

# Planning Proposal

## **SCHEDULE 1 AMENDMENT – 34 & 36 UNION STREET, SOUTH LISMORE**

October 2018



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## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to enable the development of part of 34 and 36 Union Street, South Lismore (Lot 1 DP608006 and Lot 2 DP608006) to allow for additional permitted uses. The objective will be achieved through an amendment to the Lismore Local Environmental Plan 2012 (LEP 2012) to permit the land to be developed as a hub for creative industries. The subject land is located in Zone IN1 General Industrial under the provisions of the Lismore LEP 2012 as shown in Figure 1.

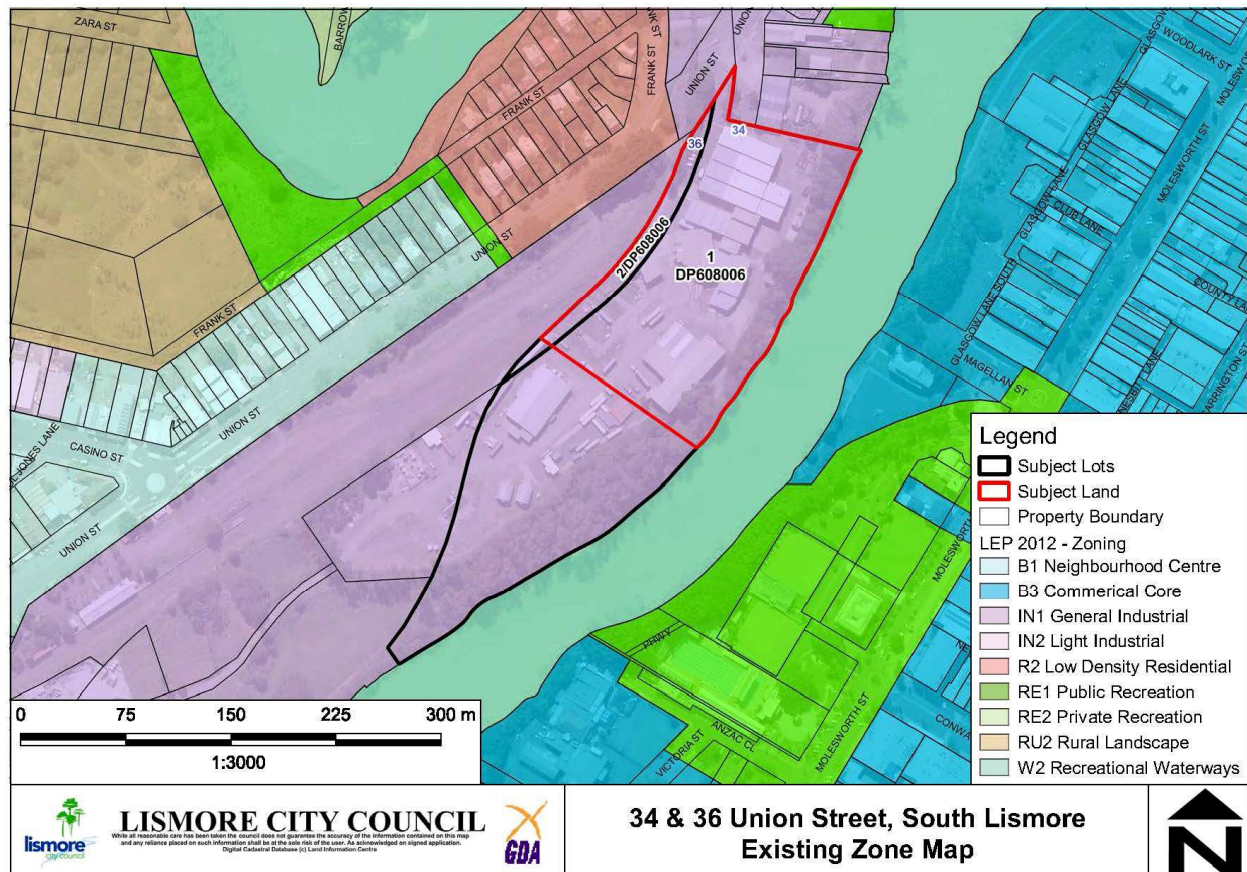


Figure 1: Current zone in Lismore LEP 2012

## SITE DESCRIPTION

The subject site has a total land area of 4.7ha. The land subject to this Planning Proposal comprises approximately 3 hectares in the northern half.

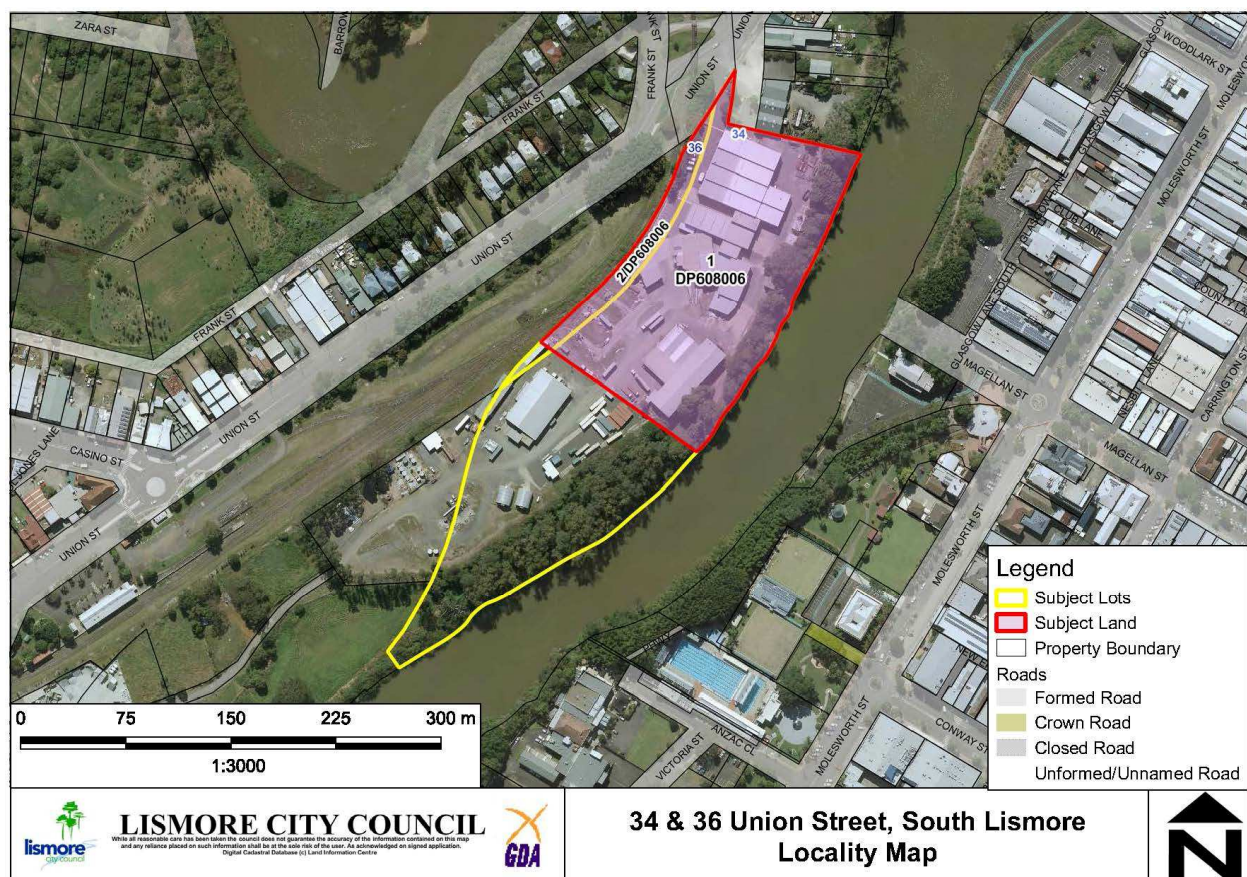
The site adjoins the Wilsons River on the eastern boundary and a disused railway corridor owned by the State Rail Authority to the west and south in a similar industrial zoning. Industrial uses are also located north of the site. The land is accessed via Union Street and is easily accessed from the Lismore CBD.

The subject site has previously been used as Hurfords Building Supplies and sawmill which provided a wide range of timber, building and hardware materials to the local construction industry. The building supplies and sawmill businesses have now ceased operations and the landowner is retrofitting the buildings with a view to leasing different buildings to individual tenancies. The site contains numerous disused and dilapidated large industrial buildings as well as some recently renovated large warehouses located near the road entrance that are being used for a photographic gallery, gym and bulky goods storage and sales of household



electrical/whitegoods. Access to the site is controlled via a large electric gate and car parking is clearly marked and located on the western boundary adjacent to the gallery.

34 Union Street is owned by James Hurford and Co Pty Ltd. The adjoining 36 Union Street is owned by Transport NSW and is a relatively small area of the rail land in the Train Station precinct. 36 Union Street is a 2750m<sup>2</sup> linear allotment that incorporates sealed car parking and buildings that have been used by Hurfords for some time. James Hurford and Co Pty Ltd have a long standing license to use this land. On 19 January 2017 Transport NSW signed 'landowner authority' to enable the lodgment of development applications involving the *"use of the existing parking and driveways on Lot 2 DP 608006 in association with land uses occurring on the adjoining Lot 1 DP 608006"*.



**Figure 2: Aerial photo of 34 and 36 Union Street, South Lismore**

The approval of the Planning Proposal to permit the additional uses on part of the subject site would allow Council to assess and determine a future Development Applications for such developments.

The landowner is looking to use the land for a number of different uses including a 'business incubator' office space, workshops and gallery space for use by creative industries, 'pop up' markets, movie and food events and a craft brewery, café and bar.

It is acknowledged that a number of these land uses are permitted with consent in Zone IN1 General Industrial including a café and bar (Food and Drink Premises) and markets (Retail

premises) whereas other land uses that are being proposed such as Office premises and a Cinema (Entertainment Facility) are prohibited.

The Planning Proposal therefore seeks to amend the planning provisions applying to the subject land by amending Schedule 1 of the Lismore Local Environmental Plan 2012 to permit a site specific use on part of the site.

## **PART 2 – EXPLANATION OF PROVISIONS**

The Planning Proposal seeks to amend the LEP written instrument as follows:

- Amend **Schedule 1 Additional Permitted Uses** of the Lismore LEP 2012 to permit additional uses on part of 34 and 36 Union Street, South Lismore (Part Lots 1 & 2 DP 608006). The proposed insertion is:

### ***5 Use of certain land at 34 and 36 Union Street, South Lismore***

- (1) This clause applies to part of the northern end of the land at 34 and 36 Union Street, South Lismore, being part Lots 1 & 2, DP 608006 identified as “Item 5” on the Additional Permitted Uses Map.*
- (2) Development for the purpose of the following land uses is permitted with development consent on the land to which this clause applies:*
  - a. Office premises;*
  - b. Food and Drink Premises;*
  - c. Markets;*
  - d. Information and Education Facilities [limited to Art Galleries]*
  - e. Entertainment Facilities*

The following Map sheet is proposed for amendment:

- Additional Permitted Uses Map – [Sheet APU\_005A] to identify part of 34 and 36 Union Street, South Lismore (Part Lots Lot 1 & 2 DP 608006) as Item 5.

## PART 3 – JUSTIFICATION

### Section A – Need for the Planning Proposal

#### **1. *Is the Planning Proposal a result of any strategic study or report?***

No, the Planning Proposal is not the direct result of any strategic study or report, however, Council's 'Bridge to Bridge' Masterplan (2017) which is aimed at reactivating and restoring the riverbank between the CBD bridges does identify the subject site as a 'Place based Opportunity'. In particular, the site has been identified as having potential for reuse as a hub for creative industries such as pop-up events, tourism and festivals, retail, galleries and artists studios.

The Planning Proposal seeks to formalise a number of prohibited land uses on the subject site to enable the applicant to develop the site into a 'dynamic creative hub'.

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

Yes. The Planning Proposal to amend Schedule 1 Additional Permitted Uses of the Lismore LEP 2012 is the most practical method of achieving the aim to facilitate additional new land uses that are currently prohibited in Zone IN1 General Industrial.

This outcome is preferred to a rezoning of the site because the IN1 General Industrial remains an appropriate zone on the land given it is surrounded by similar industrial land uses and the southern part of the site is being used for industrial purposes as a shipping container business.

### Section B – Relationship to Strategic Planning Framework

#### **3. *Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?***

The North Coast Regional Plan 2036 is the current overarching State Government regional framework aimed at sustainably managing growth on the North Coast and the method of identifying land for development for residential and employment purposes in appropriate locations. The subject site is identified as 'employment land' in Figure 6 'Lismore Regional City' and in the Local Government Narratives section, a key recommended priority for the economy and employment in Lismore is to 'support the development of employment lands in South Lismore and Tuncester' (page 66).

#### **4. *Is the Planning Proposal consistent with the Council's local strategy or other local strategic plan?***

Yes. As outlined below, the Planning Proposal is consistent with a range of local strategic planning documents including:

- Imagine Lismore (Community Strategic Plan) 2017 – 2027; and
- Lismore Growth Management Strategy 2015 – 2035.

#### **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 planning proposal is consistent with the following Imagine Lismore objective:

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

And the following strategy

- Ensure a diverse range of land use and development opportunities are available

### **Lismore Growth Management Strategy 2015 - 2035**

The principal aim of the Growth Management Strategy (GMS) is to ensure that sufficient land is identified in suitable locations in Lismore in order to facilitate growth in residential, commercial and industrial development. In this regard, the GMS identifies that there is sufficient industrial zoned land available to meet the projected needs of industrial uses within the timeframe of the GMS. While this Planning Proposal aims to facilitate the use of the site for non-industrial development, it is unlikely to have any impact on the availability of industrial zoned land in the longer term.

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

The Planning Proposal is satisfactorily consistent with the applicable State Environmental Planning Policies. A checklist of the SEPPs is provided at **Appendix 1**.

#### **6. *Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?***

The Planning Proposal is satisfactorily consistent, or any inconsistency is justified with the applicable s9.1 Ministerial Directions as shown in **Appendix 2**.

### ***Section C – Environmental, Social and Economic Impact***

#### **7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats, will be adversely affected as a result of the proposal?***

A preliminary review of the land subject to this Planning Proposal indicates an area of riparian vegetation adjacent to the Wilsons River bank, however, Council's vegetation mapping does not indicate that this vegetation is high conservation value or lowland subtropical rainforest. There is an area of adjoining riparian vegetation south of the site that may likely be identified as lowland subtropical rainforest, however, this part of the land does not form part of the Planning Proposal. OEH were consulted pre-Gateway and an extract from their referral comments regarding biodiversity is provided below:

*The OEH concurs that as the proposed additional uses will require development consent any adverse impacts on biodiversity, riparian vegetation or water quality can be addressed at that stage.*

It is recommended that no further referral to the OEH is required with regards to biodiversity.

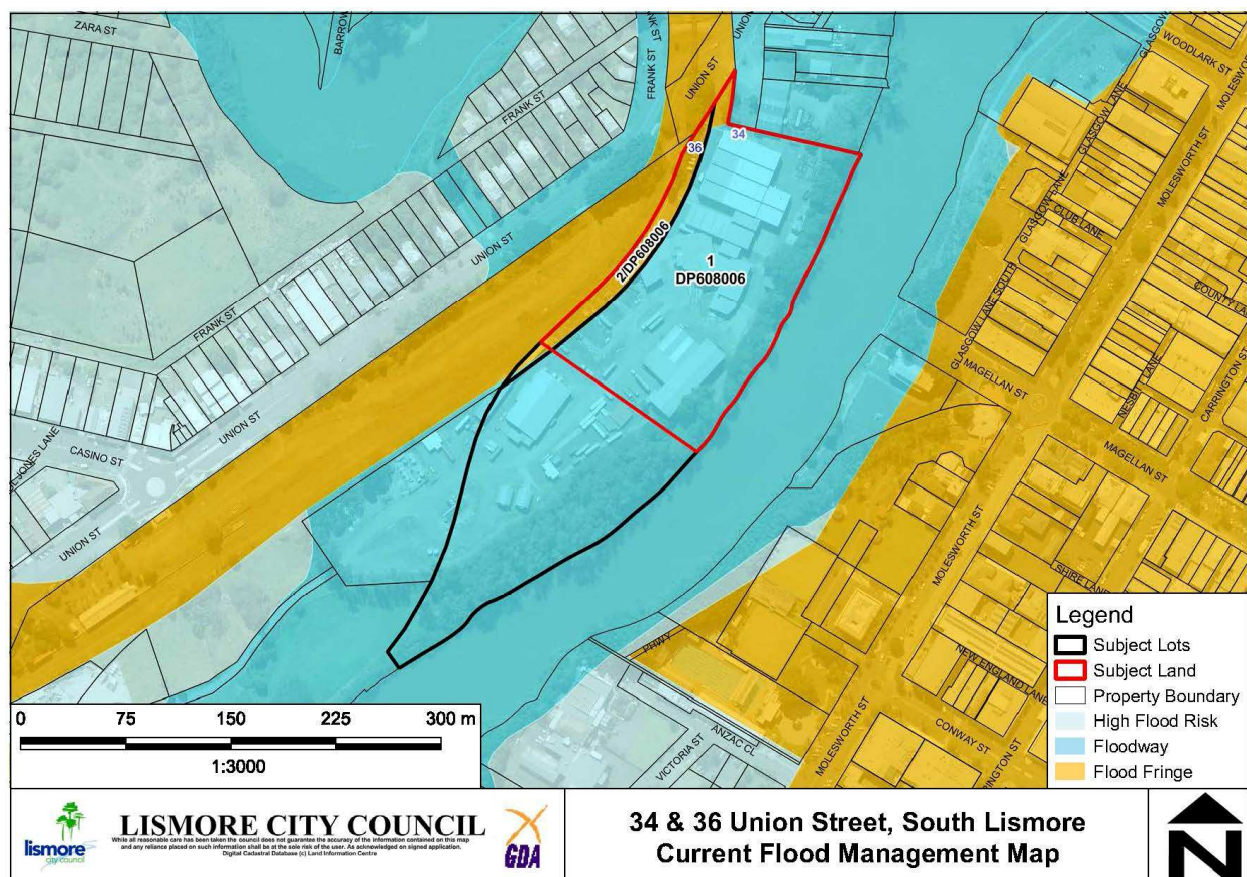
Furthermore, it is acknowledged that the Planning Proposal does not permit the erection of any additional buildings or structures and does not require the removal of any vegetation so it is unlikely to have an adverse impact on the biodiversity values on the site. At the DA stage, specific impacts as to how the change in land use may impact the biodiversity values on the site will also be assessed.



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

**Flooding**

The site is within a flood planning area in the LEP and mapped as a 'Floodway' hazard category in the Lismore Development Control Plan (DCP) Chapter 8 – Flood Prone Land as shown on Figure 3. Land located in the 'Floodway' is described as an area of the floodplain where a significant discharge of water occurs and the depth and velocity of floodwater is high. Furthermore, DCP Chapter 8 outlines planning controls for land in the 'Floodway' including that no new buildings or structures be permitted, other than certain utility infrastructure and community facilities.



**Figure 3: Lismore Flood Hazard Categories – 34 and 36 Union Street, South Lismore**

**Section 9.1 Ministerial Direction 4.3 – Flood Prone Land**

The Planning Proposal was referred to the Office of Environment and Heritage (OEH) for technical advice pre-Gateway Determination on flooding due to the section 9.1 Ministerial Direction '4.3 - Flood Prone Land. Section 6 of this Direction states that a planning authority must not contain provisions that apply to the flood planning area which a) permit development in floodway areas and c) permit a significant increase in the development of that land.

However, it is acknowledged that section 9 of the Direction states that a Planning Proposal may be inconsistent if it is in accordance with a Floodplain Risk Management Plan and the provisions of the Planning Proposal that are inconsistent are of minor significance.

The OEH is satisfied that Council's Floodplain Risk Management Plan (FRMP 2014) meets the requirements of the s9.1 inconsistency clause because the FRMP contains development controls



including the provision that no new buildings or structures be permitted in a floodway except minor/ancillary development.

#### Flood Risk Assessment and Evacuation Plan (Flume 2018)

Following advice from OEH, the applicant has provided a Flood Risk Assessment and Evacuation Plan (Flume 2018). This report concludes that the proposed change in use as a result of the Planning Proposal is acceptable because the flood risk can be adequately mitigated by a site specific Flood Evacuation Management Plan and by improving the flood data available as each DA is lodged. OEH has reviewed the Plan and does not raise any further issues regarding flood risk management.

A summary of OEH advice and a staff response is included at Table 1.

#### **Land contamination**

Council's Environmental Health Officer (EHO) has advised that where a change in use is proposed for an existing industrial building, land contamination needs to be considered to determine the risk of contamination from hazardous materials. It is therefore advised that the applicant supply a preliminary contaminated land assessment that clarifies whether the site is potentially contaminated from previous land uses (ie. the existing buildings where timber treatment was undertaken and hazardous substances were stored). It is expected that the assessment discusses the sampling methodology used and that systematic and judgemental sampling is supported by a comprehensive historical review in accordance with the NSW Environmental Protection Agency Guidelines.

It is recommended that a preliminary contaminated land assessment be provided post Gateway Determination.

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

#### **Aboriginal and European Cultural Heritage**

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken and did not identify any Aboriginal sites or places on the subject land. The land is also not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 of the LEP 2012.

While the part of the site subject to this Planning Proposal has been heavily disturbed and used for industrial purposes for many years, the OEH requested an additional assessment of Aboriginal cultural heritage (ACH) values given the development of a nearby site (the 'Masters' site) found significant ACH values and that both sites share similar attributes (ie. located adjacent to the Wilsons River).

The OEH has reviewed the Aboriginal Cultural Heritage Assessment (Everick, 2018) supplied by the applicant and agree with the findings that the subject site has limited potential to contain Aboriginal objects given historic disturbance.

It is recommended that the Planning Proposal also be referred to the Ngulingah LALC for comment during public exhibition.

#### **Social and Economic Impact**

The need for a Social Impact Assessment (SIA) is not triggered according to section 5.3 of the LCC Social Impact Assessment Guidelines because this Planning Proposal is not a DA for a commercial and retail development (with a gross floor area of over 5,000m<sup>2</sup>).

With regard to economic impact, it is anticipated that the redevelopment of the site as a hub for creative industries certainly has potential to revitalise the riverbank area in conjunction with other nearby potential land use opportunities identified in Council's 'Bridge to Bridge' Masterplan and to contribute to the economic vitality of the Lismore Central Business District. In particular, the positive economic impacts of the redevelopment of the site may include the creation of a new cluster of employment opportunities, the reinforcement of Lismore as a centre for creative industries and revitalisation of the local economy.

## **Section D – State and Commonwealth Interests**

### **10. Is there adequate public infrastructure for the Planning Proposal?**

#### **Water and Sewer**

The subject land is an existing industrial zoned area that is already serviced with reticulated water and sewer. It is not anticipated that the redevelopment of the site will have a significant impact on water or sewer infrastructure. Section 64 Developer Contributions may apply at the Development Application stage.

#### **Roads and Traffic**

The site is currently accessed from Union Street via an 8m wide driveway which previously serviced heavy vehicles and is adequate to meet expected future demands. This access may require minor design modifications and linemarking subject to future development application conditions. Union Street is not identified by Council as having to cater for increased future traffic demand.

The site contains internal driveway areas and formal and informal car parking. Some areas are unsealed which may require sealing at the development application stage as well as stormwater quality measures to limit the movement of silt across the site.

#### **Stormwater**

The site contains a number of stormwater outlets that discharge directly into the Wilsons River. At the DA stage, the upgrading of these outlets with stabilised rock should be considered. Stormwater quality treatment could be improved by the upgrade of various inlet grates and collection pits through the DA process.

#### **Pedestrian and Cycling**

The site has potential to be used as part of a walking and cycling loop to provide greater connectivity around the Wilsons River as identified in Council's Bridge to Bridge Masterplan 2017. It is noted that the steep riverbank slope at the eastern boundary of the site would not be conducive to a 2.5m wide path, rather a boardwalk would be a more appropriate outcome.

### **11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

This Planning Proposal was referred to OEH for preliminary advice pre-Gateway Determination due to the flood risk hazard category on the site. The comments provided are summarised below with a staff response.

**Table 1: Preliminary advice from the Office of Environment and Heritage**

<b>OEH advice</b>	<b>Staff response</b>
<u>Flooding</u> <ul style="list-style-type: none"> <li>Council consider not supporting the planning proposal due to significant flood risk</li> </ul>	<ul style="list-style-type: none"> <li>The zoning of the land (Zone IN1 General Industrial) already allows a range of industrial land uses subject to DA consent which would include</li> </ul>

OEH advice	Staff response
<ul style="list-style-type: none"> <li>• a detailed Flood Risk Assessment should be prepared to consider how the additional uses (type, timing, intensity) could create adverse flood risks</li> <li>• Following review of the Assessment, OEH does not raise any further concerns on flood risk management</li> </ul> <ul style="list-style-type: none"> <li>• At the DA stage, details on flood emergency plans, business continuity and flood resilience will need consideration</li> <li>• Council reconsider development controls to address future proposals for the reuse and intensification of land in a floodway when reviewing its Flood Risk Management Plan and the DCP</li> </ul> <p><u>Aboriginal Cultural Heritage</u></p> <ul style="list-style-type: none"> <li>• OEH has reviewed the Aboriginal Cultural Heritage Assessment (Everick, 2018) supplied by the applicant</li> <li>• OEH agree with the findings: the subject site has limited potential to contain Aboriginal objects given historic disturbance</li> </ul> <p><u>Biodiversity</u></p> <ul style="list-style-type: none"> <li>• The biodiversity and amenity values of the riparian vegetation (adjacent to the Wilsons River) on the site should be investigated.</li> <li>• Due to the proposed additional uses requiring development consent, impacts on biodiversity, riparian vegetation or water quality will be addressed through the DA process.</li> </ul>	<p>consideration of flood risk and assessment against planning controls contained in DCP Chapter 8 'Flood Prone Land'. It would be imprudent of Council to not support this Planning Proposal without first considering a site specific Flood Risk Assessment.</p> <ul style="list-style-type: none"> <li>• A Flood Risk Assessment and Evacuation plan (Flume 2018) concludes that: <ul style="list-style-type: none"> <li>➤ the proposed change in use is acceptable due to risks being mitigated by site specific Flood Evacuation Management Plan</li> <li>➤ all buildings are non-habitable so the flood risk to humans is mitigated by an early evacuation policy</li> <li>➤ flood data available on the site be improved as each DA lodged (ie. building floor levels to be surveyed to better understand estimated flood levels, structural engineer reports needed to determine which buildings can withstand flooding)</li> </ul> </li> <li>• The Development Assessment team will be advised on the flood information required for future DA's on the site</li> <li>• This advice is noted and will be considered during the preparation of the Lismore Floodplain Risk Management Study</li> </ul> <ul style="list-style-type: none"> <li>• No further reporting is required on Aboriginal cultural heritage at this stage</li> <li>• During public exhibition, the Planning Proposal will be referred to the Ngulingah LALC for comment</li> </ul> <ul style="list-style-type: none"> <li>• Any impacts on the riparian vegetation resulting from this Planning Proposal are considered to be low based on a preliminary assessment of Council's vegetation mapping of the site.</li> <li>• As each DA is assessed for an additional land use, any impacts on biodiversity and</li> </ul>

OEH advice	Staff response
<ul style="list-style-type: none"> <li>Council give further consideration to protecting and enhancing riparian vegetation in the planning area as part of the Planning Proposal</li> </ul>	<p>riparian vegetation will be evaluated in detail.</p>

It is recommended that the following authorities are consulted following the Gateway determination in accordance with any s 9.1 Ministerial Directions:

- NSW Transport



## PART 4 - MAPPING

The Additional Permitted Uses LEP Map will be amended as shown below on Sheet APU\_005A to identify part of 34 & 36 Union Street, South Lismore (Part Lots 1 & 2 DP 608006) as Item 5.



**Map 1 – Additional Permitted Use Map showing part of Lots 1 & 2 DP, 34 and 36 Union Street, South Lismore**

In addition to the above map, the LEP written instrument Schedule 1 is proposed to be amended as follows:

- Amend **Schedule 1 Additional Permitted Uses** of the Lismore LEP 2012 to permit additional uses on part of 34 and 36 Union Street, South Lismore (Part Lots 1 & 2 DP 608006). The proposed insertion is:

**5 Use of certain land at 34 and 36 Union Street, South Lismore**

- (3) *This clause applies to part of the northern end of the land at 34 and 36 Union Street, South Lismore, being Part Lots 1 & 2, DP 608006 identified as "Item 5" on the Additional Permitted Uses Map.*
- (4) *Development for the purpose of the following land uses is permitted with development consent on the land to which this clause applies:*
  - a. Office premises;
  - b. Food and Drink Premises;
  - c. Markets;
  - d. Information and Education Facilities [limited to Art Galleries]
  - e. Entertainment Facilities

## PART 5 – COMMUNITY CONSULTATION

Council will commence community consultation post 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 planning proposal will include:

- A newspaper advertisement (Local Matters) that circulates in the area affected by the planning proposal;
- On the website of Lismore City Council and the Department of Planning and Environment; and
- A letter to adjoining landowners
- Referral to the Ngulingah Local Aboriginal Land Council

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; and
- 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 Director General of the Department of Planning and Environment.
- The Gateway determination.
- Any studies required as part of the planning proposal.

The Gateway determination will confirm the public consultation requirements.

## PART 6 – PROJECT TIMELINE

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

Estimated Completion	Plan Making Steps
November 2018	Report planning proposal to Council
December 2018 – January 2019	Gateway determination issued by Department of Planning and Environment.
February – March 2019	Government agency consultation and public exhibition
April 2019	Analysis of public submissions & public agency comments
May 2019	Council consideration of proposal post exhibition
June 2019	Anticipated date of submission to Department for notification of the making of the LEP
July 2019	Notification of the draft Local Environmental Plan

## APPENDIX 1

### STATE ENVIRONMENTAL PLANNING POLICIES - COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
<b>SEPP No. 44 – Koala Habitat Protection</b>	<b>3 - Aims, Objectives etc</b> <i>(a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat;</i> <i>(b) By encouraging the identification of areas of core koala habitat; and</i> <i>(c) By encouraging the inclusion of areas of core koala habitat in environment protection zones.</i>	<b>Consistent</b> <p>The subject site is not mapped as containing Primary or Secondary Koala habitat according to Council's GIS mapping. The Planning Proposal which would allow additional land uses to occupy existing buildings on the site, is not expected to impact the existing vegetation located adjacent to the Wilsons River.</p>
<b>SEPP No. 55 – Remediation of Land</b>	<b>Clause 6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal</b>	<b>Consistent</b> <p>This Planning Proposal will result in a change in use for various existing industrial buildings so land contamination needs to be considered to determine the risk of contamination from hazardous materials.</p> <p>It is recommended that the applicant supply a preliminary contaminated land assessment that clarifies whether the site is potentially contaminated from previous land uses (ie. the existing buildings where timber treatment was undertaken and hazardous substances were stored). It is expected that this assessment will demonstrate compliance with SEPP 55.</p>
<b>SEPP (Rural Lands) 2008</b>	Not applicable	Not applicable
<b>SEPP (Coastal Management) 2018</b>	<p>Development on land within the coastal use area</p> <p>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <p>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p>	<p>The subject site is classified as a Coastal use Area in the Coastal Use mapping under the SEPP (Coastal Management 2018).</p> <p>This Planning Proposal does not grant development consent on the subject land, therefore, it is not inconsistent with the SEPP (Coastal Management). At the DA stage, this SEPP will be appropriately addressed.</p>

State Environmental Planning Policy	Requirements	Compliance
	<p>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>(iv) Aboriginal cultural heritage, practices and places,</p> <p>(v) cultural and built environment heritage, and</p> <p>(b) is satisfied that:</p> <p>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p> <p>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>	



## APPENDIX 2

### SECTION 9.1 MINISTERIAL DIRECTIONS - COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	<p><u>Objectives:</u> The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres.</p> <p><u>Where this direction applies</u> (2) This direction applies to all relevant planning authorities.</p> <p><u>When this direction applies</u> (3) This direction 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> <p><u>What a relevant planning authority must do if this direction applies</u> (4) A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.</p>	<p>The Planning Proposal aims to provide for additional land uses as part of a hub for creative industries with potential to create employment opportunities in suitably industrial zoned land in South Lismore.</p> <p>The Planning Proposal supports the viability of the Regional City of Lismore because it is identified in the North Coast Regional Plan as 'employment land' located at the edge of the 'City Centre'.</p> <p>While the subject site will reduce the potential floor space area for industrial uses in an industrial zone, the inconsistency with this Direction is considered minor given the Lismore GMS demonstrates the available supply of industrial land in the LGA is significantly higher than demand.</p>
1.2 Rural Zones	Not applicable	Not applicable
1.3 Mining Petroleum Production and	Not applicable.	Not applicable

Ministerial Directions	Requirements	Compliance
Extractive Industries		
1.4 Oyster Aquaculture	Not Applicable	Not Applicable
1.5 Rural Lands	Not Applicable	Not Applicable
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	Must include provisions that facilitate the protection and conservation of environmentally sensitive areas.	<p><b>Consistent</b></p> <p>The Planning Proposal is not considered to adversely impact any environmentally sensitive areas because it does not permit any new development, rather it will facilitate the adaptive reuse of existing industrial buildings.</p>
2.3 Heritage Conservation	Planning Proposal must incorporate provisions for conservation of European and Aboriginal heritage items, places, buildings, works, relics, moveable objects or precincts.	<p><b>Consistent</b></p> <p>A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken and did not identify any Aboriginal sites or places on the subject land. The land is also not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 of the LEP 2012.</p> <p>While the part of the site subject to this Planning Proposal has been heavily disturbed and used for industrial purposes for many years, the OEH requested an additional assessment of Aboriginal cultural heritage (ACH) values given the development of a nearby site (the 'Masters' site) found significant ACH values and that both sites share similar attributes (ie. located adjacent to the Wilsons River.</p> <p>OEH has reviewed the Aboriginal Cultural Heritage Assessment (Everick, 2018) supplied by the applicant and agree with the findings that the subject site has limited potential to contain Aboriginal objects given historic disturbance.</p>
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.	Not applicable.
<b>3. Housing, Infrastructure and Urban Development</b>		

Ministerial Directions	Requirements	Compliance
3.1 Residential Zones	Not applicable.	Not applicable.
3.2 Caravan Parks & Manufactured Home Estates	Retain provisions that permit development of caravan parks and manufactured home estates. Appropriate zone for existing caravan parks.	Not applicable
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	Not applicable
3.4 Integrating Land Use and Transport	A Planning Proposal must locate zones for urban purposes that give effect to: <ul style="list-style-type: none"> <li>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>The Right Place for Business and Services – Planning Policy (DUAP 2001)</li> </ul>	<b>Consistent</b> The Planning Proposal does not change the zoning of the subject land.  The Planning Proposal relates to land zoned IN1 General Industrial, which is not for urban purposes.
3.5 Development Near Licensed Aerodromes	Not Applicable	Not Applicable
3.6 Shooting Ranges	Not Applicable	Not Applicable
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	Not applicable	Not applicable
4.2 Mine Subsidence and Unstable Land	No Applicable	Not Applicable
4.3 Flood Prone Land	<p>(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>(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 Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <p>a) permit development in floodway areas,</p>	<p><b>Consistent</b></p> <p>The Planning Proposal does not seek to rezone the subject land.</p> <p>While this Planning Proposal is inconsistent with 6 a) and c) (ie. that a Planning Proposal must not contain provisions that permit development in floodway areas or permit a significant increase in the development of that land) this inconsistency can be justified with reference to 9 a) and b).</p> <p>Moreover, a Planning Proposal may be inconsistent with this Direction if the planning authority can satisfy that it is in accordance with a Floodplain Risk Management Plan and the provisions of the Planning Proposal that are inconsistent are of minor significance.</p> <p>The OEH is satisfied that Council's Floodplain Risk Management Plan (FRMP 2014) justifies the inconsistency with reference to the FRMP that contains development controls</p>

Ministerial Directions	Requirements	Compliance
	<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> <p>(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>	including the provision that no new buildings or structures be permitted in a floodway except minor/ancillary development.
4.4 Planning for Bushfire Protection	Not Applicable	Not Applicable.
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies	The Planning Proposal must be consistent with the North Coast Regional Plan.	<p><b>Consistent</b></p> <p>The Planning Proposal is consistent with the North Coast Regional Plan as the subject site is identified as 'employment land' and the proposal will potentially create additional employment opportunities.</p>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	The Planning Proposal must not re-zone land mapped as State or Regionally significant farmland under the Northern Rivers Farmland Protection Project for urban or rural residential purposes.	Not Applicable



Ministerial Directions	Requirements	Compliance
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	A Planning Proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning & Environment.	<p><b>Consistent</b></p> <p>There are no referral or concurrence requirements in the Planning Proposal.</p> <p>The proposal does not identify development as designated development.</p>
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 DP&E.	<p><b>Consistent</b></p> <p>The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.</p>
6.3 Site Specific Provisions	A Planning Proposal to allow a particular land use (residential development) must rezone the site to an existing zone already applying to the LEP that allows the land use, without additional development standards to those already in use in that zone.	<p><b>Consistent</b></p> <p>The Planning Proposal does not impose any development standards or requirements in addition to those that are not already in use.</p>