

Planning Proposal

Service Station 1055 Bruxner Highway Goonellabah

May 2020



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Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to enable a service station to be permitted with consent on part of 1055 Bruxner Highway, Goonellabah (part Lot 42 DP 868366). It will also enable the subject land (northern part of the lot cut by the highway) to be subdivided from the balance of the lot located on the southern side of the Bruxner Highway.

This objective will be achieved through an amendment to Lismore LEP 2012. Specifically, it would require an addition to Schedule 1 “Additional Permitted Uses” to permit a Service Station and to vary the minimum lot size provisions of the land from 40ha to 7,000m² on the subject site. The minimum lot size provisions for the land south of the Bruxner Highway will be reduced from 40ha to 27ha to enable the service station site to be subdivided from the balance of the land. The size of the service station will be limited by a maximum Gross Floor Area (GFA) included in the schedule.

Site Context and Setting

This planning proposal applies to part of 1055 Bruxner Highway, Goonellabah (part Lot 42 DP 868366). The parent lot has a total area of 28.29 hectares but it is split by the Bruxner Highway with 8,341 m² on the northern side (with frontage to Pineapple Road) and the balance on the southern side. Only the small area on the northern side is subject to this planning proposal (the subject land).

The subject land is triangular in shape with a 70m western frontage to Pineapple Road. The 190m south southeastern boundary adjoins a generally linear allotment, owned by Lismore City Council that was purchased to facilitate the realignment of the Bruxner Highway. This vacant lot is currently used as a gravel and road base stockpile area by Council.

The subject land is the top end of a small gully that drains under Pineapple Road, west into Lagoon Creek and then into the Wilsons River. It is heavily disturbed open bushland with scattered camphor laurel trees, wattle trees and weed species such as Tobacco Bush. No dwellings or structures exist on the subject land; however, its southern boundary contains a Rous Water main in an easement linking back to a reservoir immediately east of the site. Figure 1 shows the site location.

The subject land is currently zoned RU1 Primary Production. Figure 2 is the existing Zone Map for the subject land. The current minimum lot size applying to the land is 40ha.

The land immediately surrounding the subject site is zoned RU1 but is mostly used for rural residential purposes and infrastructure such as a water reservoir and an RMS lay-down area. Beyond the small area zoned RU1 are large areas of residential land zoned R1 General Residential. This includes a new residential area known as “Pineapple Road Precinct”. A school site zoned SP2 (Educational Establishment) is located opposite Pineapple Road to the north-west.

The balance of Lot 42 DP 868366 located south of the Bruxner Highway is zoned RU1 Primary Production and is open grazing land with a single original dwelling.



Figure 1: Part Lot 42 DP 868366 Bruxner Highway (the subject land is north of the highway)

[Source: SIX Maps]



Figure 2: The subject land is currently zoned RU1 Primary Production

[Source: Lismore LEP 2012]

Part 2 – Explanation of Provisions

It is proposed that Lismore Local Environmental Plan 2012 be amended as follows:

- Amend Schedule 1 to identify that part of Lot 42 DP 868366 (north of the Bruxner Highway) that can be used for a service station subject to a limitation on the Gross Floor Area commensurate with the size and location of the land (150m² GFA);
- Amend the Minimum Lot Size Map (LSZ_005) to change part of Lot 42 DP 868366 (north of the Bruxner Highway) from 40ha to 7,000m² and the land south of the Bruxner Highway from 40ha to 27ha to enable the service station site to be subdivided from the balance of the land;
- Add a new Additional Permitted Uses Map that covers the subject land and identify the subject land on it (that part of Lot 42 DP 868366 north of the Bruxner Highway).

A potential draft Schedule 1 amendment might read as follows:

6 Use of certain land at 1055 Bruxner Highway, Goonellabah

- (1) This clause applies to land at 1055 Bruxner Highway, Goonellabah, being part of Lot 42 DP 868366, identified as “6” on the Additional Permitted Uses Map.*
- (2) Development for the purpose of a service station is permitted with development consent.*
- (3) Development consent must not be granted under this clause if it would result in more than 150 square metres of gross floor area of all buildings on the land to which this clause applies being used for the purpose specified in subclause (2).*

A “Plain English” version of the clause is as follows:

What Land Does it Apply to?

Land at 1055 Bruxner Highway, Goonellabah on the northern side of the highway.

What Additional Development will be Permitted?

A service station, limited to no greater than 150m² gross floor area, that can then be subdivided from the remaining large rural lot.

Part 3 – Justification

Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

The Lismore Growth Management Strategy (GMS) 2015-2035 states on pages 83/84, in relation to Strategy for Business, Industry and other Employment Lands (Goonellabah) that:

A submission to the draft Growth Management Strategy proposed a service station at 1055 Bruxner Highway. This property is split by the Bruxner Highway and the service station is proposed on the portion of the site on the northern side of the Highway (an area of approximately 8,431m²). The land is in the RU1 Primary Production zone and is constrained for development by the slope and, in relation to commercial uses, adjoining residences adjacent to the northern boundary.

The proposal for a service station could have merit but this would, if approved, be achieved through an amendment to the Lismore LEP 2012 written instrument rather than a rezoning of the land to a commercial zone that could enable a range of other development that is not desirable in that location. Further detailed investigation of the potential for a service station at this location, addressing site constraints and any concerns from neighbouring residents, will be required with any Planning Proposal to amend the LEP.

The Lismore Growth Management Strategy 2015-2035 was adopted by Lismore City Council on 12 May 2015. It was conditionally approved by the Department of Planning and Environment on 11 August 2015.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

As identified in Lismore GMS 2015-2035, Council needs to consider whether it should amend its LEP in response to an appropriate land owner initiated planning proposal. There is no other way to achieve this.

Section B – Relationship to Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The North Coast Regional Plan (NCRP) is the overarching framework for the management of growth on the NSW North Coast. The NCRP identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing network of major urban centres, reinforcing village character and requiring efficient use of existing services and major transport routes.

This planning proposal is consistent with most Actions in the NCRP. Where inconsistencies occur, they are justified or are likely to be justified by additional studies. Additional or revised studies will need to be supplied by the applicant before public exhibition to ensure that Council can establish that the planning proposal can be assessed as consistent, or further justify any inconsistency before it is finalised. Refer to the checklist against these NCRP Actions provided in Table 1.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Lismore Growth Management Strategy 2015-2035 was adopted by Lismore City Council on 12 May 2015. It was conditionally approved by the Department of Planning and Environment on 11 August 2015. This planning proposal is consistent with that strategy as it is identified on pages 83/84 subject to a detailed site-specific assessment.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with applicable State Environmental Planning Policies (SEPPs). A range of studies undertaken in 2015 to support a previous planning proposal provide some background and can be updated to focus more directly on the subject land. Updated studies can be supplied after Gateway determination and prior to public exhibition. Refer to the checklist against these SEPPs provided in Table 2.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

This planning proposal is consistent with most section 9.1 directions. Where inconsistencies occur, they are justified. Additional or revised studies will need to be supplied by the applicant before public exhibition to ensure that Council can establish that the planning proposal can be assessed as consistent or justify any inconsistency before it is finalised. Refer to the checklist against these directions provided in Table 3.

Section C – Environmental, Social and Economic Impact

Q7. 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?

An ecological assessment was undertaken over a broad area (that includes the subject land) by the land owner's consultant. This assessment described the site as disturbed bushland with limited ecological values. No threatened fauna was identified on the site. There is no evidence of koalas using the site. This community occurs as a small patch of young/regrowth, mostly native small trees and a weedy ground cover.

This study is five years old and needs to be updated and made specific to the subject land, which is considerably smaller than the original study area. A vegetation map of this site is required.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The applicant states that the site is not bushfire prone; however, Council's mapping shows that all of the subject land is mapped as bush fire prone or in a bushfire buffer (Figure 4). A bushfire hazard assessment has not been prepared but will be required as a condition of Gateway approval. Consultation with the Rural Fire Service is also still required.

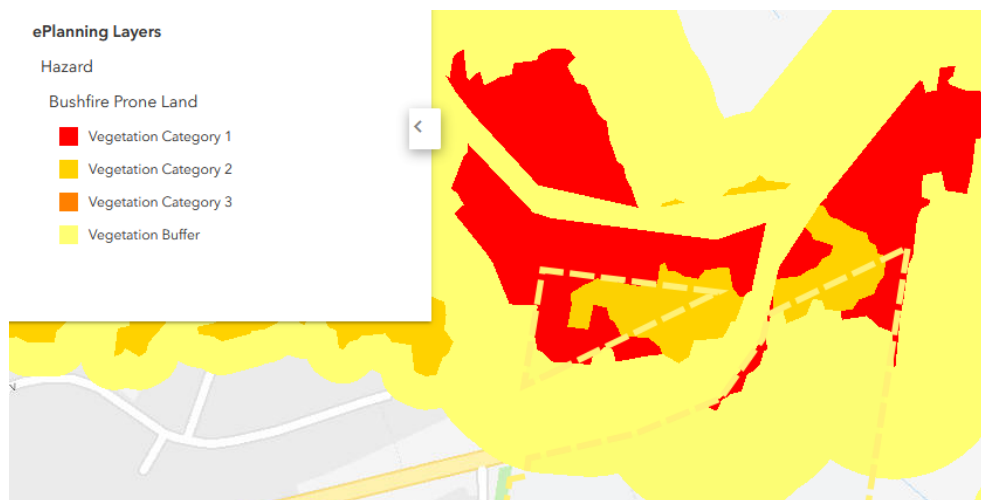


Figure 3: Lismore City Council Bushfire Hazard mapping

All the subject land is identified as State significant agricultural land under the Farmland Mapping Project (Figure 5). An agricultural land assessment that includes an assessment of the site against section 4 of the report entitled Northern Rivers Farmland Protection Project – Final Recommendations is required. Rural industry conflicts are not anticipated with no agriculture or horticulture being undertaken adjacent to the subject land. The potential interface with rural residential development at the northern boundary can be addressed in a Land Use Conflict Risk Assessment (LUCRA) specific to this site. The LUCRA undertaken in 2015 does not address the service station and surrounding land uses. A new LUCRA will be required as a condition of Gateway approval. It will need to specifically address potential noise and odour impacts on neighbouring land uses.

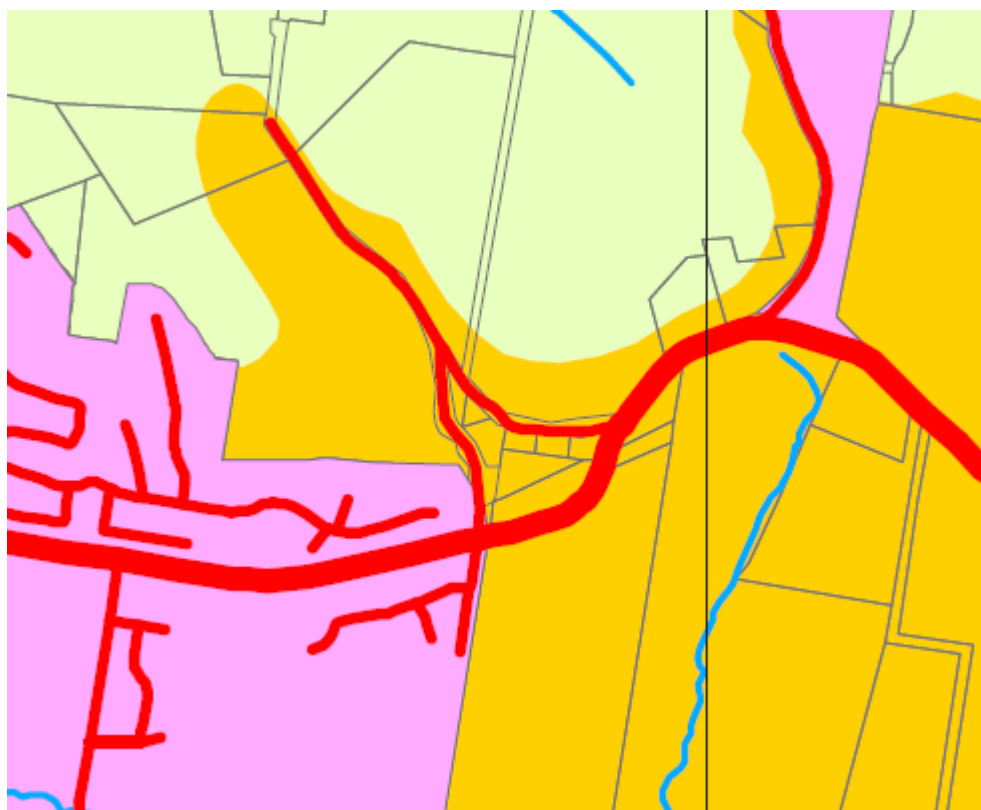


Figure 4: NR Farmland Project identifies the subject land as State significant farmland (yellow)

The site is located in the Wilsons River drinking water catchment. Stormwater controls and on-site effluent disposal will be important issues at the development stage of any future development. Compliance with Council's Water Sensitive Design DCP will be important.

Parts of the property appear to be quite steep. The geotechnical study undertaken in 2015 does not specifically assess the subject land. A new slope analysis study is required to establish that this site is not unstable land and is suitable for the proposed use without significant effects on adjacent land. This will be required as a condition of Gateway approval.

The history of the site for grazing suggests a low probability that it will be contaminated from past land use. In compliance with SEPP 55, a preliminary contaminated land assessment was undertaken for a previous development proposal and it concluded the site has minimal risk of being contaminated. Given the information presented within the historical search of the previous report, and the detached nature of the development site, it is unlikely that the site has been used historically for potentially contaminating activities and the proposed commercial use of the site does not raise any concerns. No further assessment of this issue is required.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The social and economic effects are likely to be positive as the service station will supply fuel and electric vehicle (EV) recharging services to local residents of the Pineapple Road precinct as well as passing traffic on the Bruxner Highway. There will be some employment opportunities and there will also be a positive effect during construction.

The applicant has supplied a European and Aboriginal cultural heritage assessment that includes the subject land. The site does not contain registered sites or places listed on AHIMS and has no obvious European features. The study by Everick Consultants found no evidence of European heritage and no evidence of Aboriginal cultural heritage. Consultation with the Ngulingah LALC has also taken place and it raises no objections. This work needs to be updated and made specific to the subject land prior to public exhibition.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

Traffic is a key issue with this site because it is close to the roundabout on the Bruxner Highway and the Pineapple Road connection to this roundabout is expected to deliver a lot of residential traffic and school traffic to this intersection. A detailed traffic assessment has not been included with the planning proposal. The applicant has offered to undertake this work after the Gateway determination and before public exhibition. Council has specifically asked for a Traffic Generation Report inclusive of expected AM peak trips / PM peak trips / and average daily trips. A breakdown of how this is derived should be provided (ie number of bowsters / number of bays / GFA m² / other site uses / servicing). It needs to be confirmed that the Traffic Generation Report is based on 150 m² of GFA as most recently proposed. Once Council has this Traffic Generation Report, it would commission a model to include network and planning horizons (ie +10 year, etc) with key focus on the Bruxner Highway/Pineapple Road roundabout. Consultation with Transport for NSW (TfNSW) in relation to the Bruxner Highway intersection is also required. The Traffic Generation Report also needs to consider the compatibility

of the proposed service station with a realigned Bruxner Highway and revised intersection if this were to happen in the longer term. The views of TfNSW on this matter are also required.

Pineapple Road at the subject land is identified in the Pineapple Rd Structure Plan (DCP chapter 5A) as being a location for a shared path (pedestrian and bicycle). Clause 1.5.1 of the DCP states that the Structure Plan provides “indicative locations for infrastructure”. The intent is that the future residential subdivision along Pineapple Road will construct the path in the road reserve. Given the location of a school site along the western side it may be appropriate to locate the shared path on the western side. This is a matter for a future DA and is not a prohibition to the service station proceeding on the subject land. Refer to Figure 5 below for DCP Structure Plan.

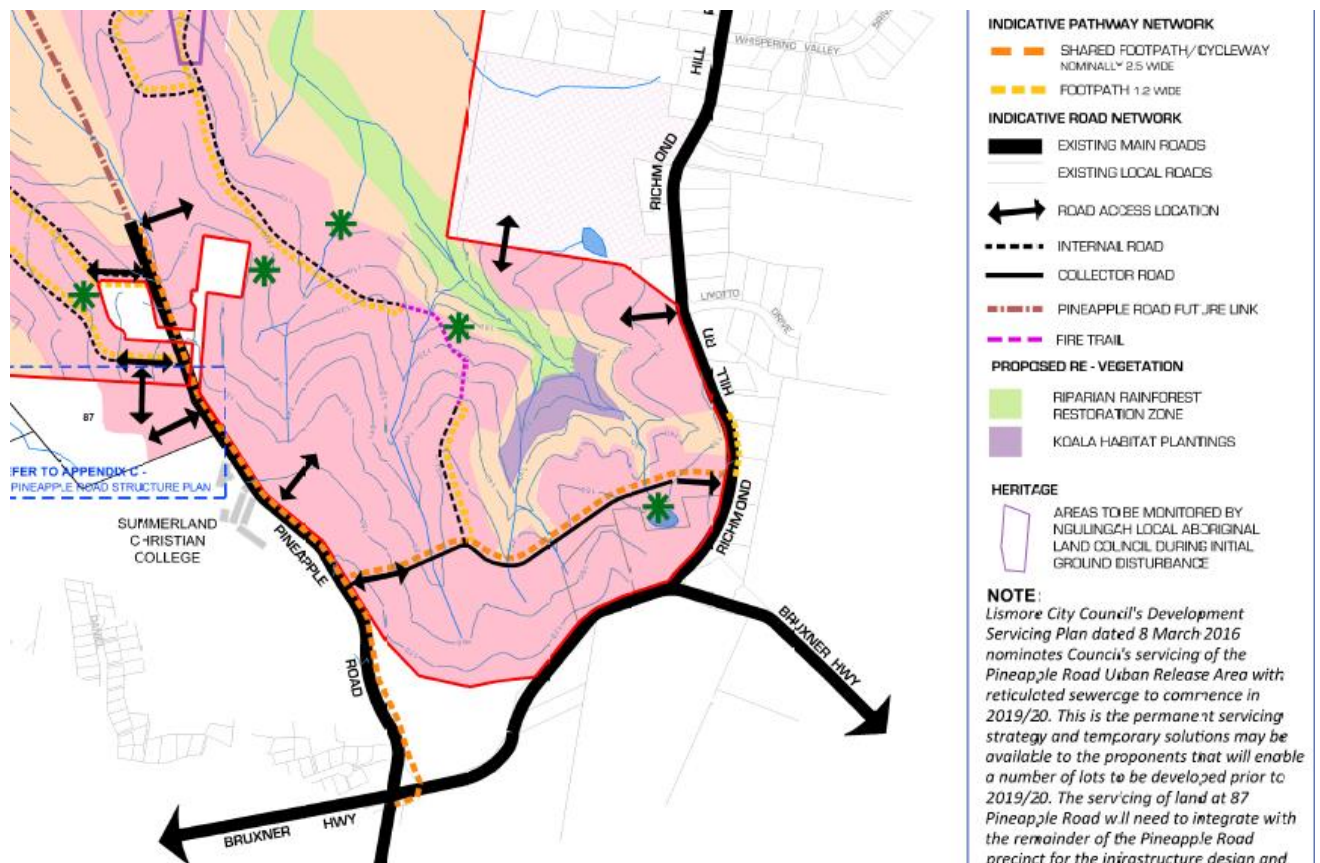


Figure 5: The Pineapple Rd Structure Plan identifies the road reserve in front of the subject land for a shared path

Lismore City Council water supply is not a major issue with a water main in the Pineapple Road reserve that can be accessed. Rainwater tanks could also be used to provide water to toilets and for external use in a future service station. However, the site is constrained by a Rous Water main along the southern boundary of the site located within a 5.0-metre-wide easement. Direct access to this watermain is not anticipated. With respect to the Terms of the easement in favour of Rous Water, no structures are permitted within this easement.

The subject land is not serviced by a reticulated sewerage system. The nearest sewerage service to the site is currently at capacity and no further connections will be permitted to this infrastructure. A sewerage system located to the south, in Holland Street, is near capacity and remote from the site. Any spare capacity available in the Holland Street network has been nominated for use by an

approved development (DA16/45). New infrastructure referred to as “The Northern Trunk” is currently in the planning phase and due to commence construction in the 2019/2020 financial year. However, no contracts for this work have been issued or approved. An estimated time for completion of such works could be in the 2020/2021 horizon.

On-site wastewater management could be used on this site as an interim step before reticulated sewerage is available. The sewage disposal area must be located on the same lot to ensure appropriate management and control of the sewerage system. The site has physical constraints and is in a drinking water catchment. Additional information should be provided to Council after Gateway determination but before public exhibition, demonstrating that wastewater can be appropriately managed on-site with reference to the Lismore City Council On-site Wastewater and Management Strategy and Rous Water On-site Wastewater Management Guidelines.

Council will require stormwater to be addressed as a design issue at the subdivision stage.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

At this early stage it appears unlikely that there will be any issues of interest to Commonwealth authorities.

State authorities were consulted in the preparation of the Lismore Growth Management Strategy 2015-2035, and their views taken into account. This document was approved conditionally by the Department of Planning and Environment on 11 August 2015.

It is proposed that the authorities listed below are consulted in relation to this planning proposal, and that this consultation is undertaken concurrent with the public exhibition of the planning proposal:

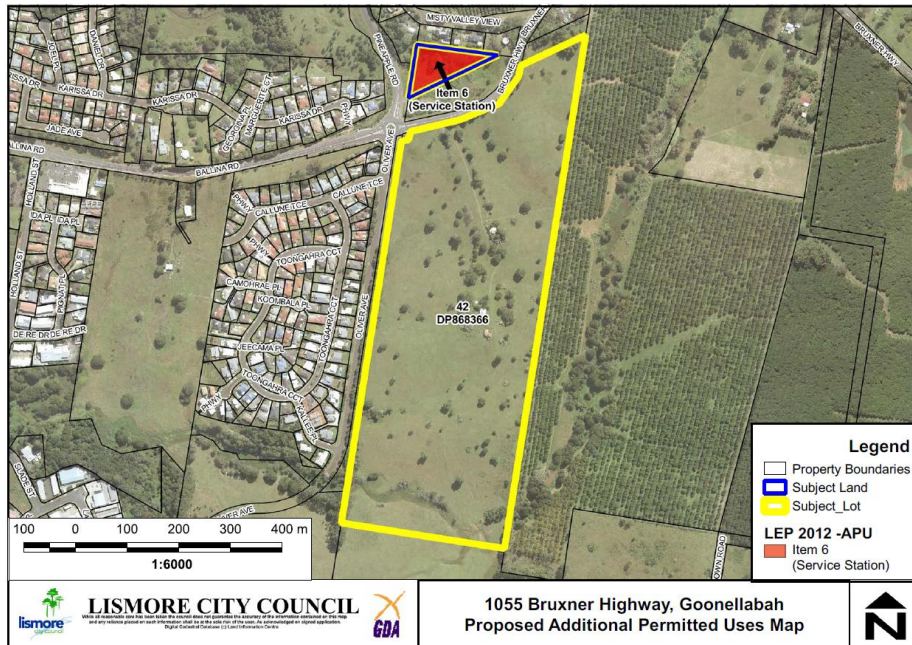
- Transport for NSW,
- Rural Fire Service,
- Department of Primary Industries,
- Biodiversity and Conservation Division of DPI&E.

This planning proposal will also be referred to Rous County Council for comment on matters connected to water supply and the site’s location in a drinking water catchment.

Part 4 – Mapping

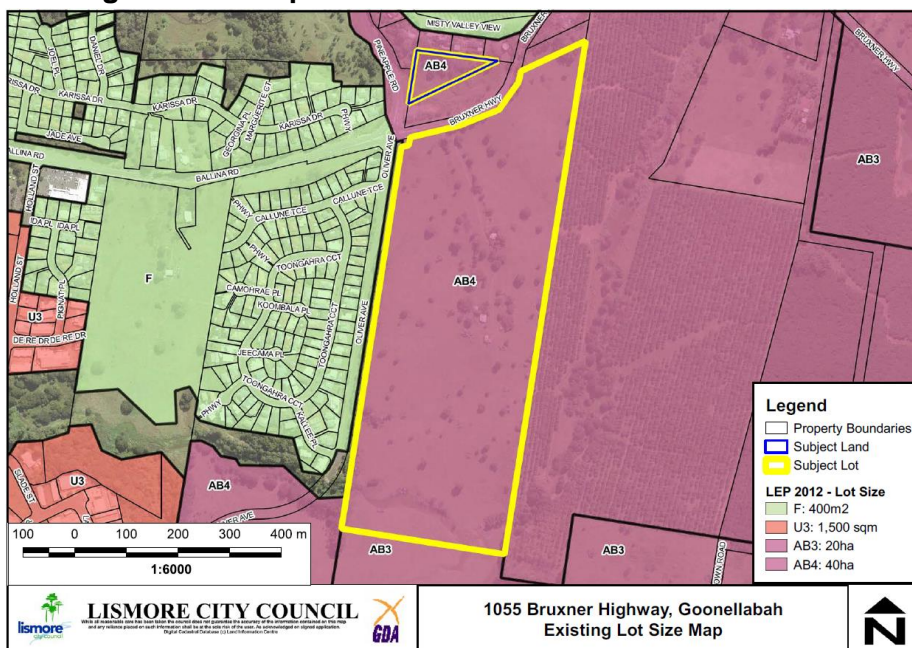
It is proposed include the subject land in Schedule 1 to permit a service station and amend the Additional Permitted Uses Map to identify the subject land (Item 6) as being referenced in Schedule 1 of the LEP.

Proposed Additional Permitted Uses Map

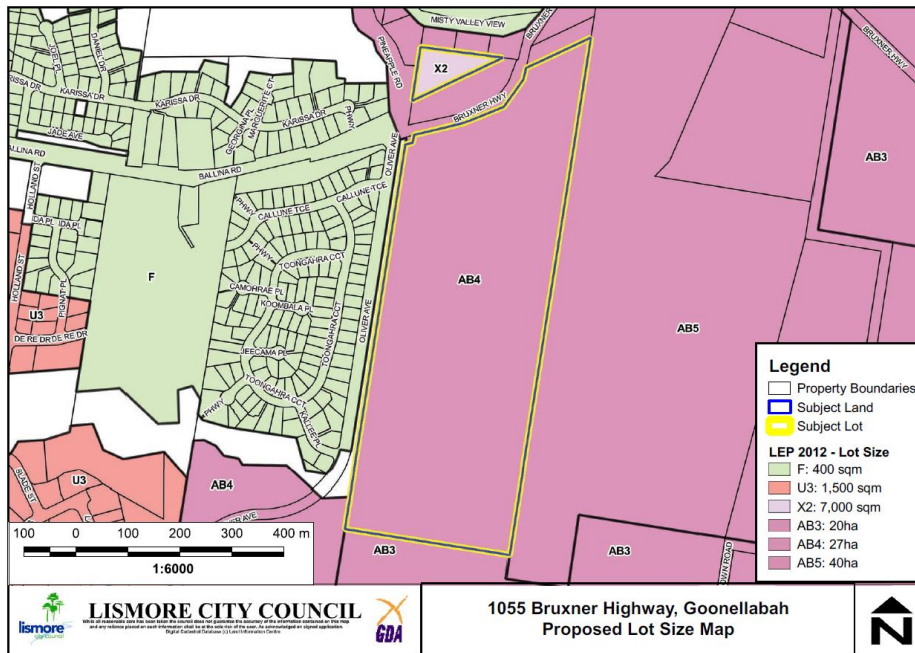


It is proposed to alter the Minimum Lot Size from 40ha to 7,000m² for this part of the lot enable subdivision from its parent lot. This will be achieved by amending Lismore LEP 2012 map sheet LSZ_005.

Existing Lot Size Map



Proposed Lot Size Map



Part 5 – Community Consultation

Council will commence community consultation post-Gateway determination. All studies supplied by the applicant will be placed on the Council web site. For the purposes of public notification, Council considers that a twenty-eight (28) day public exhibition period is appropriate.

Notification of the exhibited planning proposal will include:

- A newspaper advertisement (Local Matters) that circulates in the area affected by the planning proposal,
- The web site of Lismore City Council and the Department of Planning, Industry and Environment,
- Letter to adjoining land holders,
- Letter to the Ngulingah LALC.

The written notice will:

- Provide a brief description of the objectives or intended outcomes of the planning proposal,
- Indicate the land that is the subject of the planning proposal,
- State where and when the planning proposal can be inspected,
- Provide detail that will enable members of the community to make a submission.

Exhibition material:

- The planning proposal, in the form approved for community consultation by the Department of Planning, Industry and Environment,
- The Gateway determination,
- All studies relevant to the site and the planning proposal.

The Gateway determination will confirm the public consultation requirements.

Part 6 – Project Timeline

- Report to Council – **April 2020**
- Gateway determination issued – **June 2020**
- Timeframe for applicant to supply additional studies required by Gateway determination – **August 2020**
- Report findings of additional studies to Council – **October 2020**
- Timeframe for government agency consultation and public consultation – **Nov/Dec 2020**
- Timeframe for consideration of submissions – **February 2020**
- Timeframe for consideration of the planning proposal, post-exhibition, by Council – **March 2020**
- Final plan making stage of the LEP (with Council if delegated, otherwise with the DPI&E) – **April 2020**
- Anticipated date for plan making – **May 2021**

Conclusion

This planning proposal seeks to amend Lismore LEP 2012 to permit a service station on part of Lot 42 DP 868366 Bruxner Highway, Goonellabah. The preferred method to achieve this will be to identify the subject land in Schedule 1 of the LEP with an associated map and permit a service station with a GFA limit. The Minimum Lot Size Map will also be amended to establish a minimum lot size of 7,000m².

The planning proposal is consistent with the Lismore Growth Management Strategy 2015-2035, which has been endorsed by Council and the Department of Planning and Environment.

An assessment of the planning proposal indicates that it is generally consistent (or justifiably inconsistent) with relevant SEPPs. It is also generally consistent with most of the relevant s9.1 directions. It is also generally consistent with the North Coast Regional Plan 2036. Where inconsistencies occur, they can be justified or will need to be further addressed and justified in the studies required prior to public exhibition.

There is sufficient information to enable Council to support the planning proposal and forward it to the Department of Planning, Industry and Environment for its consideration and a conditional Gateway determination before placing it on public exhibition. The applicant has supplied some studies that were prepared for a different proposal in 2015, but these need to be updated, revised and focused on the subject land and service station development. The support for this planning proposal is conditional on these studies being produced to a satisfactory level prior to the public exhibition.

The studies that are required to be updated, revised and provided in a form specific to the subject land prior to public exhibition are as follows:

- A bushfire hazard assessment suitable for consultation with the Rural Fire Service.

- An agricultural land assessment that includes an assessment of the site against section 4 of the report entitled *Northern Rivers Farmland Protection Project – Final Recommendations*.
- A LUCRA that addresses the interface with rural residential development at the northern boundary and other adjoining land uses. This report should incorporate a noise impact assessment on neighbours and also assess the impact of odours.
- A Traffic Generation Report that Council can use to commission a model to include traffic network and planning horizons (ie +10 year, etc) with key focus on the Bruxner Highway/Pineapple Road roundabout. Suitable for consultation with Transport for NSW. It will also need to consider the compatibility of the proposed service station with a realigned Bruxner Highway and revised intersection if this were to happen in the longer term.
- An OSMS report that demonstrates that wastewater can be appropriately managed on-site with reference to the Lismore City Council On-site Wastewater Management Strategy and Rous Water On-site Wastewater Management Guidelines;
- An ecological assessment that identifies the specific flora and fauna values of the subject land and the likely impacts of clearing associated with the proposed service station.
- A new slope analysis study is required to establish that this site is not unstable land and is suitable for the proposed use without significant effects on adjacent land. This study should contain sufficient geotechnical information to assess the risk to future uses and neighboring land uses.
- An updated European and Aboriginal heritage assessment specific to the subject land.

TABLE 1: COMPLIANCE WITH NORTH COAST REGIONAL PLAN 2036

Goal 1: The most stunning environment in NSW		
Direction/Action		Response
Direction 1: Deliver environmentally sustainable growth		
1.1	Focus future urban development to mapped urban growth areas.	Justifiably inconsistent. The subject land is not in a mapped urban growth area. It is a small 8,341 m ² parcel zoned RU1, constrained by adjacent urban lands and the Bruxner Highway. It is located immediately adjacent to urban zoned land. The subject land is nominated in the LGMS 2015-2035 as a site that could have merit for a service station.
1.2	Review areas identified as 'under investigation' within urban growth areas to identify and map sites of potentially high environmental value.	Not applicable. The site is not identified as 'under investigation'.
1.3	Identify residential, commercial or industrial uses in urban growth areas by developing local growth management strategies endorsed by the Department of Planning and Environment.	Although the site is not in an urban growth area, it is identified in the LGMS 2015-2035 as a site that could have merit for a service station.
1.4	Prepare land release criteria to assess appropriate locations for future residential, commercial and industrial uses.	Not applicable.
Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments		
2.1	Focus development to areas of least biodiversity sensitivity in the region and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value.	Consistent. The subject land is highly disturbed and has minimal biodiversity values. This will be reassessed in a flora and fauna assessment undertaken after Gateway determination and prior to public exhibition.
2.2	Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.	Consistent. The subject land is in the Wilsons River drinking water catchment. Measures can be taken at the DA stage to protect the quality of water that leaves this site.
Direction 3: Manage natural hazards and climate change		
3.1	Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.	Consistent. The issues of steep slopes and bushfire hazard are likely to be manageable on this site, and further studies will be undertaken after Gateway determination and prior to public exhibition to justify this.
3.2	Review and update floodplain risk, bushfire and coastal management mapping to manage risk, particularly where urban growth is being investigated.	Consistent. The issues of steep slopes and bushfire hazard are likely to be manageable on this site, and further studies will be undertaken after Gateway determination and prior to public exhibition to justify this.
3.3	Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development.	Not applicable to a planning proposal of this scale.
Direction 4: Promote renewable energy opportunities		
4.1	Diversify the energy sector by identifying renewable energy resource precincts and infrastructure corridors with access to the electricity network.	Not applicable.

4.2	Enable appropriate smaller-scale renewable energy projects using bio-waste, solar, wind, small-scale hydro, geothermal or other innovative storage technologies.	Not applicable.
4.3	Promote appropriate smaller and community-scale renewable energy projects.	Not applicable.

Goal 2: A thriving, interconnected economy

<i>Direction/Action</i>	<i>Response</i>
Direction 5: Strengthen communities of interest and cross-regional relationships	

5.1	Collaborate on regional and intra-regional housing and employment land delivery, and industry development.	Not applicable.
5.2	Integrate cross-border land use planning between NSW and South East Queensland, and remove barriers to economic, housing and jobs growth.	Not applicable.
5.3	Encourage ongoing cooperation and land use planning between the City of Gold Coast and Tweed Shire Council.	Not applicable.
5.4	Prepare a regional economic development strategy that drives economic growth opportunities by identifying key enabling infrastructure and other policy interventions to unlock growth.	Not applicable.

Direction 6: Develop successful centres of employment

6.1	Facilitate economic activity around industry anchors such as health, education and airport facilities by considering new infrastructure needs and introducing planning controls that encourage clusters of related activity.	Not applicable.
6.2	Promote knowledge industries by applying flexible planning controls, providing business park development opportunities and identifying opportunities for start-up industries.	Not applicable.
6.3	Reinforce centres through local growth management strategies and local environmental plans as primary mixed-use locations for commerce, housing, tourism, social activity and regional services.	Consistent. The subject land is nominated in the LGMS 2015-2035 as a site that could have merit for a service station.
6.4	Focus retail and commercial activities in existing centres and develop place-making focused planning strategies for centres.	Not applicable.
6.5	Promote and enable an appropriate mix of land uses and prevent the encroachment of sensitive uses on employment land through local planning controls.	Not applicable.
6.6	Deliver an adequate supply of employment land through local growth management strategies and local environmental plans to support jobs growth.	Consistent. The subject land is nominated in the LGMS 2015-2035 as a site that could have merit for a service station.
6.7	Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor.	Not applicable.

Direction 7: Coordinate the growth of regional cities

7.1	Prepare action plans for regional cities that:	Not applicable.
	<ul style="list-style-type: none">• ensure planning provisions promote employment growth and greater housing diversity;	
	<ul style="list-style-type: none">• promote new job opportunities that complement existing employment nodes around existing education, health and airport precincts;	
	<ul style="list-style-type: none">• identify infrastructure constraints and public domain improvements that can make areas more attractive for investment; and	
	<ul style="list-style-type: none">• deliver infrastructure and coordinate the most appropriate staging and sequencing of development.	

Direction 8: Promote the growth of tourism

8.1	Facilitate appropriate large-scale tourism developments in prime tourism development areas such as Tweed Heads, Tweed Coast, Ballina, Byron Bay, Coffs Harbour and Port Macquarie.	Not applicable.
8.2	Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through local growth management strategies and local environmental plans.	Not applicable.
8.3	Prepare destination management plans or other tourism-focused strategies that: <ul style="list-style-type: none">• identify culturally appropriate Aboriginal tourism opportunities;• encourage tourism development in natural areas that support conservation outcomes; and• strategically plan for a growing international tourism market.	Not applicable.
8.4	Promote opportunities to expand visitation to regionally significant nature-based tourism places, such as Ellenborough Falls, Dorrig National Park, Wollumbin-Mount Warning National Park, Iluka Nature Reserve and Yuraygir Coastal Walk.	Not applicable.
8.5	Preserve the region's existing tourist and visitor accommodation by directing permanent residential accommodation away from tourism developments, except where it is ancillary to existing tourism developments or part of an area otherwise identified for urban expansion in an endorsed local growth management strategy.	Not applicable.

Direction 9: Strengthen regionally significant transport corridors

9.1	Enhance the competitive value of the region by encouraging business and employment activities that leverage major inter-regional transport connections, such as the Pacific Highway, to South East Queensland and the Hunter.	Consistent. The subject land is located adjacent to the Bruxner Highway and a service station will partly supply services to passing traffic.
9.2	Identify buffer and mitigation measures to minimise the impact of development on regionally	Consistent. The site will have access to Pineapple Road and a traffic assessment on

	significant transport infrastructure including regional and state road network and rail corridors.	impacts on the Bruxner Highway will be provided after Gateway determination and prior to public exhibition.
9.3	<p>Ensure the effective management of the State and regional road network by:</p> <ul style="list-style-type: none"> preventing development directly adjoining the Pacific Highway; preventing additional direct 'at grade' access to motorway-class sections of the Pacific Highway; locating highway service centres on the Pacific Highway at Chinderah, Ballina, Maclean, Woolgoolga, Nambucca Heads, Kempsey and Port Macquarie, approved by the Department of Planning and Environment and Roads and Maritime Services; and identifying strategic sites for major road freight transport facilities. 	Not applicable.

Direction 10: Facilitate air, rail and public transport infrastructure

10.1	Deliver airport precinct plans for Ballina-Byron, Lismore, Coffs Harbour and Port Macquarie that capitalise on opportunities to diversify and maximise the potential of value-adding industries close to airports.	Not applicable.
10.2	Consider airport-related employment opportunities and precincts that can capitalise on the expansion proposed around Gold Coast Airport.	Not applicable.
10.3	Protect the North Coast Rail Line and high-speed rail corridor to ensure network opportunities are not sterilised by incompatible land uses or land fragmentation.	Not applicable.
10.4	Provide public transport where the size of the urban area has the potential to generate sufficient demand.	Not applicable.
10.5	Deliver a safe and efficient transport network to serve future release areas.	Not applicable.

Direction 11: Protect and enhance productive agricultural lands

11.1	Enable the growth of the agricultural sector by directing urban and rural residential development away from important farmland and identifying locations to support existing and small-lot primary production, such as horticulture in Coffs Harbour.	<p>Justifiably inconsistent. The subject land is incorrectly mapped as State significant agricultural land in the Northern Rivers Farmland Protection Project. It is a small 8,341 m² parcel zoned RU1, constrained by adjacent urban lands and the Bruxner Highway. It is located immediately adjacent to urban zoned land. It has limited agricultural capability. A further study will be undertaken after Gateway determination and prior to public exhibition to further justify this.</p> <p>An assessment of the subject land against the Important Farmland Interim Variation Criteria Compliance Table in the NCRP 2036 is provided in the applicant's planning proposal submission.</p> <p>The subject land is nominated in the LGMS 2015-2035 as a site that could have merit for a service station.</p>
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11.2	Deliver a consistent management approach to important farmland across the region by updating the <i>Northern Rivers Farmland Protection Project</i> (2005) and <i>Mid North Coast Farmland Mapping Project</i> (2008).	Not applicable.
11.3	Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.	Consistent. The site will not impact on intensive horticulture in the locality.
11.4	Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.	Not applicable.
11.5	Address sector-specific considerations for agricultural industries through local plans.	Not applicable.

Direction 12: Grow agribusiness across the region

12.1	Promote the expansion of food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight and logistics, and processing through flexible planning provisions in local growth management strategies and local environmental plans.	Not applicable.
12.2	Encourage the co-location of intensive primary industries, such as feedlots and compatible processing activities.	Not applicable.
12.3	Examine options for agribusiness to leverage proximity from the Gold Coast and Brisbane West Wellcamp airports.	Not applicable.
12.4	Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflicts arising from the encroachment of incompatible land uses.	Not applicable.

Direction 13: Sustainably manage natural resources

13.1	Enable the development of the region's natural, mineral and forestry resources by directing to suitable locations land uses such as residential development that are sensitive to impacts from noise, dust and light interference.	Not applicable.
13.2	Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility.	Not applicable.

Goal 3: Vibrant and engaged communities

Direction/Action		Response
Direction 14: Provide great places to live and work		
14.1	Prepare precinct plans in growth areas, such as Kingscliff, or centres bypassed by the Pacific Highway, such as Woodburn and Grafton, to guide development and establish appropriate land use zoning, development standards and developer contributions.	Not applicable.

14.2	Deliver precinct plans that are consistent with the <i>Precinct Plan Guidelines</i> (Appendix C).	Not applicable.
Direction 15: Develop healthy, safe, socially engaged and well-connected communities		
15.1	Deliver best-practice guidelines for planning, designing and developing healthy built environments that respond to the ageing demographic and subtropical climate.	Not applicable.
15.2	Facilitate more recreational walking and cycling paths and expand interregional and intra-regional walking and cycling links, including the NSW Coastline Cycleway.	Not applicable.
15.3	Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.	Not applicable.
15.4	Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment frameworks within local planning.	Not applicable.
15.5	Deliver crime prevention through environmental design outcomes through urban design processes.	Not applicable.
Direction 16: Collaborate and partner with Aboriginal communities		
16.1	Develop partnerships with Aboriginal communities to facilitate engagement during the planning process, including the development of engagement protocols.	Not applicable.
16.2	Ensure Aboriginal communities are engaged throughout the preparation of local growth management strategies and local environmental plans.	Not applicable.
Direction 17: Increase the economic self-determination of Aboriginal communities		
17.1	Deliver opportunities to increase the economic independence of Aboriginal communities through training, employment and tourism.	Not applicable.
17.2	Foster closer cooperation with Local Aboriginal Land Councils to identify the unique potential and assets of the North Coast communities.	Not applicable.
17.3	Identify priority sites with economic development potential that Local Aboriginal Land Councils may wish to consider for further investigation.	Not applicable.
Direction 18: Respect and protect the North Coast's Aboriginal heritage		
18.1	Ensure Aboriginal objects and places are protected, managed and respected in accordance with legislative requirements and the wishes of local Aboriginal communities.	Consistent.
18.2	Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms are identified.	Consistent.

18.3	Develop local heritage studies in consultation with the local Aboriginal community, and adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	Not applicable.
18.4	Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas, where culturally appropriate, to inform planning strategies and local plans to protect Aboriginal heritage.	Not applicable.

Direction 19: Protect historic heritage

19.1	Ensure best-practice guidelines are considered such as the <i>Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance</i> and the <i>NSW Heritage Manual</i> when assessing heritage significance.	Consistent.
19.2	Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items, and include appropriate local planning controls.	Not applicable.
19.3	Deliver the adaptive or sympathetic use of heritage items and assets.	Not applicable.

Direction 20: Maintain the region's distinctive built character

20.1	Deliver new high-quality development that protects the distinct character of the North Coast, consistent with the <i>North Coast Urban Design Guidelines</i> (2009).	Not applicable.
20.2	Review the <i>North Coast Urban Design Guidelines</i> (2009).	Not applicable.

Direction 21: Coordinate local infrastructure delivery

21.1	Undertake detailed infrastructure service planning to support proposals for new major release areas.	Not applicable.
21.2	Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.	Not applicable.

Goal 4: Great housing choice and lifestyle options

Direction/Action

Response

Direction 22: Deliver greater housing supply

22.1	Deliver an appropriate supply of residential land within local growth management strategies and local plans to meet the region's projected housing needs.	Not applicable.
22.2	Facilitate housing and accommodation options for temporary residents by: <ul style="list-style-type: none"> • preparing planning guidelines for seasonal and itinerant workers accommodation to inform the location and design of future facilities; and • working with councils to consider opportunities to permit such facilities through local environmental plans. 	Not applicable.

22.3	Monitor the supply of residential land and housing through the North Coast Housing and Land Monitor.	Not applicable.
Direction 23: Increase housing diversity and choice		
23.1	Encourage housing diversity by delivering 40 per cent of new housing in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres, by 2036.	Not applicable.
23.2	Develop local growth management strategies to respond to changing housing needs, including household and demographic changes, and support initiatives to increase ageing in place.	Not applicable.
Direction 24: Deliver well-planned rural residential housing areas		
24.1	Facilitate the delivery of well-planned rural residential housing areas by: <ul style="list-style-type: none"> identifying new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment; and ensure that such proposals are consistent with the <i>Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies</i> (2007) or land release criteria (once finalised). 	Not applicable.
24.2	Enable sustainable use of the region's sensitive coastal strip by ensuring new rural residential areas are located outside the coastal strip, unless already identified in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment.	Not applicable.
Direction 25: Deliver more opportunities for affordable housing		
25.1	Deliver more opportunities for affordable housing by incorporating policies and tools into local growth management strategies and local planning controls that will enable a greater variety of housing types and incentivise private investment in affordable housing.	Not applicable.
25.2	Prepare guidelines for local housing strategies that will provide guidance on planning for local affordable housing needs.	Not applicable.

TABLE 2: COMPLIANCE WITH STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Requirements	Compliance
SEPP – Koala Habitat Protection 2019	<p>The new Koala SEPP replaced SEPP 44 on 1 March 2020.</p> <p>The new SEPP makes no provision for planning proposals.</p> <p>The Comprehensive Koala Plan of Management for South East Lismore was adopted by Council in 2012, and approved by the State in 2013. It states:</p> <p><i>Council to consider the Development Assessment Framework of this Plan as relevant to nature of any Planning Proposal to rezone land. The intent of this consideration is to ensure that any issues requiring resolution are identified and actioned at the initial planning stages if there is potential to adversely impact koala habitat or if they impose a significant cost on a proponent.</i></p>	<p>Consistent. The subject land is disturbed bushland dominated by weed species. It is not mapped as primary or secondary habitat in Council's Koala Plan of Management or a koala movement corridor. There is no evidence of this site being used by koalas.</p> <p>Updated flora and fauna information specific to this site will be required in any case.</p>
SEPP 55 – Remediation of Land	<p>2 Object of this Policy</p> <p>This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the human environment.</p> <p>(Clause 6 omitted 17 April 2020)</p>	<p>Consistent.</p> <p>Refer to assessment comments for Ministerial Direction 2.6</p>
SEPP (Primary Production and Rural Development) 2019	<p>The aims of this Policy are:</p> <ul style="list-style-type: none"> (a) to facilitate the orderly economic use and development of lands for primary production, (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources, (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations, 	<p>Consistent. The subject land is not identified in Schedule 1 of the SEPP and, therefore, does not meet the SEPP definition of State significant agricultural land. However, it is mapped as State significant agricultural land in the Northern Rivers Farmland Protection Project. The land is also identified in the Biophysical Strategic Agricultural Land (BSAL) mapping for Lismore LGA.</p> <p>The site is physically separated from other agricultural land on the southern side of the Bruxner Highway and is not currently used for cattle grazing or agriculture.</p> <p>Only 8,341 m² will be lost to the proposed service station use.</p>

State Environmental Planning Policy	Requirements	Compliance
	<p>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</p> <p>(e) to encourage sustainable agriculture, including sustainable aquaculture,</p> <p>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</p>	

TABLE 3: COMPLIANCE WITH SECTION 9.1 MINISTERIAL DIRECTIONS

Ministerial Directions	Requirements	Compliance
1 Employment and Resources		
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	<p>Consistent. This planning proposal will not affect the boundaries or extent of business or industrial zones, but it does permit an employment use on the subject land.</p> <p>It will encourage employment growth in a suitable location; it will have no effect on existing employment land in business and industrial zones; and it will not undermine the viability of identified centres.</p>
1.2 Rural Zones	A planning proposal must not rezone land from a rural zone to an urban zone unless it is justified under clause 5 of the direction. Such justification includes the identification of the land in a strategy (local or regional).	<p>Inconsistent (justifiably). This planning proposal will not alter the RU1 zone but will permit a service station over most of the site.</p> <p>This land is identified in the endorsed Lismore Growth Management Strategy 2015-2035. Its inclusion in the planning proposal is of minor significance and is justifiable in the circumstances.</p>
1.3 Mining, Petroleum Production and Extractive Industries	<p>This direction applies when the planning proposal has the effect of:</p> <p>(a) Prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials;</p> <p>(b) Restricting the potential of State or regionally significant mineral resources.</p>	<p>Inconsistent. Mining or extractive industries will not be able to be carried out once the land is being used as a service station. However, no State or regional extractive resources (or buffers) affect the subject land. It is a logical use for land adjacent to existing and proposed residential areas. It will not create potential conflict with any future extraction sites on nearby land.</p> <p>It is a minor inconsistency and is justifiable as part of an agreed strategy.</p>
1.4 Oyster Aquaculture	Not applicable.	Not applicable.
1.5 Rural Lands	<p>Applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary), or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land</p>	<p>Consistent.</p> <p>This planning proposal will affect land within an RU1 Primary Production zone. Listing it in a schedule will have the effect of altering the minimum lot size for the land to allow subdivision of the isolated piece of the parent lot located north of the Bruxner Highway. It will also allow the site to be used for a service station. No additional dwelling entitlements will be created.</p> <p>This planning proposal is consistent with the Lismore Growth Management</p>

Ministerial Directions	Requirements	Compliance
	<p>within a rural or environment protection zone.</p> <p>A planning proposal to which clauses (a) and (b) apply must:</p> <ul style="list-style-type: none"> (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement (b) consider the significance of agriculture and primary production to the State and rural communities (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities (f) support farmers in exercising their right to farm (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses (h) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land (i) consider the social, economic and environmental interests of the community. 	<p>Strategy 2015-2035 and therefore with the North Coast Regional Plan 2036.</p> <p>This planning proposal will not reduce the current and potential productive rural activities in the Pineapple Road locality. The closest agriculture is cattle grazing and horticulture on the southern side of the Bruxner Highway. The horticulture areas on the northern side have already been rezoned for residential development.</p> <p>Environmental values of the site are limited with an ecology report identifying it as disturbed bushland dominated by weed species. Improving stormwater quality should be a goal in future development.</p> <p>Surrounding land use is characterised by five rural residential dwellings (not zoned) to the north, and a developed residential estate across the road to the west. An RMS gravel lay-down area is located to the south and then the Bruxner Highway. Conflict with commercial agriculture and the proposed service station is unlikely.</p> <p>The entire site is mapped as State significant agricultural land in the Northern Rivers Farmland Protection mapping. It is also mapped as Biophysical Strategic Agricultural Land. This mapping appears to be an anomaly. An agricultural land report prepared for a 2015 planning proposal states:</p> <p><i>The land has been heavily exploited under its past grazing use and is not the "best" or viable grazing land. The land is class 3 varying to marginal horticultural land with some pockets of class 4. The land is identified as State significant but it fails the test for state significant farming land as it has a widespread occurrence of land with slopes of 15% or over.</i></p> <p>The 0.8 hectares of farmland that would likely be lost from production if this planning proposal proceeds is not a significant amount of land.</p> <p>The development that will result from this planning proposal will not undermine the rural economy; it will not impact negatively on agriculture on the land near to it; it will not impact on surrounding rural land use generally; it balances the social and environmental</p>

Ministerial Directions	Requirements	Compliance
	<p>A planning proposal to which clause (b) applies must demonstrate that it:</p> <ul style="list-style-type: none"> (a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains (c) where it is for rural residential purposes: <ul style="list-style-type: none"> i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres ii. is necessary taking account of existing and future demand and supply of rural residential land. <p>A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in clause 5.16 of Lismore LEP 2012.</p> <p>The Rural Subdivision Principles require that the following matters are to be taken into account:</p> <ul style="list-style-type: none"> (a) the existing uses and approved uses of land in the vicinity of the development, (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development, (c) whether or not the development is likely to be incompatible with existing or approved uses in the vicinity of the development, 	<p>interests of the site; the development should be used to improve the biodiversity and water resources of the site; it will provide a facility for local people to access fuel and basic needs; it will not impact on water and sewer infrastructure.</p> <p>In relation to the Rural Subdivision Principles, the development that will result from this planning proposal is largely consistent with surrounding land use and is likely to be compatible with it. The dominant land use in this locality is “lifestyle lots” and residential development. Conflict with surrounding rural land uses is unlikely.</p> <p>The changes to MLS will enable the service station site to be subdivided from the balance of the lot but will not alter dwelling entitlements or enable further subdivision.</p> <p>In preparing its growth management strategy, Council has recognised the significant socio-economic benefits of rural land uses. No significant farm land will be lost as a result of this planning proposal.</p>

Ministerial Directions	Requirements	Compliance
	(d) any measures proposed by the applicant to avoid or minimise any incompatibility with existing or approved uses in the vicinity of the development.	
2 Environment and Heritage		
2.1 Environment Protection Zones	<p>The planning proposal must include provisions that facilitate protection of environmentally sensitive areas.</p> <p>The planning proposal must not reduce protection standards for environment protection zones.</p>	<p>Consistent. This planning proposal will not remove any environment protection zones or reduce the environment protection standards that apply to the land.</p> <p>The subject land does not appear to contain any EECs or threatened species. An updated flora and fauna assessment should be provided prior to public exhibition.</p>
2.2 Coastal Protection	Not applicable.	Not applicable.
2.3 Heritage Conservation	The planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	<p>Consistent. Lismore LEP 2012 already contains provisions for the protection of European and Aboriginal heritage items or places.</p> <p>A cultural heritage assessment was undertaken in 2015. No Aboriginal heritage is known to occur on the subject land. No sites, relics or places are registered on the AHIMS site for this land. There has been consultation with the Ngulingah LALC, which has no objections.</p> <p>The European heritage assessment undertaken in 2015 did not find any sites or relics on the subject land.</p> <p>If any Aboriginal items or places are found to occur on this site at a later date, they will be protected by legislation unless the land owners obtain approval through an Aboriginal Heritage Impact Permit.</p>
2.4 Recreation Vehicle Areas	Not applicable.	Not applicable.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	<p>A planning proposal that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone or an overlay and associated clause must:</p> <p>(a) apply the proposed E2 Environmental Conservation or E3 Environmental Management zones, or the overlay and associated</p>	<p>Consistent. The subject land does not appear to contain any areas worthy of inclusion in an E2 or E3 zone.</p> <p>An updated flora and fauna assessment should be provided prior to public exhibition.</p>

Ministerial Directions	Requirements	Compliance
	clause, consistent with the Northern Councils E Zone Review Final Recommendations.	
2.6 Remediation of Contaminated Land	<p>Contamination and remediation to be considered in zoning or rezoning proposal.</p> <p>Council is required to consider whether the land is contaminated when permitting a change of land use.</p>	<p>Consistent. In compliance with SEPP 55, a preliminary contaminated land assessment was undertaken in 2015 and it concluded the site has minimal risk of being contaminated.</p> <p>The study found no evidence that the subject land has been used for development for a purpose referred to in Table 1 to the contaminated land planning guidelines.</p> <p>The proposed use of the site for a service station is not a sensitive use as identified in the SEPP (residential, educational, recreational, child care purposes, or a hospital). Using this site for a service station does not raise any concerns in relation to contamination from past land use.</p>

3 Housing, Infrastructure and Urban Development

3.1 Residential Zones	<p>The planning proposal must:</p> <ul style="list-style-type: none"> (a) Broaden the choice of housing types and locations. (b) Make efficient use of existing infrastructure and services. (c) Reduce consumption of land. (d) Provide housing of good design. (e) Contain a requirement that residential development is not permitted until land is adequately serviced. (f) Not contain provisions that will reduce residential density. 	Not applicable.
3.2 Caravan Parks and Manufactured Home Estates	Retain provisions that permit development of caravan parks.	Not applicable.
3.3 Home Occupations	The planning proposal must permit home occupations in dwelling houses without development consent.	Not applicable.
3.4 Integrating Land Use and Transport	<p>The planning proposal must give effect to and be consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> (a) <i>Improving Transport Choice – Guidelines for planning and</i> 	Consistent. The proposal is for a service station for residents of Pineapple Road and passing traffic on the Bruxner Highway. The point of access will be from Pineapple Road.

Ministerial Directions	Requirements	Compliance
	<p><i>development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p> <p><i>Improving Transport Choice:</i> This policy aims to 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.</p> <p><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:</p> <ul style="list-style-type: none"> (a) help reduce reliance on cars and moderate the demand for car travel (b) encourage multi-purpose trips (c) encourage people to travel on public transport, walk or cycle (d) provide people with equitable and efficient access (e) protect and maximise community investment in centres, and in transport infrastructure and facilities (f) foster growth, competition, innovation and investment confidence in centres. 	<p>This should reduce car journeys by making fuel and recharge facilities available locally.</p> <p>It will also be within walking or bicycle distance from a new suburb and school. A shared path is proposed for the Pineapple Road reserve could be located on either side of the road. If the service station proceeds it will not prohibit the shared path from being constructed.</p> <p>This planning proposal will reinforce the Pineapple Road residential area.</p>
<p>3.5 Development Near Licensed Aerodromes</p>	<p>The three objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) ensure safe operations of aerodromes; (b) ensure operations are not compromised by development causing obstruction or hazard to flying aircraft; and (c) ensure development for human occupation is not exposed to Australian Noise Exposure Forecast (ANEF) 	<p>Consistent. This planning proposal is beyond the 4-kilometre radius of the Lismore Airport that represents the area of concern for Obstacle Height Limitation. It is also well beyond the 20 and 25 or above ANEF contours.</p>

Ministerial Directions	Requirements	Compliance
	contours of between 20 and 25 unless appropriate noise mitigation is proposed.	
3.6 Shooting Ranges	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 that has the effect of permitting more intensive land uses in the area.	Consistent. Shooting ranges are located at Rifle Range Road, Tuncester and Wyrallah Road, Monaltrie. The subject land is not within the buffers to these two ranges.
4 Hazard and Risk		
4.1 Acid Sulfate Soils	<p>Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p> <p>A council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.</p>	<p>Consistent. Lismore LEP 2012 includes provisions for the management of acid sulfate soils. This planning proposal does not alter those provisions.</p> <p>The subject land is not affected by acid sulfate soils.</p>
4.2 Mine Subsidence and Unstable Land	<p>Applies to mine subsidence areas.</p> <p>Applies to areas identified as unstable.</p>	<p>Inconsistent. No mine subsidence areas are included on the subject land but parts of it appear to be quite steep.</p> <p>The geotechnical study undertaken in 2015 does not assess the subject land. A new slope analysis study is required to establish that this site is not unstable land and is suitable for the proposed use without significant effects on adjacent land.</p>
4.3 Flood Prone Land	<p>The objectives of this direction are:</p> <p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood</p>	Not applicable. None of the subject land is flood prone.

Ministerial Directions	Requirements	Compliance
	hazard and includes consideration of the potential flood impacts both on and off the subject land.	
4.4 Planning for Bushfire Protection	<p>A planning proposal in bushfire prone land:</p> <p>(a) Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and prior to community consultation.</p> <p>(b) Have regard to Planning for Bush Fire Protection 2006.</p> <p>(c) Restrict inappropriate development from hazardous areas.</p> <p>(d) Ensure bushfire hazard reduction is not prohibited within the APZ.</p>	<p>Inconsistent at this stage pending consultation with RFS. Most of the subject land is mapped as Vegetation Category 1 and 2. Some of the subject land is within a buffer to this vegetation.</p> <p>A bushfire hazard assessment is required to be undertaken for the site prior to consultation with RFS and public exhibition.</p>
5 Regional Planning		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p>The three objectives of this direction are to ensure the best agricultural land will be available for agriculture; to provide for certainty on the status of land and thereby assist with strategic planning; and to reduce conflict caused by urban encroachment into farming areas.</p> <p>The planning proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project to an urban purpose.</p> <p>Justification for an inconsistency includes consistency with the North Coast Regional Plan 2036 or consistency with section 4 of the report entitled Northern Rivers Farmland Protection Project – Final Recommendations, February 2005, held by the Department of Planning and Environment.</p>	<p>Justifiably inconsistent. The subject land is mapped as State significant farmland under the Northern Rivers Farmland Protection Project.</p> <p>The applicant states that the mapping of the site is a cartographic error as the land does not exhibit the slope or size attributes to qualify as State significant.</p> <p>An assessment of the site against section 4 of the report entitled Northern Rivers Farmland Protection Project – Final Recommendations, is required prior to public exhibition.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	Not applicable.

Ministerial Directions	Requirements	Compliance
5.10 Implementation of Regional Plans	The planning proposal must be consistent with the North Coast Regional Plan.	<p>Consistent or justifiably inconsistent. A table assessing consistency is included with this report.</p> <p>The NCRP requires that urban development should be in a mapped urban growth area. In this case, the planning proposal affects a site specifically identified in the Lismore Growth Management Strategy 2015-2035, which was endorsed by DPE on 11 August 2015.</p> <p>The site is also currently mapped as State significant development, but this is not accurate and has been justified by an assessment of the subject land against the Important Farmland Interim Variation Criteria Compliance Table in the NCRP 2036, provided in the applicant's planning proposal submission.</p> <p>The inclusion of the subject land in this planning proposal is of minor significance and is justifiable in the circumstances.</p>
5.11 Development of Aboriginal Land Council land	This direction applies when a planning proposal authority prepares a planning proposal for land shown on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019.	Not applicable.
6 Local Plan Making		
6.1 Approval and Referral Requirements	<p>A planning proposal must not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of DPE.</p> <p>A planning proposal must not identify development as designated development unless justified.</p>	Consistent. No such provisions are proposed.
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 DPE.	Not applicable.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily	Justifiably inconsistent. The planning proposal will include the subject land in

Ministerial Directions	Requirements	Compliance
	<p>restrictive site specific planning controls.</p> <p>A planning proposal to allow a particular land use must rezone the site to an existing zone that allows the land use, without additional development standards to those already in use in that zone.</p>	<p>Schedule 1 of Lismore LEP 2012 to specifically permit a service station on that location. It is a small site and limiting the GFA of the service station is warranted to avoid it becoming a highway service centre that will impact excessively on traffic movements along the Bruxner Highway.</p>
7 Metropolitan Planning	Not applicable.	Not applicable.