

Amended Planning Proposal

Note: this Planning Proposal has been amended in accordance with the Council resolution made on 12 May 2020.

REZONING part of 30 Blue Hills Avenue, GOONELLABAH

May 2020



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Part 1 - Objectives or Intended Outcomes

The objective of this Amended Planning Proposal is to enable rural residential development on part of 30 Blue Hills Avenue, Goonellabah, (Lot 7 DP 255203) to create approximately four rural residential allotments. This objective will be achieved through an amendment to the Lismore Local Environmental Plan 2012 (LEP 2012), specifically the maps for land use zones, lot size and height of buildings. The site is presently in the RU1 Primary Production zone in the Lismore Local Environmental Plan 2012 as shown on Figure 1 below with a minimum lot size of 20ha.

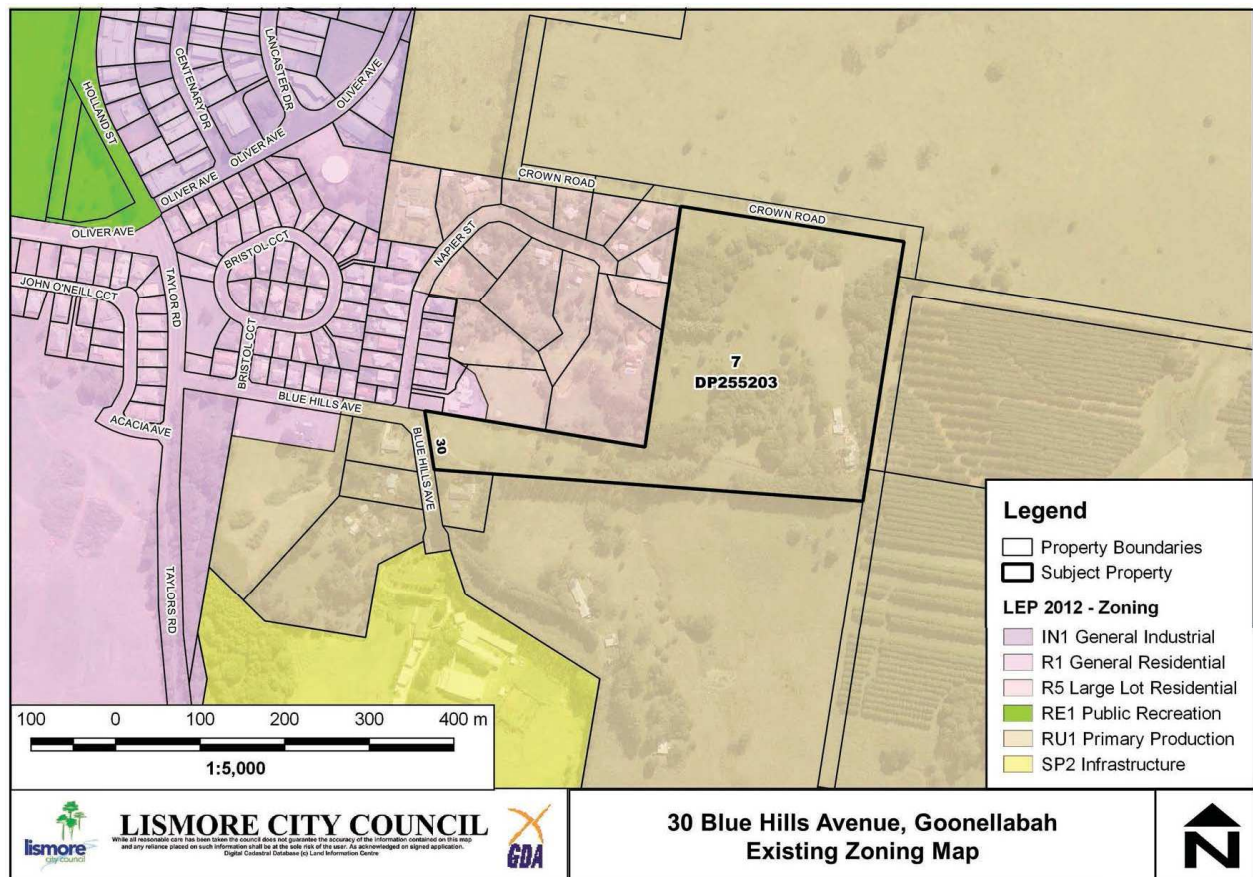


Figure 1: Current zone Lismore LEP 2012

Site description and setting

The subject site is located on the eastern edge of suburban Goonellabah and is accessed from Blue Hills Avenue from the west via a wide battle axe shaped driveway. The land has been developed with a dwelling, swimming pool and shed on the far south eastern corner and contains scattered vegetation including mapped koala habitat.

While the site totals 10ha, it is the wide battle axe shaped area that is subject to the proposed rezoning that covers an area of approximately 1 ha. The topography of this land varies between gently undulating (adjacent to Blue Hills Avenue) to more hilly terrain further to the eastern section of the site.

Land to the north has been developed for large lot residential while land on the southern border is within Zone RU1 Primary Production.

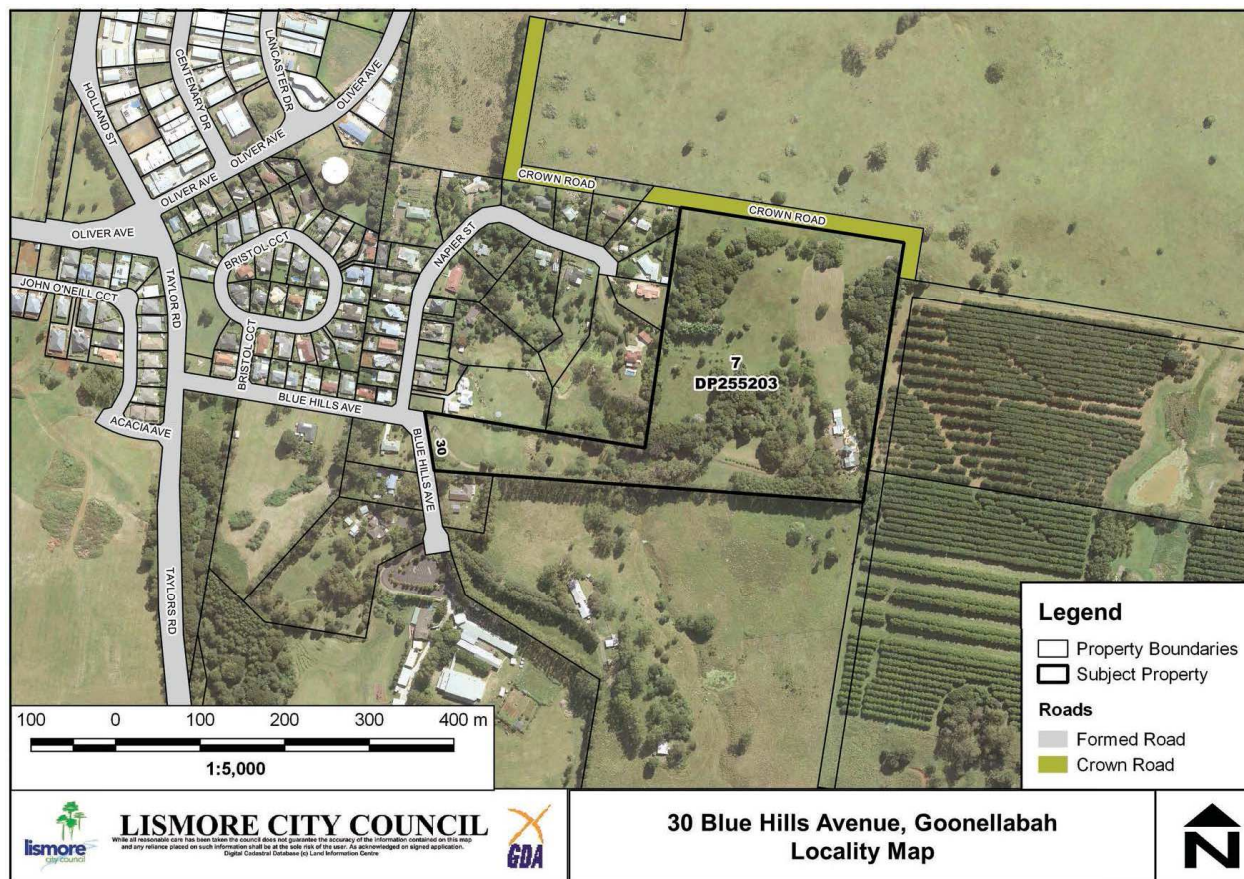


Figure 2: Aerial photo of 30 Blue Hills Avenue, Goonellabah

Part 2 - Explanation of Provisions

The objective of the proposal will be achieved by amending the Lismore Local Environmental Plan 2012 to rezone part of the land from Zone RU1 Primary Production to Zone R5 Large Lot Residential. The following map sheets are proposed for amendment. The proposed LEP maps are included in Part 4:

- Land Zoning Map – [Sheet LZN_006, LZN_006AB] to apply Zone R5 Large Lot Residential
- Lot Size Map – [Sheet LSZ_006, LSZ_006AB] to apply a minimum lot size of 2,500m² to that part rezoned to Zone R5.
- Height of Buildings Map – [Sheet HOB_006, HOB_006AB] to apply an 8.5m maximum building height to the rezoning area.

Part 3 - Justification

Section A - Need for the Planning Proposal

There is a need for the Amended Planning Proposal to allow for the rezoning of part of the site from Zone RU1 Primary Production to Zone R5 Large Lot Residential. The North Coast Regional Plan (March 2016) states that an extra 4,200-5,000 dwellings will be needed in the Lismore City Council Local Government Area by 2036. The proposed rezoning will assist in meeting this demand for residential land.

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

The Lismore Growth Management Strategy 2015-2035 (GMS) was adopted by Council at its Ordinary meeting on 12 May 2015 and identifies land preferred for development for residential and employment purposes.

Part of the subject site is specifically identified in Map 16 'Potential Residential Infill and Urban Fringe Sites' of the GMS as being a 'potential urban site'. The GMS also states that as an alternative to urban development, large lot housing may be considered which would be consistent with the nearby Napier Street subdivision located north of the site.

The GMS states that this land is located at the extent of urban expansion (shown as a pink border east of the subject site on the map below) and may be capable of more intensive residential development subject to access to sewerage with 'pressure sewer systems being the likely favoured option'. With regard to water supply, the GMS states that the area is serviced with town water.

The GMS was conditionally approved by the Department of Planning and Environment on 11 August 2015.

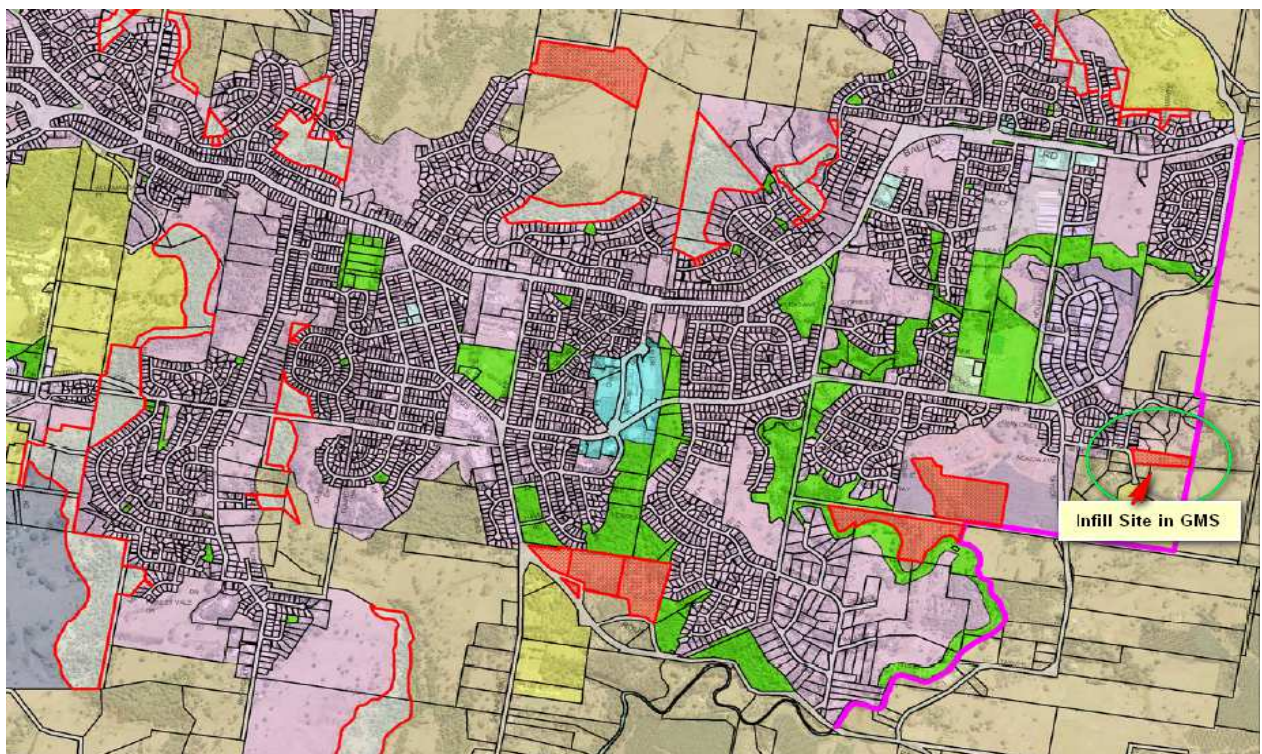


Figure 3: 30 Blue Hills Avenue, Goonellabah in GMS 2015-2035

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

An amended planning proposal to rezone part of the land to Zone R5 Large Lot Residential and an associated amendment of the lot size and building height map is the best way to enable large lot residential subdivision.

Clause 4.2B(3) of the Lismore LEP 2012 allows for the erection of a dwelling house in RU1 Primary Production zone on land that is at least the minimum lot size applying to the land. The current minimum lot size applying to the land is 20ha which precludes subdivision and the development of an additional dwelling. Therefore, a change to the zoning and minimum lot size is necessary to achieve the objectives and intended outcomes and the Amended Planning Proposal is the only means to achieve this.

A change in zoning and minimum lot size is consistent with Council's Growth Management Strategy (GMS) and therefore is considered to be the most appropriate means of enabling the development of the land.

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) (March 2017) is the current overarching State Government framework to sustainably manage growth for the Far North Coast and allocate further development of land for residential and employment purposes in appropriate locations.

The NCRP states that 'local growth management strategies will be prepared by councils to reflect the directions and actions contained in this Plan.' The Amended Planning Proposal is consistent with the Goals and Actions of the NCRP with regard to locating new housing in and around existing towns where essential services and road infrastructure has been established.

The NCRP also states that local growth management strategies 'will be developed prior to preparing a local environmental plan to zone land for residential, rural residential, commercial and industrial land uses'. This proposal is consistent with the intent of the NCRP as the future subdivision and development of the site is compatible with Council's GMS that the State Government has approved.

The Urban Growth Area map shown in the NCRP for the Lismore Local Government Area shows the subject land as 'Investigation area – Urban Land' so the Amended Planning Proposal is consistent with this document.

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

The Amended Planning Proposal is consistent with the following strategic planning documents:

- Imagine Lismore (Community Strategic Plan 2017-2027)
- Lismore Growth Management Strategy 2015-2035 (GMS)

Imagine Lismore (Community Strategic Plan) 2017-2027

Imagine Lismore 2017-2027 was developed and endorsed by Council in accordance with the *Local Government Act 1993*. The plan identifies the main priorities and aspirations for the future of the local government area for a period of at least 10 years.

The Amended Planning Proposal is consistent with the following Imagine Lismore objective:

- Our land-use planning caters for all sectors of the community

And the following strategies:

- Ensure land is available and serviced to meet population growth in locations that are accessible, close to services and employment, and suitable for development
- Ensure a diverse range of land use and development opportunities are available

Lismore Growth Management Strategy 2015-2035

The subject site is identified on Map 16 'Potential Residential Infill and Urban Fringe Sites' of the GMS as having potential for large lot residential consistent with the nearby Napier Street subdivision located north of the site.

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

The Amended Planning Proposal is consistent with the requirements of the applicable State Environmental Planning Policies (SEPPs) or any inconsistency can be justified. An assessment against relevant SEPPs is provided at **Appendix 1**.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with applicable Section 117 Directions or any inconsistency can be justified. An assessment against the Ministerial Directions is provided at **Appendix 2**.

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?

Biodiversity

The site is dominated by non-native grassland and woody weeds such as Camphor Laurel and Pinus radiata. The most ecologically significant vegetation is an area of native rainforest trees located on the south western corner of the site. On the southern boundary of the site a windbreak planting of Tallowwoods are located which provide koala habitat. These plantings are located on the neighbouring property and mapped as primary koala habitat in Figure 4.

A waterway and dam are located to the east of the rezoning area which provide aquatic habitat however it is noted that this part of the site is not part of the Amended Planning Proposal.

The most likely impacts on threatened species resulting from this Amended Planning Proposal will be the presence and management of Koala. The land is within the Koala Plan of Management planning area so it is considered suitable for impacts to be assessed further at the DA stage.

There is also a likelihood that Hairy Joint Grass (HJG) may be present, however, the site has been modified and is regularly mown so does not appear to provide high quality habitat for HJG. Further investigations into the HJG are appropriate to be undertaken at the DA stage.

The site does not have any significant ecological values that need addressing prior to the finalisation of the Amended Planning Proposal. It is appropriate that further ecological reporting to meet any relevant requirements of the Biodiversity Conservation Act, Fisheries Management Act, SEPP 44 and the Environmental Protection and Biodiversity Conservation Act is undertaken at the DA stage.

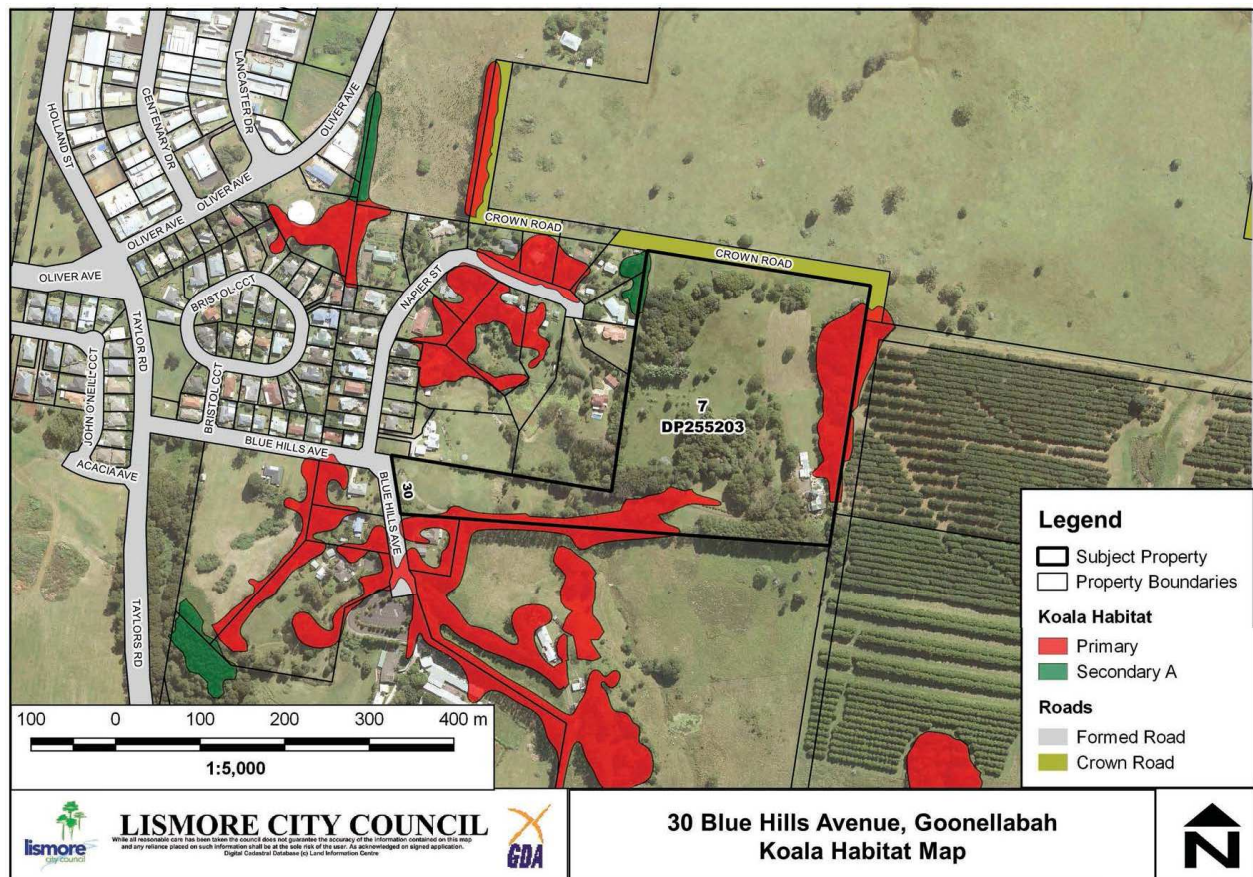


Figure 4: Koala habitat in the vicinity of 30 Blue hills Avenue, Goonellabah

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

Land Contamination

A condition of the Gateway Determination that was issued for the previous Planning Proposal for this land dated 12 November 2019 was for a contaminated land assessment to be undertaken. This assessment has been submitted (Melaleuca Group 20/12/19) which concludes that the land is suitable for the proposed residential use. The assessment also satisfies Council's Regional Policy for the Management of Contaminated Land and SEPP 55 requirements.

Bush Fire

The whole area proposed to be rezoned is mapped as Bushfire Pone Land. The cleared part of the site adjoining Blue Hills Avenue is predominately in the vegetation buffer area while the western half is mapped as Vegetation Category 1 as shown in Figure 5.

A Bushfire Threat Assessment has been submitted as part of this proposal which indicates that the proposed development will comply with Planning for Bushfire Protection 2006. Measures that will be provided to ensure compliance include appropriate Asset Protection Zone/s, water supply, construction standards, landscaping and access.

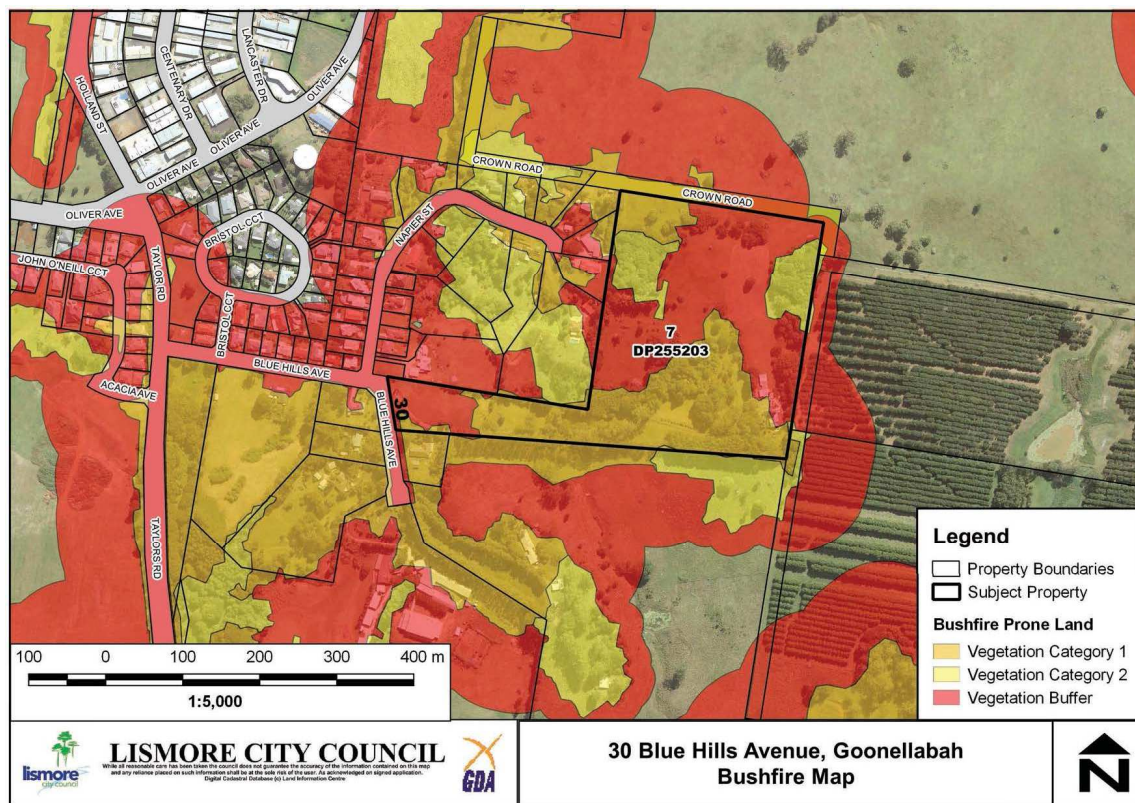


Figure 5: Bushfire prone land 30 Blue Hills Avenue, Goonellabah

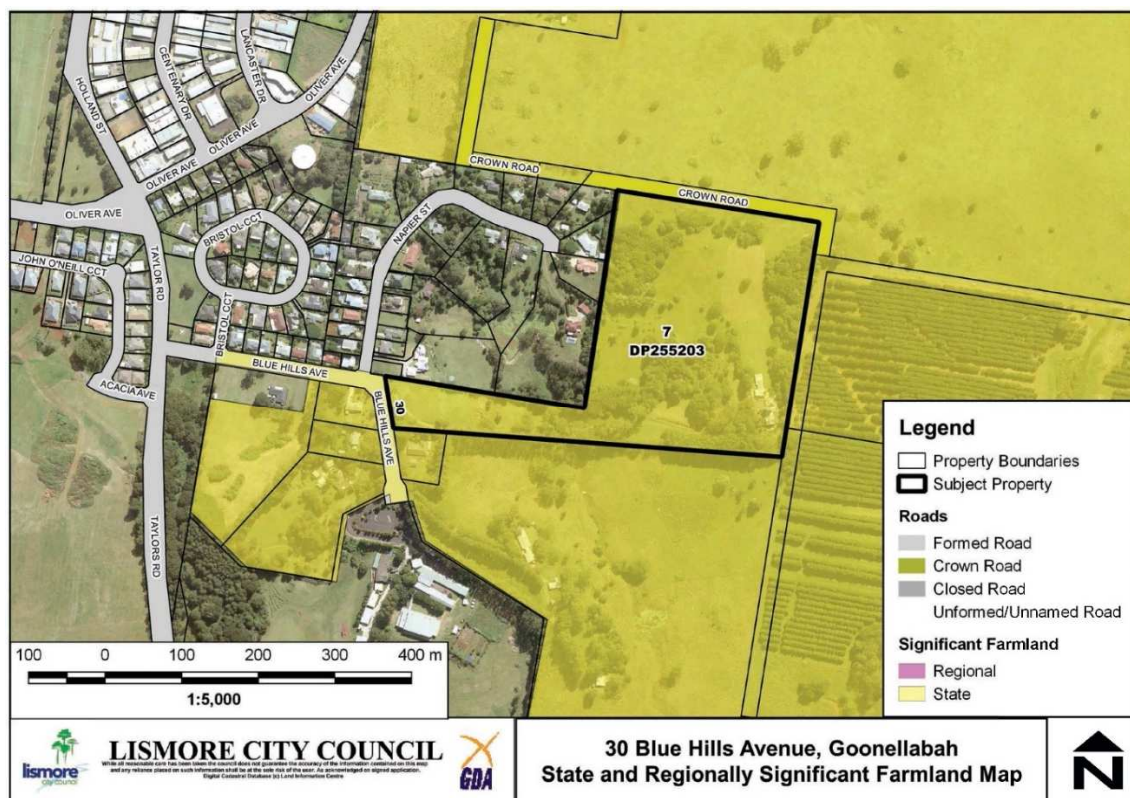


Figure 6: State Significant Farmland – 30 Blue Hills Avenue, Goonellabah

State Significant Land

The whole site is defined as 'State Significant Farmland' according to the Northern Rivers Farmland Protection Project 2005 (NRFPP) as shown in Figure 6. The NRFPP states that the only exception to State significant farmland being considered for urban or rural residential rezoning is 'where the land is identified in a council settlement strategy which has been agreed to between December 1994 and December 2004'. Moreover, it is noted that the subject site was identified in the Lismore Urban Strategy 2003 (and updated October 2005) so the NRFPP exception is satisfied. It is also acknowledged that the then Department of Planning approved the inclusion of part of this site in the GMS in 2015 as a 'potential urban site' or alternatively, as having potential for large lot residential consistent with the nearby Napier Street subdivision located north of the site. Therefore, the loss of this land from agriculture is considered to be adequately justified in this case and has been suitably addressed in the past during the preparation of the GMS in 2015.

Land use conflict

The Amended Planning Proposal will result in encroaching rural residential development adjacent to land in Zone RU1 on the southern boundary that is classified State Significant Farmland (SSF). In assessing the potential for land use conflict at this zone boundary interface between rural residential and rural land, staff acknowledge that the land to the south could be developed for an intensive horticultural use without planning consent which precludes the imposition of a buffer as a condition of any planning consent.

Another factor in the assessment of this Amended Planning Proposal is Council's DCP Chapter 11 on Buffers which puts the onus on the encroaching development to provide the appropriate buffer areas (in this case, the rural residential development following rezoning of the subject site). The most prudent approach is to plan for the possibility of the most intensive horticultural land use south of the site occurring without planning consent. If planning consent for this land use was required, a buffer of 150m to residential development would be imposed, that could be varied to 80m where a biological buffer of 30m is planted.

Having regard to the narrow shape of the land parcel that is subject to this rezoning (100m in width) and its inability to accommodate a buffer to the most intensive horticultural land use, the applicant was requested to provide a Land Use Conflict Risk Assessment (LUCRA) and an agricultural assessment to gauge the potential future use and capability of the SSF to sustain agricultural uses.

The agricultural assessment found that the SSF is unviable for intensive agriculture or horticulture. Therefore the potential of future land use conflict between the proposed residential development and potential intensive horticulture has been assessed as low.

Geotechnical Hazards

The eastern portion of the rezoning area comprises land with a steep slope which varies from 20% to 28% (as shown in Figure 7). The steep slope at the eastern part of the rezoning area is not expected to impede to the development of the land for rural residential development.

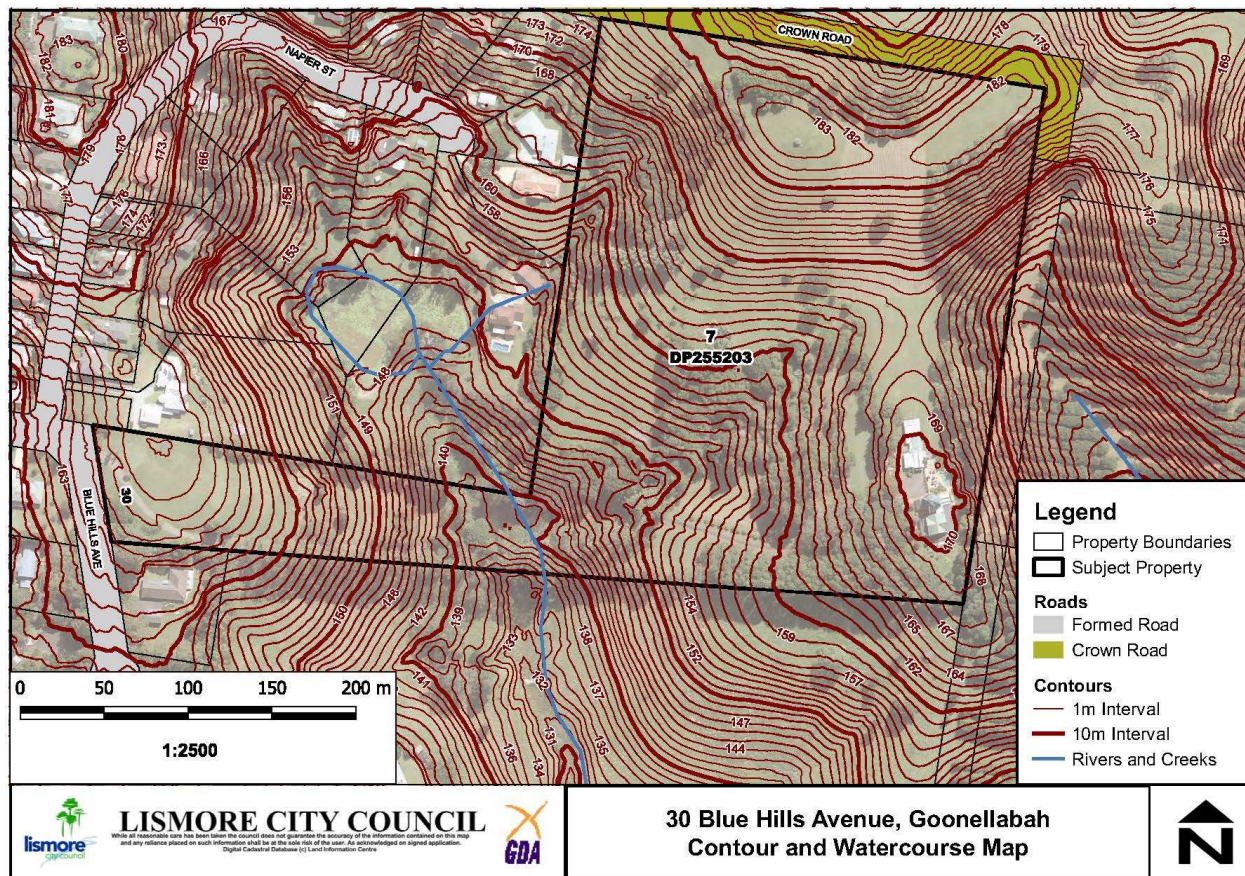


Figure 7: Contours and watercourse at 30 Blue Hills Avenue, Goonellabah

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

Economic Impacts

It is expected that this Amended Planning Proposal and its resultant residential and rural residential development is likely to have a minimal but positive economic impact on Lismore and Goonellabah by generating additional economic activity from construction works.

Aboriginal and European Cultural Heritage

The site is not mapped in the LEP as containing any features or values in relation to Aboriginal or European cultural heritage. A search of the NSW Office of Environment and Heritage Aboriginal Heritage Information Management System (AIHMS) shows no records of Aboriginal sites or places on the site.

Council's Environmental and Cultural Heritage Contractor inspected the site and advised that due to the land being highly modified from past clearing and road/stormwater drainage there represents a low risk of the land containing *in situ* Aboriginal objects. With regard to Aboriginal cultural landscape values, the ridgetop terrain in the most western portion of the site may have been part of a traditional pathway between the high point near the Holland Street reservoir and waterways such as Tucki Tucki Creek at Lagoons Grass.

It is considered that a Cultural Heritage Assessment is not required due to negligible results being returned from recent Aboriginal heritage assessments nearby (Pineapple Road/Richmond Hill and Lagoons Grass subdivisions). However, written advice from the Ngulingah Local Aboriginal

Land Council is required to verify that there are no issues with the Amended Planning Proposal. It is appropriate for this advice to be obtained post Gateway Determination.

Social Impacts

Due to the minor nature and scale of the proposal there are not expected to be any adverse social impacts. The provision of additional rural residential allotments will result in a slight increase to housing supply and choice in Goonellabah.

Education, Health and Emergency Services

The suburb of Goonellabah comprises shopping centres, sporting and recreational facilities and schools. Goonellabah is located 6km from the Lismore CBD which comprises services commensurate with its status as a Regional City including the Lismore Base Hospital and allied health facilities and the Southern Cross University.

Section D – State and Commonwealth interests

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

Water supply

The subject site can be serviced by reticulated water through an extension to the Holland Street reservoir zone that has sufficient capacity to accommodate additional demand.

Wastewater

The western part of the rezoning area can be serviced with gravity sewer that can drain to the existing reticulated sewer in Blue Hills Avenue. The eastern section of the rezoning area will need to be serviced with a pressure sewerage system. The existing reticulated wastewater system can accommodate this minor infill development.

Roads and Traffic

Council's Strategic Engineer has advised that the potential lot yield of a maximum of four lots may be serviced via a shared Right of Way, rather than via a public road. The option of providing access to the rezoning area with a Right of Way is expected to allow more flexible subdivision design options that may improve and lessen potential impacts on the Tree Protection zone of the windbreak of Tallowwoods located on the southern boundary of the site.

The anticipated number of vehicle movements per day based on a potential lot yield of 4 lots is 26 trips per day. This increase in traffic can be accommodated within the existing road network. It is expected that the frontage of Blue Hills Avenue would be widened / upgraded and the details of these works could be outlined at the development approval stage.

Stormwater

The applicant was requested to provide a Stormwater Management Plan (SMP) to outline the stormwater treatment regime that demonstrates how water quality and quantity issues will be addressed and whether any asset improvements are needed. The SMP provided proposes the detention of stormwater in an area that will be problematic for Council to access and maintain. This issue can be addressed at the DA stage with the preferred option being the use of part of the land in the far eastern section of the rezoning area for stormwater detention to ensure Council assets are readily accessible and serviceable.

A section 94 contributions plan for Lismore LGA was adopted by Council in 2014 which outlines contributions for public infrastructure that apply to new urban dwellings.

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

It is recommended that the following authorities are consulted in accordance with the altered Gateway determination and in accordance with any section 9.1 directions:

- Rural Fire Service
- Department of Primary Industries
- Biodiversity and Conservation Division of DPIE

Part 4 – Mapping

Current zoning

The land is currently in the RU1 Primary Production zone under the provisions of the Lismore Local Environmental Plan 2012. The land is also mapped on the Lot Size Map with a minimum lot size of 20ha. There is no maximum height of buildings that applies to the land.

Proposed land zoning, lot size and height of buildings

It is proposed to rezone part of the land from Zone RU1 Primary Production to Zone R5 Large Lot Residential. Extracts of the relevant Lismore LEP 2012 maps are included at Figures 8-13 and will require corresponding changes:

- a. Land Zoning Map – Zone R5 Large Lot Residential
- b. Lot Size Map – minimum lot size of 2,500m² for that part rezoned to Zone R5
- c. Height of Buildings Map – 8.5 metres maximum for the rezoning area

This will be achieved by amending map sheets:

LZN_006 and LZN_006AB

LSZ_006 and LSZ_006

HOB_006 and HOB_006AB

No changes are required to the Lismore LEP 2012 written instrument.

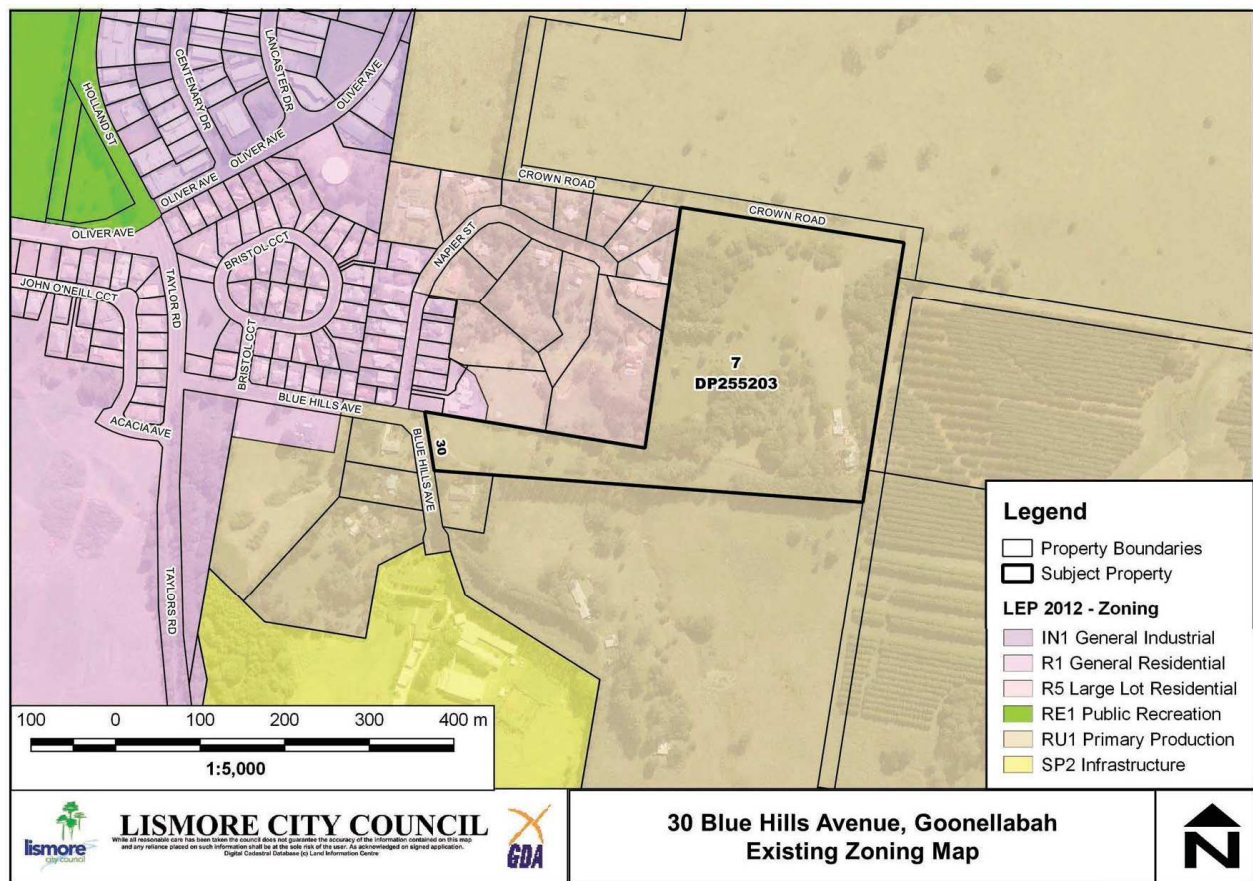


Figure 8: Existing Zone – 30 Blue Hills Avenue, Goonellabah

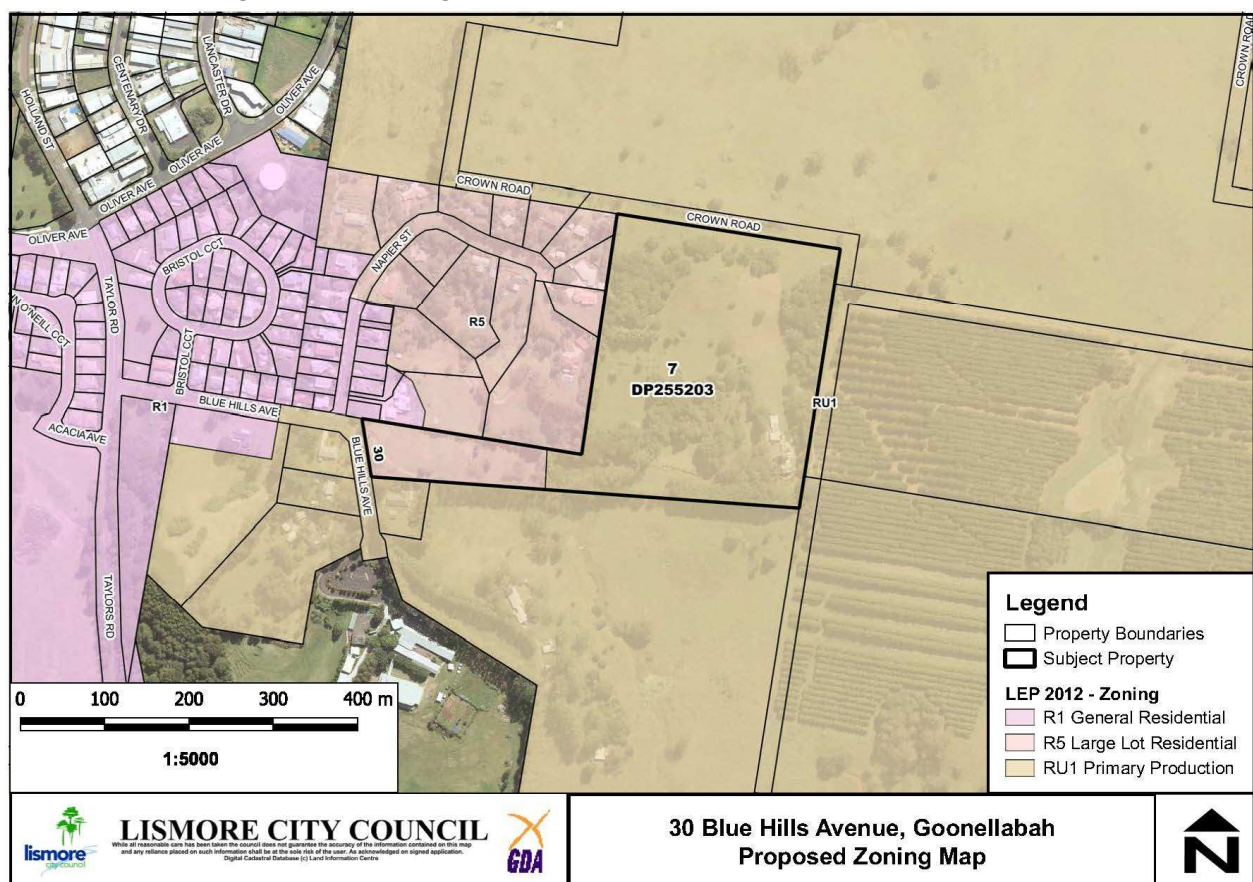
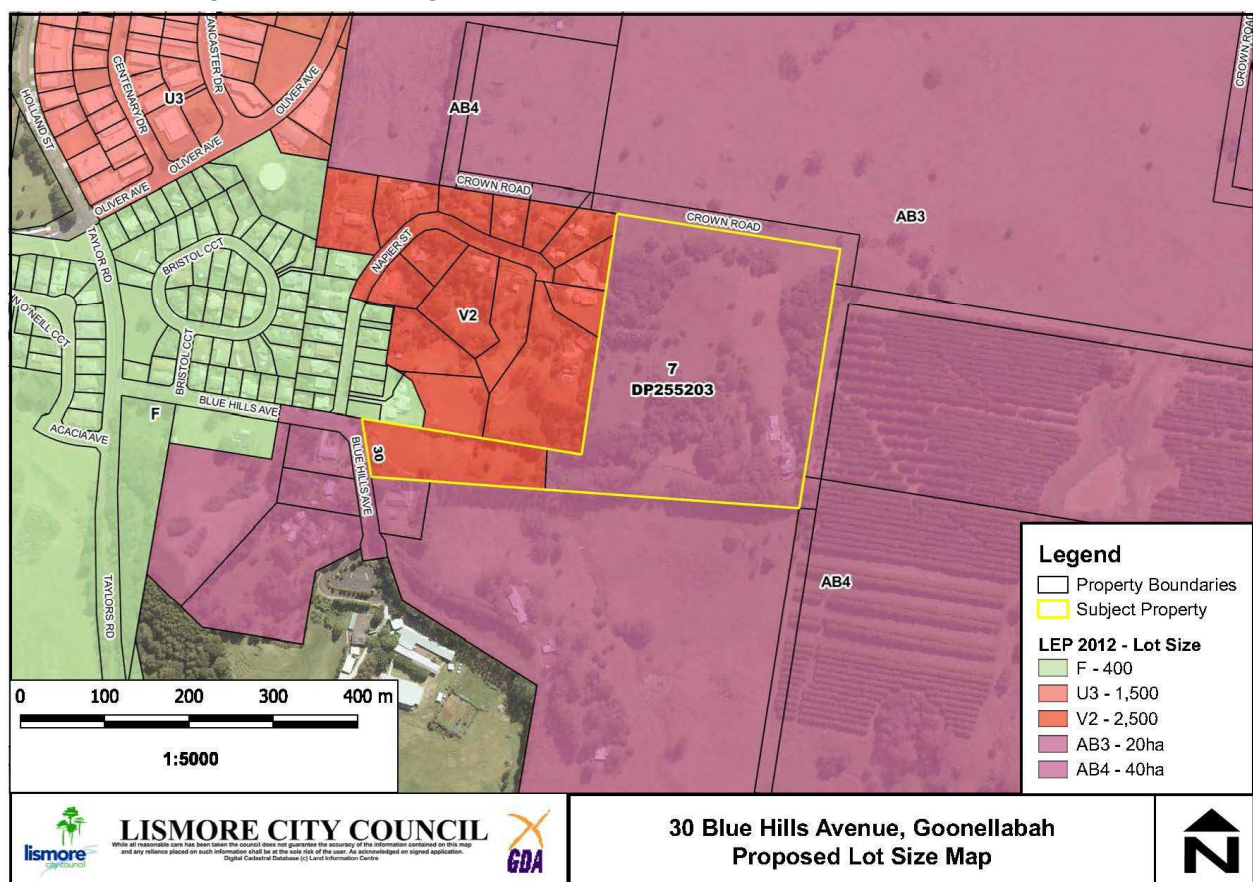
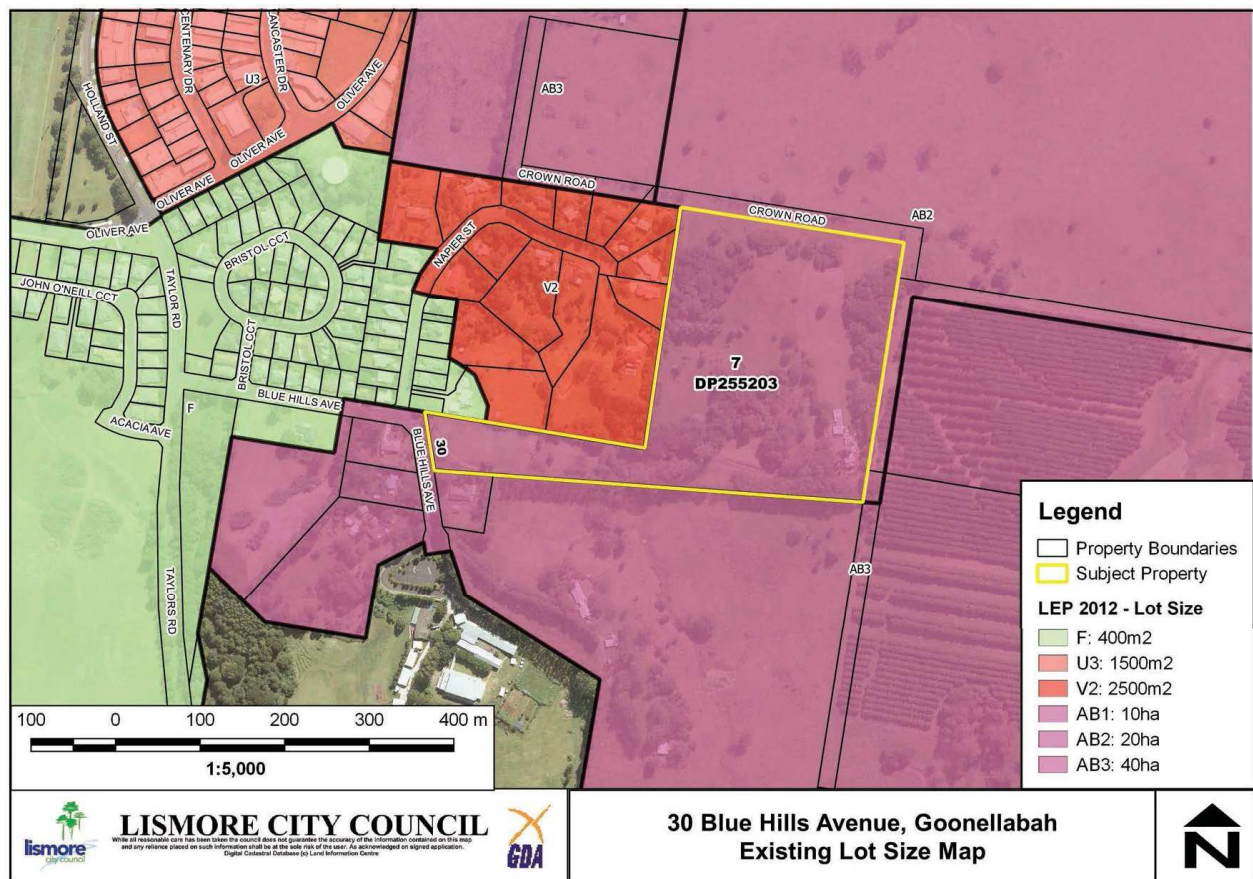


Figure 9: Proposed Zone – 30 Blue Hills Avenue, Goonellabah



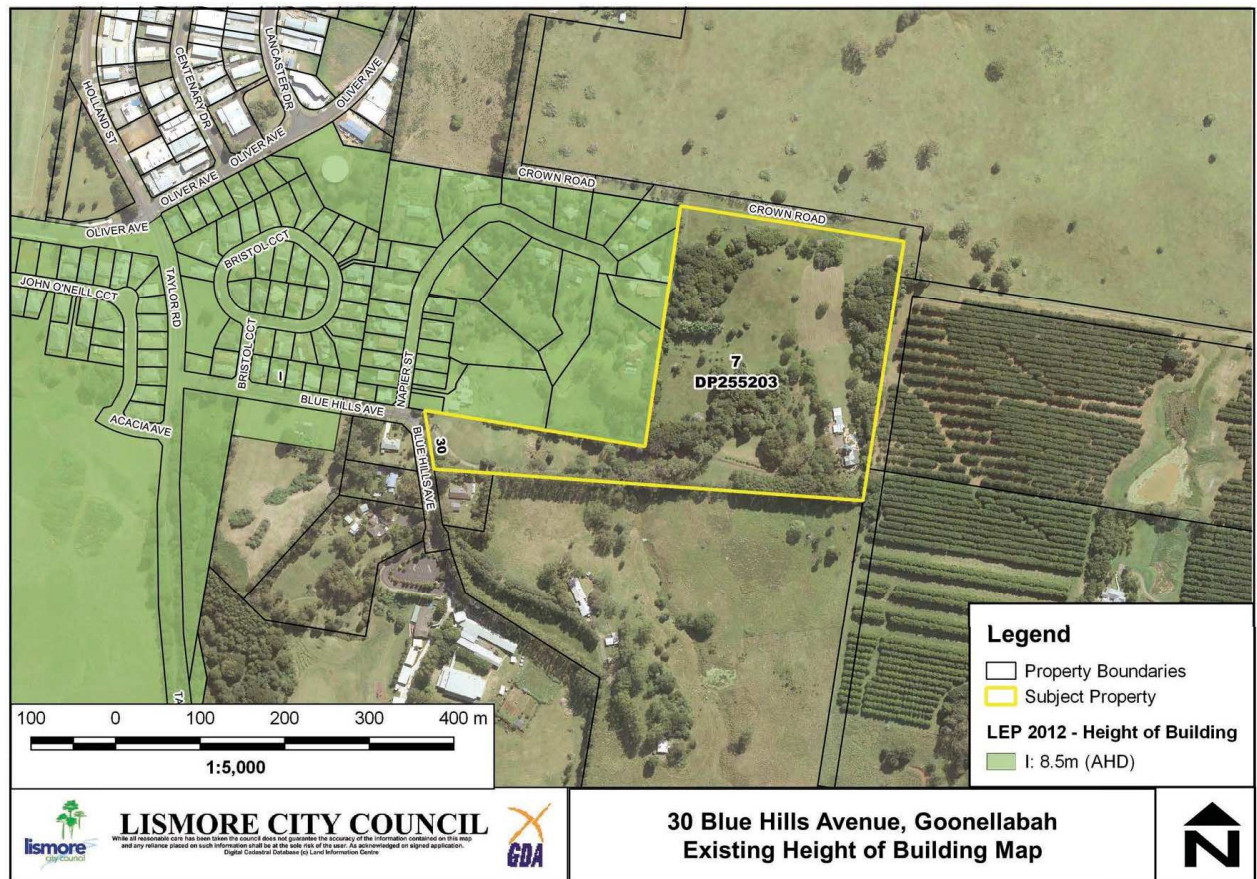


Figure 12: Existing Height of Buildings – 30 Blue Hills Avenue, Goonellabah

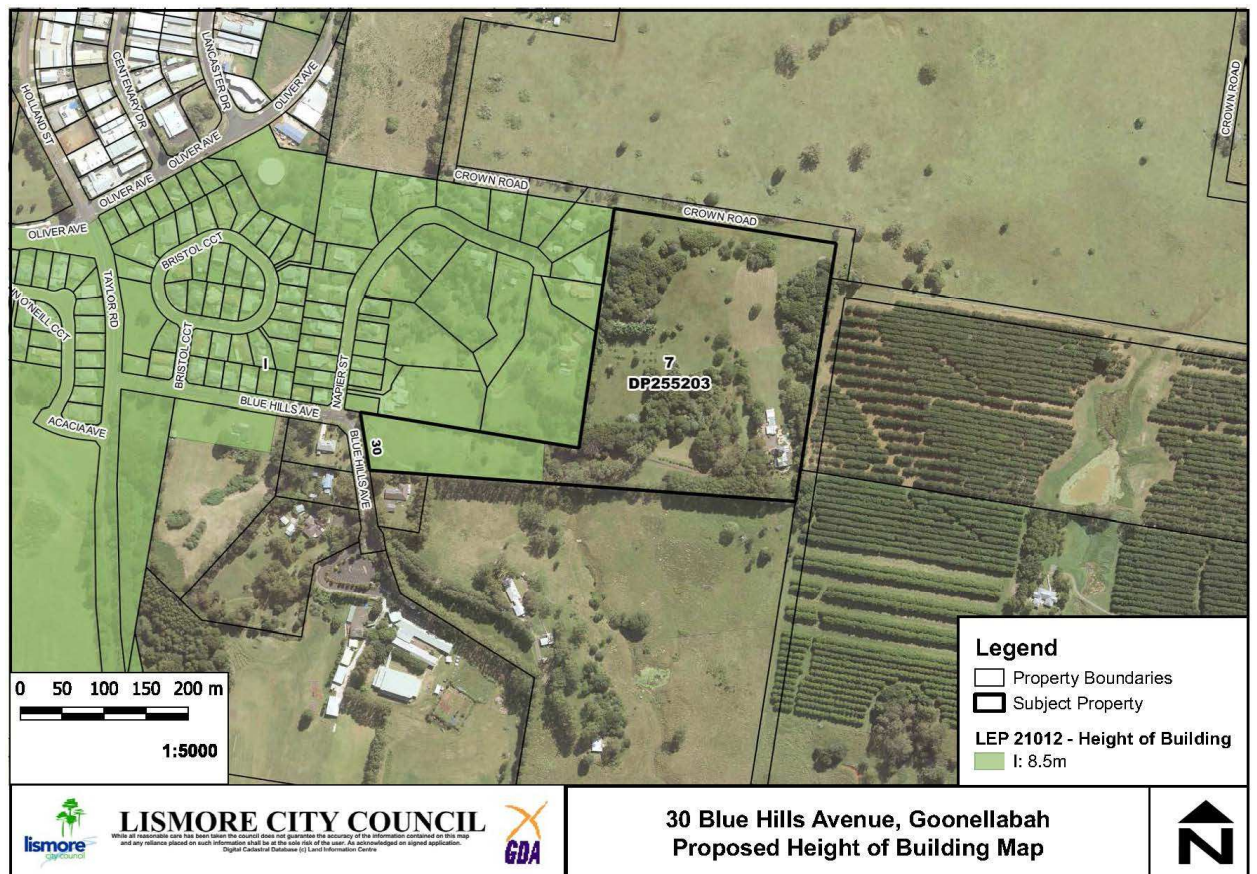


Figure 13: Proposed Height of Buildings – 30 Blue Hills Avenue, Goonellabah

Part 5 – Community Consultation

Council will carry out consultation with the community following Gateway Determination. For the purposes of public notification, Council considers that a twenty eight (28) day public exhibition period is appropriate.

Notification of the exhibited Amended Planning Proposal will include:

- A newspaper advertisement (Local Matters) that circulates in the area affected by the Amended Planning Proposal.
- The website of Lismore City Council and the Department of Planning, Industry and Environment.
- Letter to adjoining landholders.

The written notice will:

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

Exhibition Material:

- The Amended Planning Proposal, in the form approved for community consultation by the Director General of the Department of Planning, Industry and Environment.
- The Gateway Determination
- Any studies required as part of the Amended Planning Proposal.

The Gateway Determination will confirm the public consultation requirements.

Part 6 – Project Timeline

It is anticipated that the Amended Planning Proposal will be completed within nine (9) months with an indicative timeline shown below:

- Report to Council – **May 2020**
- Gateway determination issued – **June 2020**
- Agency and public consultation – **July / August 2020**
- Consideration of submissions – **September 2020**
- Council consideration of the proposal post exhibition – **October 2020**
- Anticipated date of submission to the Department for notification of the making of the LEP – **November 2020**
- Anticipated date for plan making – **December 2020**

Conclusion

The land subject to this rezoning was identified in the Lismore Local Growth Management Strategy 2015-2035 as having potential for large lot residential consistent with the nearby Napier Street subdivision located north of the site. A preliminary assessment of the Amended Planning Proposal indicates that it responds to the constraints of the land and is consistent with relevant State Environmental Planning Policies and section 9.1 Ministerial Directions, or any inconsistency can be justified. There is sufficient information to enable Council to support the Amended Planning Proposal and forward it to the Department of Planning, Industry and Environment for its consideration and response.

APPENDIX 1

STATE ENVIRONMENTAL PLANNING POLICIES COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 21 – Caravan Parks	N/A	N/A
SEPP No. 30 – Intensive Agriculture	N/A	N/A
SEPP No. 33 – Hazardous and Offensive Development	N/A	N/A
SEPP No. 36 – Manufactured Home Estates	N/A	N/A
SEPP No. 44 – Koala Habitat Protection	<p>Aims, Objectives, Etc.</p> <p>(a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat;</p> <p>(b) By encouraging the identification of areas of core koala habitat; and</p> <p>(c) By encouraging the inclusion of areas of core koala habitat in environment protection zones.</p>	<ul style="list-style-type: none"> On the southern boundary of the site a windbreak planting of Tallowwoods are located which provide koala habitat. These plantings are located on the neighbouring property and mapped as primary koala habitat. The most likely impacts on threatened species resulting from this Amended Planning Proposal will be the presence and management of Koala. The land is within the Koala Plan of Management planning area so it is considered suitable for impacts to be assessed further at the DA stage.
SEPP No. 50 – Canal Estate Development	N/A	N/A
SEPP No. 55 – Remediation of Land	Contamination and Remediation to be considered in Zoning or Re-zoning Proposal	<ul style="list-style-type: none"> A condition of the Gateway Determination issued for the previous Planning Proposal for this land dated 12 November 2019 was for a contaminated land assessment to be undertaken. This assessment has been submitted (Melaleuca Group 20/12/19) which concludes that the land is suitable for the proposed residential use. The assessment also satisfies Council's Regional Policy for the Management of Contaminated Land and SEPP 55 requirements
SEPP No. 64 – Advertising and Signage	N/A	N/A
SEPP No. 65 – Design Quality of Residential Flat Development	N/A	N/A
SEPP No 70 – Affordable Housing (<i>Revised Schemes</i>)	N/A	N/A
SEPP (Affordable Rental Housing) 2009	N/A	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A	N/A
SEPP (Coastal Management) 2018	<p>3 Aim of Policy</p> <p>The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i>, including the management objectives for each coastal management area, by:</p>	<ul style="list-style-type: none"> The subject site is not impacted by a coastal use area or coastal environmental area or located near coastal wetlands or a coastal wetland proximity area.

State Environmental Planning Policy	Requirements	Compliance
	(a) managing development in the coastal zone and protecting the environmental assets of the coast, and (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and € mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the <i>Coastal Management Act 2016</i> .	
SEPP (Educational Establishments and Child Care Facilities) 2017	3 Aims of Policy The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A
SEPP (Primary Production and Rural Development) 2019	3 Aims of Policy (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 € to identify State significant agricultural land (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine work in irrigation areas and districts, € to encourage sustainable agriculture, including sustainable aquaculture, (f) to consider effects of all proposed development in the State on oyster aquaculture, (g) to identify aquaculture that is to be treated as designated development.	<ul style="list-style-type: none"> The whole site is mapped as 'State Significant Farmland' according to the Northern Rivers Farmland Protection Project 2005 (NRFPP). The NRFPP states that the only exception to State significant farmland being considered for urban or rural residential rezoning is 'where the land is identified in a council settlement strategy which has been agreed to between December 1994 and December 2004'. The subject site was identified in the Lismore Urban Strategy 2003 (and updated October 2005) so the NRFPP exception is satisfied. It is also recognised that the then Department of Planning approved the inclusion of part of this site in the GMS in 2015 as having potential for large lot residential consistent with the nearby Napier Street subdivision located north of the site. Therefore the loss of this land from agriculture is considered to be adequately justified in this case and has been suitably addressed in the past during the preparation of the GMS Planning in 2015. The Amended Planning Proposal is consistent with the SEPP because the land is identified in the Lismore Growth Management Strategy 2015-2035 (GMS) as having potential for large lot residential consistent with the nearby Napier Street subdivision located north of the site.
SEPP (State and Regional Development) 2011	Not applicable	N/A
SEPP (Urban Renewal) 2010	Not applicable	N/A

State Environmental Planning Policy	Requirements	Compliance
SEPP (Vegetation in Non-Rural Areas) 2017	3 Aims of Policy The aims of this Policy are: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation	N/A

APPENDIX 2

SECTION 9.1 MINISTERIAL DIRECTIONS COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	(4) A planning proposal must: <ul style="list-style-type: none"> Retain existing business and industrial zones. Not reduce floor space for employment areas and related public services in business zones. Not reduce potential floor space for industrial uses in industrial zones. New employment areas in accordance with strategy approved by Director General DP&E. 	N/A
1.2 Rural Zones	(4) A planning proposal must: <ul style="list-style-type: none"> Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). 	<ul style="list-style-type: none"> The inconsistency is justified because the subject land is identified in the Lismore Growth Management Strategy 2015-2035 as having potential for large lot residential consistent with the nearby Napier Street subdivision located north of the site.
1.3 Mining Petroleum Production and Extractive Industries	This direction applies when the planning proposal: <ul style="list-style-type: none"> Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials; Restricting the potential of State or regionally significant mineral resources 	N/A
1.4 Oyster Aquaculture	N/A	N/A
1.5 Rural Lands	This direction applies when: <ul style="list-style-type: none"> The planning proposal effects land within an existing or proposed rural or 	<ul style="list-style-type: none"> This proposal is consistent with this Direction because the subject land is identified in the Lismore Growth Management Strategy 2015-2035 (GMS) as having potential for large lot residential consistent with the

Ministerial Directions	Requirements	Compliance
	<p>environmental protection zone;</p> <ul style="list-style-type: none"> When changes are proposed to minimum lot size in a rural or environmental protection zone. <p>The Planning Proposal must:</p> <ul style="list-style-type: none"> Be consistent with any applicable strategic plan; Consider the significance of agriculture; Identify and protect environmental values; Consider the natural and physical constraints of the land; Promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities; Support farmers in exercising their right to farm; Minimise fragmentation of rural land & reduce the risk of land use conflict; Consider State significant agricultural land identified in Rural SEPP 2019; Consider the social, economic & environmental interests of the community. 	<p>nearby Napier Street subdivision located north of the site.</p> <ul style="list-style-type: none"> In preparing the GMS, Council has recognised the significance of socio-economic benefits of rural land uses. The site was also identified in the Lismore Urban Strategy so meets the exception outlined in the Northern Rivers Farmland Protection Project 2005 (NRFPP). The NRFPP states that the only exception to State significant farmland being considered for urban or rural residential rezoning is 'where the land is identified in a council settlement strategy which has been agreed to between December 1994 and December 2004'. Moreover, it is noted that the subject site was identified in the Lismore Urban Strategy 2003 (and updated October 2005) so the NRFPP exception is satisfied.
2. Environment and Heritage		
2.1 Environment Protection Zones	<p>Must include provisions that facilitate the protection and conservation of environmentally sensitive areas</p> <p>Must not reduce protection standards for environmental protection zones.</p>	N/A
2.2 Coastal Protection	<p>3 When this direction applies</p> <p>This direction applies to land that is within the coastal zone under the <i>Coastal Management Act 2016</i>.</p> <p>4 A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) The objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management area;</p> <p>(b) The NSW Coastal Management Manual and associated Toolkit;</p> <p>(c) NSW Coastal Design Guidelines 2003;</p> <p>(d) Any relevant Coastal Management Program or</p>	<ul style="list-style-type: none"> The subject site is not impacted by a coastal use area or coastal environmental area or located near coastal wetlands or a coastal wetland proximity area.

Ministerial Directions	Requirements	Compliance
	Coastal Zone Management Plan.	
2.3 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	<ul style="list-style-type: none"> The site is not mapped in the LEP as containing any features or values in relation to Aboriginal or European cultural heritage. A search of the NSW Office of Environment and Heritage Aboriginal Heritage Information Management System (AIHMS) shows no records of Aboriginal sites or places on the site. Council's Environmental and Cultural Heritage Contractor inspected the site and advised that due to the site being highly modified from past clearing and road/stormwater drainage there represents a low risk of the land containing <i>in situ</i> Aboriginal objects. It is considered that a Cultural Heritage Assessment is not required due to negligible results being returned from recent Aboriginal heritage assessments nearby (Pineapple Road/Richmond Hill and Lagoons Grass subdivisions). However, written advice from the Ngulingah Local Aboriginal Land Council is required to verify that there are no issues with the Amended Planning Proposal. It is appropriate for this advice to be obtained post Gateway Determination.
2.4 Recreation Vehicle Areas	N/A	
2.5 Application of E2 and E3 Zones and Environmental Protection Overlays in Far North Coast LEPs	The DM planning proposal must be consistent with the Northern Councils E Zone Review Final Recommendations.	N/A
2.6 Remediation of Contaminated Land	To reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities	<ul style="list-style-type: none"> A condition of the Gateway Determination issued for the previous Planning Proposal for this land dated 12 November 2019 was for a contaminated land assessment to be undertaken. This assessment has been submitted (Melaleuca Group 20/12/19) which concludes that the land is suitable for the proposed residential use. The assessment also satisfies Council's Regional Policy for the Management of Contaminated Land and SEPP 55 requirements.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	<p>The planning proposal must:</p> <ul style="list-style-type: none"> Broaden the choice of housing types and locations. Make efficient use of existing infrastructure and services. Reduce consumption of land. Housing of good design. Residential development not permitted until land is adequately serviced. Not contain provisions that will reduce residential density. 	<p>Consistent.</p> <p>This proposal is consistent with the Direction because:</p> <ul style="list-style-type: none"> The proposal will result in a minor increase to housing choice and diversity The subject site is situated adjacent to established urban areas which contain community, commercial and social facilities, serviced by existing infrastructure. Therefore, the Amended planning proposal will make more efficient use of these services and infrastructure. <p>Lismore LEP 2012 stipulates the provision of services prior to development consent for residential development.</p> <p>The Amended Planning Proposal is consistent with this Direction.</p>
3.2 Caravan Parks and	<ul style="list-style-type: none"> Retain provisions that permit development of caravan park. 	N/A

Ministerial Directions	Requirements	Compliance
Manufactured Home Estates	<ul style="list-style-type: none"> Appropriate zone for existing caravan parks. 	
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	N/A
3.4 Integrating Land Use and Transport	<p>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to:</p> <ul style="list-style-type: none"> Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001) 	<p>Consistent.</p> <p>This proposal is consistent with this Direction because the site is adjacent to the urban area of Goonellabah. Journeys by car will be around 2km to the nearest shopping centres, sporting and recreational facilities and schools.</p> <p>The Amended planning proposal will facilitate development that will access existing services and facilities in suburban Goonellabah.</p>
3.5 Development Near Regulated Airports and Defence Airfields	<p>Lismore Airport is a regulated airport but not a core regulated airport under the <i>Federal Airports Act 1996</i>.</p> <p>In preparing a planning proposal for land near a regulated airport, the planning authority must:</p> <ul style="list-style-type: none"> Consult with operator of the airport. Take into consideration the operational airspace. Prepare standards such as height limits if land is affected by operational airspace. Not allow development types that are incompatible with the current and future operation of the airport. 	N/A
3.6 Shooting Ranges	N/A	N/A
3.7 Reduction in non-hosted short-term rental accommodation period	N/A	N/A
4. Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	N/A
4.2 Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> Applies to mine subsidence areas. Applies to areas identified as unstable. 	N/A
4.3 Flood Prone Land	(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a	N/A – the subject land is not flood prone.

Ministerial Directions	Requirements	Compliance
	<p>Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A draft LEP shall not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the development of that land,</p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>(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.</p>	
4.4 Planning Bushfire Protection for	<p>A Planning Proposal in bush fire prone land:</p> <ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> The whole area proposed to be rezoned is mapped as Bushfire Pone Land. The cleared part of the site adjoining Blue Hills Avenue is predominately in the vegetation buffer area while the western half is mapped as Vegetation Category 1. A Bushfire Threat Assessment has been submitted as part of this proposal which indicates that the proposed development will comply with Planning for Bushfire Protection 2006. Measures that will be provided to ensure compliance include appropriate Asset Protection Zone/s, water supply, construction standards, landscaping and access.
5. Regional Planning		
5.1 Regional Strategies	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<ul style="list-style-type: none"> The Planning Proposal must not re-zone land mapped as State or regionally significant farmland for urban or rural residential purposes. 	<ul style="list-style-type: none"> The whole site is mapped as 'State Significant Farmland' according to the Northern Rivers Farmland Protection Project 2005 (NRFPP). However, the Amended Planning Proposal to rezone the land to an rural residential zone is consistent with this Direction because the land is identified in the Lismore Growth Management Strategy 2015-2035 (GMS) as having potential for large lot residential consistent with the nearby Napier Street subdivision located north of the site.
5.4 Commercial and Retail Development along the Pacific	N/A	N/A

Ministerial Directions	Requirements	Compliance
Highway, North Coast		
5.9 North West Rail Link Corridor Strategy	N/A	N/A
5.10 Implementation of Regional Plans	<ul style="list-style-type: none"> The planning proposal must be consistent with the North Coast Regional Plan 2036 (NCRP). 	<ul style="list-style-type: none"> The NCRP states that 'local growth management strategies will be prepared by councils to reflect the directions and actions contained in this Plan.' The Amended planning proposal is consistent with the Goals and Actions of the NCRP with regard to locating new housing in and around existing towns where essential services and road infrastructure has been established. The NCRP also states that local growth management strategies 'will be developed prior to preparing a local environmental plan to zone land for residential, rural residential, commercial and industrial land uses'. This proposal is consistent with the intent of the NCRP as the future subdivision and development of the site is compatible with Council's GMS that the State Government has approved. The Urban Growth Area map shown in the NCRP for the Lismore Local Government Area shows the subject land as 'Investigation area – Urban Land' so the Amended Planning Proposal is consistent with this document.
5.11 Development of Aboriginal Land council Land	N/A	N/A
6. Local Plan Making		
6.1 Approval and Referral Requirements	<ul style="list-style-type: none"> A planning proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning & Environment. Not identify development as designated development unless justified. 	Consistent. No such provisions are proposed
6.2 Reserving Land for Public Purposes	<ul style="list-style-type: none"> 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 DP&E. 	N/A
6.3 Site Specific Provisions	<ul style="list-style-type: none"> A planning proposal to allow a particular land use (residential development) must rezone the site to an existing zone already applying to the LEP that allows the land use, without additional development 	N/A

Ministerial Directions	Requirements	Compliance
	standards to those already in use in that zone.	

