

Planning Proposal

Fourth round of reclassifications of Council owned land

14 February 2017



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Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to reclassify various allotments of Council owned land. The reclassification of the land to Operational will enable the sale or lease of the sites.

Part 2 – Explanation of Provisions

The planning proposal involves the reclassification of three (3) Council owned allotments at two (2) sites from Community to Operational.

One of the allotments was recently reclassified to Operational – no interests changed and it has subsequently become evident that it should have been reclassified Operational – interests changed. In order to achieve the correct classification for this site Lismore City Council has resolved to reclassify the land back to Community, not through an LEP, at the same Council meeting that provided a resolution to seek a Gateway determination for this planning proposal. This planning proposal, inter alia, seeks to reclassify this lot from Community to Operational – interests changed. Table 1 below provides a summary of the proposed amendments.

Table 1 - Summary of Reclassifications

Location	Lot and DP	Proposed or current land use	Zone	Is the land use permissible? Yes/No	Proposed classification change	Origin
Site 1 36A Smith Street, Clunes	Lot 2 DP 830616	Child care centre (current use)	RU5 Village	Yes	Community to Operational (interests changed)	Council resolution 11 June 2013 (107/13) Reclassify to Operational
Site 2 2 & 4 Cassia Crescent, Goonellabah	Lot 1 DP 630988 (2 Cassia Cres)	Child care centre (proposed use)	RE1 Public Recreation	Yes	Community to Operational	Council resolution 10 May 2016 (56/16) Reclassify to Operational
	Lot 2 DP 630988 (4 Cassia Cres)	Access and parking for Clifford Park (current use) and access and parking for child care centre (proposed use)	RE1 Public Recreation	Yes	Community to Operational	Council resolution 10 May 2016 (56/16) Reclassify to Operational

The planning proposal does not involve changes to the Land Zoning Map or the Land Reclassification (Part Lots) Map. The proposed amendments are limited to the written instrument, in particular Schedule 4 of the LEP. The proposed amendments to schedule 4 are detailed below:

Schedule 4 Classification and reclassification of public land

Omit the following entry from **Part 1 Land classified, or reclassified as operational land – no interests changed**

Column 1 Locality	Column 2 Description
36A Smith Street, Clunes	Lot 2, DP 830616

Insert the following entries into **Part 1 Land classified, or reclassified as operational land – no interests changed**

Column 1 Locality	Column 2 Description
2 Cassia Crescent, Goonellabah	Lot 1 DP 630988
4 Cassia Crescent, Goonellabah	Lot 2 DP 630988

Insert the following entry into **Part 2 Land classified, or reclassified, as operational land – interests changed**

Column 1 Locality	Column 2 Description	Column 3 Any trusts etc not discharged
36A Smith Street, Clunes	Lot 2, DP 830616	Easement(s) to drain water as noted on Certificate of Title Folio Identifier 2/830616

Part 3 – Justification

Section A – Need for the Planning Proposal

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

The planning proposal for both sites is a result of a Council resolution for their reclassification to accommodate the sale of Site 1 (36A Smith Street Clunes) and the lease or sale of Site 2 (2 and 4 Cassia Crescent, Goonellabah). The existing/intended land use for both of the sites is a child care centre.

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

Reclassification of both of the sites to Operational with the amendment of Lismore LEP 2012 Schedule 4 is the only way to achieve the objectives of the planning proposal.

Table 2 below provides the required information to reclassify land through an LEP in accordance with the Department of Planning and Environment's LEP Practice Note PN 16-001.

Table 2 - Reclassification Information – DPE LEP Practice Note PN 16-001

Issue	36A Smith Street, Clunes (Lot 2 DP 830616)	2 & 4 Cassia Crescent, Goonellabah (Lots 1 & 2 DP 830988)
1. The current and proposed classification of the land;	Proposed reclassification from Operational (no interests changed) to Community (Council resolution only) and then to Operational (interests changed).	Proposed reclassification from Community to Operational – no interests changed
2. Whether the land is a 'public reserve' (defined in the LG Act);	Yes – noted on deposited plan.	Not on title as a public reserve; Lot not notified in Government Gazette.
3. The strategic and site specific merits of the reclassification and evidence to support this;	The land is used by the Clunes Community Pre-School for outdoor space and children's play equipment.	Lot 1 is proposed to be used for the relocation of the Jarjum Pre-School, which generally services the Aboriginal community in that location. Lot 2 would still be used for access and parking for Clifford Park. Lot 2 is likely to provide access to Lot 1.
4. Whether the planning proposal is the result of a strategic study or report;	Council resolved on 11 June 2013 (107/13) to reclassify the land from Community to Operational in order to transfer ownership of 36A Smith Street, Clunes from Council to Clunes Community Pre-School for nil consideration.	Council resolved on 10 May 2016 (56/16) to reclassify the land from Community to Operational to facilitate the potential lease or transfer ownership of 2 Cassia Crescent, Goonellabah from Council to Jarjum Pre-School.
5. Whether the planning proposal is consistent with council's community plan 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 reclassification more accurately reflects the use of the site and does not compromise Council's ability to implement the Sport and Recreation 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 more accurately reflects the proposed use of the site and does not compromise Council's ability to implement the Sport and Recreation Plan.
6. A summary of council's interests in the land, including: - how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution) - if council does not own the land, the land owner's consent; - the nature of any trusts, dedications etc;	The land was dedicated as public reserve by registration of DP 807717 on 1 February 1991 being plan of subdivision for Lot 57 DP 788594. Settlement of the sale for nil consideration took place on 7 October 2015. Registration of the Transfer (LPI reference AJ981446) could not proceed until the classification is changed from <i>operational – no interest changed</i> to <i>operational interests changed</i> (remove public reserve status). Registration of the Transfer can only take place on the completion of this	Council owns the two allotments. Council records do not reveal how the land was acquired. Council subdivided the land in 1981 to facilitate a lease to the Scouts and Girl Guides. The land was within an urban open space zone. The lease was terminated in 2014 following the demolition of the building.

Issue	36A Smith Street, Clunes (Lot 2 DP 830616)	2 & 4 Cassia Crescent, Goonellabah (Lots 1 & 2 DP 830988)
	reclassification planning proposal.	
7. Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	Discharge the restrictions associated with the lease of the land to the Clunes Community Pre-School as this is now redundant with ownership transferring to the pre-school. Remove the public reserve status to enable the transfer of ownership from Council to Clunes Community Pre-School.	No interests to change.
8. The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);	The adjacent 1300m ² (36 Smith Street, Clunes) park services the needs of the community in that location. The adjoining 36A Smith Street has been used by the pre-school since 1991.	Clifford Park has a total area of approximately 4.5ha which is adequate for the needs of the local community and other user groups. The use of 2 Cassia Crescent (3,200m ²) for a pre-school would replace the historical use by Scouts and Girl Guides.
9. Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);	Public reserve status is registered on the deposited plan with a statement creating the lot as public reserve.	Not on title as a public reserve; Lot not notified in Government Gazette as public reserve.
10. Current use(s) of the land, and whether uses are authorised or unauthorised;	Playground area for pre-school with most of the buildings located on the adjoining 34 Smith Street (authorised use DA 91/442 preschool; BA 97/674 playground equipment).	2 Cassia Cres – vacant land, site of recently demolished scout hall. 4 Cassia Cres – Sealed access and car parking for Clifford Park (authorised use); and children's play equipment.
11. Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	Council resolved on 11 June 2013 to reclassify the land from community to operational in order to transfer ownership of the land to Clunes Community Pre-School. The finalisation of the transfer of title is delayed awaiting the completion of this reclassification planning proposal.	Lot 2 is currently vacant and is proposed to either be leased or sold to Jarjum Pre-School. Lot 4 provides access and carparking for Clifford Park and would likely be used for access to any future pre-school on Lot 2.
12. Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);	Settlement of the above sale took place on 7 October 2015. Registration of the Transfer (LPI reference AJ981446) will complete the matter. This can only take place on the completion of this reclassification planning proposal.	Council are still awaiting a proposal from the Jarjum Pre-School.

Issue	36A Smith Street, Clunes (Lot 2 DP 830616)	2 & 4 Cassia Crescent, Goonellabah (Lots 1 & 2 DP 830988)
13. Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);	No associated rezoning.	No associated rezoning.
14. How council may or will benefit financially, and how these funds will be used;	In accordance with the Council resolution the land is to be transferred to Clunes Community Pre-School for nil consideration.	The financial terms of any lease or sale of the land are yet to be explored. Ultimately, maintenance of Lot 2 will be vested with the lessee / purchaser, which will reduce the area to be maintained by Council.
15. How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;	There are no funds from the sale of the land.	The financial terms of any lease or sale of the land are yet to be explored.
16. A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot;	Not applicable	Not applicable
17. Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	Not applicable	Not applicable

Table 3 below provides responses to the Secretary's requirements in accordance with Section 5.5.4 of the Department of Planning and Environment's Guide to Preparing Local Environmental Plans.

Table 3 - Secretary's requirements

Secretary's requirement	36A Smith Street, Clunes (Lot 2 DP 830616)	2 and 4 Cassia Crescent, Goonellabah (Lots 1 and 2 DP 830988)
a. Is the planning proposal the result of a strategic study or report?	Council resolved on 11 June 2013 (107/13) to reclassify the land from Community to Operational in order to transfer ownership of 36A Smith Street, Clunes from Council to Clunes Community Pre-School for nil consideration.	Council resolved on 10 May 2016 (56/16) to reclassify the land from Community to Operational to facilitate the potential lease or transfer ownership of 2 Cassia Crescent, Goonellabah from Council to Jarjum Pre-School.
b. Is the planning proposal consistent with the local council's community plan, or other local strategic plan?	The planning proposal is consistent with Council's Community Strategic Plan (Imagine Lismore) – Parks Service ten year objectives:	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.

Secretary's requirement	36A Smith Street, Clunes (Lot 2 DP 830616)	2 and 4 Cassia Crescent, Goonellabah (Lots 1 and 2 DP 830988)
	Implementation of the Lismore Sport and Recreation Plan. The proposed reclassification more accurately reflects the use of the site and does not compromise Council's ability to implement the Sport and Recreation Plan.	The proposed reclassifications more accurately reflects the proposed use of the site and does not compromise Council's ability to implement the Sport and Recreation Plan.
c. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.	Discharge the restrictions associated with the lease of the land to the Clunes Community Pre-School as this is now redundant with ownership transferring to the pre-school. Remove the public reserve status to enable the transfer of ownership from Council to Clunes Community Pre-School.	No interests to change.
d. The concurrence of the landowner, where the land is not owned by the relevant planning authority.	Settlement of the sale for nil consideration by Council to Clunes Community Pre-School took place on 7 October 2015. Registration of the Transfer (LPI reference AJ981446) could not proceed until the classification is changed from operational – no interest changed to operational interests changed (remove public reserve status). The Registration of the Transfer can only take place on the completion of this reclassification planning proposal.	Council owns the two allotments. Council records do not reveal how the land was acquired. Council subdivided the land in 1981 to facilitate a lease to the Scouts and Girl Guides. The land was within an urban open space zone. The lease was terminated in 2014 following the demolition of the building.

Aerial views for each site and further information are provided below.

Site 1 - 36A Smith Street, Clunes (Lot 2 DP 830616)



Council resolved on 11 June 2013 to reclassify the land from *community* to *operational* in order to transfer ownership of the land to Clunes Community Pre-School. This allotment was reclassified to *operational – no interests changed* (covenants, restrictions, public reserve status etc. maintained) as part of Lismore LEP Amendment 8, gazetted on 12 December 2014. It has subsequently become evident that it should have been reclassified as *operational – interests changed* in order to remove the public reserve status of the land. In order to achieve the correct classification for this site, Council resolved to reclassify the land back to *community* (no LEP amendment required) at the same meeting that supported this reclassification planning proposal. This process is in accordance with the Department of Planning and Environment's LEP Practice Note PN 16-001 *Classification and reclassification of public land through a local environmental plan*.

The pre-school has occupied the site since 1991 by way of a commercial lease. The 415m² allotment is within Zone RU5 Village. Pre-schools (LEP definition - *child care centre*) are permissible with consent in the zone. Development consent has been issued for this land use on the site.

The title of the allotment notes that the property has: public reserve status; an easement appurtenant to the land created by DP 776932 to drain water; and a restriction associated with the lease of the land to the pre-school. The removal of the public reserve status is required for the finalisation of the transfer of the ownership to the pre-school. The restriction associated with the pre-school lease is now redundant with the ownership transferring to the pre-school. There is no justification to remove the drainage easement. It is proposed to reclassify the lot from *community* to *operational – interests changed* without discharging the drainage easement.

Site 2 - 2 and 4 Cassia Crescent, Goonellabah (Lot 1 and 2 DP 830988)



Jarjum Pre-School approached Council with a proposal to relocate to 2 and 4 Cassia Crescent where it would be located within the community that it largely serves. Jarjum Pre-School is currently located in East Lismore approximately 2km from the subject site and caters for indigenous and non-indigenous children. Council resolved on 10 May 2016 (56/16) that:

1. Council staff continue to work with Jarjum Pre-School on their proposal to relocate the pre-school to Clifford Park.
2. Council staff provide a further report to Council on progress if and when terms and occupancy on the land are defined, which may include consideration by Council for the sale of the land to Jarjum Pre-School.
3. Council resolve to proceed with reclassification of the land (Lot 2 DP 630988 and Lot 1 DP 630988 from community to operational status in the next round of LEP amendments.

Council have already consulted widely with regards the relocation of Jarjum Pre-School to 2 and 4 Cassia Crescent. Consultation included a letterbox drop to 92 neighbouring residents and businesses; letters posted to landowners who do not reside in the area; notification in *Local Matters*; written communication and direct discussions with key user groups of Clifford Park and with Lismore City Council Aboriginal Advisory Group.

2 Cassia Crescent has an area of 3,230m² and is the site of the recently demolished scout hall. This lot would likely be the site of the pre-school. 4 Cassia Crescent has an area of 6,900m² and is used as access for Clifford Park and improvements include a sealed driveway and car park as well as children's play equipment. It is likely that this lot would also provide access for a pre-school. The land is within Zone RE1 Public Recreation. Pre-schools are permissible in the zone with development consent.

Neither of the two allotments have public reserve status on the title, nor are they burdened by easements or covenants. It is proposed to reclassify both of the lots from *community* to *operational* – *no interests changed*.

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 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.

Site 1 has been used by the Clunes Community Preschool since 1991 and does not have a history of use for public recreation. Site 2 was the location of a scout hall and ancillary access and parking up until the recent demolition of the scout hall. The proposed reclassifications and associated land uses do not diminish opportunities for recreation, nature conservation, social interaction or visual enhancement. Moreover, the planning proposal is consistent with the Lismore Sport and Recreation Plan.

Q4. 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 more accurately reflect the use/proposed use of the two sites and do not compromise Council's ability to implement the Sport and Recreation Plan.

Q5. 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 4 below for detail.

Table 4 - 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

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 36 – Manufactured Home Estates	Not applicable	Not applicable
SEPP 44 – Koala Habitat Protection	3 Aims, objectives etc (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.	Consistent No primary or secondary koala habitat on either site.
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 are proposed for rezoning. Notwithstanding this, SEPP 55 will have to be considered in determining any development application on either of the sites.
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

State Environmental Planning Policy	Requirements	Compliance
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

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

The planning proposal is consistent with the applicable s117 Ministerial Directions. Refer to Table 5 below for details.

Table 5 - 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.	Not applicable
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 (other than land within an existing town or village).	Not applicable
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 Neither site has environmentally sensitive areas. The planning proposal does not involve environmental protection zones or land otherwise identified for environment protection purposes.
2.2 Coastal Protection	Not applicable	Not applicable
2.3 Heritage Conservation	Planning proposal must incorporate provisions that facilitate the conservation of European and Aboriginal heritage items or places.	No known items of European or Aboriginal heritage.
2.4 Recreation Vehicle Areas	Not applicable	Not applicable
2.5 Application of E2 and E3 Zones and Environmental	Not applicable	Not applicable

Ministerial Directions	Requirements	Compliance
Overlays in Far North Coast LEPs		
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.	Consistent Site 1 is located within Zone RU5 Village within which residential development is permitted. The use of this 415m² site for a preschool is consistent with the LEP zone objectives. Site 2 is not located within a zone that permits residential development.
3.2 Caravan Parks and Manufactured Home Estates	• Retain provisions that permit development of caravan parks. • 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)	Not applicable
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 Map 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.	Not applicable The planning proposal does not involve land identified on the Acid Sulfate Soils Planning Map.
4.2 Mine Subsidence and Unstable Land	• Applies to mine subsidence areas • Applies to areas identified as unstable	Not applicable The planning proposal does not involve mine subsidence areas or areas identified as unstable.
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,	Not applicable The planning proposal does not involve flood prone land.

Ministerial Directions	Requirements	Compliance
	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, (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.	
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.	Not applicable Neither allotment is mapped as bush fire prone land. Neither allotment is adjacent to a lot that is mapped as bush fire prone land.
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, Section B 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.	Not applicable The planning proposal does not involve land that is mapped as State or regionally significant

Ministerial Directions	Requirements	Compliance
		farmland, or significant non-contiguous farmland.
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 There are no other interested public authorities. 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
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Not applicable	Not applicable

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?

The planning proposal is not likely to adversely impact threatened species, populations or ecological communities or their habitats. The land that forms the subject of the planning proposal is located within developed urban areas and both of the sites have been highly modified to include many exotic flora species as well as some native species that do not constitute threatened species, populations or ecological communities. There is no critical habitat in the Lismore LGA.

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

There are no likely negative environmental effects associated with the planning proposal. The land is generally clear of constraints and the reclassifications are of a minor nature only and are proposed to accommodate the land use of *child care centre*.

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

The proposed Operational reclassifications will not compromise recreational opportunities in either Clunes (Site 1) or Goonellabah (Site 2). Site 1 has been used by the Clunes Community Preschool since 1991 and does not have a history of use for public recreation. Moreover, a 1,300m² public park is located adjacent to the subject site which satisfies the needs of the surrounding residents. Site 2 was the location of a scout hall and ancillary access and parking up until the recent demolition of the scout hall. Site 2, in particular the 3,200m² 2 Cassia Crescent (site for future pre-school), represents a small portion of the 4.5ha Clifford Park which provides active and passive recreational opportunities for the community.

The operation of child care centres in both locations will assist in serving the needs of the two communities and represents a positive social impact.

Section D – State and Commonwealth Interests

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

The planning proposal will not result in increased demand for public infrastructure.

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

The proposed reclassifications are minor in nature and involve land unconstrained by flood, bush fire, cultural heritage or significant biodiversity values. Council is of the view that the planning proposal does not warrant consultation with public authorities.

Part 4 – Mapping

The planning proposal is limited to amendments to the written instrument only and no mapping changes are proposed.

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,
- The web site of Lismore City Council and the Department of Planning and Environment,
- Letter to adjoining land holders,

The written notice will:

- Provide a brief description of the objectives or intended outcomes of the planning proposal,
- Indicate the land that is the subject of the planning proposal,
- State where and when the planning proposal can be inspected,

- Provide detail that will enable members of the community to make a submission.

Exhibition Material:

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

The Gateway determination will confirm the public consultation requirements.

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 purpose 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

Estimated completion	Plan making step
February 2016	Report planning proposal to Council
March 2016	Gateway determination issued by the Department of Planning and Environment
April/May 2016	Public exhibition
June 2016	Analysis of submissions Preparation of Council report
June 2016	Public hearing Preparation of report
July 2016	Report to Council
July 2016	Submission of the draft LEP to the Department of Planning and Environment for plan making
August/September 2016	Plan made and notified on NSW Legislation web site