

PLANNING PROPOSAL

Lismore City Council

Reclassification and Rezoning of Council land

24 July 2015



Part 1 – Objectives or intended outcomes

The objectives of the planning proposal are to:

- a) Reclassify various allotments of Council owned land;
- b) Rezone four allotments of Council owned land.

This reclassification planning proposal is required in order to enable the sale or lease of land; enable compliance with development consent conditions; continue the implementation of the “pocket park” divestment strategy of the Sport and Recreation Plan 2011-2021; and enable a better outcome with regard to use of land for recreation purposes. Three of the sites (four lots) are also proposed to be rezoned.

Part 2 – Explanation of provisions

The planning proposal involves reclassifying six (6) Council owned allotments from Community to Operational and rezoning four (4) of the lots. This requires LEP Map amendments and an amendment to the written LEP Instrument.

Table No. 1 below provides a summary of the proposed amendments.

Table No. 1: Summary of Reclassification / Rezoning

Site No.	Reclassification	Zone, Minimum Lot Size (MLS) & Height of Buildings (HOB) Maps
1.	4 & 6 Cambrian Street, Lismore (Lot 5 & 6 DP 536743) Community to Operational – Interests changed	Existing zone: RE1 Public Recreation No existing Height of Building or Minimum Lot Size standards Proposed zone: B4 Mixed Use (amend Sheet LZN_005AA) Proposed HOB: 11.5m (amend Sheet HOB_005AA)
2.	39 Casuarina Drive, Goonellabah (Lot 33 DP 841587) Community to Operational – Interests changed	Existing zone: ‘Deferred Matters’ No change proposed to the zone, HOB or MLS
3.	23 Rifle Range Road, East Lismore (Lot 16 DP5145) Community to Operational – no interests changed	Existing zone: RE1 Public Recreation No change proposed to the zone, HOB or MLS
4.	9 Johnstone Street, North Lismore (Lot 1 DP539157) Community to Operational – no interests changed	Existing zone: RE1 Public Recreation No existing Height of Building or Minimum Lot Size standards Proposed Zone: RU1 Primary Production (amend Sheet LZN_005AA) Proposed MLS: 40 hectare (amend Sheet LSZ_005AA)
5.	19 Hewett Street, Lismore (F DP36026) Community to Operational – Interests changed	Existing zone: RE1 Public Recreation No existing Height of Building or Minimum Lot Size standards Proposed zone: R1 General Residential (amend Sheet LZN_005AB) Proposed HOB: 8.5 m (amend Sheet HOB_005AB) Proposed MLS: 400m ² (amend Sheet LSZ_005AB)
6.	22 Cedar Drive, Dunoon (Lot 37 DP248151). Community to Operational – no interests changed	Existing zone: RU5 Village No change proposed to the zone, HOB or MLS

The LEP maps are provided in Part 4 of this Planning Proposal. Land Reclassification also involves the amendment of the LEP written Instrument, namely Schedule 4 Classification and reclassification of public land. The following additional entries are proposed to Schedule 4:

Schedule 4 Classification and reclassification of public land

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
23 Rifle Range Road, East Lismore	Lot 16 DP5145

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2
Locality	Description
9 Johnstone Street , North Lismore	Lot 1 DP539157
39 Casuarina Drive, Goonellabah	Lot 33 DP 841587
4 & 6 Cambrian Street, Lismore	Lots 5 & 6 DP 536743
19 Hewett Street, Lismore	F DP36026
22 Cedar Drive, Dunoon	Lot 37 DP248151

Part 3 Justification

Section A – Need for the Planning Proposal

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

This reclassification planning proposal is required in order to: enable the disposal of land; enable compliance with development consent conditions; continue the implementation of the “pocket park” divestment strategy of the Sport and Recreation Plan 2011-2021; and enable a better outcome with regard to use of land for recreation purposes. Three of the sites (four lots) are also proposed to be rezoned.

The “pocket park” divestment strategy is part of the Lismore Sport and Recreation Plan 2011-2021. This Plan recognises the poor functionality of some existing neighbourhood parks and that they are not consistent with the standards for such parks, as set out in Council’s Development Control Plan. Profits generated from the divestment will go towards upgrading the standards of existing parks or acquiring land to complement the existing park network.

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

Amending Schedule 4 and the Lismore LEP 2012 maps is the only way to achieve the objectives of the planning proposal.

The following background is provided regarding each of the individual allotments.

Site 1: 4 & 6 Cambrian Street, Lismore (Lots 5 & 6 DP 536743)



- During the construction of the roundabout works at the intersection of Orion and Molesworth Streets the owner of number 2 Cambrian Street asked Council to consider selling the adjoining number 4 Cambrian Street as his property had been impacted by the adjacent roadworks, the acquisition of number 4 would provide his tenants with increased space and it is not used by the community.
- These lots were not identified in the initial review of the 'pocket parks' divestment strategy in the Lismore Sport and Recreation Plan 2011 – 2021, which recommends rationalising small parks with poor functionality.
- Council's Parks co-ordinator has advised that the land is not used as a park.
- There is another larger park on the southern side of Cambrian Street and north of Wilson River. These parks are zoned RE1 and are accessible to local residents.
- Reclassifying 4 and 6 Cambrian Street (500 m² & 537 m² respectively) provides opportunities to dispose of both or part of these lots. The owner of 2 Cambrian Street may wish to purchase more than just 4 Cambrian Street. Reclassification allows Council to subdivide part of 6 Cambrian Street.
- The subject site is significantly affected by flooding.
- The land is currently in the RE1 Public Recreation zone and is proposed to be included in the B4 Mixed Use zone, which is consistent with adjoining land.
- The LEP Height of Building Map also requires amending so that 11.5m applies as a height limit.

Site 2: 39 Casuarina Drive, Goonellabah (Lot 33 DP 841587)



- This site has an area of 3,827m² and is located between Fischer Street and Invercauld Road, Goonellabah.
- The land does not have any road frontage and is included in the Deferred Matters 'zone' pending the finalisation of the E zone review by the Department of Planning and Environment .
- A Development Application has been approved to construct 222 dwellings for the undeveloped land to the north, the east and south. A requirement of the development consent is the regeneration of bushland in the lower western areas of the lot. The Council owned land is within the area proposed to be regenerated and if it were not included in an integrated regeneration proposal it would form a discontinuity in the regeneration plantings.
- At its Ordinary Council meeting held on 14 October 2014, Council resolved to commence the required process under the *Local Government Act 1993* to reclassify Lot 33 in Deposited Plan 841587 as operational land and upon reclassification of the land to transfer the lot to the adjoining land owner to allow integrated habitat regeneration to be undertaken on both lots.
- It is expected that the lot will continue to be regenerated and maintained as urban bushland.

Site 3: 23 Rifle Range Road, East Lismore (Lot 16 DP5145)



- The Koala Care and Research Centre is located on this land and Friends of the Koala (FoK) currently have a 21 year lease over the site;
- FoK have approached Council to acquire the land. FoK would like to upgrade the Koala Care and Research centre, and owning would assist in securing external finance and possibly grants;
- Reclassifying the land to operational would facilitate the disposal of the site to FoK;
- FoK has advised it will return ownership of the site to Council if it is no longer needed or the no longer operate the Centre;
- The site will remain within the RE1 Public Recreation zone.

Site 4: 9 Johnstone Street, North Lismore (Lot 1 DP539157)



- The owner at 7 Johnstone Street, North Lismore immediately to the west has approached Council to purchase the site as it is overgrown, does not appear to be mowed regularly by Council and is not used for public recreation or park purposes.
- Reclassifying the site from Community to Operational will allow Council to dispose of the land to the adjoining owner, who seeks to use it as an extension to an existing garden.
- The lot was not identified in the initial review of the 'pocket parks' divestment strategy in the Lismore Sport and Recreation Plan 2011 – 2021 which seeks to rationalise parks with poor functionality.
- The land is located adjacent to Arthur Park, an oval that is being used by local cricket and archery clubs and the Wyrallah Road Public School (Lismore Sport & Recreation Plan 2011 – 2021). Reclassifying and rezoning number 7 will not impact on the use of Arthur Park.
- The land is constrained by flooding from nearby Leicester Creek.
- It is proposed that the site is rezoned from RE1 Public Recreation to RU1 Primary Production, which is consistent with the zoning of adjoining properties and will ensure additional dwellings are not able to be approved. The minimum lot size for subdivision in the RU1 zone is 40 hectares in LEP 2012.

Site 5: 19 Hewett Street, Lismore (Lot F DP36026)



- This site, shown above, adjoins land considered for reclassification at the Ordinary Council meeting held on 9 April 2013 (part 106 McKenzie Street; Lot 27 in DP 577175) between the site and the remnant native vegetation in Rotary Park. Following public exhibition and objections relating to development impacting on the flying fox flight path from Rotary Park and the potential for ongoing community complaints about this issue Council resolved not to reclassify or rezone the site.
- This site is only 506m², compared to the adjoining site which has an area of 5,200m².
- The land is not being used as a park, there is another small park in Gardner Avenue, a short distance away and it adjoins Rotary Park.
- The Lismore Sport and Recreation Plan 2011 – 2021 “pocket parks” divestment strategy aims to rationalise small parks with poor functionality.
- Reclassifying the site and rezoning it from RE1 Public Recreation to R1 General Residential will allow Council to sell the land for housing. Only a single house could be built on the site, which would have minimal impact on flying foxes in Rotary Park.
- The R1 General Residential zoning is consistent with the zoning of adjoining properties.

Site 6: 22 Cedar Drive, Dunoon (Lot 37 DP248151)



- This site is 1,691m² in area and located as shown above. The land is steep, contains no park embellishments and is mown periodically by Council. The lower part of the land contains several large trees.
- At the Community Planning Day held at Whian Whian Hall on 13 June 2015 for the Whian Whian, Dunoon, Numulgi and Tullera communities, a community member suggested that this Council owned 'park' at 22 Cedar Drive, Dunoon be considered for sale with the funds derived being invested in upgrading the playground and facilities at Tamarind Park and Balzer Park in Dunoon. Tamarind Park, located approximately 500 metres to the north, is flat and is used by local residents and passing tourists but is in need of a revamp. Timber picnic tables originally installed have long since rotted. The very small playground located beside Balzer Park is also in need of a facelift.
- The owners of adjoining properties at 18, 28 and 44 Cedar Drive, Dunoon were contacted by telephone to gauge the level of usage of the park and all advised there is no community usage of the park and there would be limited impact if it was sold for residential use, especially if the funds are allocated to more usable parks in Dunoon.
- The land is in the RU5 Village Zone and does not require rezoning. The minimum lot size for subdivision under the Lismore LEP 2012 is 2,500m²; therefore, could not be further subdivided. Council's environmental health staff advise that an on-site wastewater treatment system could be accommodated on a lot of this size and with the topographical features.

Section B – Relationship to the strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of Far North Coast Regional Strategy?

The planning proposal is consistent with the Far North Coast Regional Strategy.

The Strategy focuses on settlement patterns and growth within the region. The only relevant Action is contained in Chapter 8 - Settlement Character and Design

New and changing settlement areas should incorporate open space that is accessible to the public, which provides opportunities for recreation, nature conservation, social interaction, and for visual enhancement and amenity.

Some of the allotments proposed for reclassification and rezoning are a direct response to the Lismore Sport and Recreation Plan. The plan recommends a “pocket park” divestment strategy, with parks selected subject to assessment against specified criteria. Profits generated from the divestment are to be used towards upgrading the standards of existing parks, improving access to other parks or acquiring land to enhance the existing park network.

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

The planning proposal is consistent with Council's Community Strategic Plan (Imagine Lismore) - Parks service ten year objectives: *Implementation of the Lismore Sport and Recreation Plan*

The proposed reclassifications / rezonings more accurately reflect the use of various sites and do not compromise Council's ability to implement the Sport and Recreation Plan.

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

The planning proposal is consistent with the applicable State Environmental Planning Policies. Refer to Table No. 2 below for detail.

Table No. 2: State Environmental Planning Policy compliance table

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 6 – Number of Storeys in a Building	Not applicable	Not applicable
SEPP No. 14 – Coastal Wetlands	Not applicable	Not applicable
SEPP No. 21 – Caravan Parks	Not applicable	Not applicable
SEPP No. 22 – Shops and Commercial Premises	Not applicable	Not applicable
SEPP No. 26 – Littoral Rainforests	Not applicable	Not applicable
SEPP No. 30 – Intensive Agriculture	Not applicable	Not applicable
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)	Not applicable	Not applicable
SEPP No. 33 – Hazardous and Offensive Development	Not applicable	Not applicable
SEPP No. 36 – Manufactured Home Estates	Not applicable	Not applicable
SEPP 44 – Koala Habitat Protection	3 Aims, objectives etc (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat,	Consistent One of the sites proposed to be reclassified from Community to Operational is mapped

State Environmental Planning Policy	Requirements	Compliance
	and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.	as Koala Habitat but is leased by Friends of Koala and is not to be rezoned for development. The intention is for Council to transfer ownership of the lot to the Friends of the Koalas.
SEPP No. 50 – Canal Estate Development	Not applicable	Not applicable
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable	Not applicable
SEPP 55 – Remediation of Land	6 Contamination and remediation to be considered in zoning or rezoning proposal.	Consistent None of the allotments proposed for rezoning are listed on Council's potential contaminated land register. Sites No. 1, 4 & 5 involve a zone change from one zone listed in SEPP 55 clause 6(4) (c) to another zone listed in clause 6(4) (c). There is no potential for increased risk of harm to human health or any other aspect of the environment. <u>Site No. 1</u> is proposed to be rezoned from Zone RE1 to Zone B4. The land is a pocket park. The 500m ² & 537m ² lots are likely to be acquired by at least one of the adjoining property owners. <u>Site No. 4</u> is proposed to be rezoned from Zone RE1 to RU1. Council purchased the land in 1994 under the Flood Prone Land Acquisition Scheme. No additional dwellings will be possible under the RU1 zone. Once Council disposes of the land to the adjoining land owner, the site will be used as an extension to an existing garden.

State Environmental Planning Policy	Requirements	Compliance
		Site No. 5 is proposed to be rezoned from Zone RE1 to Zone R1. The land is a park created as part of a residential subdivision in the 1970s. The 506m ² lot will be sold, with a residential zoning allowing the development of a dwelling.
SEPP No. 62 – Sustainable Aquaculture	Not applicable	Not applicable
SEPP No. 64 – Advertising and Signage	Not applicable	Not applicable
SEPP No. 65 – Design Quality of Residential Flat Development	Not applicable	Not applicable
SEPP No 70 – Affordable Housing (Revised Schemes)	Not applicable	Not applicable
SEPP No. 71 – Coastal Protection	Not applicable	Not applicable
SEPP (Affordable Rental Housing) 2009	Not applicable	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable	Not applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable	Not applicable
SEPP (Infrastructure) 2007	Not applicable	Not applicable
SEPP (Major Development) 2005	Not applicable	Not applicable
SEPP (Mining, petroleum Production and Extractive Industries) 2007	Not applicable	Not applicable
SEPP (Rural Lands) 2008	Consistency with the following: 7 Rural Planning Principles 8 Rural Subdivision Principles	Not applicable
SEPP (SEPP 53 Transitional Provisions) 2011	Not applicable	Not applicable
SEPP (State and Regional Development) 2011	Not applicable	Not applicable
SEPP (Temporary Structures) 2007	Not applicable	Not applicable
SEPP (Urban Renewal) 2010	Not applicable	Not applicable

6. Is the planning proposal consistent with applicable s117 Ministerial Directions?

The planning proposal is consistent, or the inconsistency is justified, with the applicable s117 Ministerial Directions. Refer to Table No. 3 below for details.

Table No. 3: Section 117 Ministerial Directions compliance table

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	4(b) Retain the areas and locations of existing business and industrial zones.	Consistent
1.2 Rural Zones	(4) A draft LEP shall: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone	Not applicable

Ministerial Directions	Requirements	Compliance
	(other than land within an existing town or village).	
1.3 Mining Petroleum Production and Extractive Industries	Not applicable	Not applicable
1.4 Oyster Aquaculture	Not applicable	Not applicable
1.5 Rural Lands	The planning proposal must be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in SEPP (Rural Lands) 2008.	Not applicable
2. Environment and Heritage		
2.1 Environment Protection Zones	Must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Must not reduce protection standards for environmental protection zones.	Consistent Site No. 2 is dedicated Council 'bushland', but Council has never had usable access to the lot nor has the resources to enhance or maintain the area. The proposed reclassification of Site No. 2 from Community to Operational will enable Council to transfer the lot to the adjoining land owner (lot 31 in Deposited Plan 841587). Integrated habitat regeneration will then be undertaken for both lots.
2.2 Coastal Protection	Not applicable	Not applicable
2.3 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	Not applicable
2.4 Recreation Vehicle Areas	Not applicable	Not applicable
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The planning proposal must: • Broaden the choice of housing types and locations. • Make efficient use of existing infrastructure and services. • Reduce consumption of land. • Housing of good design. • Residential development not permitted until land is adequately serviced. • Not contain provisions that will reduce residential density.	The reclassification and rezoning of Site 5 will provide an additional lot for housing in a location that is close to retail, commercial and community services and employment and recreation opportunities.

Ministerial Directions	Requirements	Compliance
3.2 Caravan Parks and Manufactured Home Estates	- Retain provisions that permit development of caravan park. - Appropriate zone for existing caravan parks.	Not applicable
3.3 Home Occupations	The planning proposal must permit home occupations in dwelling houses without development consent.	Not applicable
3.4 Integrating Land Use and Transport	A planning proposal must locate zones for urban purposes that give effect to: - Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and - The Right Place for Business and Services – Planning Policy (DUAP 2001)	Consistent The sites being proposed for inclusion in Zone B4 Mixed Use and Zone R1 General Residential are in an existing urban area of Lismore with good access to transport networks.
3.5 Development Near Licensed Aerodromes	Not applicable	Not applicable
3.6 Shooting Ranges	Not applicable	Not applicable
4. Hazard and Risk		
4.1 Acid Sulfate Soils	(6) A council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.	Consistent No intensification of land use is proposed on land identified on the Acid Sulfate Soils Planning Maps.
4.2 Mine Subsidence and Unstable Land	- Applies to mine subsidence areas - Applies to areas identified as unstable	Consistent - The land is not within a mine subsidence area. - The proposal does not incorporate intensification of land uses in any unstable land.
4.3 Flood Prone Land	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. A draft LEP shall not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties,	Inconsistent but the inconsistency is justified. Site No. 1 is located in the flood planning area in a high risk precinct. However, in accordance with clause 9(a) of this Direction, the inconsistency is of minor significance. The site is proposed to be rezoned to B4 Mixed Use. The small size of the allotments and the location in

Ministerial Directions	Requirements	Compliance
	(c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.	a predominantly low density residential area will restrict the development of the site. Any future development would be required to address the LEP Flood Planning clause and chapter 8 of the Development Control Plan to ensure that the flow of flood water is not restricted during a significant flood and any residential uses are above the flood planning level. Site No. 5 is also located in a High Risk precinct. However, in accordance with clause 9(a) of this Direction, the inconsistency is of minor significance. The proposed RU1 zoning will ensure that no dwelling is built. Once acquired by the adjoining land owner, the land will be used to extend an existing garden.
4.4 Planning for Bushfire Protection	A planning proposal in bush fire prone land: • Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination prior to community consultation. • Have regard to Planning for Bush Fire Protection 2006. • Restrict inappropriate development from hazardous areas. • Ensure bush fire hazard reduction is not prohibited within the APZ.	Consistent. Sites 2 and 6 are mapped as being bushfire prone. Site 2 is not proposed to be rezoned and there will be no future development on the site. Site 6 will not be rezoned but its sale could result in a future dwelling in the RU5 zone. This will require development consent under Part 4 of the EP&A Act 1979, including compliance with s79BA of that Act. Council is required under section 117 of the EP&A Act 1979, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act, and take into account any comments so made.

Ministerial Directions	Requirements	Compliance
5. Regional Planning		
5.1 Implementation of Regional Strategies	The planning proposal must be consistent with the Far North Coast Regional Strategy.	Consistent The planning proposal is consistent with the Far North Coast Regional Strategy. Refer to Part 3 of this report for further detail.
5.2 Sydney Drinking Water Catchments	Not applicable	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	The planning proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.	Consistent
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	Not applicable	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable	Not applicable
6. Local Plan Making		
6.1 Approval and Referral Requirements	- A planning proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of Department of Planning & Environment (DP&E). - Not identify development as designated development unless justified.	Consistent - The planning proposal does not introduce concurrence, consultation or referral requirements. - Not designated development.
6.2 Reserving Land for Public Purposes	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DP&E.	Consistent Council is the owner of all the allotments that are the subject of this planning proposal. The Planning Proposal is subject to the approval of the DP&E.
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.	Not applicable

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

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?

The planning proposal is not likely to adversely impact threatened species, populations or ecological communities or their habitats.

Site No. 1 is located in an urban area and has been mown by Council's Parks Section for many years.

Site No. 2 contains Koala habitat that will be regenerated by the owner of the adjoining site.

Site No. 3 is leased by the Friends of the Koalas and also contains Koala habitat.

Site No. 4 does not contain any significant vegetation.

Site No. 5 does not contain any significant vegetation. The construction of a single dwelling is unlikely to have any significant impact on the flying fox colony in nearby Rotary Park.

Site No. 6 contains several mature trees that will not be impacted by this proposal.

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

There are no likely negative environmental effects associated with the planning proposal. The rezoning of Site 1 is unlikely to, which is in the flood planning area, is unlikely to result in more intensive use due to the site characteristics. The reclassifications are of a relatively minor nature and are proposed to more accurately reflect the current or future use.

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

This planning proposal is consistent with the recommendations of the Lismore Sports and Recreation Plan. The overall benefit to the wider community is summarised in the Lismore Sports and Recreation Plan when it notes:

"Very small parks (generally less than 1,000m²) usually have limited value for recreational purposes. In addition, they are too small to accommodate a range of uses, equipment and play experiences. The proliferation of very small pocket parks as opposed to a well planned network of strategically located, larger parks (ideally minimum of 4,000m²) creates a greater maintenance burden for Council with lower recreational benefits."

The social and economic effects of divestment of small poorly functioning parks will be offset by using funds raised for the improvement of the remaining parks. Some of the sites being proposed for reclassification will more accurately reflect the existing or future operational nature of the site.

Section D – State and Commonwealth Interests

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

Site No. 1 is proposed for Zone B4 Mixed Use. The size of the lots and the low density residential nature of the immediate area mean there is unlikely to be significantly increased development on the land. There is sufficient infrastructure to service any future development of the land.

Site No. 4 is proposed for Zone RU1 Primary Production, but the lot will be too small to permit the construction of a dwelling.

Site No. 5 is proposed for Zone R1 General Residential where a dwelling house is permitted with consent. The land will only be large enough for the construction of one dwelling and there is sufficient infrastructure to service a dwelling.

The land uses for the other sites will remain unchanged.

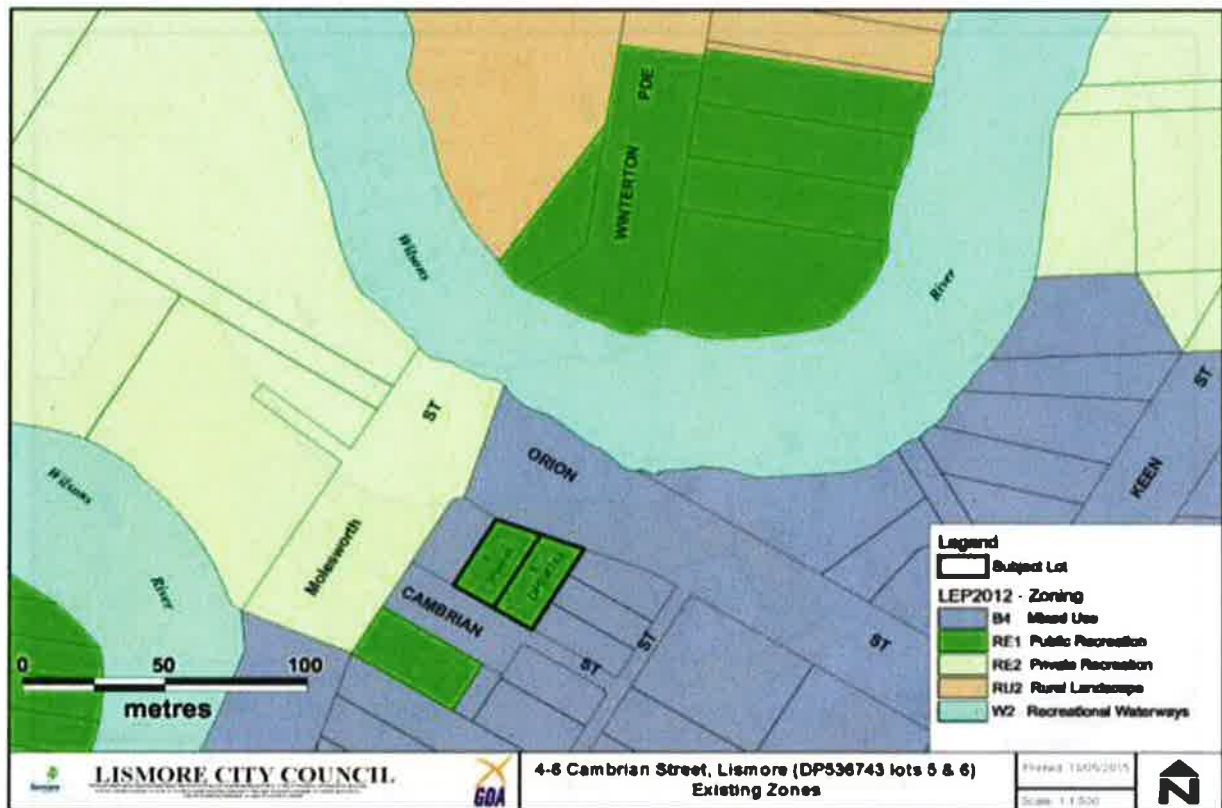
11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Council is required to consult with the NSW Rural Fire Service in accordance with s117 Ministerial direction 4.4. Otherwise, the proposed reclassification and rezoning of certain Council land is generally minor in nature and does not warrant further consultation with public authorities.

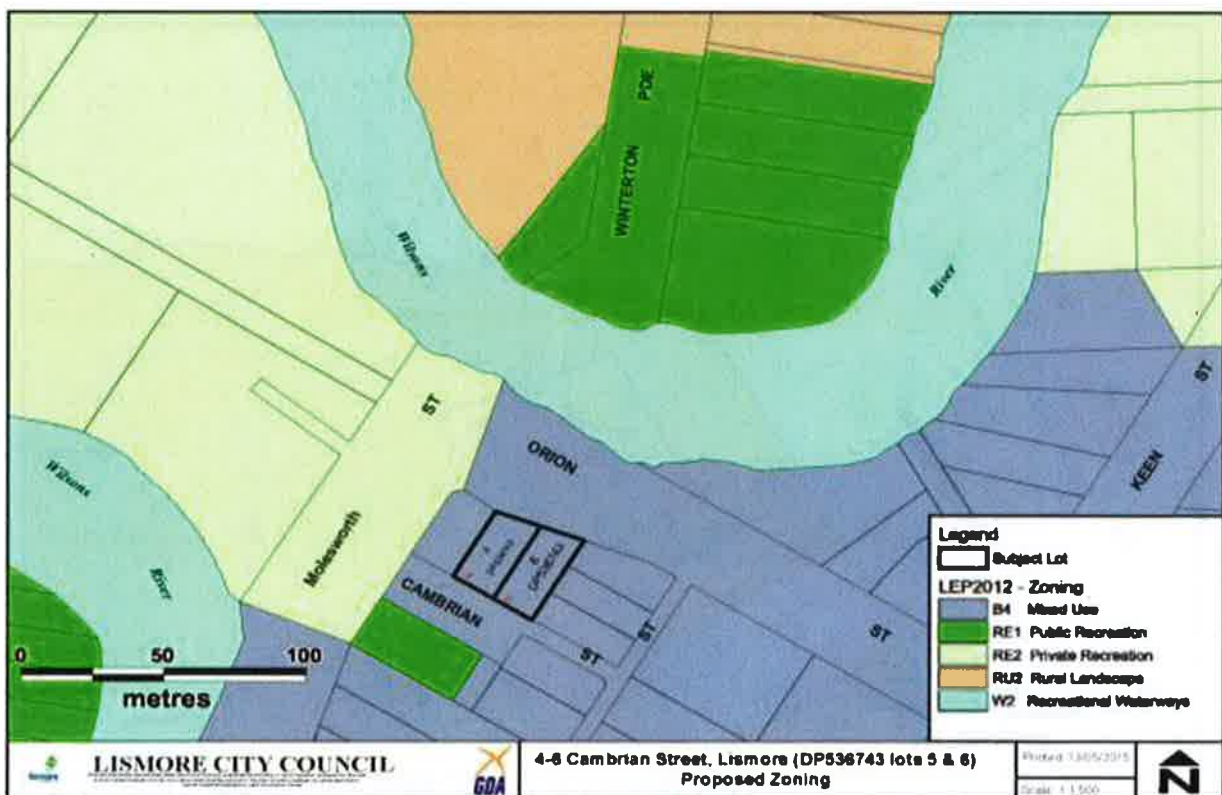
Part 4 - Mapping

Four of the allotments (three sites) are proposed for rezoning. The proposal will involve amendments to various LEP maps. The existing and proposed LEP maps are provided below.

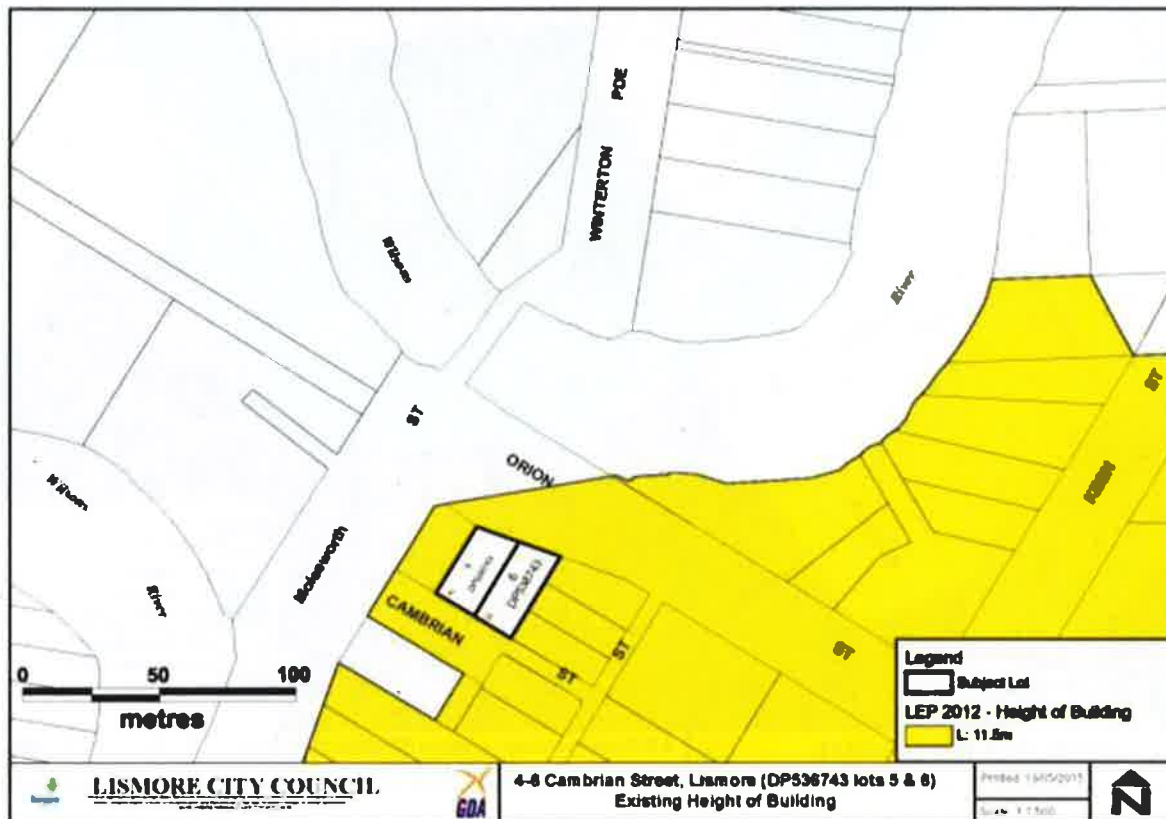
Site 1: 4 & 6 Cambrian Street, Lismore - Existing Zone



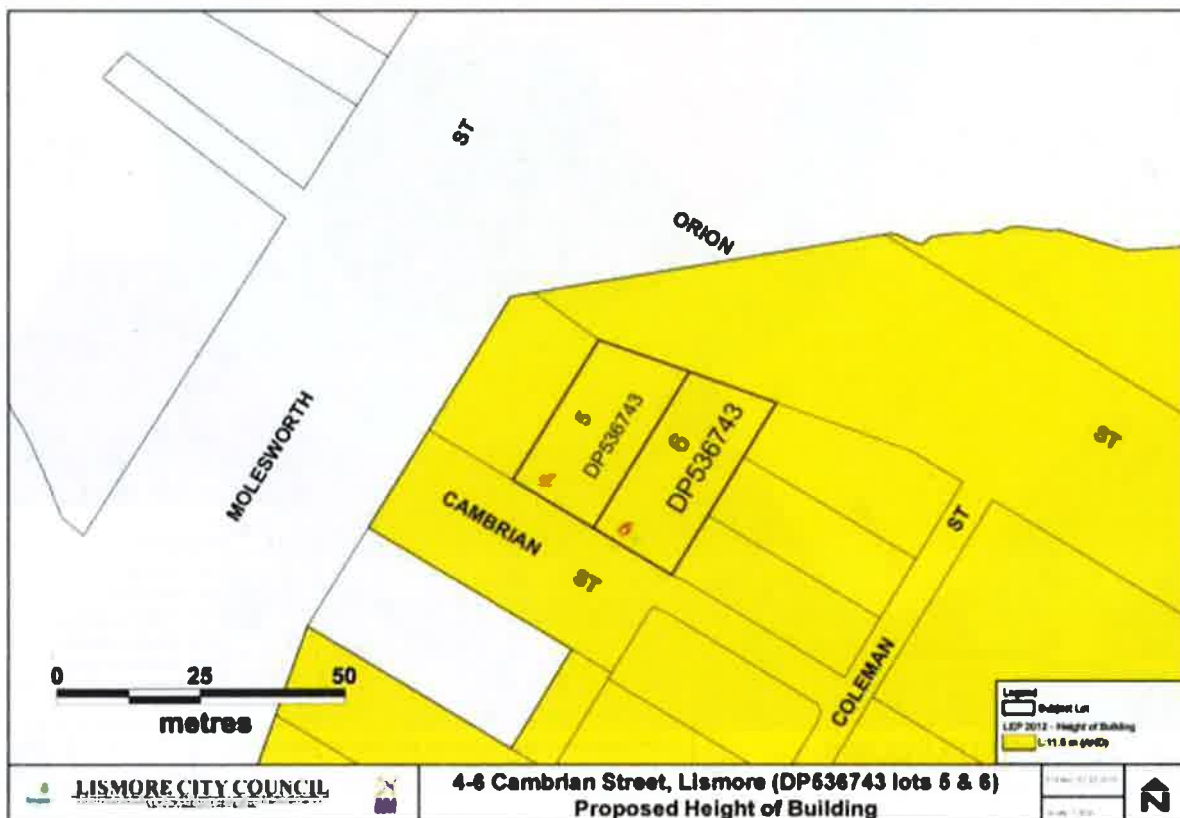
Site 1: 4 & 6 Cambrian Street, Lismore - Proposed Zone



Site 1: 4 & 6 Cambrian Street, Lismore - Existing Height of Buildings



Site 1: 4 & 6 Cambrian Street, Lismore - Proposed Height of Buildings



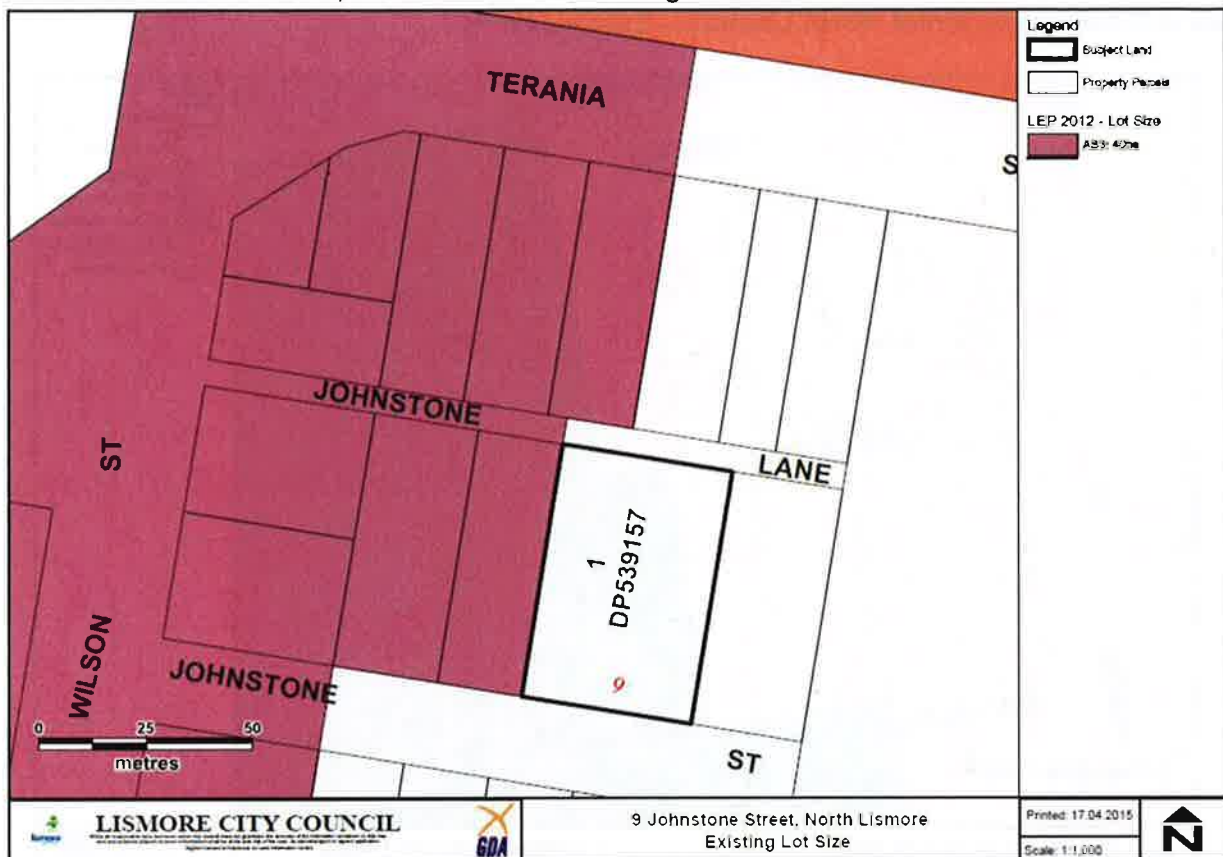
Site 4: 9 Johnstone Street, North Lismore – Existing Zone



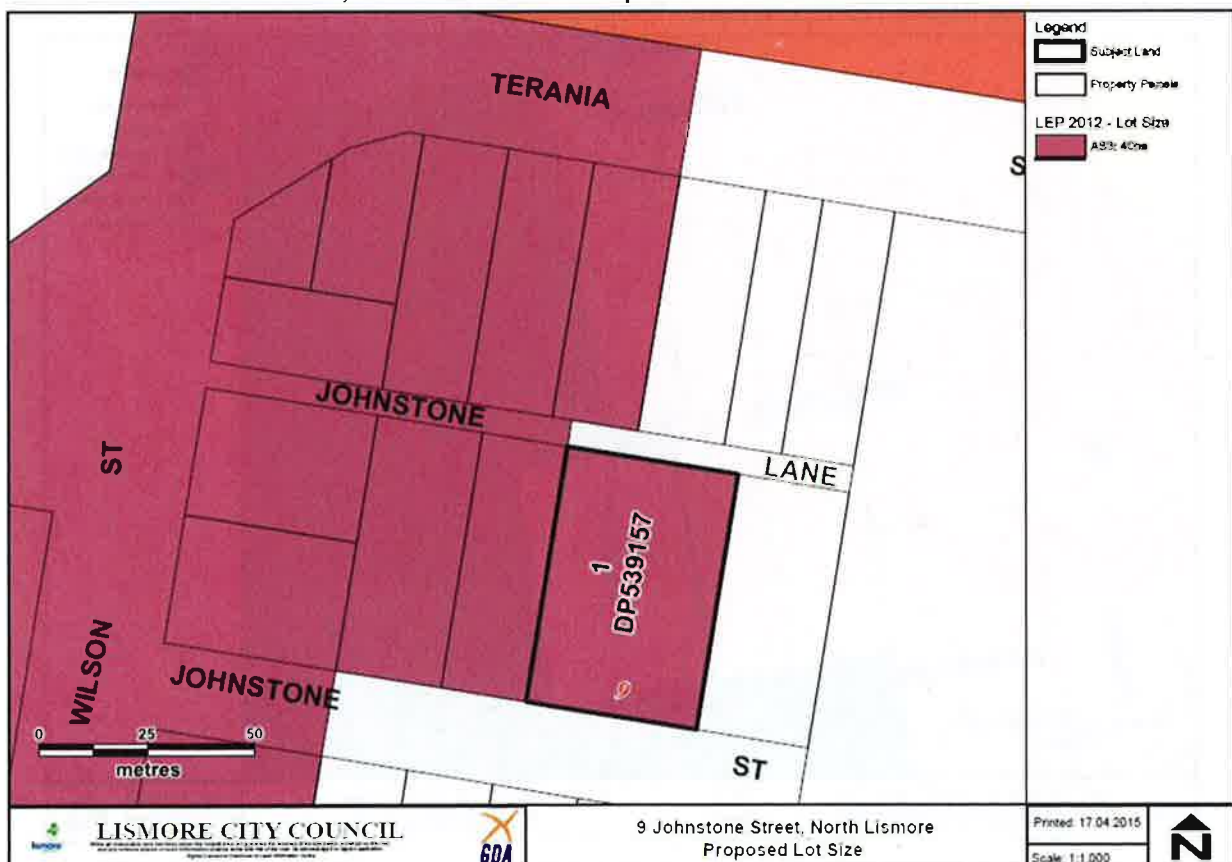
Site 4: 9 Johnstone Street, North Lismore - Proposed Zone



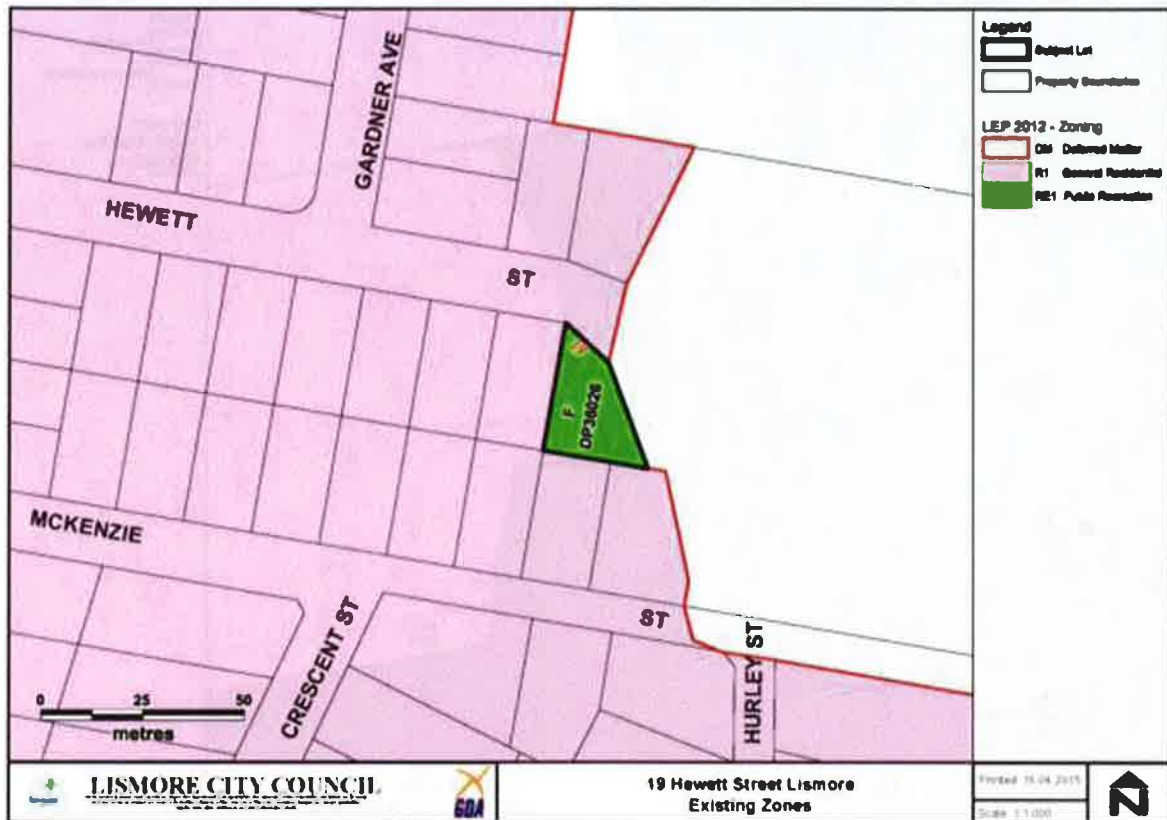
Site 4: 9 Johnstone Street, North Lismore - Existing Minimum Lot Size



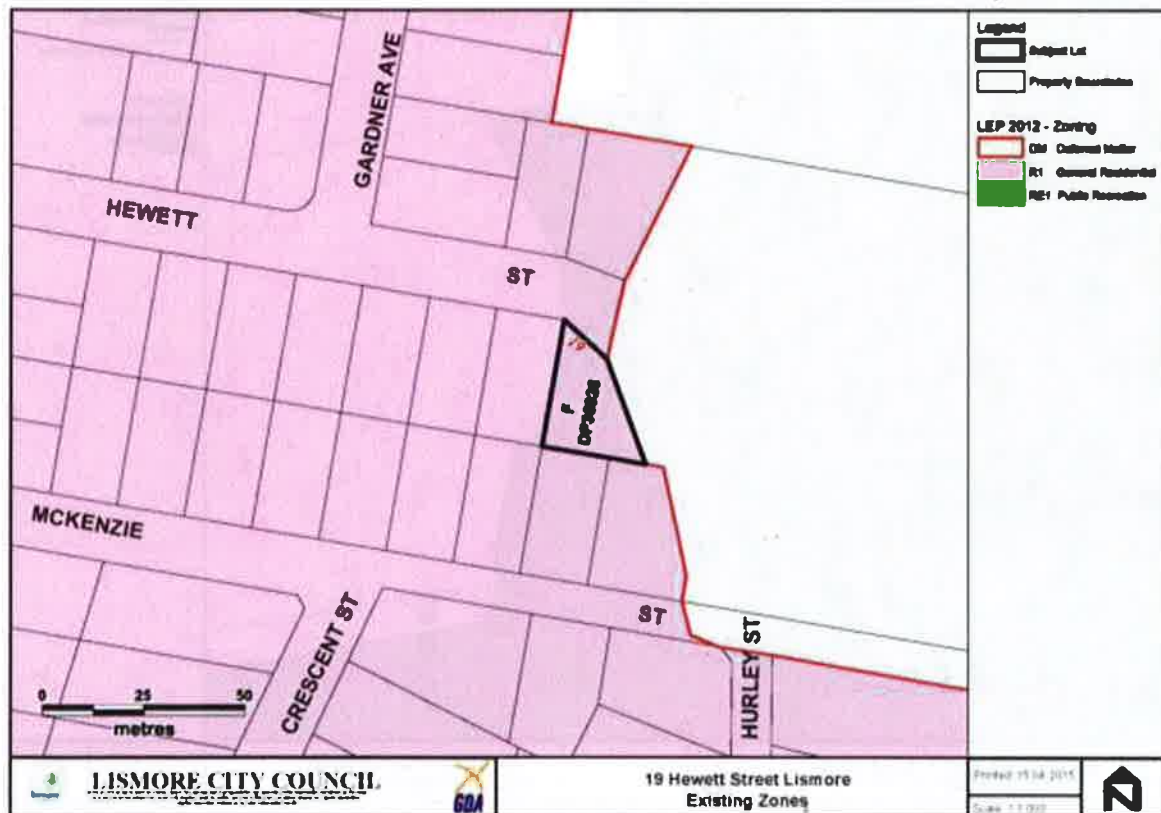
Site 4: 9 Johnstone Street, North Lismore - Proposed Minimum lot Size



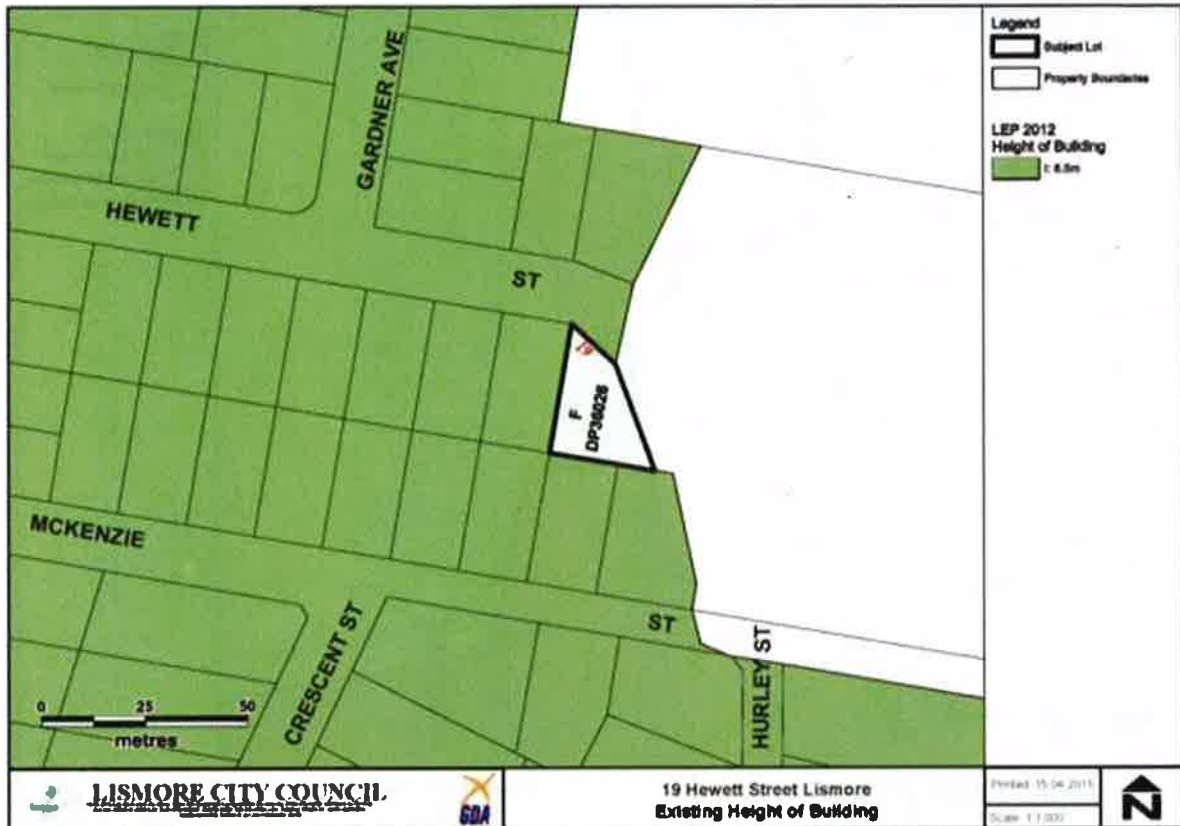
Site 5: 19 Hewett Street, Lismore – Existing Zone



Site 5: 19 Hewett Street, Lismore - Proposed Zone



Site 5: 19 Hewett Street, Lismore - Existing Height of Buildings



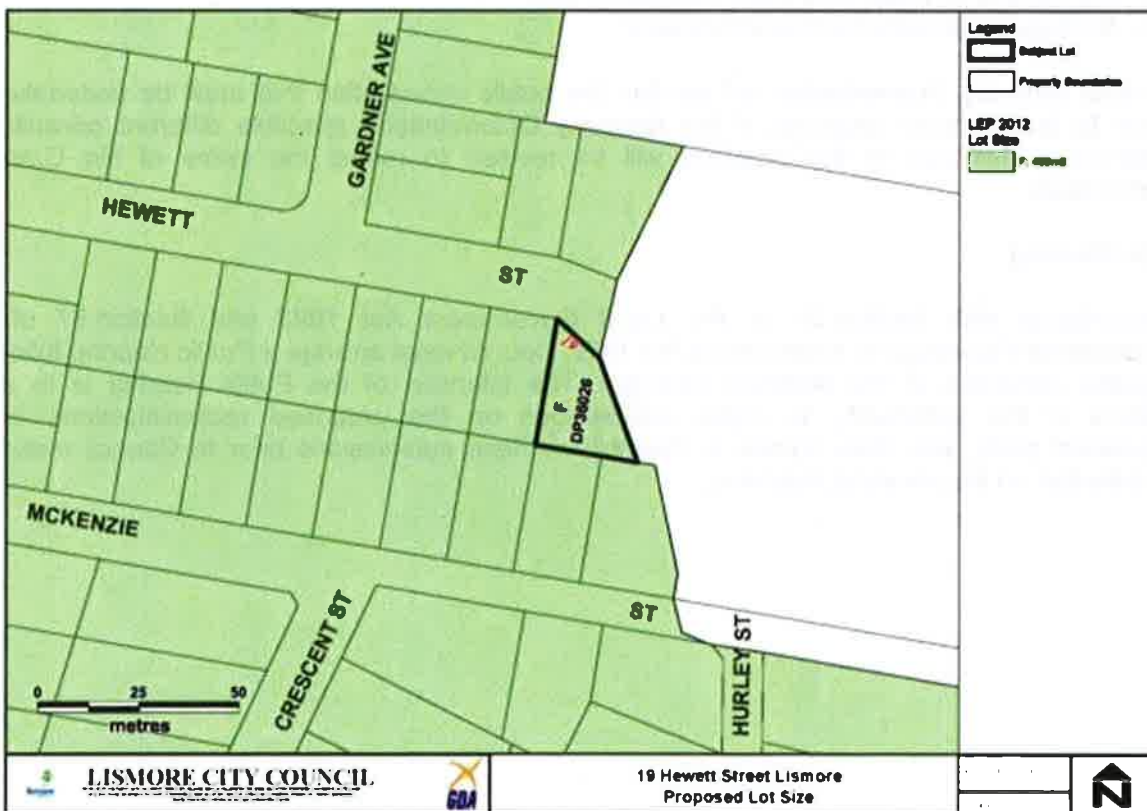
Site 5: 19 Hewett Street, Lismore - Proposed Height of Buildings



Site 5: 19 Hewett Street, Lismore - Existing Minimum Lot Size



Site 5 – 19 Hewett Street, Lismore - Proposed Minimum Lot Size



Part 5 – Community consultation

The *Local Government Act 1993* requires a proposal for the reclassification of Council land from 'community' to 'operational' to be exhibited for not less than 28 days. Community consultation will be commenced by giving notice of the public exhibition of the planning proposal:

- in a newspaper that circulates in the area affected by the planning proposal
- on Council's and the Department of Planning and Environment's web sites, and
- in writing to adjoining landowners.

The written notice will:

- give a brief description of the objectives or intended outcomes of the planning proposal
- indicate the land affected by the planning proposal
- state where and when the planning proposal can be inspected
- give the name and address for the receipt of submissions, and
- indicate the closing date for submissions.

During the exhibition period, the following material will be made available for inspection:

- the planning proposal, in the form approved for community consultation by the Director General of Planning
- the Gateway Determination, and
- material consistent with and as set out in the Department of Planning and Environment's guidelines for the Rezoning of Council Property Assets. This information includes details showing:
 1. Council's ownership of the land
 2. the asset management objectives being pursued
 3. the manner in which they will be achieved, and
 4. the type of benefits the Council desires.

The initial Gateway Determination will confirm the public consultation that must be undertaken in relation to the planning proposal. If the Gateway Determination specifies different consultation requirements, this part of the proposal will be revised to reflect the terms of the Gateway Determination.

Public Hearing

In accordance with Section 29 of the *Local Government Act 1993* and Section 57 of the *Environmental Planning and Assessment Act 1979*, Council must arrange a Public Hearing following the public exhibition of the planning proposal. The intention of the Public Hearing is to allow members of the community to make submissions on the proposed reclassifications to an independent party, who then reports to Council on these submissions prior to Council making a determination on the planning proposal.

Part 6 – Project timeline

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

Estimated Completion	Plan Making Step
August 2015	Council considers Planning Proposal
September 2015	Gateway determination issued by Department of Planning and Environment
October 2015	Government agency consultation Public exhibition
November 2015	Analysis of public submissions Preparation of Council report
December 2015	Public Hearing Preparation of report
February 2016	Report to Council
February 2016	Preparation of LEP draft maps
March 2016	Opinion sought from Parliamentary Counsel's Office
April 2016	Making of the draft LEP Notification of the draft LEP