansion of the zones to which this clause applies to include the RU5 Village zone would cater for businesses in these centres. This is consistent with the commentary on villages provided in the Far North Coast Regional Strategy "A village in the Far North Coast means a place that generally has a small vibrant mixed use commercial, retail and residential precinct at its centre surrounded by small scale residential development." Portable signage or A frame signage would still be permissible in arcades and other private land, subject to criteria. Non planning proposal issue Lismore Development Control Plan Chapter 9 section 9.11 portable footpath sign provisions will require amendment to reflect proposed amendment to LEP Schedule 2.	
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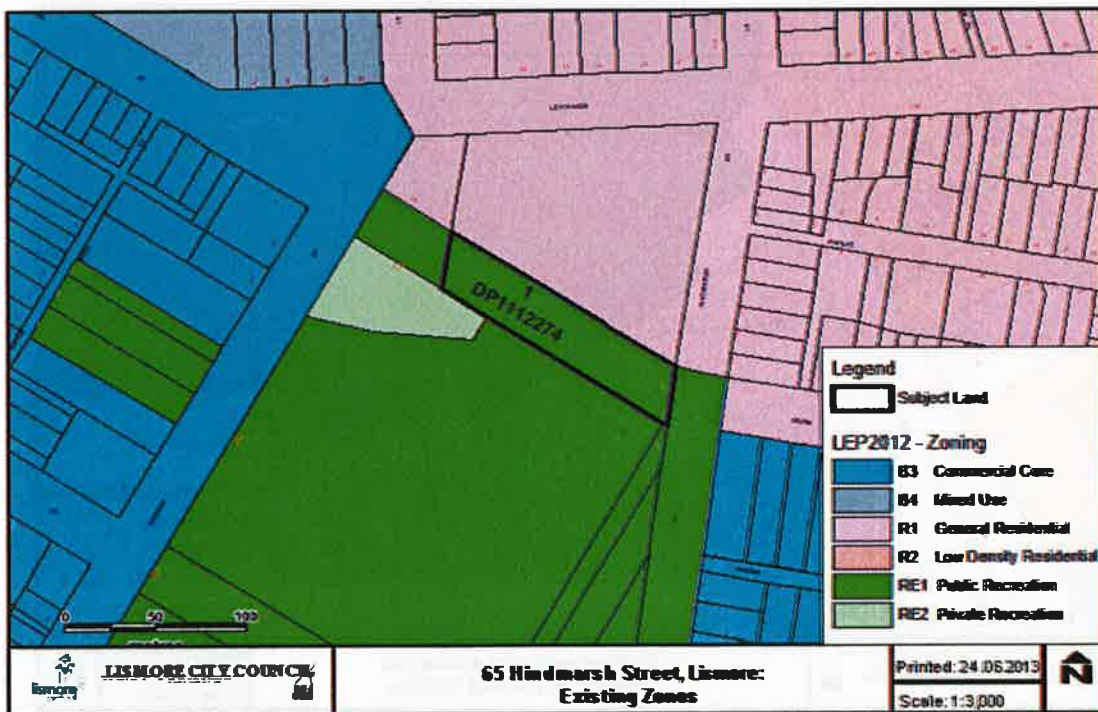
Item No. 1 - 51, 61 and 85 Brunswick Street, Lismore and 38 High Street, Lismore Heights



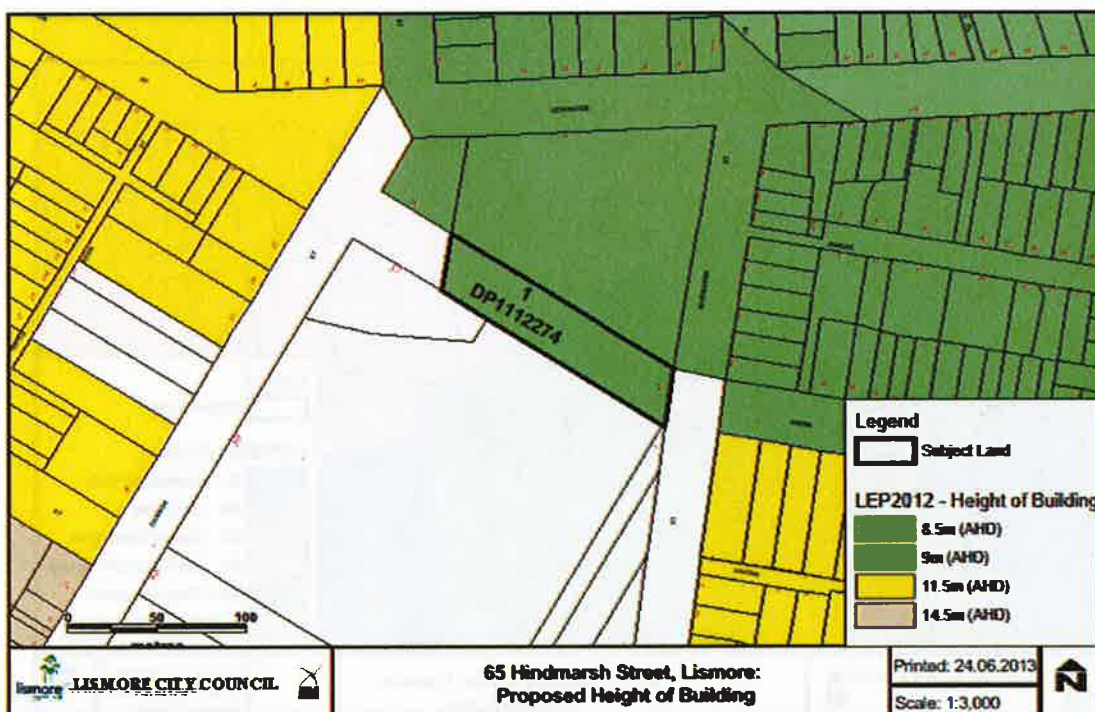
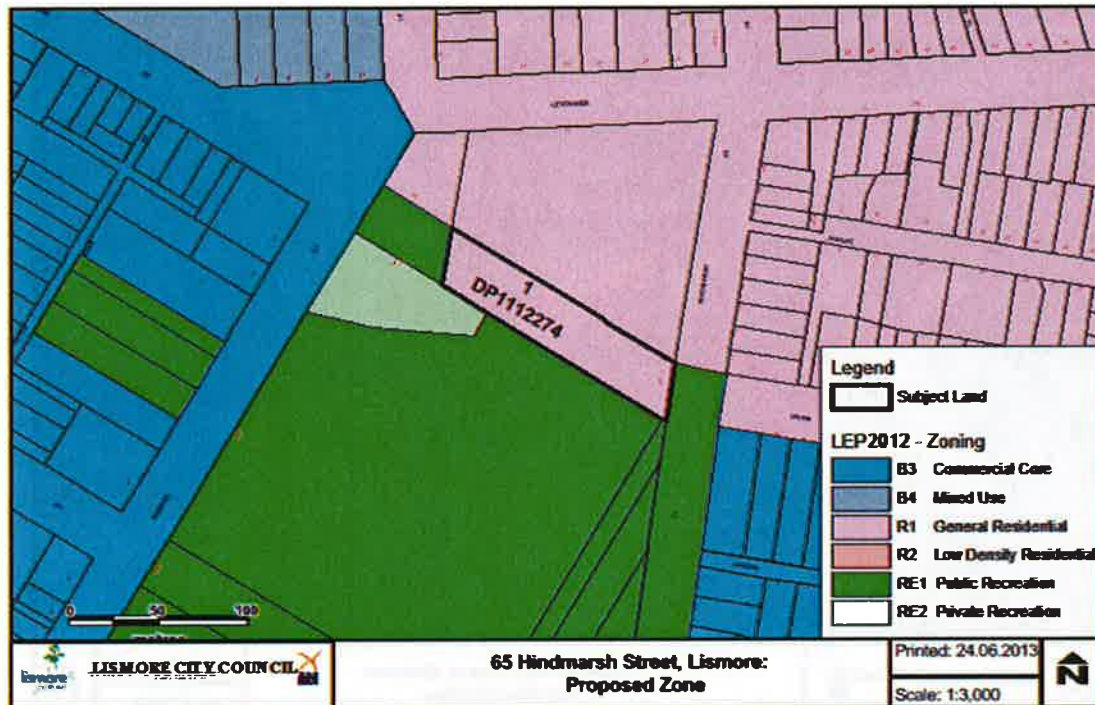
Item No. 1 - 51, 61 and 85 Brunswick Street, Lismore and 38 High Street, Lismore Heights



Item No. 2 - 65 Hindmarsh Street, Lismore



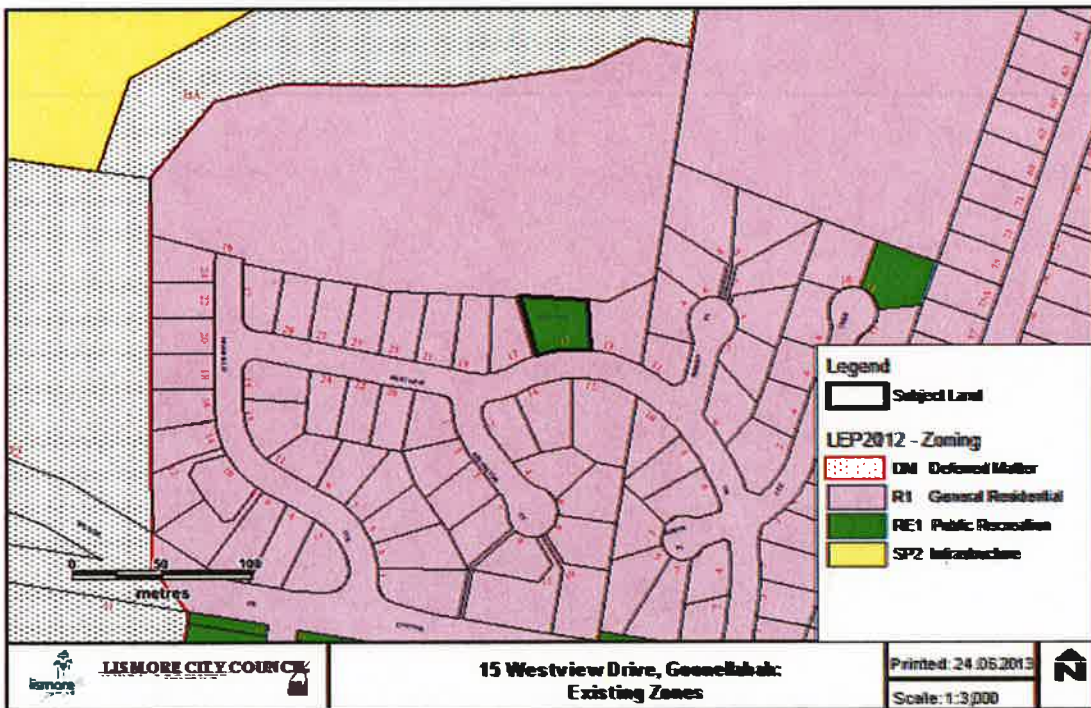
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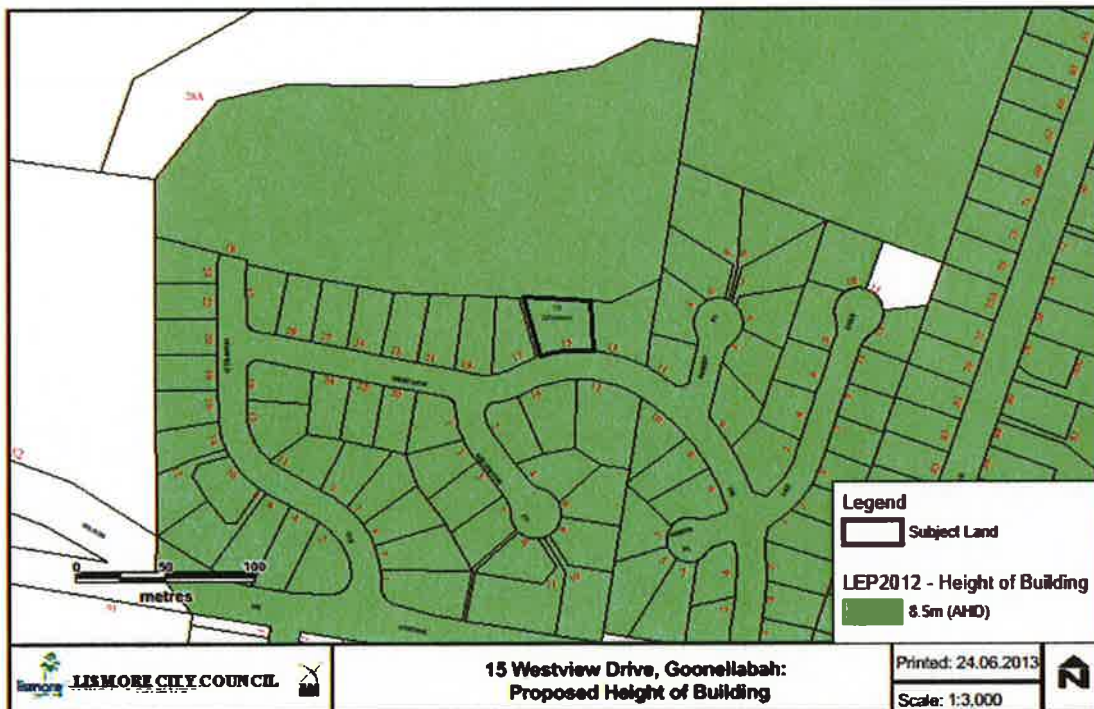
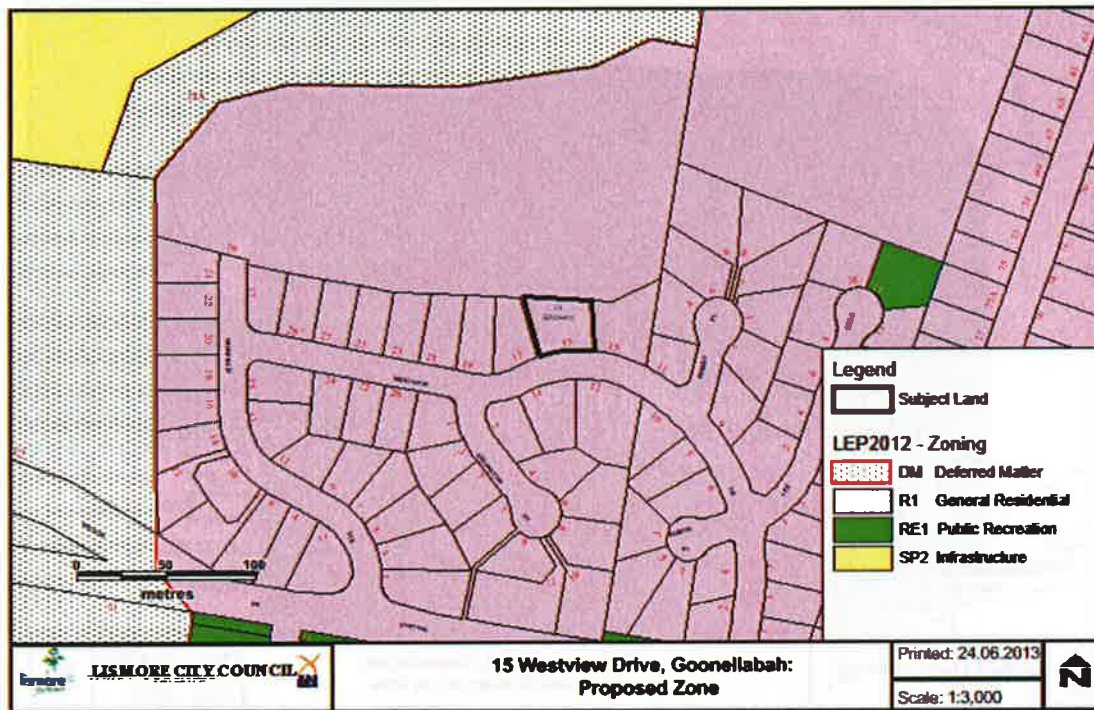
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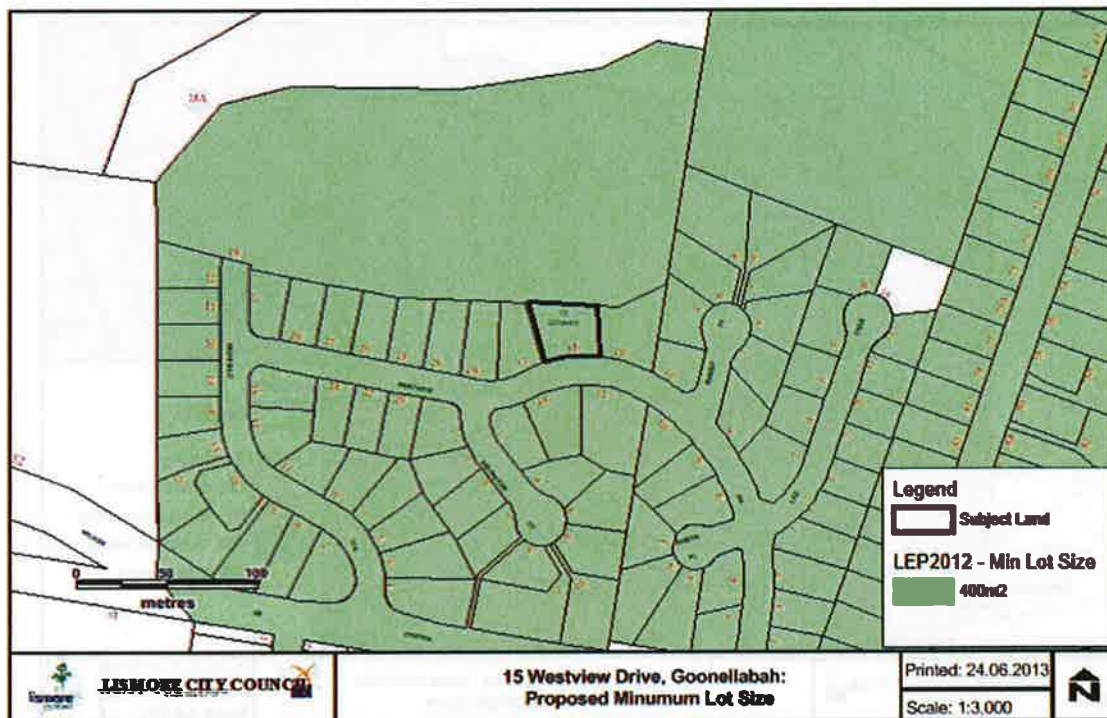
Item No. 3 - 15 Westview Drive, Goonellabah



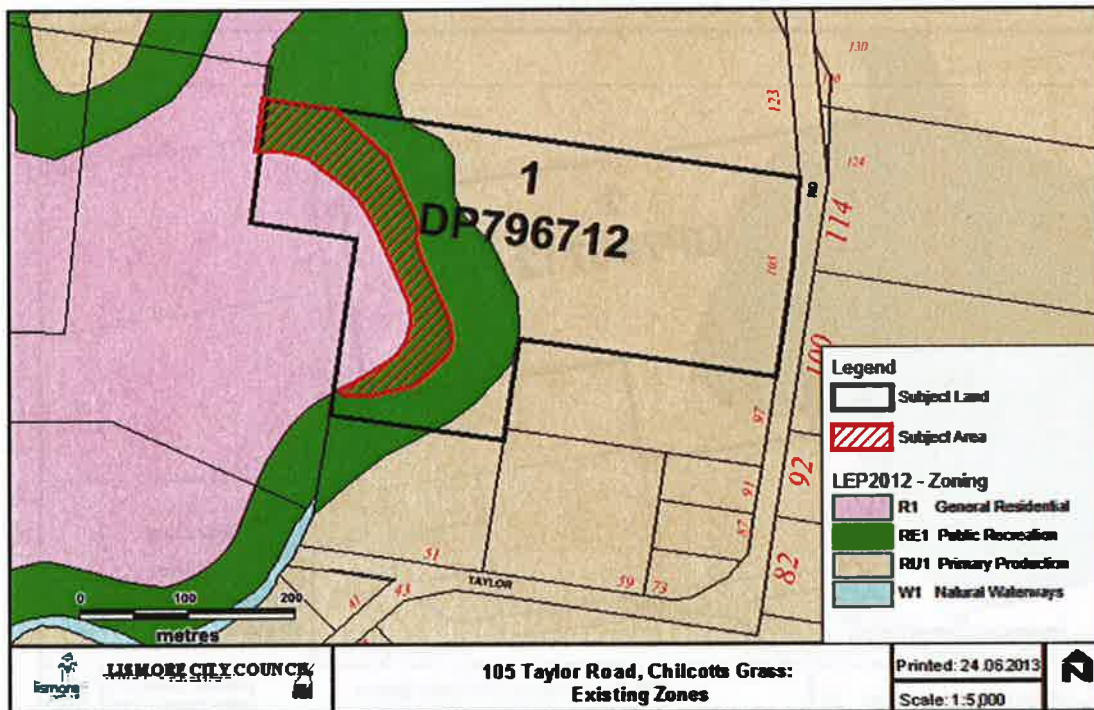
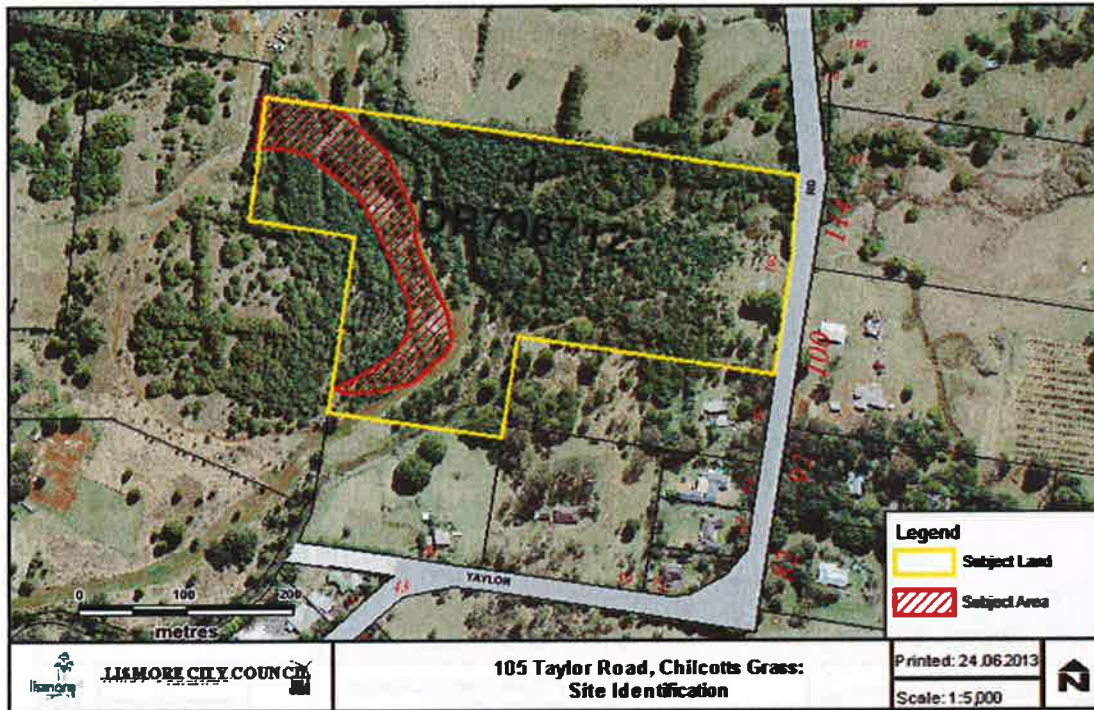
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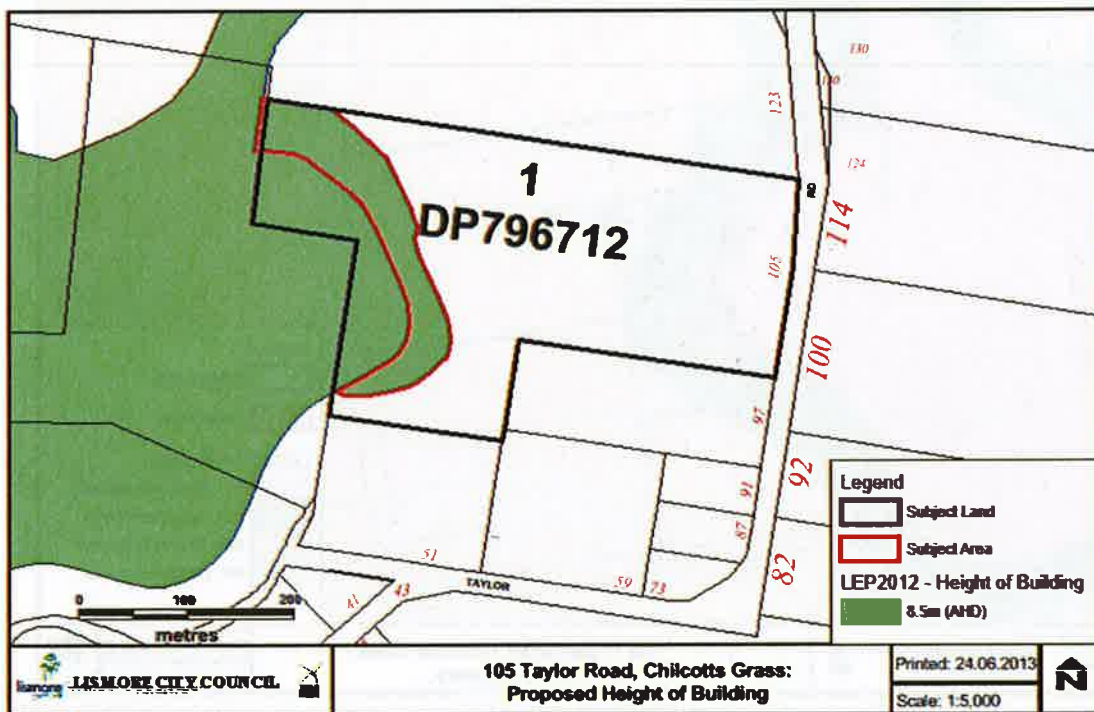
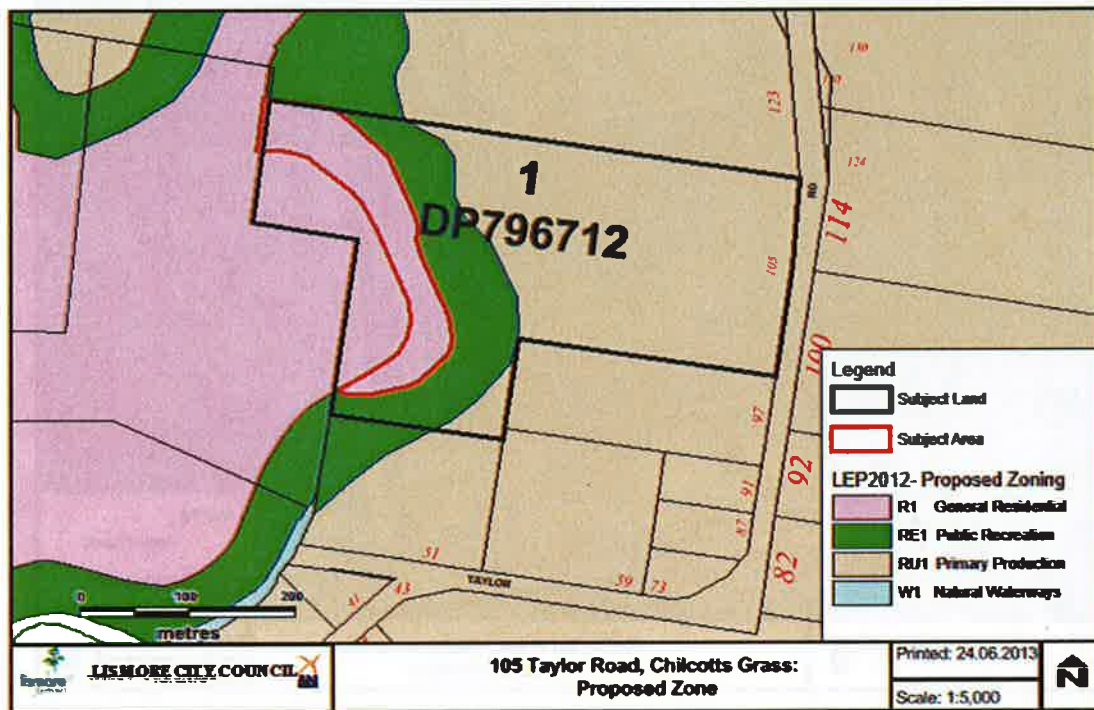
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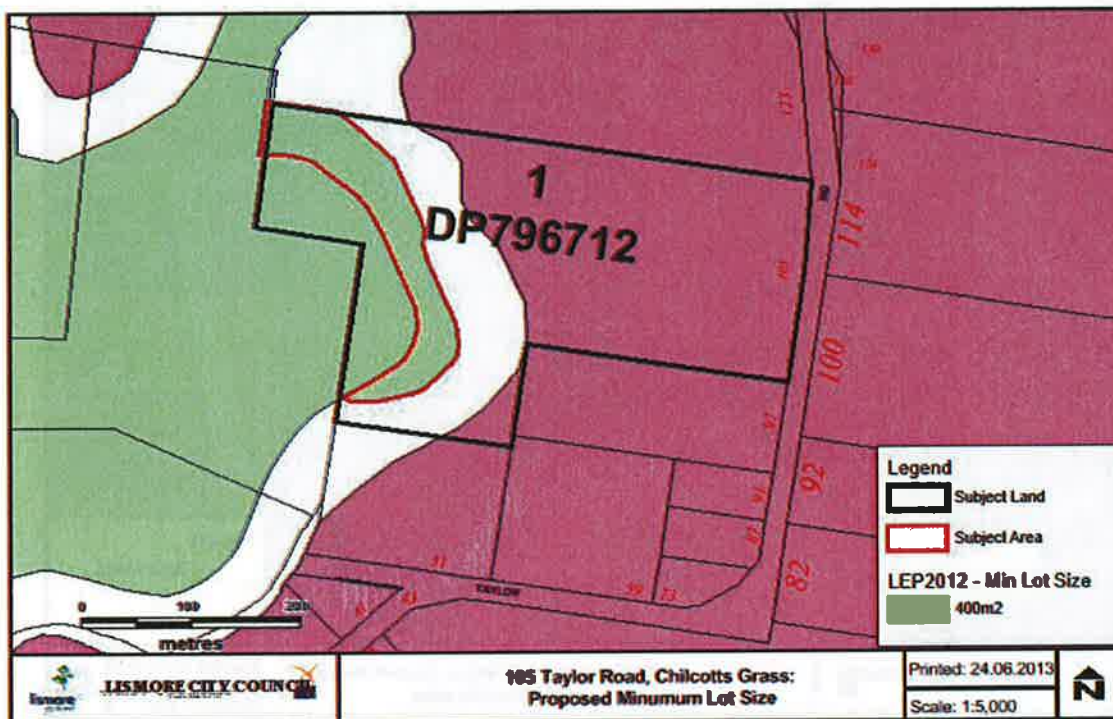
Item No. 4 - Part 105 Taylor Road, Chilcotts Grass



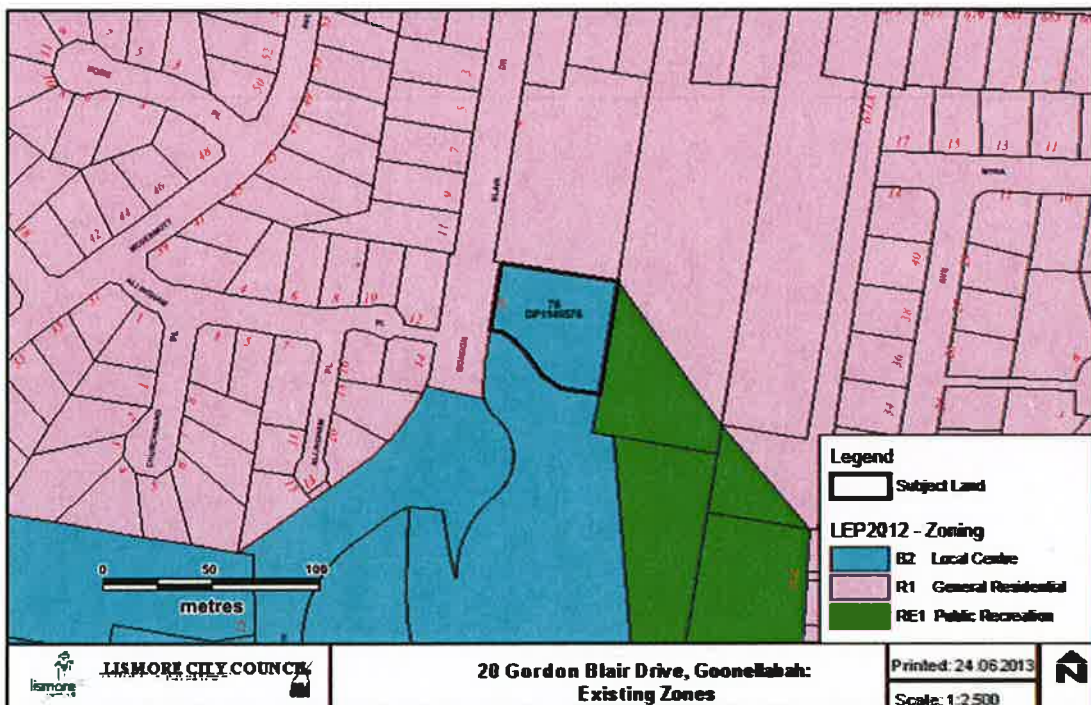
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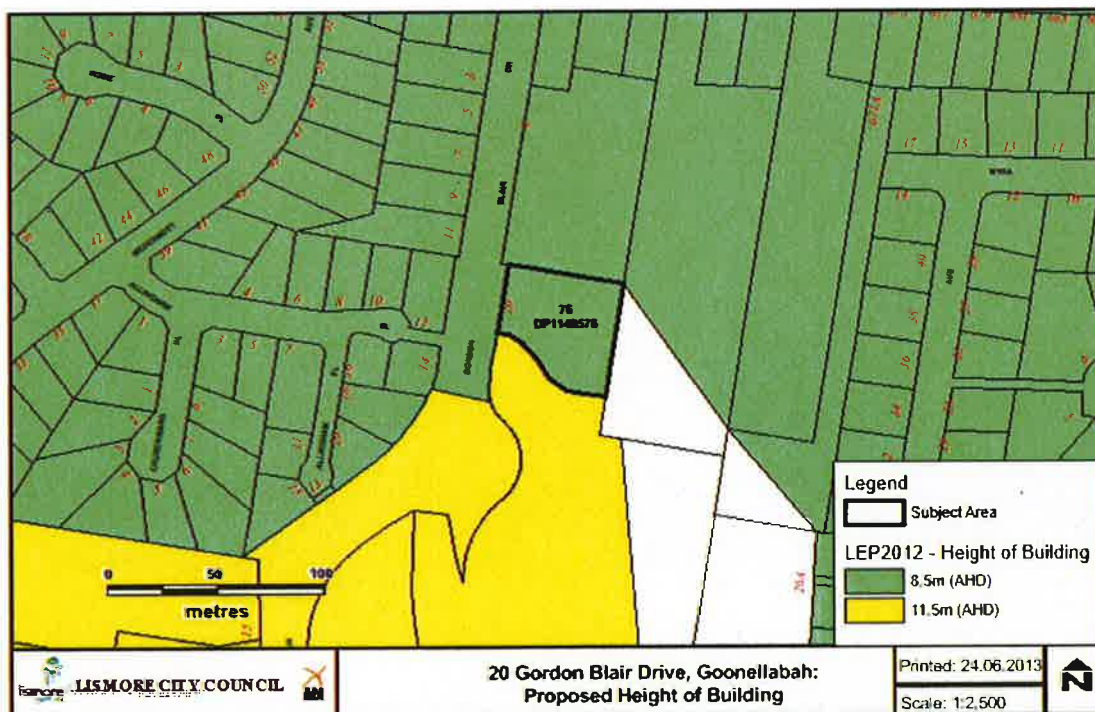
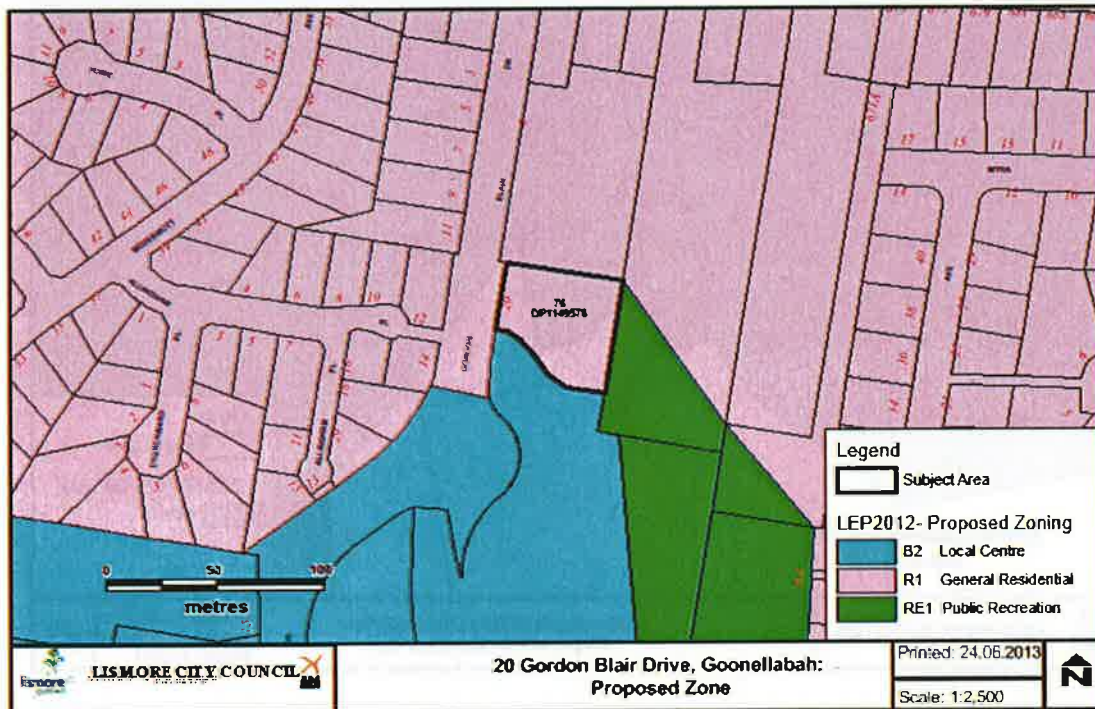
Item No. 4 - Part 105 Taylor Road, Chilcotts Grass



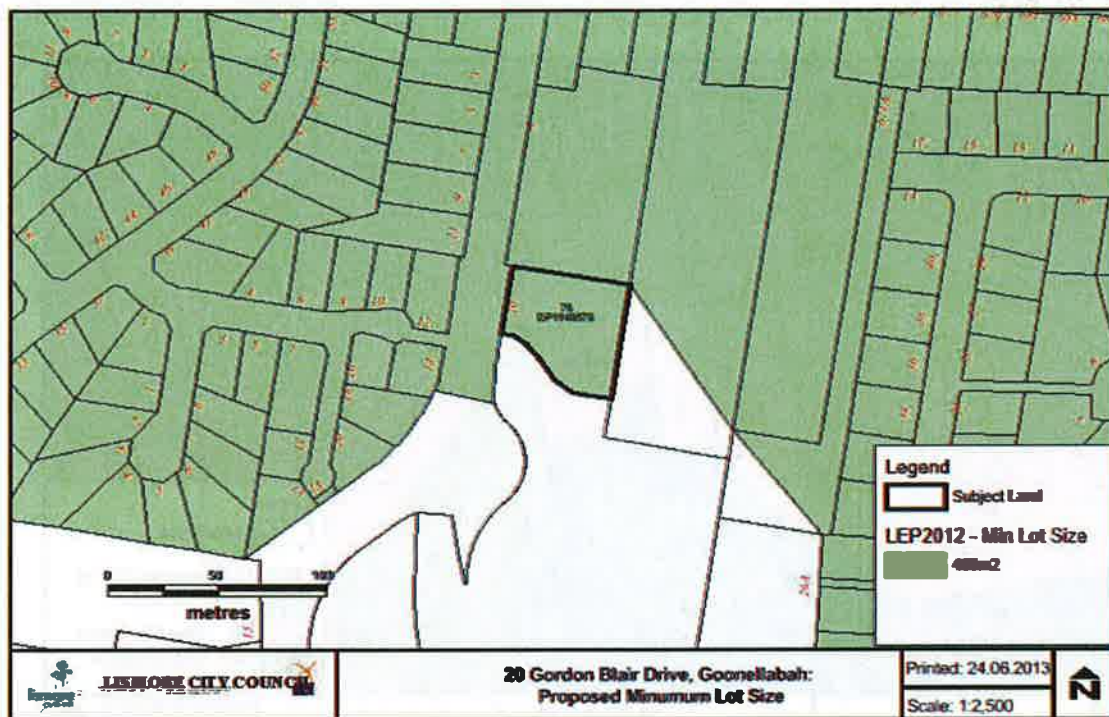
Item No. 5 - 20 Gordon Blair Drive, Goonellabah



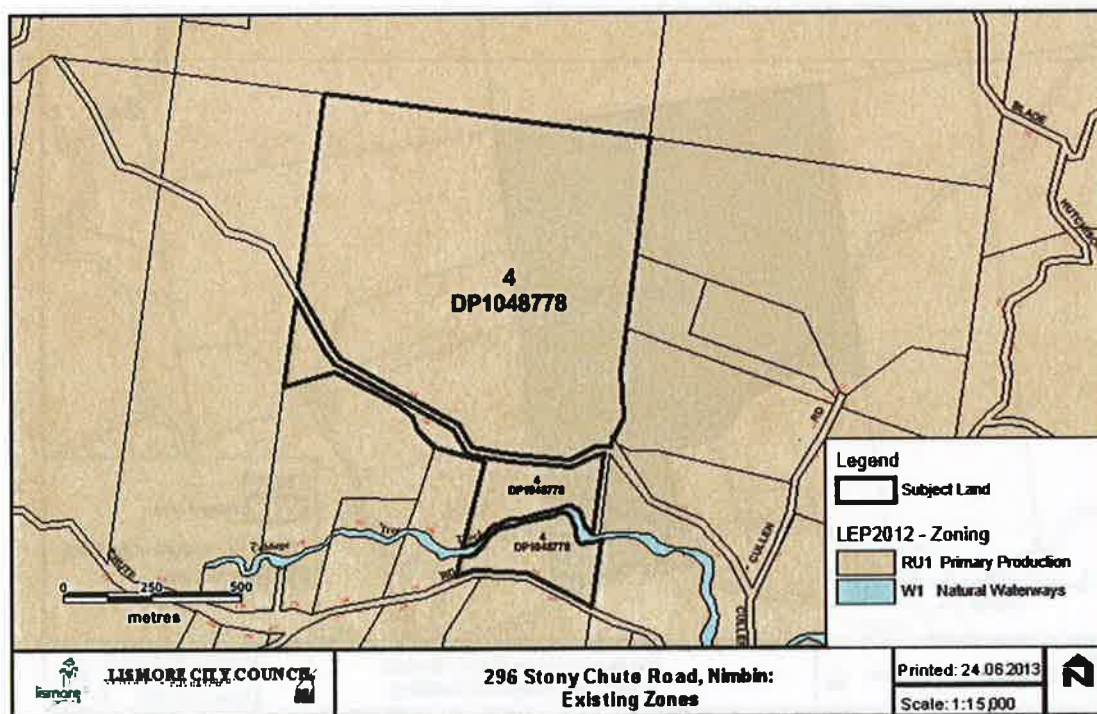
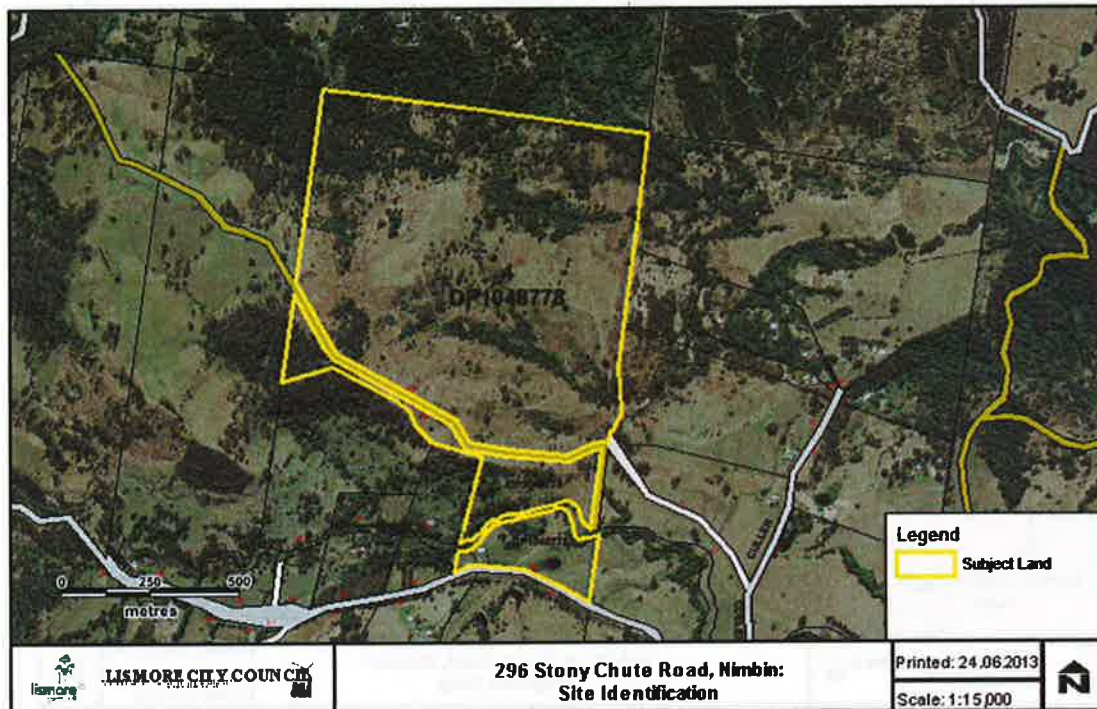
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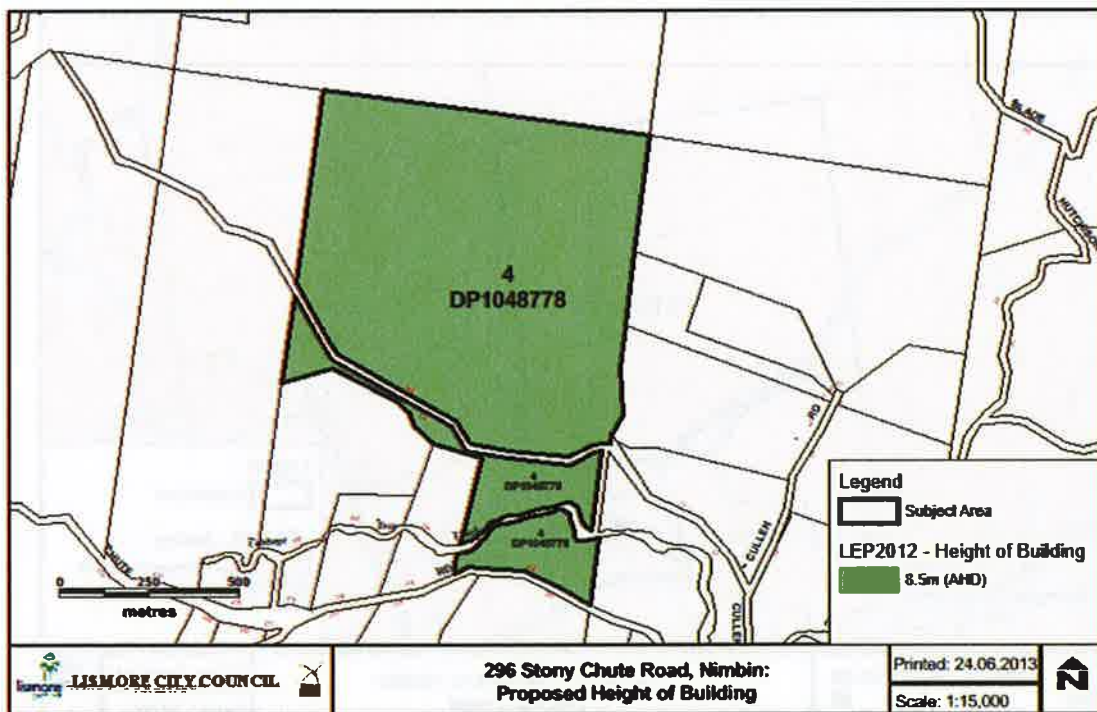
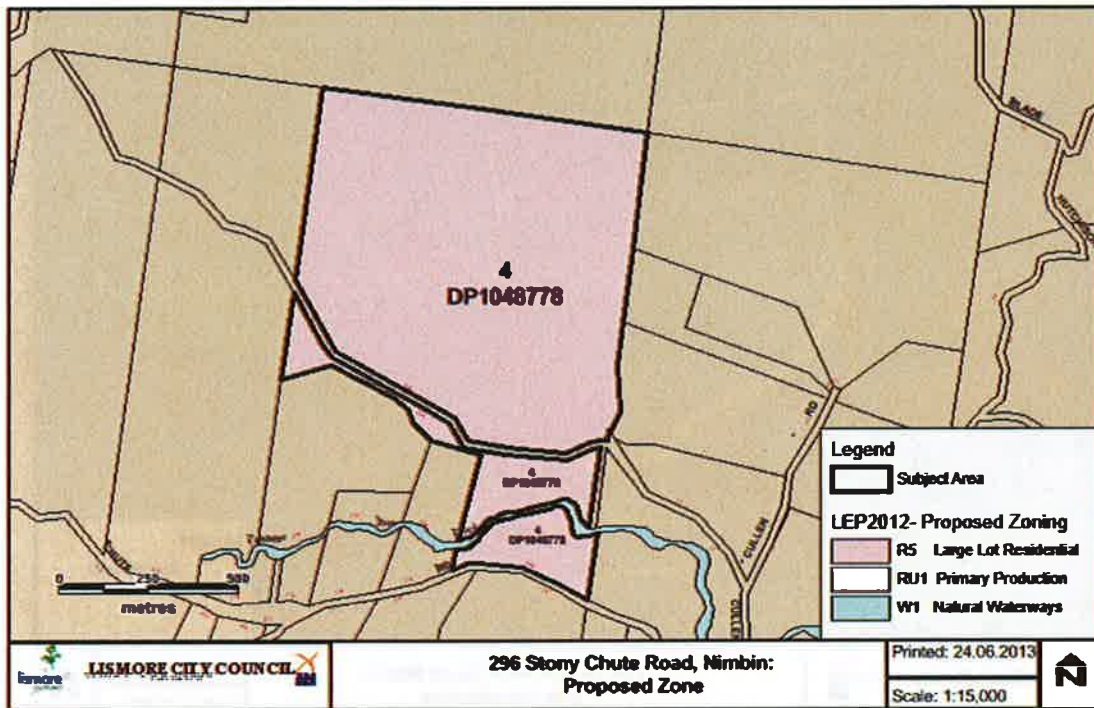
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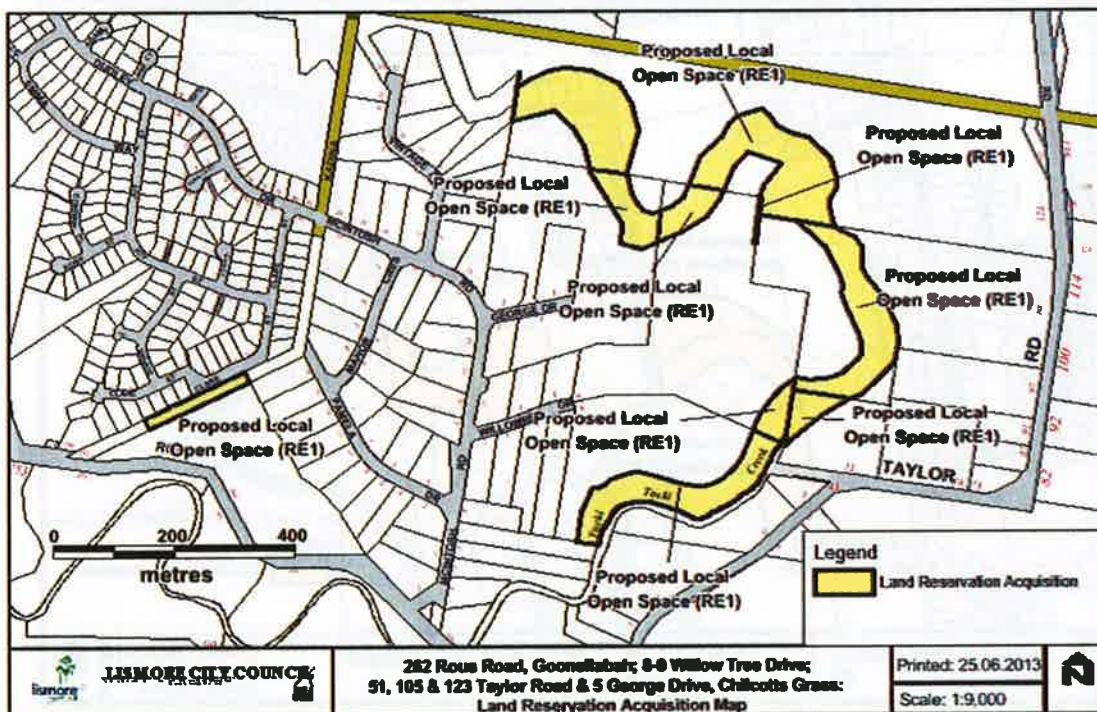
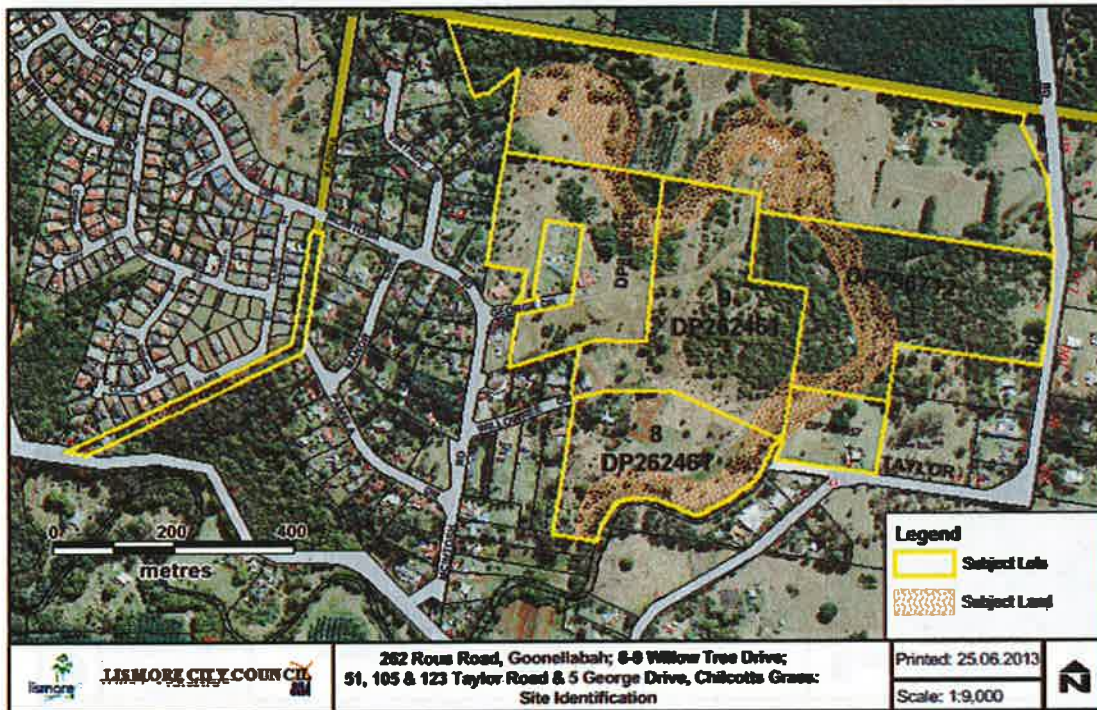
Item No. 6 - 296 Stony Chute Road, Nimbin



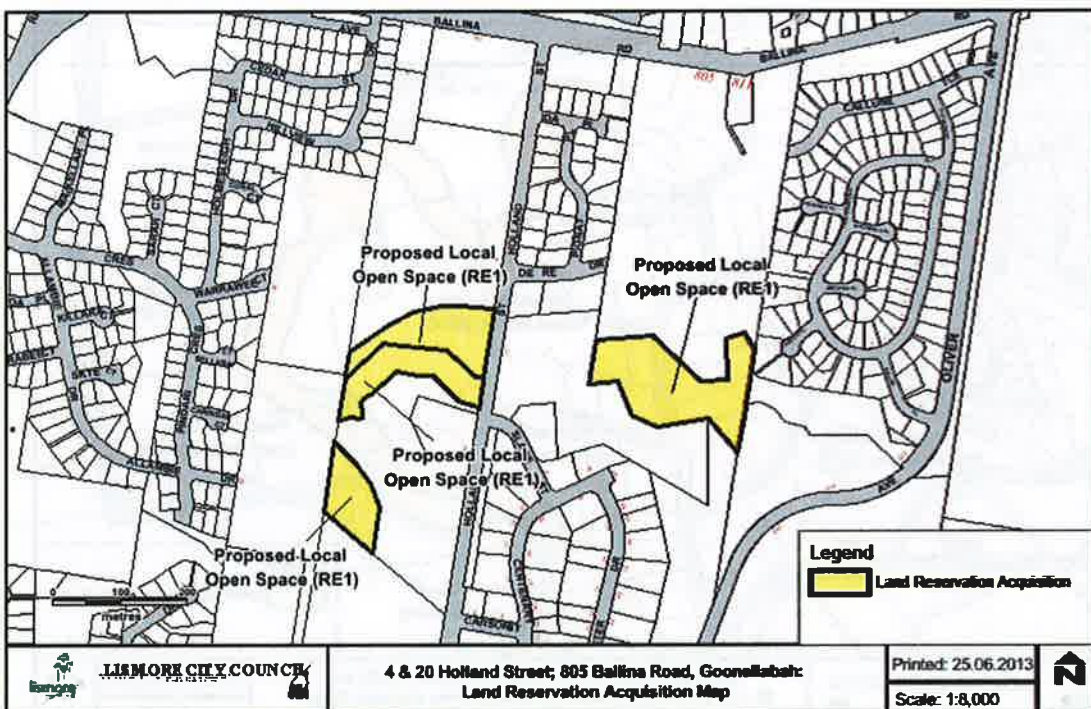
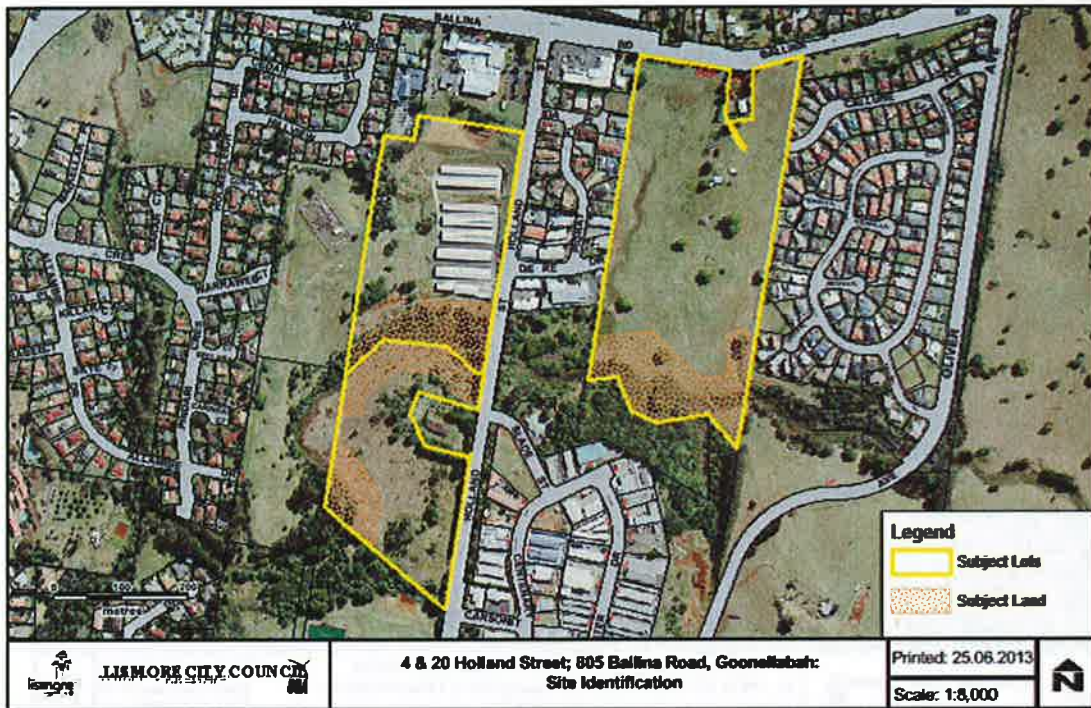
Item No. 6 - 296 Stony Chute Road, Nimbin



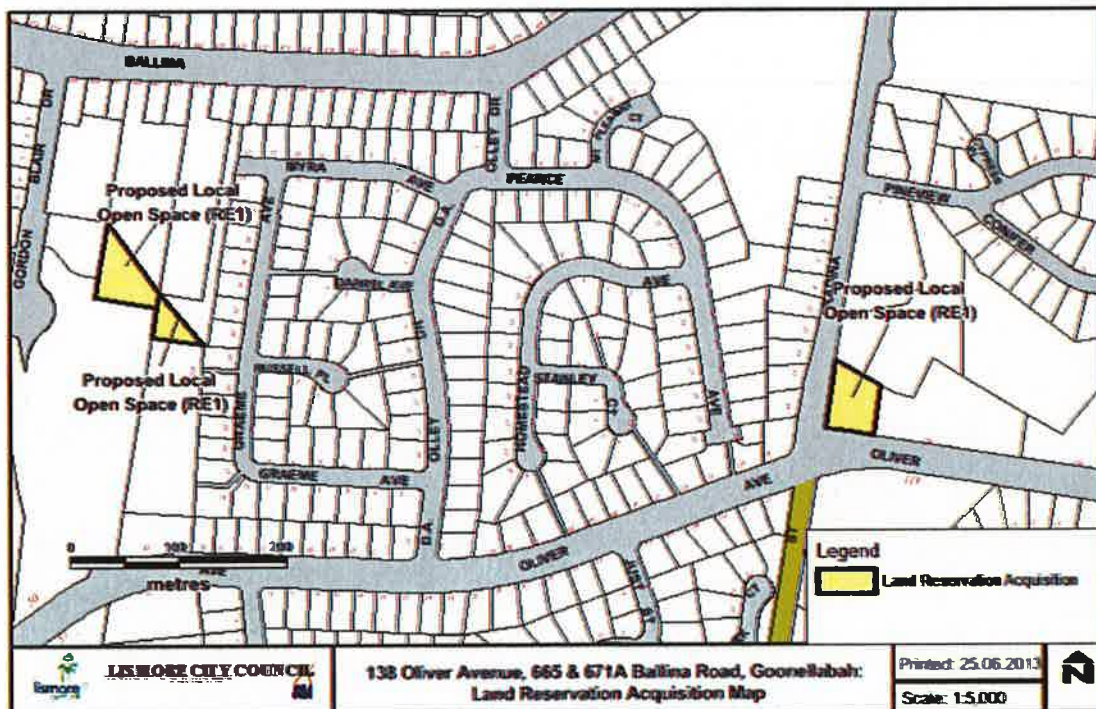
Item No. 7 – Proposed amendments to the Land Reservation Acquisition Map



Item No. 7 – Proposed amendments to the Land Reservation Acquisition Map



Item No. 7 – Proposed amendments to the Land Reservation Acquisition Map



Attachment 2 Planning proposal – first round of general amendments Lismore LEP 2012

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.	Proposed zone changes Consistent Proposed rezoning generally in urban areas with the exception of 296 Stony Chute Road, Nimbin. This land formed the subject of amendment 29 under Lismore LEP 2000 and was published on the legislation website on 27/8/2010. The land was scheduled in the LEP for additional permitted use of 26 lot community title large lot residential subdivision. The provisions of SEPP 44 were addressed as part of this LEP amendment. The SEPP will be further addressed at subdivision development application stage. Other proposed amendments Not applicable
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 A preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines when proposing to rezone land for the purposes of residential, educational, recreational, child care centre or hospital development.	Proposed zone changes Consistent • 51, 61 & 85 Brunswick St, Lismore and 38 High Street Lismore Heights IN2 to RU1 – not applicable • Trinity Catholic College – 65 Hindmarsh Street, Lismore RE1 to R1. The RE1 land was owned by Council and purchased by the College for the expansion of the educational establishment. Development consent was issued in 2005 for this development and SEPP 55 provisions were addressed as part of this development. • 15 Westview Drive, Goonellabah RE1 to R1. The land was previously zoned 2(a) Residential zone under Lismore LEP 2000. The land was erroneously zoned RE1 under LEP 2012. It is now proposed to reinstate the general residential zone. • 105 Taylor Road, Chillcotts Grass RE1 to R1. This land is part of an urban release area that was rezoned R1 and RE1 as part of LEP 2012 which was made on 22/2/2013. The provisions of SEPP 55 were addressed as part of the rezoning of the land. • 20 Gordon Blair Drive, Goonellabah B2 to R1. The land was within zone No. 6(a)(Recreation Zone) under LEP 2000. The land was rezoned B2 Local Centre as part of LEP 2012 which was made on 22/2/2013. The land is not on Council's potential contaminated land register. • 296 Stony Chute Road, Nimbin RU1 to R5. This land formed the subject of amendment 29 under Lismore LEP 2000 and was published on the legislation website on 27/8/2010. The land was scheduled in the LEP for additional permitted use of 26 lot community title large lot residential subdivision. The provisions of SEPP 55 were addressed as part of this LEP amendment. Other proposed amendments Not applicable
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SEPP No. 62 – Sustainable Aquaculture	Not applicable	Not applicable
SEPP No. 64 – Advertising and Signage	The SEPP aims to ensure that signage is compatible with the visual character of an area, and provides effective communication in suitable locations, and is of high quality design and finish.	Proposed amendment to Schedule 2 Exempt Development - Signage Consistent. The proposed amendment to restrict portable signage to private land in business and industrial zones is consistent with the aims of the SEPP. Other proposed amendments Not applicable
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	Exempt signage provisions are limited to the replacement of existing building identification signs and business identification signs or the content of such a sign.	Proposed amendment to Schedule 2 Exempt Development - Signage Consistent The proposed amendment to restrict portable signage to private land in business and industrial zones does not conflict with the Exempt Development signage provisions of the SEPP. Other proposed amendments Not applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable	Not applicable
SEPP (Infrastructure) 2007	Aims: The aims of the SEPP include (but are not limited to) providing greater flexibility in the location of infrastructure and service facilities. Schedule 1: Exempt Development General - Signs	Proposed zone changes Consistent The proposed zone changes are consistent with the aims of the SEPP and do not inhibit the location of infrastructure, in particular: • 51, 61 & 85 Brunswick St, Lismore and 38 High Street Lismore Heights proposed change from IN2 to RU1. The infrastructure contained on the land is permissible in this zone either with or without consent under the

		Infrastructure SEPP. Trinity Catholic College – 65 Hindmarsh Street, Lismore proposed change from RE1 to R1. The proposed R1 General Residential zone is a prescribed zone for educational establishments under the ISEPP. Other proposed amendments Consistent The proposed amendment to restrict portable signage to private land in business and industrial zones does not conflict Schedule 1 Exempt Development General - Signs Not applicable to the remainder of the proposed amendments.
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	Proposed zone changes Consistent The proposed rezonings are in urban areas with the exception of 296 Stony Chute Road, Nimbin. This land formed the subject of amendment 29 under Lismore LEP 2000 and was published on the legislation website on 27/8/2010. The land was scheduled in the LEP for additional permitted use of 26 lot community title large lot residential subdivision. The proposed zone change from RU1 to R5 reflects the approved additional permitted subdivision use and there is no additional capacity for further subdivision with the proposed maintenance of a 40ha minimum lot size. It is also consistent with the approach taken by Council to zoning land as R5 in LEP 2012. The proposed rezoning is consistent with the Rural Planning Principles and the Rural Subdivision Principles. Other proposed amendments Not applicable
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	Retain areas of existing business and industrial zones except where justified by a strategy or is of minor significance	Proposed zone changes Inconsistency of minor significance and justified. Two of the proposed rezonings involve the change of zone from either industrial or business zone to an alternative zone. 51, 61 & 85 Brunswick St, Lismore and 38 High Street Lismore Heights are proposed to change from IN2 to RU1. 20 Gordon Blair Drive, Goonellabah is proposed to change from B2 to R1. IN2 Light Industrial zone was used on the above mentioned allotments only in an attempt to conform to DP&I's advice to use a surrounding zone instead of SP2 Infrastructure zone. The land was previously within Zone No. 5 (Special Uses Zone). Infrastructure contained on the land includes two water supply reservoirs (<i>water reticulation system</i>), <i>emergency services facility</i> (State Emergency Service) and <i>telecommunications facility</i>. The vast majority of the land is vegetated with trees and shrubs and provides a green backdrop in an urban fringe area. There was no strategic intent to use the land for industrial purposes and upon reflection RU1 Primary Production zone is more appropriate. The use of the RU1 zone is consistent with the DP&I Practice Note PN10-001 Zoning for Infrastructure. The RU1 Zone is an adjacent zone and the infrastructure contained on the land is permissible in this zone either with or without consent under the Infrastructure SEPP. 20 Gordon Blair Drive Goonellabah was zoned 6(a) Recreation under LEP 2000. The land is currently zoned B2 Local Centre under the new LEP. Upon reflection the land is better suited to R1 General Residential zone. The 2461m² allotment is bounded to the north and west by R1 General Residential zone and to the east by RE1 Public Recreation zone. The nearby B2 Local Centre zone is adjacent to the southern boundary only. Other proposed amendments 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 town or village).	Proposed zone changes Consistent The proposed rezonings are in urban areas with the exception of 296 Stony Chute Road, Nimbin. This land formed the subject of amendment 29 under Lismore LEP 2000 and was published on the legislation website on 27/8/2010. The land was scheduled in the LEP for additional permitted use of 26 lot community title large lot residential subdivision. The proposed zone change from RU1 to R5 reflects the approved additional permitted subdivision use and there is no additional capacity for further subdivision with the proposed maintenance of a 40ha minimum lot size. It is also consistent with the approach taken by Council to zoning land as R5 in LEP 2012. Other proposed amendments Not applicable
1.3 Mining Petroleum Production and Extractive Industries	Future extraction of State or regionally significant reserves of coal, other minerals, petroleum and other extractive materials are not compromised by inappropriate development.	Consistent
1.4 Oyster Aquaculture	This direction applies to a Priority Oyster Aquaculture Area and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006).	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 include provisions that facilitate the protection and conservation of environmentally sensitive areas - Must not reduce protection standards for environmental protection zones.	Consistent The planning proposal for the first round of minor refinements to LEP 2012 does not involve environmentally sensitive areas or environmental protection zones (E1 and deferred matter areas under LEP 2012).
2.2 Coastal Protection	This direction only applies to land within the coastal zone.	Not applicable
2.3 Heritage Conservation	Planning proposal must incorporate provisions that facilitate the conservation of European and Aboriginal heritage items or places.	Proposed zone changes and amendment to the Land Reservation Acquisition Map Consistent The proposed zone changes do not

		compromise the conservation of items, areas, objects or places of environmental heritage significance or indigenous heritage significance. Furthermore, the land that forms the subject of the proposed rezonings and land reservation acquisition mapping is not included in the LEP 2012 Heritage Map. Proposed amendment to the RU5 land use table The proposed amendment to the RU5 Village zone land use table to permit <i>high technology industries</i> and <i>vehicle sales or hire premises</i> will not compromise the heritage values of any item or areas contained in the LEP Heritage Map. Moreover, development applications involving heritage matters will be subject to the provisions of clause 5.10 Heritage conservation. Proposed amendment to Schedule 2 Exempt Development - Signage The proposed amendment to restrict portable signage to private land in business and industrial zones will reduce the potential for visual clutter on public land and minimise potential negative visual amenity impacts associated with environmental heritage items and heritage conservation areas generally located in and around the CBD. Other proposed amendments Not applicable
2.4 Recreation Vehicle Areas	A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>) where the land is within an environmental protection zone or where the land comprises a beach or a dune adjacent to or adjoining a beach.	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.	Proposed zone changes Consistent The zone changes are proposed to correct minor anomalies only. Five of the six proposed zone changes involve a change of zone to residential. However, additional residential land for dwellings is limited to 105 Taylor Road and 20 Gordon Blair Drive. The proposed zone

	Not contain provisions that will reduce residential density.	changes are consistent with the Direction. - Trinity Catholic College – 65 Hindmarsh Street, Lismore RE1 to R1. The RE1 land was owned by Council and purchased by the College for the expansion of the educational establishment. Development consent was issued in 2005 for this development and construction was completed within 12 months. 15 Westview Drive, Goonellabah RE1 to R1. The land was previously zoned 2(a) Residential zone under Lismore LEP 2000. The land was erroneously zoned RE1 under LEP 2012. It is now proposed to reinstate the general residential zone. 105 Taylor Road, Chillcotts Grass RE1 to R1. This land is part of an urban release area that was rezoned R1 and RE1 as part of LEP 2012 which was made on 22/2/2013. Part of the RE1 land is proposed for R1 as there is a dwelling and ancillary garage within the RE1. 20 Gordon Blair Drive, Goonellabah B2 to R1. The land was within zone No. 6(a)(Recreation Zone) under LEP 2000. The land was rezoned B2 Local Centre as part of LEP 2012 which was made on 22/2/2013. The majority of the surrounding land is zoned R1 and the use of R1 for this lot is more appropriate than B2. 296 Stony Chute Road, Nimbin RU1 to R5. This land formed the subject of amendment 29 under Lismore LEP 2000 and was published on the legislation website on 27/8/2010. The land was scheduled in the LEP for additional permitted use of 26 lot community title large lot residential subdivision. The proposed zone change to RU5 is consistent with the additional permitted use. Other proposed amendments Not applicable
3.2 Caravan Parks and Manufactured Home Estates	- Retain provisions that permit development of caravan park. - Appropriate zone for existing caravan parks.	Consistent The proposal does not amend the permissibility of caravan parks. This land use is permissible with development consent in RU1, RU5, R1, RE1 & RE2 zones.
3.3 Home Occupations	The planning proposal must permit home occupations in dwelling houses without development consent.	Consistent The proposal does not amend the permissibility of home occupations. This land use is permissible without consent under LEP 2012 in all zones except for forestry, recreation and waterways zones.

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 ➢ 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	Proposed zone changes Consistent The proposal does involve the alteration of some urban zones. However, these zone changes are to correct minor anomalies or refine inconsistencies with the new LEP. Moreover, five of the six proposed rezonings involve land that is adjacent to existing residential or urban development and associated infrastructure and is proximal to all existing services including education, retail, recreation, medical, religious, sporting, trade and professional services. The proposed rezonings in existing urban areas include: • Trinity Catholic College – 65 Hindmarsh Street, Lismore RE1 to R1. • 15 Westview Drive, Goonellabah RE1 to R1. • 105 Taylor Road, Chillcotts Grass part of the RE1 to R1. • 20 Gordon Blair Drive, Goonellabah B2 to R1. • 51, 61 & 85 Brunswick St, Lismore and 38 High Street Lismore Heights proposed change from IN2 to RU1. The land is used for the purposes of infrastructure. The use of the RU1 zone is consistent with the DP&I Practice Note PN10-001 Zoning for Infrastructure. The rezoning from RU1 to R5 at 296 Stony Chute Road, Nimbin is proposed for consistency with amendment 29 under Lismore LEP 2000 that was published on the legislation website on 27/8/2010. LEP 2000 amendment 29 has already been assessed against the relevant SEPPs and s 117 Ministerial Directions. Other proposed amendments Not applicable
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3.5 Development Near Licensed Aerodromes	This direction applies when a planning proposal will create, alter or remove a zone or a provision (that sets controls for the development of the land) relating to land in the vicinity of a licensed aerodrome. Limitations regarding zoning land for certain purposes where the ANEF exceeds 20, 25 and 30.	Proposed zone changes Consistent Some of the proposed amendments involve land within the Obstacle Limitation Surface (OLS) as defined by the Civil Aviation Safety Authority. However, no new development standards are introduced such as height of buildings and the like. The proposed rezonings are not on land where the ANEF exceeds 20. Other proposed amendments Not applicable
3.6 Shooting Ranges	This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	Consistent The proposal will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
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 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.	Consistent There is no intensification of land use proposed on land identified on the Acid Sulfate Soils Planning Maps
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	• Consistency with Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>. • Planning proposal must not rezone land within the flood planning areas from special use, special purpose, recreation, rural or environmental protection zones to residential, business, industrial, special use or special purpose zone • A draft LEP shall not contain	Proposed zone changes Justified inconsistency. Proposed rezoning not in flood planning area with the exception of Trinity Catholic College – 65 Hindmarsh Street, Lismore RE1 to R1. The RE1 land was owned by Council and purchased by the College for the expansion of the educational establishment. Development consent was issued in 2005 for this development and construction was completed within 12 months. The development was approved in accordance with the Lismore

	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.	Floodplain Management Manual and the flood provisions of LEP 2000 in force at the time.
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 the APZ.	Consistent. • The planning proposal involves some land that is mapped as bush fire prone. • Council is required under this Direction 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.
5. Regional Planning		
5.1 Implementation of Regional Strategies	• The planning proposal must be consistent with the Far North Coast Regional Strategy.	Consistent The planning proposal is consistent with the objectives and actions contained within the Far North Coast Regional Strategy.
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.	Proposed zone changes Justified inconsistency Five of the six proposed rezonings are within the urban area and the mapping does not apply.

		The proposed rezoning from RU1 to R5 at 296 Stony Chute Road, Nimbin does incorporate a small amount of regionally significant farmland. Approximately 2% of the 90ha site is mapped as regionally significant farmland, which is located in the riparian area adjacent to Cabbage Tree Creek. This land formed the subject of amendment 29 under Lismore LEP 2000 and was published on the legislation website on 27/8/2010. The land was scheduled in the LEP for additional permitted use of 26 lot community title large lot residential subdivision. The proposed zone change to RU5 is consistent with the additional permitted use. Amendment 29 was assessed against the relevant SEPPs and s117 directions prior to finalisation. No reduction in minimum lot size is proposed and there will be no additional potential for future subdivision. Other proposed amendments Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	This direction applies to a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.	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 of the public authority and the Director General of DoPI. - Not identify development as designated development unless justified.	Consistent
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.	Proposed zone changes Consistent Three out of six of the proposed rezonings involve a change of zone from RE1 to another zone. However, all three are to correct anomalies. The consent of the relevant public authority (council) is provided in the form of a resolution to progress the planning proposal. A Gateway Determination for the proposed amendments is approval from the DP&I. Trinity Catholic College – 65 Hindmarsh Street, Lismore RE1 to R1. The RE1 land (closed road reserve) was owned by Council and purchased by the College for

		the expansion of the educational establishment. Development consent was issued in 2005 for this development and SEPP 55 provisions were addressed as part of this development. • 15 Westview Drive, Goonellabah RE1 to R1. The land was previously zoned 2(a) Residential zone under Lismore LEP 2000. The land was erroneously zoned RE1 under LEP 2012. It is now proposed to reinstate the R1 zone. • 105 Taylor Road, Chillcotts Grass RE1 to R1. This land is part of an urban release area that was rezoned R1 and RE1 as part of LEP 2012. RE1 was erroneously applied in part of this lot where a dwelling and shed are located.
6.3 Site Specific Provisions	• A planning proposal to allow a particular land use 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.	Not applicable
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Not applicable	Not applicable

Chapter 9

Signage



9 Signage

Signs have an important role in the city of Lismore. They provide information, identify businesses and products, and they constitute a significant part of the streetscape. Signs in the Lismore Local Government Area are used to advertise a place of business or give directions and/or information. They should be architecturally attractive, and contribute to rather than detract from the surrounding area.

These sign standards are Council's policy in order to assure that a business will have precisely the same controls as other businesses in the same zone. In addition, the business is protected against undesirable and overpowering advertising structures from other competitors and/or adjacent premises in the area. Council is required to regulate advertising structures under the Environmental Planning and Assessment Act 1979.

Without reasonable and fairly applied criteria, signs may distract and dominate the setting by way of their height, shape, size, number, lighting and movement. It is Lismore City Council's intention to encourage the use of signs in appropriate locations, as they reflect the character and regional role of the Lismore area.

9.1 Objectives of this Chapter

1. To provide Lismore with effective guidelines for the erection and content of signage throughout the Lismore area;
2. To protect Lismore's streetscapes against the aesthetically adverse proliferation of inappropriate signage, thus protecting public amenity with regard to signage.

9.2 Relation to Other Plans

State Environmental Planning Policy (SEPP) 64 Advertising & Signage overrides the provisions of this development control plan. When preparing or assessing a development application for signage in rural zones, environmental protection zones, or signage which is visible from or within 250 metres of a classified road, the provisions of SEPP 64 should be considered. SEPP 64 may be found at the NSW Government legislation website <http://www.legislation.nsw.gov.au>

The SEPP prohibits the display of an advertisement within the following zones or descriptions:

- environmentally sensitive area
- heritage area (excluding railway stations)
- natural or other conservation area
- open space
- waterway
- residential (but not including mixed residential/business zones)
- national park
- nature reserve

with the exception of building identification signs, business identification signs, signage on vehicles, and signage which is Exempt Development under another SEPP or Lismore LEP 2012.

SEPP (Exempt and Complying Development Codes) 2008 includes Exempt Development provisions regarding replacement of existing building identification and business identification signs. SEPP (Infrastructure) 2007 includes Exempt Development provisions regarding directional, community information and safety signs.

9.3 Definitions

A word or expression used in this chapter has the same meaning as it has in LEP 2012 unless it is otherwise defined in this chapter.

advertisement is as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising billboard means a structure (such as framework, a signboard, a noticeboard, a wall, or a fence) erected or used primarily for the display of advertising matter.

advertising structure is a structure used or to be used principally for the display of an advertisement.

animated sign means an advertising sign with movement, or that flashes or changes colour, due to the use of electrical or manufactured sources of power.

awning sign (above) means an advertising sign that is located on top of an awning or verandah and that does not project above the parapet or ridgeline or beyond the awning edge.

awning sign (below) means an advertising sign that is fixed below an awning and above the footpath and that does not project above the awning edge and is located at least 2.5 metres above the footpath and 500 millimetres from the kerbing edge or awning edge.

banner/flag sign means a single piece of lightweight material attached or supported on one or two sides that displays advertising matter.

blimp/balloon sign means an advertising sign which is inflated and suspended above the premises, site or event which it is intended to promote or identify and which is tethered and displayed at the same premises for a period of no more than one calendar month in any one year.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

business identification sign means a sign:

(a) that indicates:

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertising relating to a person who does not carry on business at the premises or place.

bunting means an advertising sign consisting of a continuous string of lightweight coloured material secured so as to allow movement.

chalkboard sign means a board used for the purpose of describing services or goods for sale which vary on a regular basis, such as a restaurant menu.

directional sign means an advertising sign erected by the Council for the purpose of directing vehicular or pedestrian traffic, or advising the public (including advising the public about any restrictions), and which does not include any information of a commercial nature.

election sign means an advertising sign which is temporarily displayed to relay information for political purposes and which has an area not exceeding 1 square metre and which is only exhibited during the campaign concerned.

environmentally sensitive area has the same meaning as in clause 3.3 of LEP 2012.

fascia sign means an advertising sign that is painted on or attached to the fascia or return of an awning, but does not exceed the height of the fascia or the return of the awning.

home occupation sign means an advertising sign attached or located within the curtilage of a dwelling and which bears only the name, occupation and phone number of the occupier and has an area not exceeding 1 square metre.

illuminated sign (indirect) means an advertising sign in the form of a device (such as a reflective or luminous sign) in which a source of light is extended to the device in order to make the message readable.

illuminated sign (internal) means an advertising sign illuminated by an internal source of light.

illuminated sign (neon) means an illuminated advertising sign constructed from neon tubing.

integrated sign means an advertising sign that is permanent and is an integrated design component of a building.

pole/pylon sign means an advertising sign which is supported by one or more columns, uprights or braces fixed to the ground and which is not directly attached to any building or other structure.

portable footpath sign means a small, free-standing, portable advertising sign located on a footpath or area utilised for pedestrian traffic and includes a sandwich board.

projecting wall sign (horizontal) means an advertising sign which projects more than 300 millimetres from any wall to which it is attached, being a sign that has a width greater than its height.

projecting wall sign (vertical) means an advertising sign which projects more than 300 millimetres from any wall to which it is attached, being a sign that has a height greater than its width.

real estate sign means an advertising sign temporarily located on any land, building or structure which indicates the land, building or other structure is for sale, rent or auction, and which has an area not exceeding 5m² (square metres).

signage means and sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

sky/roof/fin sign means an advertising sign erected on or above a roof or parapet wall of a building and which is supported, wholly or partially, by the building, and includes an advertising sign extending above the roof line of a building.

temporary sign means an advertising sign which is intended to advertise community or civic projects, construction projects or other special public events on a temporary basis and which is erected for no more than two consecutive calendar months.

tourist sign means an advertising sign that directs the travelling public to tourist facilities, activities or accommodation or places of scientific, historical or scenic interest.

wall sign means an advertising sign affixed or painted directly onto an exterior wall of a building, bus shelter or other structure and which is parallel to the face of the building or other structure.

window sign means an advertising sign painted or displayed on the exterior or interior of a shop window or on any glazed surface of a building or structure.

9.4 Design Guidelines

The design of all signs should have regard to the following matters:

Appearance

Signs should be simple, concise and uncluttered in appearance, utilising graphics where possible and harmonious colours. The emphasis should be on the clarity of communication.

Professional Consultation

Signs should utilise professionally designed layouts, and Council encourages applicants to consult with professionals (signwriters, artists, etc) prior to lodging an application.

Position

Signage should be positioned so that it does not unreasonably obscure or dominate other existing signs on the same property or neighbouring properties.

Character

Signage should be designed and located so as to be in scale and character with the architecture and appearance of the host premises and adjoining premises. This principle is of particular importance in the case of historic buildings or within historic precincts recognised by Council or the National Trust. The design and location of signs should complement rather than compromise existing architectural features. No sign shall obstruct or block the view of any feature of historic architecture.

Number

The total number of signs on a particular property should be restricted to those necessary to provide reasonable identification of the business or businesses established thereon, with duplicate signs to be avoided. Signs may be used to minimise clutter where two or more businesses share a premises. Multiple tenement signs should not exceed 8m² in area.

Combination

Where a number of different signs on a single property are proposed, or where a large building complex is involved accommodating a number of firms or functions (e.g. shopping centres, factory units, industrial estates, etc) a co-ordinated and orderly approach to advertising is to be employed,

with the signs of uniform or complementary style and character. Entrance signs to industrial estates should be attached so as to be single structures (i.e. identification sign).

Amenity

The size, shape, location, height and message of an advertising device should not detract from the amenity of adjacent premises or from the locality generally. Rather, the sign should relate to the existing land use. However, tourist signs and directional signs should be allowed regardless, as they perform an important role in directing tourists to significant locations. Any illuminated signs should not be a source of nuisance to neighbours.

Obstruction

Signage must be positioned so as not to present a potential obstruction to the safe movement of pedestrians, bicycles or motor vehicles, or cause confusion with traffic signs, controls or directional signs.

Safety

Signage must be designed and built in a manner which is structurally and electrically sound so that they pose no threat or danger to the public.

Advertising Structures

Any supporting structural elements should be discreet so that they do not detract from the overall appearance of the sign or the host premises.

9.5 Applications

Sign applications should be submitted to Council on the Development Application form, with six (6) copies of accompanying plans of the proposed sign(s). Applications should address both the advertising content and the structure on which it is to be displayed.

The plans should be to scale, and clearly show the particulars of sign dimensions, type, colour(s), material(s), location, construction and method of attachment of the advertisement, and any further information deemed necessary or as requested by Council.

Applications will be determined according to the provisions of this Plan, as well as the merits of the sign's location and effect on the amenity of the area. The application fee shall be determined by Council's list of fees and charges.

The period of consent shall be in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and / or such time as prescribed by Council. A consent approval will state the length of time the approval applies and a renewal and / or extension must be submitted prior to the expiry date.

Sign applications need not be a separate application from a development application for the whole development of a site. Applicants are encouraged to consider the provision of suitable integrated signage as part of the overall design of a development.

Where the application involves the erection of a complex advertising structure, the Development Application may also be required to address this issue. Applicants shall be advised in this instance.

9.6 Existing Use

Where signage has been legally approved in the past, "existing use rights" may apply. Signs which have not been given approval but existed prior to the introduction of planning controls or the adoption of Lismore City Council's original Policy on Outdoor Advertising Signs and Structures on October 15, 1985, may be deemed also as having existing use rights.

Where signage does not comply with this Plan, LEP 2012 or SEPP 64 and is not subject to existing use rights, and has not been approved, it should be removed. Alternatively, development consent could be sought for the use of the signage.

9.7 Duration of Consents

In accordance with the provisions of SEPP 64 Advertising and Signage, Council may grant consent to an application for signage for a maximum period of fifteen years.

9.8 Agreement of landowner for erection of advertising signs

Council cannot accept a development application for any use, including signage, without the written agreement of the owner of land on which the use, including signage, is to be carried out or erected. Therefore any development application for signage must include the agreement of the owner of the property on which the signage is to be erected. Lismore City Council or the Roads and Maritime Services are the owners of road reserves, including footpaths, within Lismore. Council will not agree to the erection in the road reserve of signage for commercial development other than signage specified in schedule 2 LEP 2012 or signage attached to protrusions of commercial development such as awnings and the like.

9.9 Directional signage for tourist facilities

Directional signage for tourist and visitor accommodation must comply with the Tourist Signposting Manual prepared by the former Tourism New South Wales and the NSW Roads and Maritime Services, and be approved by the Tourist Attraction Signposting Assessment Committee (TASAC). This manual is available at

<http://www.rta.nsw.gov.au/doingbusinesswithus/downloads/technicalmanuals/touristsignsv4.pdf>

TASAC may be contacted through NSW Roads and Maritime Services.

9.10 Advertisements on trailers and motor vehicles on public land

The development of public land to display an advertisement for a commercial purpose on a motor vehicle or trailer is prohibited. This subclause does not apply to a motor vehicle or trailer attached to a motor vehicle while the vehicle or vehicle and trailer are otherwise lawfully on the carriageway of a public street.

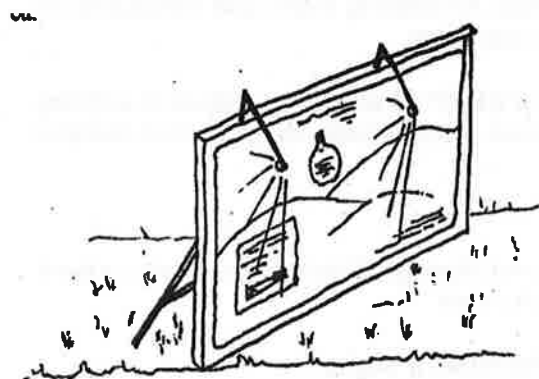
9.11 Additional Information

The following provisions apply where signage is permissible with consent in accordance with Lismore LEP 2012 and SEPP 64.

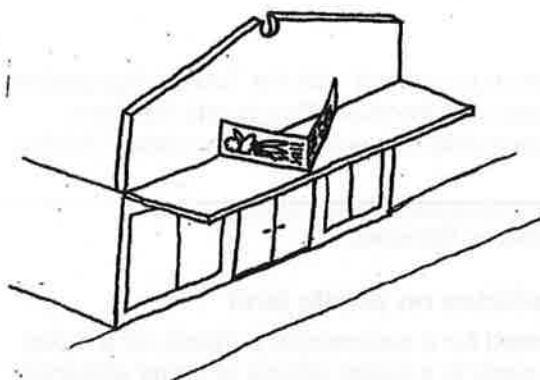
Note: The following environmental planning instruments should be consulted regarding the permissibility of signage: LEP 2012 schedule 2 Exempt Development, LEP 2012 land use table, SEPP 64 Advertising and Signage, SEPP (Exempt and Complying Development Codes) 2008 and SEPP (Infrastructure) 2007. These Environmental Planning Instruments provide for certain types of signage as Exempt Development which does not require development consent and the provisions of this DCP chapter are not applicable.

Advertising Billboard

These signs are very obtrusive, and are therefore generally not encouraged in Lismore. The panel of these signs should generally be greater than 6m² (square metres) in area, but not exceed 18m² in area.

**Awning Sign (Above)**

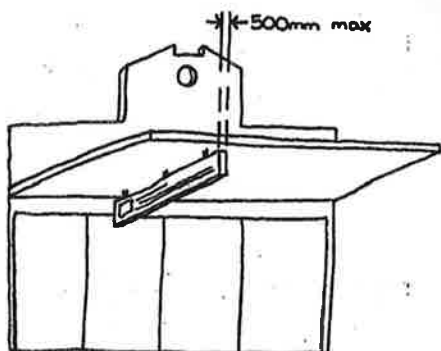
These signs should not exceed 2.5m² in area as a total per premises. These signs are considered to be obtrusive, and can adversely affect streetscapes and restrict views of architectural features on a building or buildings.



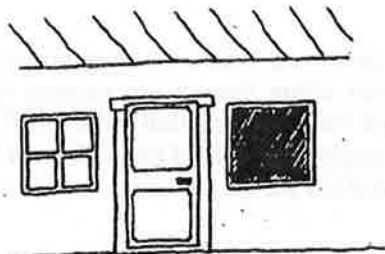
Awning Sign (Below)

These signs should not exceed 2m² in area as a total per premises, with a maximum depth of 500mm, and located a minimum of 600mm from the kerbing edge.

Note: Under awning signs below 1.5m² in accordance with LEP 2012 schedule 2 are classified as Exempt Development and do not require development consent.

**Chalkboard Sign**

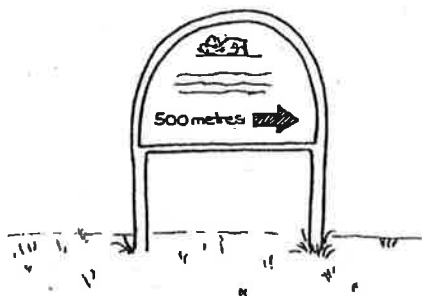
These signs are not to be placed on footpaths or road reserves, and must be affixed to private property and generally not exceed 1.5m² in area as a total per premises.



Directional Sign

A directional sign is any advertising device which directs the travelling public to tourist facilities, activities, accommodation or places of scientific, historical or scenic interest, and which conforms to the Australian Standard 1743, and is approved and erected by Council.

Note: The erection or display of a direction sign by council or another public authority does not require development consent. Refer to Schedule 2 Lismore LEP 2012, Schedule 1 SEPP (Infrastructure) 2007 and clause 33 SEPP 64 for more detail.

**Election Sign**

Election signs greater than 8000cm² in area may be permissible, subject to development consent.

Note: Election signs no larger than 8000cm² can be erected as Exempt Development in accordance with the provisions of clause 33 SEPP 64.

Illuminated Sign

Indirectly illuminated signs should not exceed 3m² in area per premises. Internally illuminated signs should not exceed 8m² in area per premises. Neon illuminated signs should not exceed 4m² in framed area per premises. Internally and neon illuminated signs are not permitted within LEP 2012 RU1, RU2, R1, R2 and R5 zones and further restrictions may apply in Part B of this DCP. All forms of illuminated signage are prohibited within LEP 2012 E1, E2 and E3 zones.



Indirect



Internal

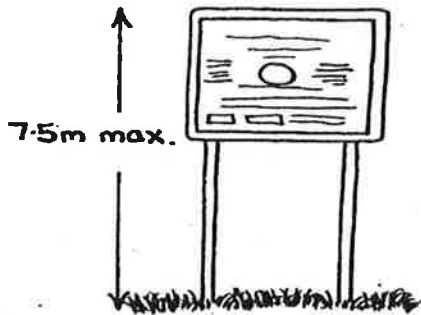


Neon

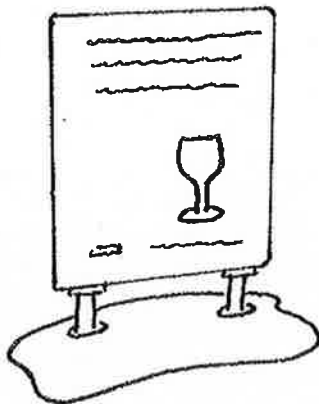
Pole/Pylon Sign

A development application is required for pole/pylon signs that exceed the criteria listed in schedule 2 LEP 2012. Such a sign should not exceed 7.5m in height.

Note: Pole and pylon signs including directory board signs in industrial zones are classified as Exempt Development in accordance with schedule 2 LEP 2012. Exempt Development provisions only apply for signs no higher than 6m with a maximum area of 5m² (refer to schedule 2 LEP for detail).

**Portable Footpath Sign**

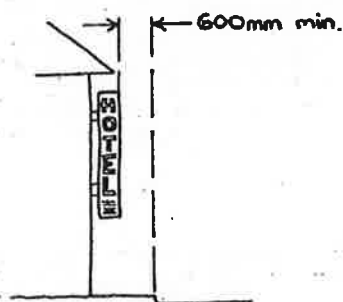
Portable footpath signs are not permissible unless they are consistent with the criteria listed in schedule 2 LEP 2012. Portable weighted signs, "A" frames and retractable signs are classified as Exempt Development in schedule 2 LEP 2012. This form of signage is only permitted in business and industrial zones. A maximum advertising area of 0.6m² on either side of the structure is permitted under schedule 2 in business zones and a maximum area of 4m² on either side of the sign in industrial zones.



Projecting Wall Sign

Horizontal or vertical projecting wall signs must be located a minimum of 600mm from the kerbing edge.

Note: Horizontal and vertical projecting wall signs are classified as Exempt Development under schedule 2 LEP 2012 in accordance with the prescribed criteria. A development application is required for projecting wall signs that exceed the criteria.

**Real Estate Sign**

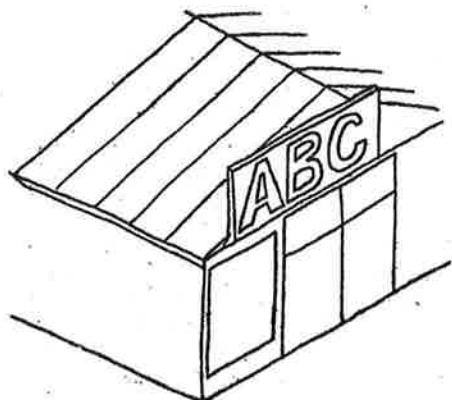
Real estate signs that are inconsistent with the Exempt Development criteria of schedule 2 LEP 2012 may be permissible, subject to development consent. These signs are only permitted to be erected on the property which is for sale, and must be removed upon the completion of sale of the property.



Sky/Roof/Fin Sign

These signs should generally not exceed 8m² in area, and not exceed the height of the highest part of the building on which they are erected. It is considered that these signs are unnecessarily obtrusive, often destroying the appearance and character of the building and the surrounding streetscape. This is particularly relevant within the Lismore precinct, where many of the residents have their principal view over the townscape.

Note: Flush wall and painted wall signs can be erected without development consent in accordance with Exempt Development criteria listed in schedule 2 LEP 2012.

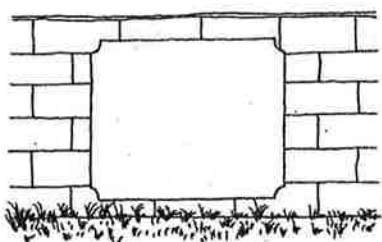
**Temporary Sign**

Any approval for temporary signs will specify the period (no more than two consecutive calendar months) the sign may remain. At the expiry of the period of approval specified by the consent, the temporary sign shall be removed unless a written request is made for renewal or extension time.

Note: Temporary signs that are inconsistent with the Exempt Development criteria of schedule 2 LEP 2012 may be permissible, subject to development consent.

Wall Sign

These signs should generally not exceed 15m² in area, be limited to one per wall, and should not protrude above the wall. Wall signs may also include fence signs, such as those used at sporting facilities.



Lismore City Council Planning Proposal - First Round of General Amendments 2012

ATTACHMENT 1 - INFORMATION CHECKLIST

► STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) - (e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)

► STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒
Demonstrated consistency with relevant Regional Strategy	☒	☐	Sea level rise	☐	☒
Demonstrated consistency with relevant Sub-Regional strategy	☐	☒	Urban Design Considerations		
Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒	Existing site plan (buildings vegetation, roads, etc)	☐	☒
Demonstrated consistency with Threshold Sustainability Criteria	☐	☒	Building mass/block diagram study (changes in building height and FSR)	☐	☒
Site Description/Context			Lighting impact	☐	☒
Aerial photographs	☒	☐	Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Site photos/photomontage	☒	☐	Economic Considerations		
Traffic and Transport Considerations			Economic impact assessment	☐	☒
Local traffic and transport	☐	☒	Retail centres hierarchy	☐	☒
TMAP	☐	☒	Employment land	☐	☒
Public transport	☐	☒	Social and Cultural Considerations		
Cycle and pedestrian movement	☐	☒	Heritage impact	☐	☒
Environmental Considerations			Aboriginal archaeology	☐	☒
Bushfire hazard	☒	☐	Open space management	☐	☒
Acid Sulphate Soil	☐	☒	European archaeology	☐	☒
Noise impact	☐	☒	Social & cultural impacts	☐	☒
Flora and/or fauna	☐	☒	Stakeholder engagement	☐	☒
Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒	Infrastructure Considerations		
Water quality	☐	☒	Infrastructure servicing and potential funding arrangements	☐	☒
Stormwater management	☐	☒	Miscellaneous/Additional Considerations		
Flooding	☐	☒	List any additional studies		
Land/site contamination (SEPP55)	☒	☐			