

# **PLANNING PROPOSAL**

**Lismore City Council**

**General amendments**



## Part 1 – Objectives or intended outcomes

The objectives of the planning proposal include:

- a) To amend the minimum lot size for several village areas to more accurately reflect the capability of the land for on-site sewage and wastewater disposal;
- b) To rectify minor anomalies with the Lot Size Map;
- c) To rectify a minor anomaly with the Land Zoning Map;
- d) To refine clause 4.2E *Exceptions to minimum subdivision lot sizes for certain split zones* in order to cater for the full range of split zoned urban/rural lots;
- e) To enable the development of *recreation facilities (indoor)* in the industrial zones;
- f) To amend Schedule 2 Exempt development, Schedule 3 Complying development and the land use table in order to align the plan with recent amendments to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).

## Part 2 – Explanation of provisions

The planning proposal incorporates the second round of general amendments to Lismore LEP 2012, generally to correct minor anomalies and to update the plan in accordance with recent changes to the Codes SEPP. A brief overview is provided in Table No. 1 below and a comprehensive explanation and justification is included in Table No. 2 of Part 3 of this report.

**Table No. 1 Overview of provisions**

Item	Overview
1. Minimum lot size in village areas and South Gundurimba without reticulated sewerage systems	Amend the Lot Size Map for the following areas so that the development standard changes from 1000m <sup>2</sup> to 2500m <sup>2</sup> : <ul style="list-style-type: none"> <li>• Bexhill – Zone RU5 Village</li> <li>• Clunes – Zone RU5 Village</li> <li>• Dunoon – Zone RU5 Village</li> <li>• Goolmangar – Zone RU5 Village</li> <li>• South Gundurimba – Zone R5 Large Lot Residential</li> <li>• The Channon – Zone RU5 Village</li> <li>• Wyrallah – Zone RU5 Village</li> </ul>
2. Minimum lot size of the Zone RU1 Primary Production portion of 123 Taylor Road, Chilcotts Grass	Amend the Lot Size Map for 123 Taylor Road, Chilcotts Grass so that the development standard that applies to the Zone RU1 Primary Production portion of the lot changes from 40ha to 10ha.
3. Minimum lot size of Zone B1 Neighbourhood Centre at North Lismore Plateau	Amend the Lot Size Map for the Zone B1 Neighbourhood Centre at North Lismore Plateau by removing the 40ha development standard.
4. Land Zone at 179 Bangalow Road, Howards Grass	Amend the Land Zoning Map by changing 1260m <sup>2</sup> of Zone RU1 Primary Production to Zone R1 General Residential at 179 Bangalow Road, Howards Grass. Also amend the Lot Size Map so that a development standard of 400m <sup>2</sup> applies to the Zone R1 area; and amend Height of Buildings Map so that a development standard of 8.5m applies to the Zone R1 area.
5. Clause 4.2E Exceptions to minimum subdivision lot sizes for certain split zones	Amend clause 4.2E so that the split rural/urban zones also include Zones RE1 Public Recreation, RE2 Private Recreation, SP2 Infrastructure and RU5 Village.
6. <i>Recreation facilities (indoor)</i> in the industrial zones	Amend the land use table to permit <i>recreation facilities (indoor)</i> in Zone IN1 General Industrial and Zone IN2 Light Industrial.
7. Schedule 2 Exempt	Amend Schedule 2 Exempt development and Schedule 3

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development and Schedule 3 Complying development	Complying development by deleting the forms of development that were included in the Codes SEPP as of 22 February 2014.
8. <i>Building identification signs</i>	Amend the land use table so that <i>building identification signs</i> are changed from permissible without consent to permissible with consent in all zones except for Zone RU3 Forestry and Zone E1 National Parks and Nature Reserves.

## Part 3 Justification

### Section A – Need for the Planning Proposal

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

The planning proposal is not a result of any strategic study or report. Lismore LEP 2012 was made on 22 February 2013 in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*. The proposal is limited to minor refinements to the relatively new LEP.

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

The objectives relate to the refinements of LEP provisions and associated maps. A planning proposal is required in order to have amendments to the LEP considered and approved.

Table No. 2 below provides a detailed explanation of the proposed amendments and associated justification.

**Table No. 2 The planning proposal - details and justification**

Item	Background/justification	Recommendation/proposal
<b>Mapping amendments without changes to the written instrument</b>		
1. Review minimum lot size for villages without a reticulated sewerage system.	<p>The objective for this part of the planning proposal is to ensure that the minimum lot size of areas within Zone RU5 Village and one area of Zone R5 Large Lot Residential, without a reticulated sewerage system, have an adequate area for the disposal of on-site wastewater.</p> <p>All of the areas in Zone RU5 Village, as well as Zone R5 Large Lot Residential at Gundurimba, have a minimum lot size of 1000m<sup>2</sup>. The following areas listed below are not on a reticulated sewerage system and form part of this planning proposal: Bexhill, Clunes, Dunoon, Goolmangar, South Gundurimba (Zone R5 Large Lot Residential), The Channon and Wyrallah.</p> <p>Council's Manager of Development and Compliance raised the issue of inappropriate minimum subdivision lot sizes for village areas without a reticulated sewerage system. Council's Compliance Coordinator has recommended a minimum subdivision lot size for the above areas of 2500m<sup>2</sup>. Council's On-Site Sewage and Wastewater Management Strategy 2013 is the</p>	<p><b>Lot Size Map</b></p> <p>Amend the Lot Size Map so that the existing 1000m<sup>2</sup> minimum lot size that applies to Zone RU5 Village in The Channon, Dunoon, Clunes, Goolmangar, Bexhill, Wyrallah and Zone R5 Large Lot Residential in South Gundurimba is changed to 2500m<sup>2</sup>.</p> <p>Details for each map sheet follow:</p> <p>Amend Lot Size Map – Sheet LSZ_005 so that the existing 1000m<sup>2</sup> (U1) minimum lot size that applies to Zone RU5 Village in The Channon, Dunoon, Clunes, Goolmangar and Bexhill is changed to 2500m<sup>2</sup> (V2).</p> <p>Amend Lot Size Map - Sheet LSZ_006 so that the existing</p>

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	<p>principal document on which this recommendation is based. It is worth noting that the minimum lot size is a development standard that can be varied under clause 4.6 <i>Exceptions to development standards</i>. Recent subdivisions in villages without reticulated sewerage systems, such as May and Donaghue Streets Dunoon (DA 10/123), involve the creation of allotments with an average area of greater than 2500m<sup>2</sup>. The minimum size of the lots is dictated by the capability of the land to dispose of effluent on the site. The current 1000m<sup>2</sup> development standard does not accurately reflect this constraint.</p> <p>The proposed amendment to the minimum lot size would in no way prejudice the development potential for the many existing allotments that are well under 2500m<sup>2</sup>. Development of these sites will be determined, among other things, by the capability of the site to dispose of effluent, rather than the minimum lot size for subdivision.</p> <p>It is worth noting that the majority of village lots that form the subject of this planning proposal are between 1000m<sup>2</sup> to 2000m<sup>2</sup> and do not have subdivision potential with the current minimum lot size of 1000m<sup>2</sup>.</p> <p>The remaining Zone RU5 Village areas including Nimbin, Caniaba and North Woodburn are on a reticulated sewerage system and consequently are not included as part of this planning proposal.</p>	<p>1000m<sup>2</sup> (U1) minimum lot size that applies to Zone RU5 Village in Wyrallah is changed to 2500m<sup>2</sup> (V2)</p> <p>Amend Lot Size Map – Sheet LSZ_006AA so that the existing 1000m<sup>2</sup> (U1) minimum lot size that applies to Zone R5 Large Lot Residential in South Gundurimba is changed to 2500m<sup>2</sup> (V2)</p>
<p>2. Adjust minimum lot size of the Zone RU1 Primary Production portion for Lot 1 DP 123272 (123 Taylor Road, Chilcotts Grass)</p>	<p>Lismore LEP Amendment No. 4 (subdivision provisions) was made on 25/10/2013. This amendment, among other things, introduced a provision in the LEP (clause 4.2E) that enabled urban subdivisions involving split zoned lots on the rural/urban interface. Using this clause, an undersized Zone RU1 Primary Production residue lot can be created in the process of subdividing urban land. The clause applies to lots that contain: a) residential, business or industrial zone; and b) Zone RU1 Primary Production.</p> <p>It has become evident that the clause does not cater for all urban subdivisions involving split zoned lots on the rural/urban interface. The clause currently does not permit the creation of an undersized Zone RU1 lot if the original lot includes Zone SP2 Infrastructure, Zone RE1 Public Recreation or Zone RU5 Village. Item No. 5 of this planning proposal seeks to rectify this matter with the proposed amendment of clause 4.2E.</p> <p>The proposed amendment to clause 4.2E will not address the particular set of circumstances as presented at 123 Taylor Road, Chilcotts Grass (Lot 1 DP 123272). This lot includes Zone R1 General Residential, Zone RE1 Public Recreation and Zone RU1 Primary Production. There is a dwelling</p>	<p><b>Lot Size Map</b></p> <p>Amend Lot Size Map – Sheet LSZ_006AB so that the existing 40ha (AB3) minimum lot size that applies to Lot 1 DP 123272 (123 Taylor Road, Chilcotts Grass) is changed to 10ha (AB1).</p>

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	<p>located within the Zone RU1. Clause 4.2E does not permit the erection of a dwelling on a residue lot that consists of entirely Zone RU1 Primary Production. In normal circumstances, if a dwelling already exists on the Zone RU1 portion of a lot, the subdivision would need to create a residue lot that consists of Zone RU1 as well as a portion residential zone that has an area that is not less than the Minimum Lot Size Map. However, this cannot be realistically achieved at 123 Taylor Road, Chilcotts Grass as the Zone RU1 portion is not contiguous with Zone R1 General Residential.</p> <p>The minimum lot size development standard could be amended for the Zone RU1 portion of this lot so that the standard is equal to or less than the area of the Zone RU1 portion. This would permit the subdivision without the use of clause 4.2E. This approach accommodates the existing dwelling located on the land.</p> <p>The 20ha allotment has approximately 14ha of Zone RU1. The use of a 10ha minimum lot size for the Zone RU1 portion would enable the subdivision to proceed with the maintenance of a dwelling entitlement on the RU1 residue lot.</p>	
<p>3. Remove minimum lot size development standard from Zone B1 at North Lismore Plateau</p>	<p>A 40ha minimum lot size has been erroneously applied to the two areas of Zone B1 Neighbourhood Centre on the North Lismore Plateau urban release area. A minimum lot size development standard was not applied to the Zone B1 at North Lismore Plateau when the planning proposal was reported to Council for adoption on 13 August 2013. Moreover, no minimum lot size development standard has been applied to any of the business zones throughout the Lismore urban area.</p> <p>The erroneous application of the minimum lot size development standard will not inhibit the landholder's ability to proceed with a development application for subdivision at the site. Clause 4.6 – <i>Exceptions to development standards</i> can be utilised to vary the 40ha standard, until such time that the matter is rectified.</p> <p>The two areas of Zone B1 Neighbourhood Centre are located at:</p> <ol style="list-style-type: none"> <li>1) 55 Dunoon Road, North Lismore (Lot 3 DP 808657).</li> <li>2) 103 Dunoon Road, North Lismore (Lot 3 DP 772626); 103A Dunoon Road, North Lismore, (Lot 35 DP 755729); and 101 Dunoon Road, North Lismore (Lot 1 DP 118555).</li> </ol>	<p><b>Lot Size Map</b></p> <p>Amend Lot Size Map – Sheet LSZ_005AA so that no development standard for minimum lot size applies to the Zone B1 Neighbourhood Centre portions of the following lots:</p> <p>55 Dunoon Road, North Lismore (Lot 3 DP 808657); 103 Dunoon Road, North Lismore (Lot 3 DP 772626); 103A Dunoon Road, North Lismore, (Lot 35 DP 755729); and 101 Dunoon Road, North Lismore (Lot 1 DP 118555).</p>
<p>4. Rezone 179 Bangalow Road, Howards Grass (Lot</p>	<p>It has become evident that a mapping anomaly occurred in LEP 2012 at 179 Bangalow Road, Howards Grass (Lot 32 DP 840810). The 44ha allotment was zoned a combination of 1(r) Riverlands, 1(a) General Rural and 2(a) Residential under LEP 2000. The portion of 2(a) consisted of an</p>	<p><b>Land Zoning Map</b></p> <p>Amend the Land Zoning Map – Sheet LZN_005AB so that Zone R1 General Residential applies to the 1260m<sup>2</sup> south eastern</p>

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32 DP 840810) for consistency with development consent 07/436	<p>area of 398m<sup>2</sup>. Development application 07/436 approved a split zoned 1260m<sup>2</sup> 2(a) Residential and 1(a) General Rural lot for residential purposes. The consent has since lapsed.</p> <p>The entire allotment is within Zone RU1 Primary Production under LEP 2012. The 1260m<sup>2</sup> portion of the lot should have been translated to Zone R1 General Residential for consistency with the 2007 development consent issued for the land.</p> <p>Refer to approved plan of subdivision in Part 4 of this planning proposal report.</p>	<p>portion of 179 Bangalow Road, Howards Grass (Lot 32 DP 840810) as delineated by the lot created under development consent 07/436 (refer to Part 4 of this report for detail).</p> <p><b>Lot Size Map</b></p> <p>Amend the Lot Size Map – Sheet LSZ_005AB so that 400m<sup>2</sup> minimum lot size applies to the Zone R1 General Residential portion of 179 Bangalow Road, Howards Grass (Lot 32 DP 840810).</p> <p><b>Height of Buildings Map</b></p> <p>Amend the Height of Buildings Map – Sheet HOB_005AB so that 8.5m maximum building height applies to the Zone R1 General Residential portion of 179 Bangalow Road, Howards Grass (Lot 32 DP 840810).</p>
<b>Amendments to the written instrument without mapping changes</b>		
5. Refine clause 4.2E Exceptions to minimum subdivision lot sizes for certain split zones.	<p>Lismore LEP Amendment No. 4 (subdivision provisions) was made on 25/10/2013. This amendment, among other things, introduced a provision in the LEP (clause 4.2E) that enabled urban subdivisions involving split zoned lots on the rural/urban interface. Using this clause, an undersized Zone RU1 Primary Production residue lot can be created in the process of subdividing urban land. The clause applies to lots that contain:</p> <p>a) residential, business or industrial zone; and b) Zone RU1 Primary Production.</p> <p>It has become evident that the clause does not cater for all urban subdivisions involving split zoned lots on the rural/urban interface. The clause currently does not permit the creation of an undersized Zone RU1 lot if the original lot also includes Zone SP2 Infrastructure, Zone RE1 Public Recreation or Zone RU5 Village.</p> <p>Several of the village areas including Nimbin, Dunoon, Clunes and Bexhill contain split zoned land with both Zone RU5 Village and Zone RU1 Primary Production. The modification of LEP clause 4.2E to include Zone RU5 Village will enable the subdivision of existing split zoned village land. Refer to Village Land Zoning Maps of Nimbin (Map 1) and Clunes (Map 2) below this table.</p> <p>Similarly, the clause could be modified to include reference to recreation and special purpose zones. This would enable the creation of an undersized</p>	<p><b>Clause 4.2E - Exceptions to minimum subdivision lot sizes for certain split zones</b></p> <p>Amend clause 4.2E so as to read:</p> <p><b>4.2E Exceptions to minimum subdivision lot sizes for certain split zones</b></p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,</p> <p>(b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.</p> <p>(2) This clause applies to each lot (an <b>original lot</b>) that contains:</p> <p>(a) land in a business, industrial, recreation, residential, special purpose or Zone RU5 Village, and</p> <p>(b) land in Zone RU1 Primary Production.</p> <p>(3) Despite clause 4.1,</p>

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	<p>Zone RU1 residue lot at the following rural/urban interface locations:</p> <ul style="list-style-type: none"> <li>• 27 Pineapple Road, Goonellabah (Lot 63 DP 1072352);</li> <li>• 123 Taylor Road, Chilcotts Grass (Lot 1 DP 123272) (refer to item No. 2 for further discussion of this site);</li> <li>• 105 Taylor Road, Chilcotts Grass (Lot 1 DP 796712);</li> <li>• 8 Willow Tree Drive, Chilcotts Grass (Lot 9 DP 262461);</li> <li>• 5 George Street, Chilcotts Grass (Lot 301 DP 882629);</li> <li>• 30 Old Quarry Road, North Lismore (Lot 12 DP 844585);</li> <li>• 48 Old Quarry Road, North Lismore (Lot 1 DP 772627).</li> </ul> <p>Refer to Maps 3 and 4 below this table.</p> <p>Currently the subdivision of split zoned RU1/urban land incorporating Zone RU5 Village, Zone RE1 Public Recreation or Zone SP2 Infrastructure can only be achieved under LEP clause 4.2 by creating an undersized primary production lot. A lot created for the purposes of primary production on the urban fringe may not be of suitable dimensions to accommodate appropriate buffer distances in accordance with DCP Part A Chapter 11 requirements.</p> <p><u>Existing clause 4.2E</u></p> <p><b>4.2E Exceptions to minimum subdivision lot sizes for certain split zones</b></p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,</p> <p>(b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.</p> <p>(2) This clause applies to each lot (an <b>original lot</b>) that contains:</p> <p>(a) land in a residential, business or industrial zone, and</p> <p>(b) land in Zone RU1 Primary Production.</p> <p>(3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the <b>resulting lots</b>) if:</p> <p>(a) one of the resulting lots will contain either:</p> <p>(i) only the land in Zone RU1 Primary Production that was in the original lot, or</p> <p>(ii) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the <u>Lot Size Map</u> in relation to that</p>	<p>development consent may be granted to subdivide an original lot to create other lots (the <b>resulting lots</b>) if:</p> <p>(a) one of the resulting lots will contain either:</p> <p>(i) only the land in Zone RU1 Primary Production that was in the original lot, or</p> <p>(ii) land in a business, industrial, recreation, residential, special purpose or Zone RU5 Village that has an area that is not less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land as well as all of the land in Zone RU1 Primary Production that was in the original lot, and</p> <p>(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p> <p>(4) A dwelling cannot be erected on a lot created under subclause (3)(a)(i).</p>

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	<p>land as well as all of the land in Zone RU1 Primary Production that was in the original lot, and</p> <p>(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p> <p>(4) A dwelling cannot be erected on a lot created under subclause (3)(a)(i).</p> <p><u>Proposed amended clause 4.2E</u></p> <p><b>Note.</b> Amended provisions highlighted in yellow.</p> <p><b>4.2E Exceptions to minimum subdivision lot sizes for certain split zones</b></p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,</p> <p>(b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.</p> <p>(2) This clause applies to each lot (an <b>original lot</b>) that contains:</p> <p>(a) land in a business, industrial, recreation, residential, special purpose or Zone RU5 Village, and</p> <p>(b) land in Zone RU1 Primary Production.</p> <p>(3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the <b>resulting lots</b>) if:</p> <p>(a) one of the resulting lots will contain either:</p> <p>(i) only the land in Zone RU1 Primary Production that was in the original lot, or</p> <p>(ii) land in a business, industrial, recreation, residential, special purpose or Zone RU5 Village that has an area that is not less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land as well as all of the land in Zone RU1 Primary Production that was in the original lot, and</p> <p>(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p> <p>(4) A dwelling cannot be erected on a lot created under subclause (3)(a)(i)</p>	
<p>6. Amend land use table for IN1 and IN2 to permit <i>recreation facilities (indoor)</i></p>	<p>The objective for this part of the planning proposal is to provide options for the location of <i>recreation facilities (indoor)</i>. These developments may include venues for dance, yoga, martial arts, gymnastics and the like. LEP definition follows:</p> <p><b>recreation facility (indoor)</b> means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain,</p>	<p><b>Land Use Table</b></p> <p>Omit <i>recreation facilities (indoor)</i> from Part 4 Prohibited for Zone IN1 General Industrial and Zone IN2 Light Industrial.</p>

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	<p><i>including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.</i></p> <p>LEP 2012 permits <i>recreation facility (indoor)</i> in business and recreation zones as well as Zone RU5 Village, Zone R1 General Residential and Zone R2 Low Density Residential. <i>Recreation facility (indoor)</i> is a prohibited form of development in industrial zones. LEP 2000 permitted this land use in the industrial zone.</p> <p>The rationale for the prohibition of this land use in LEP 2012 industrial zones was for consistency with a) Section 117 Ministerial Direction 1.1 <i>Business and Industrial Zones</i>; and b) Planning Circular PS 11-011</p> <p>Upon review, it can be argued that this form of land use is appropriate in the industrial zones.</p> <p><u>Ministerial Direction 1.1 - <i>Business and Industrial Zones</i></u></p> <p>Council is required to assess a local environmental plan against various criteria including Section 117 Ministerial Directions. In accordance with Direction 1.1 <i>Business and Industrial Zones</i>, among other things, council must not reduce the total potential floor space area for industrial uses in industrial zones. Inconsistency with this Direction may be permitted under certain circumstances including if the inconsistency is of minor significance. The land use <i>recreation facility (indoor)</i> is likely to be small scale and any inconsistency with the Direction is likely to be of minor significance, which is sufficient justification to warrant amendment of the land use table to permit this form of development with consent in industrial zones.</p> <p>Larger scale recreational development such as <i>recreation facilities (major)</i> and <i>recreation facilities (outdoor)</i> are also prohibited by Lismore LEP 2012. These land uses are likely to require large areas and any inconsistency with the Ministerial Direction may not just be of minor significance. Refer to relevant definitions below:</p> <p><b><i>recreation facility (major)</i></b> means a building or</p>	

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	<p><i>place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.</i></p> <p><b>recreation facility (outdoor)</b> means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).</p> <p><u>Planning Circular PS 11-011</u></p> <p>An amendment to the Standard Instrument for principal local environmental plans was published on 25 February 2011. Planning Circular PS 11-011 summarises the amendments. The circular states that a new objective was included in Zone IN1 General Industrial and Zone IN2 Light Industrial. The new objective follows: <i>“To support and protect industrial land for industrial uses”</i>.</p> <p>It is contended that <i>recreational facilities (indoor)</i> will generally be small scale developments and will be of such small numbers that the potential for industrial land uses will not be compromised. Moreover, eleven other North Coast and Mid North Coast LEPs all permit <i>recreational facilities (indoor)</i> with development consent in industrial zones.</p>	
<p>7. Superseded provisions in Schedule 2 Exempt Development and Schedule 3 Complying Development with the introduction of changes to the Codes SEPP on 22 February 2014.</p>	<p><u>Background</u></p> <p>Wide ranging amendments were introduced to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) on 22 February 2014. These amendments included additional Exempt and Complying provisions. In accordance with clause 1.9 and 1.10 of the Codes SEPP these amendments have superseded some of the provisions of Lismore LEP 2012. Where the SEPP specifies the same development as the LEP, the LEP does not apply. That is, if the SEPP provides for Exempt charity bins or fascia signs, then the provisions of the LEP that specify this form of development have no effect. Relevant Codes SEPP provisions follow:</p>	<p><b>Schedule 2 Exempt Development</b></p> <p>Omit the following forms of development from LEP Schedule 2 Exempt Development:</p> <ul style="list-style-type: none"> <li>• Charity bins</li> <li>• Signage – general requirements</li> <li>• Fascia signs</li> <li>• Flush wall and painted wall signs</li> <li>• Pole and pylon signs, including directory board signs in industrial zones</li> </ul>

Item	Background/justification	Recommendation/proposal
	<p><b>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</b>  <b>1.9 Relationship with local environmental plans and development control plans</b>  <b>(1) Exempt or complying development under this Policy and standard plans</b>  <i>A standard plan does not apply to development that is specified in the plan as exempt development or complying development and that is specified in this Policy as exempt development or complying development.</i></p> <p><b>1.10 Same development</b>  <i>(1) For the purposes of this Policy, 2 or more instruments are taken to specify the same development if they specify that development for the same purpose may be carried out on the same land, even though there may be some differences in the specifications or development standards for that development.</i>  <b>Note.</b> For example, “deck” is a development, even if the size of the deck or its location varies in different local environmental plans or development control plans.</p> <p>Amendment of the LEP Exempt and Complying Schedules with the deletion of the superseded provisions will make navigation of this part of the LEP less confusing for people that wish to undertake this form of development.</p> <p><u>LEP Schedule 2 - Exempt Development</u></p> <p>The following provisions of LEP Schedule 2 – Exempt Development are now superseded by the Codes SEPP:</p> <ul style="list-style-type: none"> <li>• Charity bins (Exempt in SEPP)</li> <li>• Signage – general requirements (Exempt in SEPP)</li> <li>• Fascia signs (Exempt in SEPP)</li> <li>• Flush wall and painted wall signs (Exempt in SEPP)</li> <li>• Pole and pylon signs, including directory board signs in industrial zones (Complying in SEPP)</li> <li>• Under awning signs (Exempt in SEPP)</li> <li>• Top hamper signs (Exempt in SEPP)</li> <li>• Above awning signs (Complying in SEPP). It should be noted that LEP amendment No. 6 as adopted by Council at its ordinary meeting of 10 December 2014 included a change of name for this form of signage to <i>projecting wall signs</i></li> <li>• Window signs (Exempt in SEPP)</li> <li>• Waste storage containers on public land (Exempt in SEPP)</li> </ul> <p>The removal of these provisions from LEP</p>	<ul style="list-style-type: none"> <li>• Under awning signs</li> <li>• Top hamper signs</li> <li>• Above awning signs</li> <li>• Window signs</li> <li>• Waste storage containers on public land</li> </ul> <p>Amend the remaining signage category  “Portable weighted, A frame and retractable signs in business and industrial zones and RU5 Village zone” so as to read:</p> <p><b>Signage—business identification signs</b></p> <p><b>Portable weighted, A frame and retractable signs in business and industrial zones and RU5 Village zone</b>  Must comply with all of the following requirements:</p> <p>(a) must not be located on public land, road reserves and public footpaths,  (b) must not be illuminated,  (c) maximum 1 sign per occupancy,  (d) maximum advertising area of 0.6m<sup>2</sup> on either side of structure,  (e) if erected on land in an industrial zone, maximum advertising area of 4m<sup>2</sup> on either side of structure.  (f) have the consent in writing of the owner of the land on which the sign is to be located and, if the sign or part of the sign projects over adjoining land, the consent of the owner of the adjoining land, and  (g) not be carried out on or in relation to a building being used as restricted premises, and  (h) not result in more than 3 business identification signs being constructed or installed in relation to a building if the building houses only one commercial tenant, and  (i) not result in more than 6 business identification signs being constructed or installed in relation to any building.</p> <p><b>Note.</b> The <u>Summary Offences Act 1988</u> regulates or prohibits</p>

Item	Background/justification	Recommendation/proposal
	<p>Schedule 2 Exempt Development would leave two forms of development that are not specified in the Codes SEPP. These include: <i>Portable weighted, A frame and retractable signs in business and industrial zones</i> (LEP Amd. No. 6 modifies this clause); and <i>Special events and temporary use of land owned or managed by Council</i>. The removal of the general requirements for signage is logical considering that it is proposed to delete 7 out of the 8 existing forms of signage from LEP Schedule 2. Not all of the general signage requirements are relevant to the one remaining signage category. A rational approach is to include the relevant general signage provisions used in the Codes SEPP as part of the one remaining signage category. The remaining LEP Schedule 2 signage provision (as modified by LEP Amendment No. 6) as drafted by Parliamentary Counsel's Office but not yet made at the time of writing follows:</p> <p><b><i>Portable weighted, A frame and retractable signs in business and industrial zones and RU5 Village zone</i></b>  <i>Must comply with all of the following requirements:</i>  <i>(a) must not be located on public land, road reserves and public footpaths,</i>  <i>(b) must not be illuminated,</i>  <i>(c) maximum 1 sign per occupancy,</i>  <i>(d) maximum advertising area of 0.6m<sup>2</sup> on either side of structure,</i>  <i>(e) if erected on land in an industrial zone, maximum advertising area of 4m<sup>2</sup> on either side of structure.</i></p> <p>The Codes SEPP Exempt Development - General signage requirements follow:</p> <p><b><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></b></p> <p><b><i>2.83 General requirements</i></b></p> <p><i>(1) To be exempt development under this code, development specified in this Division must:</i>  <i>(a) have the consent in writing of the owner of the land on which the sign is to be located and, if the sign or part of the sign projects over adjoining land, the consent of the owner of the adjoining land, and</i>  <i>(b) be approved under section 138 of the <u>Roads Act 1993</u>, if the sign or part of the sign projects over a public road, including a footway, and</i>  <i>(c) not be carried out on or in relation to a building being used as restricted premises, and</i>  <i>(d) not cover any mechanical ventilation inlets or outlets located on any building on which it is carried out, and</i>  <i>(e) not obstruct or interfere with any traffic sign, and</i>  <i>(f) not result in more than 3 business identification signs being constructed or installed in relation to a</i></p>	<p><i>certain business signs.</i></p> <p><b>Schedule 3 Complying Development</b></p> <p>Omit the provisions of LEP Schedule 3 – Complying Development entitled:  <i>External alterations or additions to industrial buildings used only for general industry, warehouses or distribution centres</i></p>

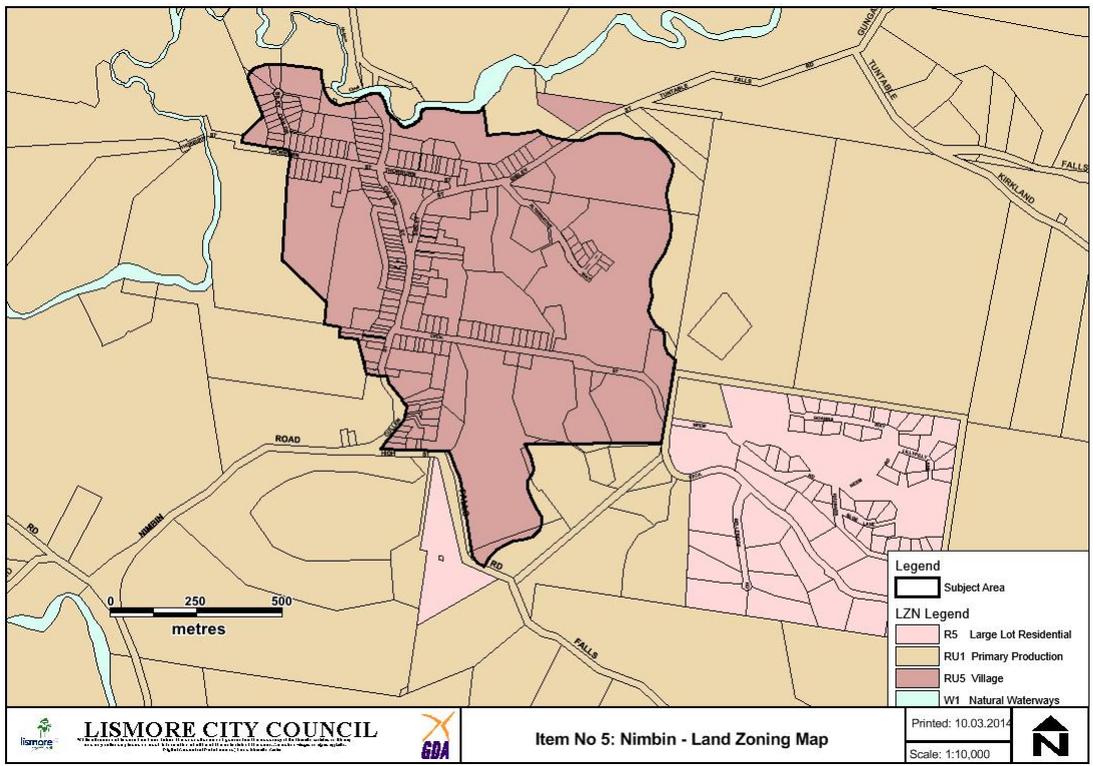
Item	Background/justification	Recommendation/proposal
	<p><i>building if the building houses only one commercial tenant, and</i>  <i>(g) not result in more than 6 business identification signs being constructed or installed in relation to any building, and</i>  <i>(h) not result in more than one business identification sign being constructed or installed in relation to a home business, home industry or home occupation in a residential zone.</i>  <i>(2) This clause does not affect any other requirement of this Policy in relation to exempt development.</i>  <b>Note.</b> The <u>Summary Offences Act 1988</u> regulates or prohibits certain business signs.</p> <p>The criteria used in the general requirements of the Codes SEPP that are relevant to portable signs are listed below:</p> <p>(a) have the consent in writing of the owner of the land on which the sign is to be located and, if the sign or part of the sign projects over adjoining land, the consent of the owner of the adjoining land, and  (c) not be carried out on or in relation to a building being used as restricted premises, and  (f) not result in more than 3 business identification signs being constructed or installed in relation to a building if the building houses only one commercial tenant, and  (g) not result in more than 6 business identification signs being constructed or installed in relation to any building, and  <b>Note.</b> The <u>Summary Offences Act 1988</u> regulates or prohibits certain business signs.</p> <p><u>LEP Schedule 3 - Complying Development</u></p> <p>LEP Schedule 3 – Complying Development currently incorporates two items. These include: <i>External alterations or additions to industrial buildings used only for general industry, warehouses or distribution centres</i>; and <i>Recreation facilities</i>. The amended Codes SEPP now includes a new Part 5A – Commercial and Industrial (New Buildings and Additions) Code. Part 5A of the SEPP now supersedes the industrial alterations and additions provisions of LEP Schedule 3. These provisions should be deleted from the LEP.</p>	
<p>8. Building identification signs now Exempt Development under the Codes SEPP as of 22 February.</p>	<p>LEP 2012 land use table provides for <i>building identification signs</i> as “permitted without consent” in all land use zones, with the exception of Zone RU3 Forestry and Zone E1 National Parks and Nature Reserves (development in Zones RU3 and E1 is generally authorised under other legislation).</p> <p>The Codes SEPP now includes <i>building identification signs</i> as a form of exempt development.</p>	<p><b>Land Use Table</b></p> <p>Omit <i>building identification signs</i> from Part 2 “permitted without consent” and insert <i>building identification signs</i> in Part 3 “permitted with consent” in the following zones:</p> <ul style="list-style-type: none"> <li>• Zone RU1 Primary Production</li> <li>• Zone RU2 Rural Landscape</li> </ul>

Item	Background/justification	Recommendation/proposal
	<p><u>What is the difference between “permitted without consent” and “exempt development”?</u></p> <p>In accordance with section 76 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act) development that does not need consent is either “permitted without consent” under an environmental planning instrument (LEP or SEPP), or it is classified as “exempt development”. Development that is “permitted without consent” requires a public authority to fully consider environmental issues under Part 5 of the EP&amp;A Act 1979 before they undertake or approve activities that don't require consent. A Part 5 assessment is generally used for development such as roads, railways and other such public undertakings generally covered under SEPP (Infrastructure) 2007. Part 5 assessments do not apply to developers that are not a public authority or not working on behalf of a public authority. “Exempt development” is of minimal environmental impact and public authorities are not required to assess under Part 5.</p> <p><i>Building identification signs</i> under LEP 2012 “permitted without consent” are not subject to controls, such as size, materials and the like. Building identification signs as “exempt development” under the Codes SEPP are subject to development standards. The relevant provisions of the Codes SEPP follow:</p> <p><b><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></b></p> <p><b><i>Building identification signs</i></b></p> <p><b><i>2.84 Specified development</i></b></p> <p><i>The construction or installation of a building identification sign on the facade of a building for the purpose of identifying or naming a building is development specified for the purposes of this code if it is not constructed or installed on a heritage item or draft heritage item, in a heritage conservation area or draft heritage conservation area.</i></p> <p><b><i>2.85 Development standards</i></b></p> <p><i>The standards specified for that development are that the development must:</i></p> <p><i>(a) have only one sign displayed on each street frontage, and</i></p> <p><i>(b) not be more than 2.5m<sup>2</sup> in area, and</i></p> <p><i>(c) be mounted flat against an exterior wall or parapet and must not protrude more than 300mm from the face of the wall or parapet, and</i></p> <p><i>(d) not be located higher than:</i></p> <p><i>(i) the parapet or eaves of the building, or</i></p> <p><i>(ii) 15m above ground level (existing),</i></p> <p><i>whichever is the lower, and</i></p>	<ul style="list-style-type: none"> <li>• Zone R1 General Residential</li> <li>• Zone R2 Low Density Residential</li> <li>• Zone R5 Large Lot Residential</li> <li>• Zone W1 Natural Waterways</li> <li>• Zone W2 Recreational Waterways</li> </ul> <p>Omit <i>building identification signs</i> from Part 2 “permitted without consent” in the following zones:</p> <ul style="list-style-type: none"> <li>• Zone RU5 Village</li> <li>• Zone B1 Neighbourhood Centre</li> <li>• Zone B2 Local Centre</li> <li>• Zone B3 Commercial Core</li> <li>• Zone B4 Mixed Use</li> <li>• Zone B6 Enterprise Corridor</li> <li>• Zone IN1 General Industrial</li> <li>• Zone IN2 Light Industrial</li> <li>• Zone SP2 Infrastructure</li> <li>• Zone RE1 Public Recreation</li> <li>• Zone RE2 Private Recreation</li> </ul>

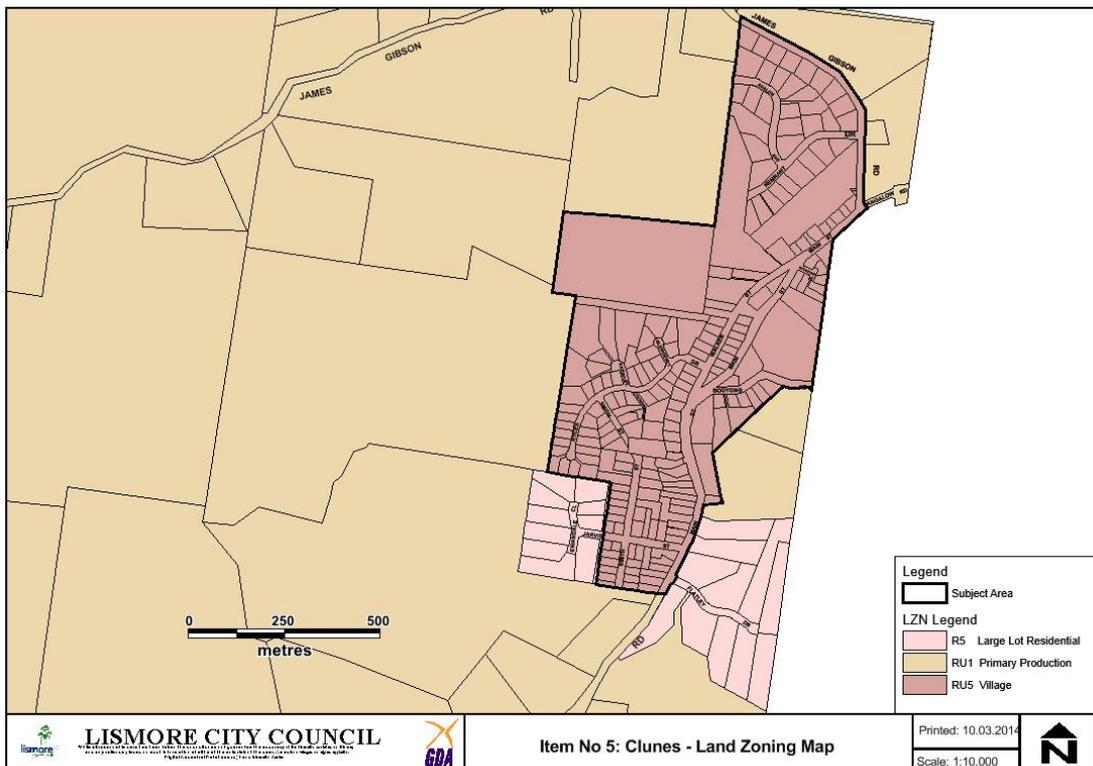
Item	Background/justification	Recommendation/proposal
	<p>(e) not cover any window, door or architectural feature, and</p> <p>(f) be securely fixed to the building in accordance with:</p> <p>(i) AS/NZS 1170.0:2002, Structural design actions, Part 0:General principles, and</p> <p>(ii) AS/NZS 1170.2:2011, Structural design actions, Part 2:Wind actions, and</p> <p>(g) not include any advertising of goods, products or services, and</p> <p>(h) if the sign is illuminated:</p> <p>(i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and</p> <p>(ii) not be animated, flashing or moving, and</p> <p>(iii) comply with AS 4282—1997, Control of the obtrusive effects of outdoor lighting, and</p> <p>(i) if the sign is on a building on land that is within a residential, rural or environment protection zone, or is within 50m of and faces toward land that is within one of those zones—only be illuminated:</p> <p>(i) if the hours of operation of the business identified on the sign have been approved—during those hours, or</p> <p>(ii) if the hours of operation of the business identified on the sign have not been approved—between 7.00 am and 10.00 pm on any day.</p> <p>Amending the LEP land use table so that <i>building identification signs</i> are relocated from “permitted without consent” to “permitted with consent” is a rational response to the introduction of this form of signage as “exempt development” in the Codes SEPP. This approach will require development consent for <i>building identification signs</i> that do not satisfy the development standards of the Codes SEPP. This amendment will be achieved by using one of two approaches depending on the structure and contents of the land use table. Either a) Omit <i>building identification signs</i> from “permitted without consent” and insert <i>building identification signs</i> in “permitted with consent”; or b) Omit <i>building identification signs</i> from “permitted without consent”.</p>	

Item No. 5 - Clause 4.2E

Map 1 – Nimbin split Zone RU5 Village and Zone RU1 Primary Production

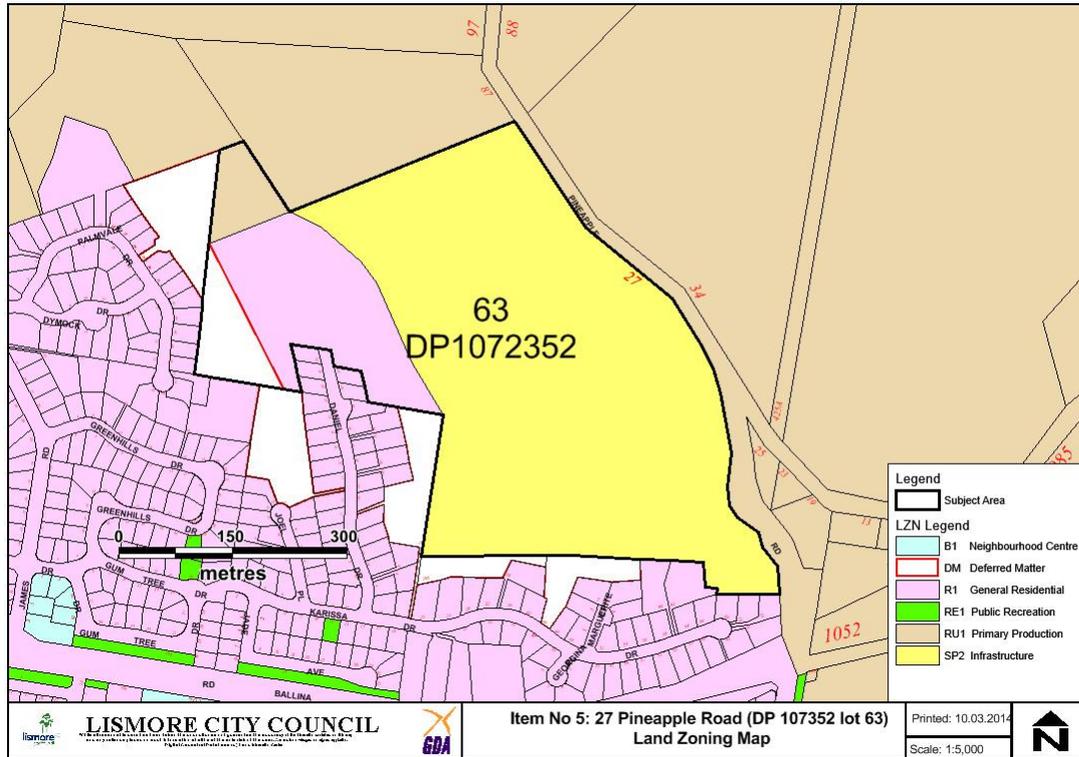


Map 2 – Clunes split Zone RU5 Village and Zone RU1 Primary Production

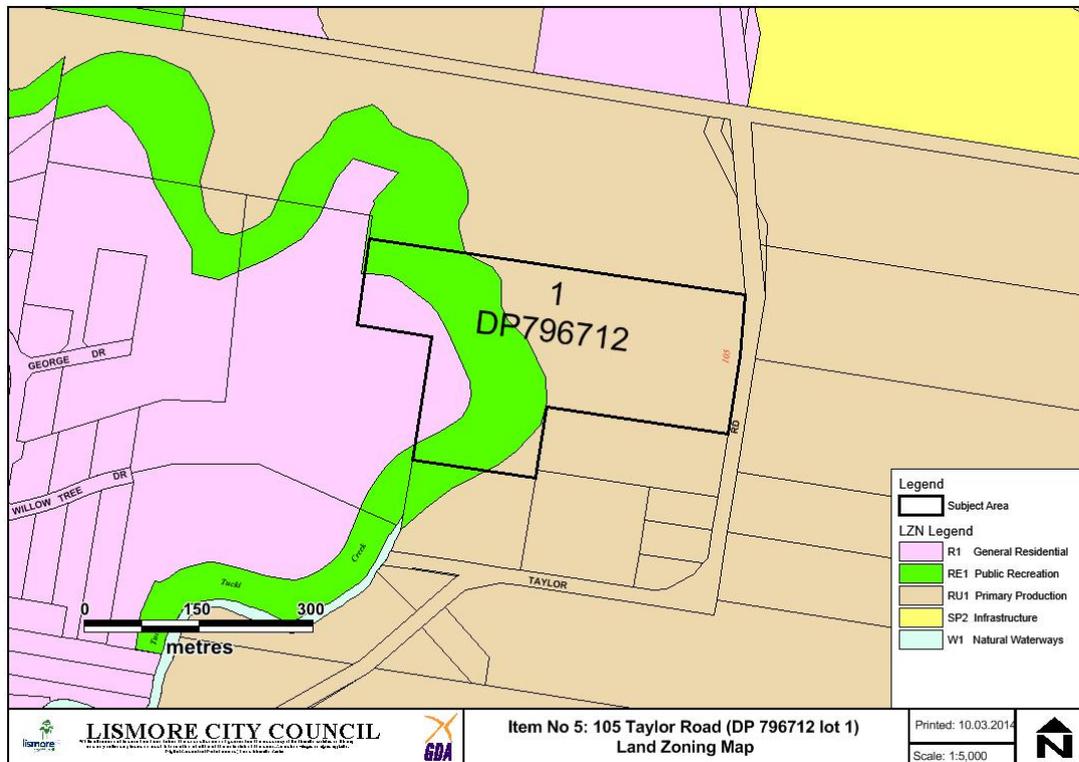


Item No. 5 - Clause 4.2E

Map 3 – Split Zones SP2, R1, & RU1



Map 4 – Split Zones RE1, R1 & RU1



## 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 objectives and actions contained within the Far North Coast Regional Strategy.

### 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).

### 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. 3 below for detail.

**Table No. 3 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
<b>SEPP 44 – Koala Habitat Protection</b>	<p><b>3 Aims, objectives etc</b></p> <p>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</p> <p>(b) by encouraging the identification of areas of core koala habitat, and</p> <p>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.</p>	<p>Consistent</p> <p>The planning proposal consists of several minor amendments to: correct anomalies; update the exempt and complying schedules in accordance with legislative changes; and make minor changes to the land use table. The proposal does not introduce additional development opportunities in non urban land.</p>
SEPP No. 50 – Canal Estate Development	Not applicable	Not applicable
SEPP No. 52 – Farm Dams and Other Works in Land and Water	Not applicable	Not applicable

State Environmental Planning Policy	Requirements	Compliance
Management Plan Areas		
SEPP 55 – Remediation of Land	<b>6 Contamination and remediation to be considered in zoning or rezoning proposal</b>	Consistent  <b>Item No. 4</b> 179 Bangalow Road, Howards Grass Zone RU1 to Zone R1. The provisions of SEPP 55 were addressed as part of development consent 07/436.  <b>Other proposed amendments</b>  Not applicable
SEPP No. 62 – Sustainable Aquaculture	Not applicable	Not applicable
SEPP No. 64 – Advertising and Signage	<b>7 Relationship with other environmental planning instruments</b> In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency.	Consistent  <b>Item No. 7 &amp; 8</b> The proposed signage amendments associated with schedule 2 exempt development and the land use table do not introduce any inconsistency with SEPP 64.  <b>Other proposed amendments</b>  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	<b>1.9 Relationship with local environmental plans and development control plans</b>  <b>(1) Exempt or complying development under this Policy and standard plans</b> <i>A standard plan does not apply to development that is specified in the plan as exempt development or complying development and that is specified in this Policy as exempt development or complying development.</i>	Consistent  <b>Item No. 7 &amp; 8</b> Refer to item No. 7 & 8 of Table No. 2 of this report for detail.  <b>Other proposed amendments</b>  Not applicable

State Environmental Planning Policy	Requirements	Compliance
	<p><b>1.10 Same development</b>  <i>(1) For the purposes of this Policy, 2 or more instruments are taken to specify the same development if they specify that development for the same purpose may be carried out on the same land, even though there may be some differences in the specifications or development standards for that development.</i></p> <p><b>Note.</b> For example, “deck” is a development, even if the size of the deck or its location varies in different local environmental plans or development control plans.</p>	
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
<b>SEPP (Rural Lands) 2008</b>	Consistency with the following: <b>7 Rural Planning Principles</b> <b>8 Rural Subdivision Principles</b>	Consistent  The planning proposal does not fragment rural land or introduce additional land use conflicts.  There are no additional rural dwelling entitlements associated with the proposal.
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 justifiably inconsistent with the applicable s117 Ministerial Directions. Refer to Table No. 4 below for details.

**Table No. 4 Section 117 Ministerial Directions compliance table**

Ministerial Directions	Requirements	Compliance
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	4(d) Not reduce the total potential floor space area for industrial uses in industrial zones.	Justifiably inconsistent  <b>Item No. 6</b>

Ministerial Directions	Requirements	Compliance
		<p>Inconsistency with this Direction may be permitted under certain circumstances including if the inconsistency is of minor significance. The land use <i>recreation facility (indoor)</i> is likely to be small scale and any inconsistency with the Direction is likely to be of minor significance, which is sufficient justification to warrant amendment of the land use table to permit this form of development with development consent in industrial zones.</p> <p><b>Other proposed amendments</b></p> <p>Not applicable</p>
1.2 Rural Zones	<p>(4) A draft LEP shall:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(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).</p>	<p>Justifiably inconsistent</p> <p><b>Item No. 6</b></p> <p>It has become evident that a mapping anomaly occurred in LEP 2012 at 179 Bangalow Road, Howards Grass (Lot 32 DP 840810). The 44ha allotment was zoned a combination of 1(r) Riverlands, 1(a) General Rural and 2(a) Residential under LEP 2000. The portion of 2(a) consisted of an area of 398m<sup>2</sup>. Development application 07/436 approved a split zoned 1260m<sup>2</sup> 2(a) Residential and 1(a) General Rural lot for residential purposes.</p> <p>The Department of Planning was consulted in relation to this matter and correspondence (your ref: G02/00107) from the Department states “<i>the Department raises no concern with the increase in size of the small lot as proposed</i>”</p> <p>The entire allotment is within Zone RU1 Primary Production under LEP 2012. The 1260m<sup>2</sup></p>

Ministerial Directions	Requirements	Compliance
		<p>portion of the lot should have been translated to Zone R1 General Residential for consistency with the 2007 development consent issued for the land.</p> <p><b>Other proposed amendments</b></p> <p>Not applicable</p>
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.	<p>Consistent</p> <p>The planning proposal does not fragment rural land or introduce additional land use conflicts.</p> <p>There are no additional rural dwelling entitlements associated with the proposal.</p>
<b>2. Environment and Heritage</b>		
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.	<p>Consistent</p> <p>The planning proposal does not involve <i>environmentally sensitive areas</i> as listed in LEP 2012 clause 3.3.</p> <p>The planning proposal does not reduce environmental protection standards that apply to any land.</p>
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.	<p>Consistent</p> <p><b>Item No. 1</b></p> <p>The proposal to increase the minimum lot size of certain village areas will not compromise the conservation of the few items of environmental heritage that are located in Bexhill, Clunes, Dunoon or Wyrallah.</p> <p><b>Other proposed amendments</b></p> <p>The land that forms the subject of the remainder of the planning proposal is not included on the Heritage Map.</p>

Ministerial Directions	Requirements	Compliance
		Moreover, the planning proposal does not introduce provisions that could potentially compromise items of environmental heritage.
2.4 Recreation Vehicle Areas	Not applicable	Not applicable
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	<p>The planning proposal must:</p> <ul style="list-style-type: none"> <li>• Broaden the choice of housing types and locations.</li> <li>• Make efficient use of existing infrastructure and services.</li> <li>• Reduce consumption of land.</li> <li>• Housing of good design.</li> <li>• Residential development not permitted until land is adequately serviced.</li> <li>• Not contain provisions that will reduce residential density.</li> </ul>	<p>Consistent</p> <p><b>Item No. 4</b></p> <p>Only Item No. 4 (179 Bangalow Road, Howards Grass) is proposed for Zone R1 General Residential. The aim of this part of the proposal is to use the zone that is consistent with development consent 07/436.</p> <p>The application of Zone R1 General Residential makes efficient use of existing infrastructure and services.</p> <p><b>Other proposed amendments</b></p> <p>Not applicable</p>
3.2 Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> <li>• Retain provisions that permit development of caravan park.</li> <li>• Appropriate zone for existing caravan parks.</li> </ul>	Not applicable
3.3 Home Occupations	The planning proposal must permit home occupations in dwelling houses without development consent.	Not applicable
3.4 Integrating Land Use and Transport	<p>A planning proposal must locate zones for urban purposes that give effect to:</p> <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>	<p>Consistent</p> <p><b>Item No. 4</b></p> <p>The land proposed to be included in Zone R1 General Residential is in the existing Lismore urban area with good access to transport networks.</p> <p><b>Other proposed amendments</b></p> <p>Not applicable</p>
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	(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	<p>Consistent</p> <p>No intensification of land use proposed on land identified on</p>

Ministerial Directions	Requirements	Compliance
	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.	the Acid Sulfate Soils Planning Maps.
4.2 Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> <li>• Applies to mine subsidence areas</li> <li>• Applies to areas identified as unstable</li> </ul>	<p>Consistent</p> <ul style="list-style-type: none"> <li>• The land is not within a mine subsidence area.</li> <li>• The proposal does not incorporate intensification of land uses in any unstable land.</li> </ul>
4.3 Flood Prone Land	<p>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>A draft LEP shall not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the development of that land,</p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p>	<p>Consistent</p> <p>No land within the flood planning area is proposed for rezoning.</p> <p>The planning proposal does not contain provisions that apply to flood planning areas. Item No. 6 proposes to amend the land use table for Zones IN1 and IN2 and some of these zones are located in the flood planning area. However, existing LEP and DCP provisions regulate development within the flood planning area.</p>
4.4 Planning for Bushfire Protection	<p>A planning proposal in bush fire prone land:</p> <ul style="list-style-type: none"> <li>• Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination prior to community consultation.</li> <li>• Have regard to Planning for Bush Fire Protection 2006.</li> <li>• Restrict inappropriate development from hazardous areas.</li> <li>• Ensure bush fire hazard reduction is not prohibited within the APZ.</li> </ul>	<p>Consistent.</p> <p>Council is required under section 117 of the EP&amp;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&amp;A Act, and take into account any comments so made.</p>

<b>Ministerial Directions</b>	<b>Requirements</b>	<b>Compliance</b>
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies	<ul style="list-style-type: none"> <li>The planning proposal must be consistent with the Far North Coast Regional Strategy.</li> </ul>	<p>Consistent</p> <p>The planning proposal is consistent with the Far North Coast Regional Strategy.</p>
5.2 Sydney Drinking Water Catchments	Not applicable	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<ul style="list-style-type: none"> <li>The planning proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.</li> </ul>	<p>Consistent</p> <p>The planning proposal does not involve the rezoning of land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.</p>
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
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	<ul style="list-style-type: none"> <li>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 DoPI.</li> <li>Not identify development as designated development unless justified.</li> </ul>	<p>Consistent</p> <p>The planning proposal does not introduce concurrence, consultation or referral requirements.</p> <p>The proposal does not identify development as designated development.</p>
6.2 Reserving Land for Public Purposes	<ul style="list-style-type: none"> <li>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 DoPI.</li> </ul>	<p>Consistent</p> <p>This planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes</p>
6.3 Site Specific Provisions	<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>Consistent</p> <p>The planning proposal does not include any site specific provisions</p>
<b>7. Metropolitan Planning</b>		
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. There is no critical habitat in the Lismore LGA.

The planning proposal consists of general amendments to the LEP in order to refine existing provisions; rectify anomalies; or update the plan in accordance with legislative changes. The planning proposal does not include provisions that will enable the intensification of land use within areas of ecological significance.

### *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.

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

The planning proposal does not involve any negative social or economic impacts. Moreover Item No. 2 and 5 will facilitate the subdivision of various split zone urban/rural lots where the particular circumstances of the case currently does not enable the use of LEP clause 4.2E – *Exceptions to minimum subdivision lot sizes for certain split zones*.

The proposed increase in minimum lot size for certain village areas and South Gundurimba (Item No. 1) is to better reflect the existing capability of the land for the on-site disposal of wastewater. The proposed minimum lot size is consistent with the requirements of *Lismore City Council On-Site Sewage and Wastewater Management Strategy 2013*. The proposed 2500m<sup>2</sup> development standard can be varied under LEP clause 4.6 if warranted.

The proposed amendment to the land use table to enable *recreation facilities (indoor)* in the industrial zones (Item No. 6) will have positive social and economic benefits for existing and future developments of this nature and for community members that utilise such facilities.

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

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

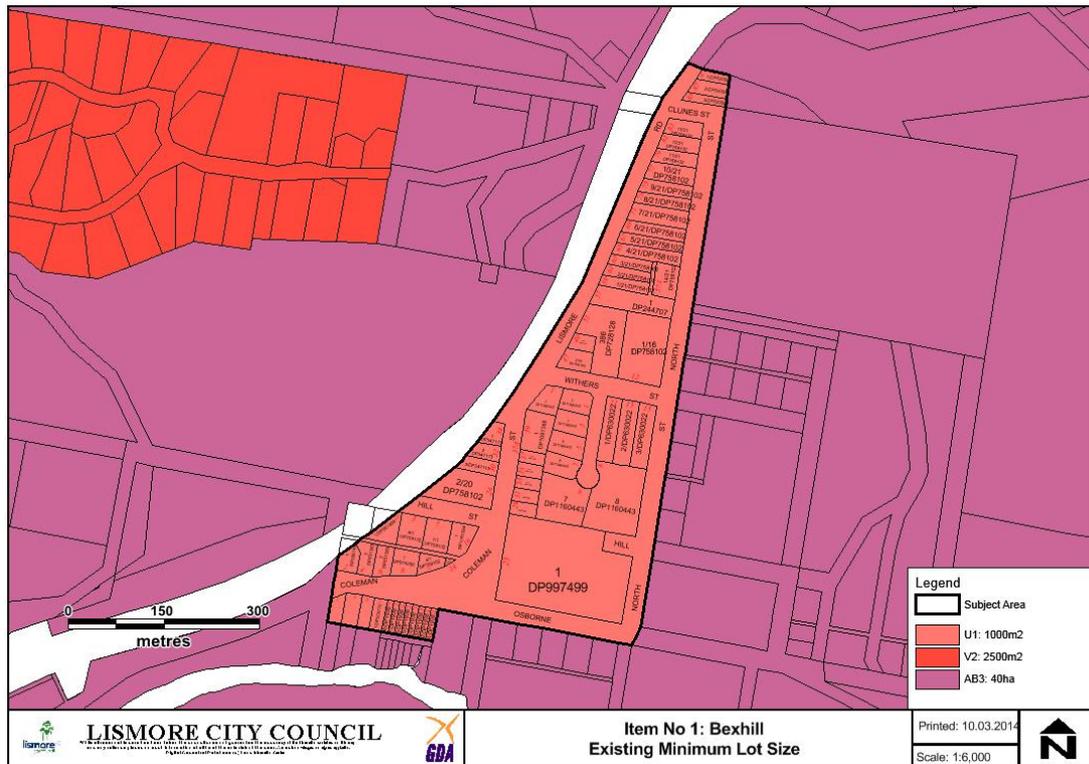
The planning proposal will not create additional demand for public infrastructure.

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

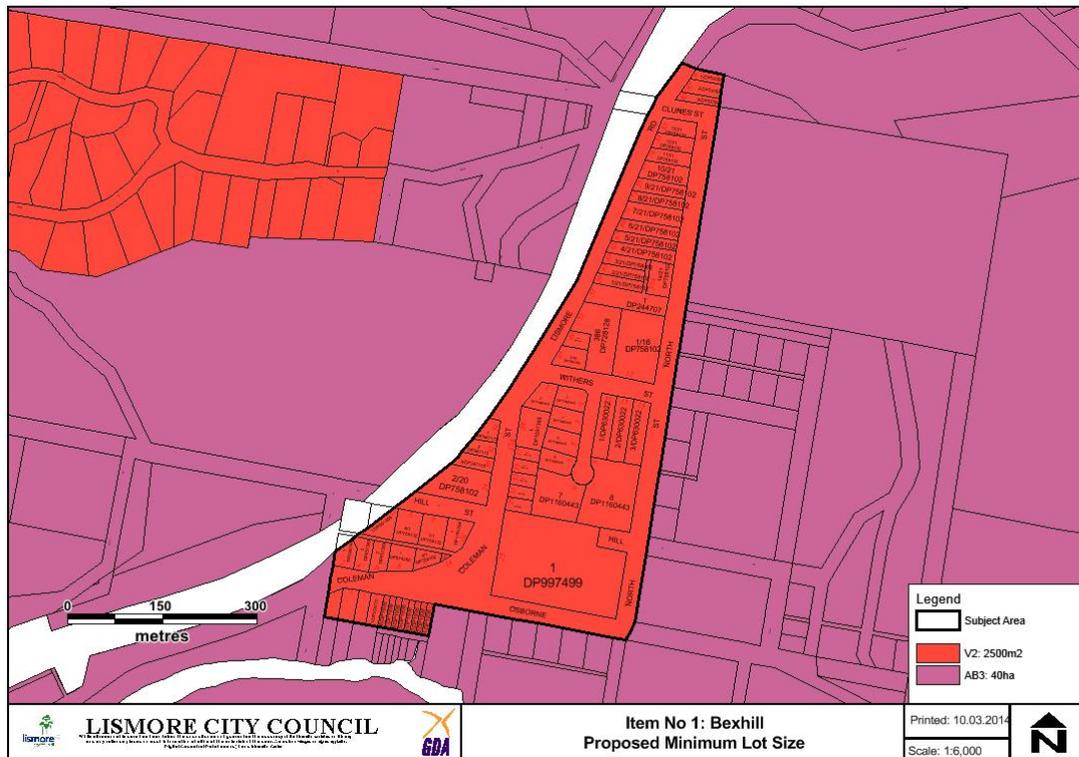
Council is required to consult with the NSW Rural Fire Service in accordance with s117 Ministerial direction 4.4. Otherwise, the planning proposal is generally minor in nature and does not warrant further consultation with public authorities.

## Part 4 - Mapping

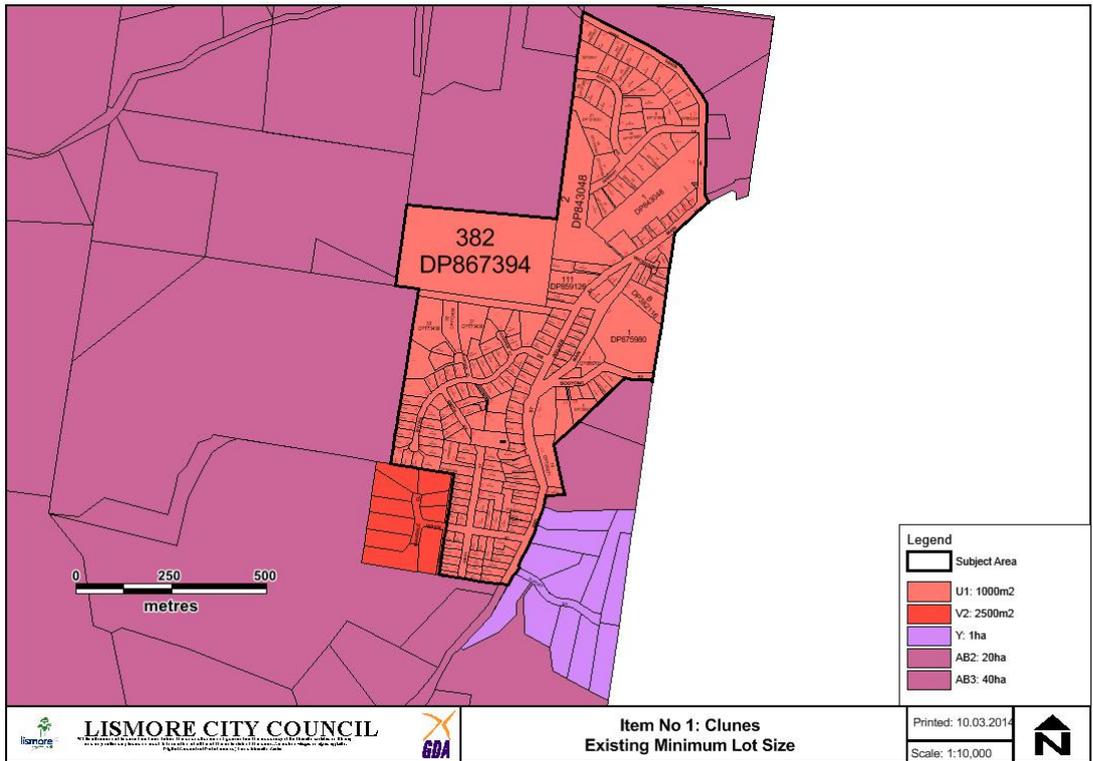
### Item No. 1 – Bexhill existing Lot Size Map



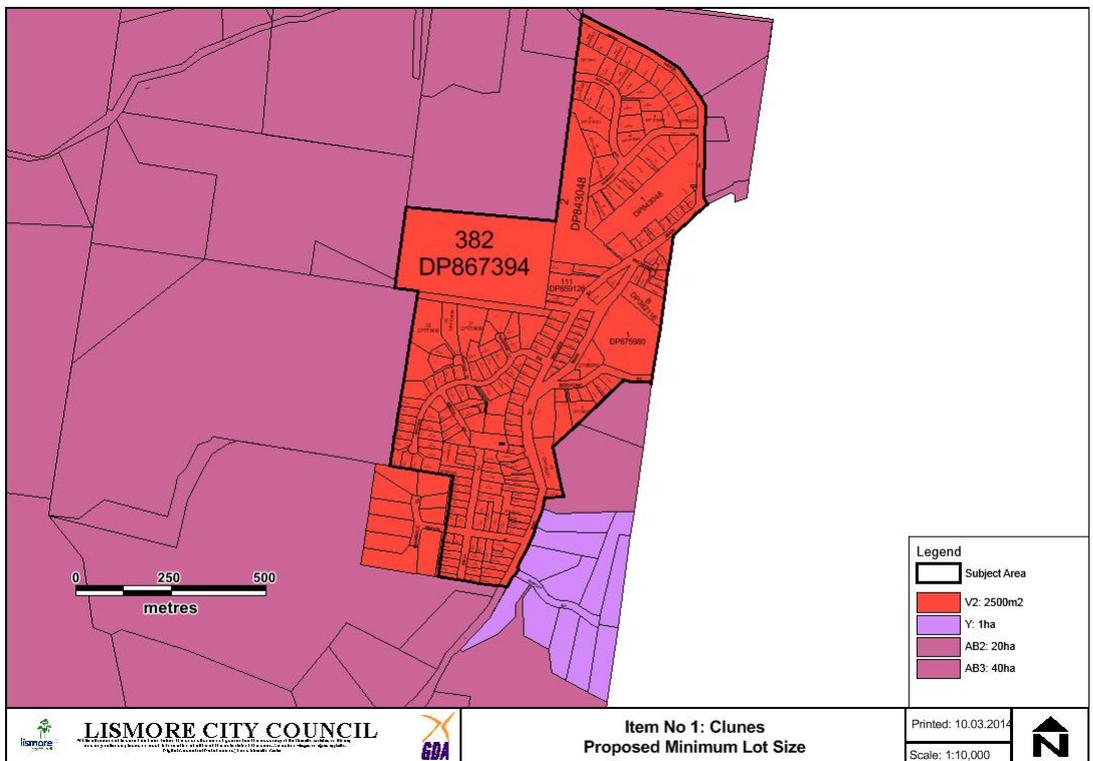
### Item No. 1 – Bexhill proposed Lot Size Map



### Item No. 1 – Clunes existing Lot Size Map

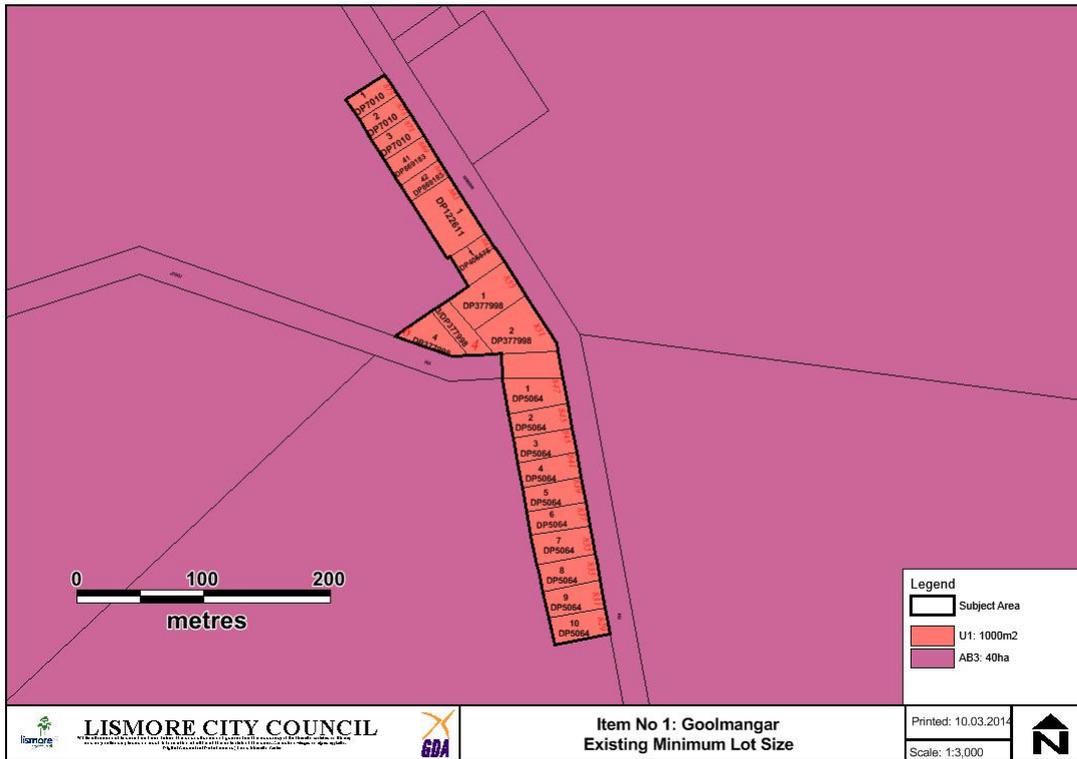


### Item No. 1 – Clunes proposed Lot Size Map

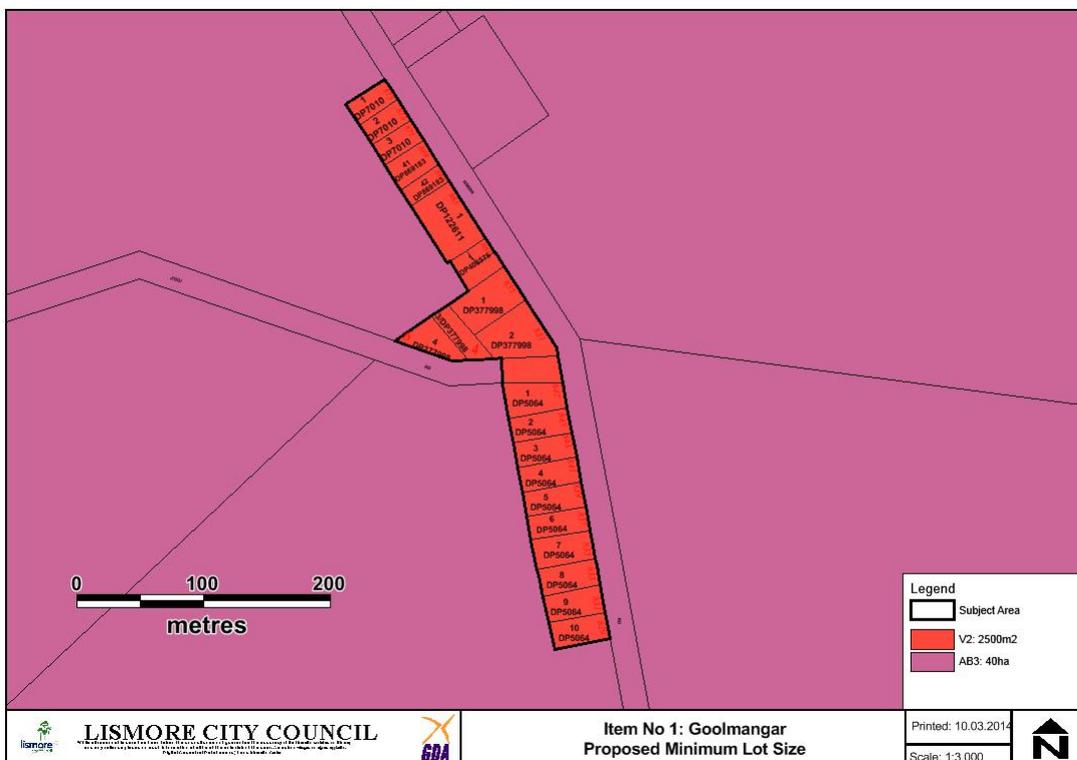




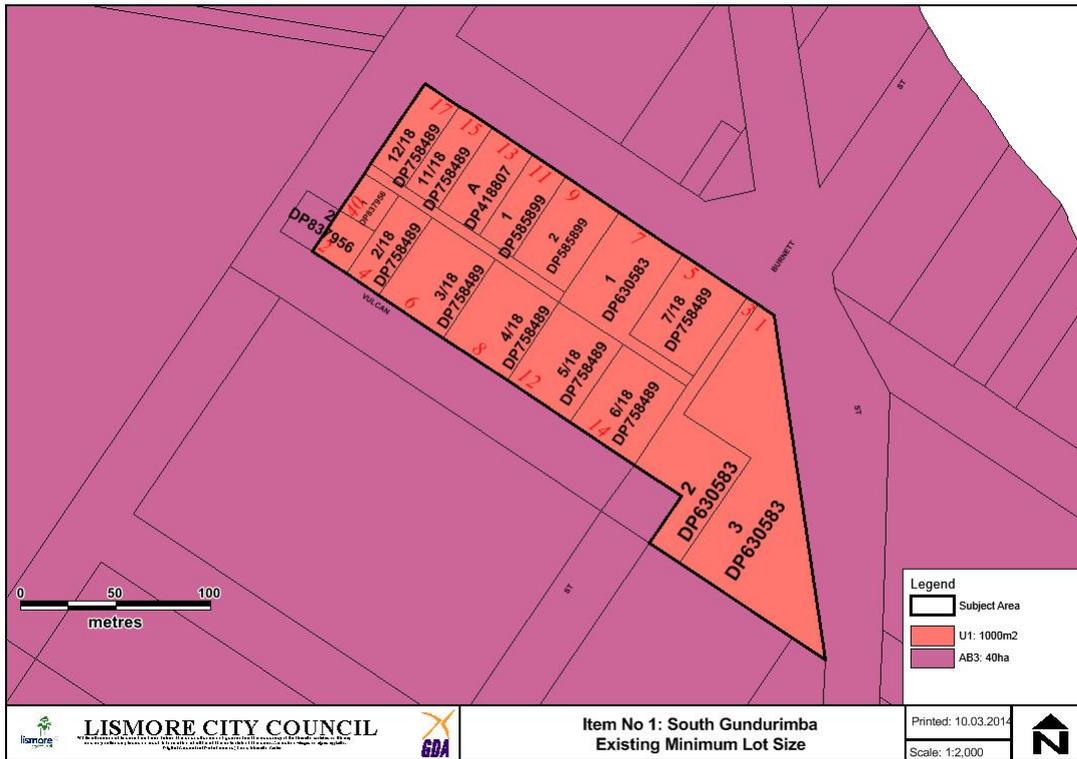
### Item No. 1 – Goolmangar existing Lot Size Map



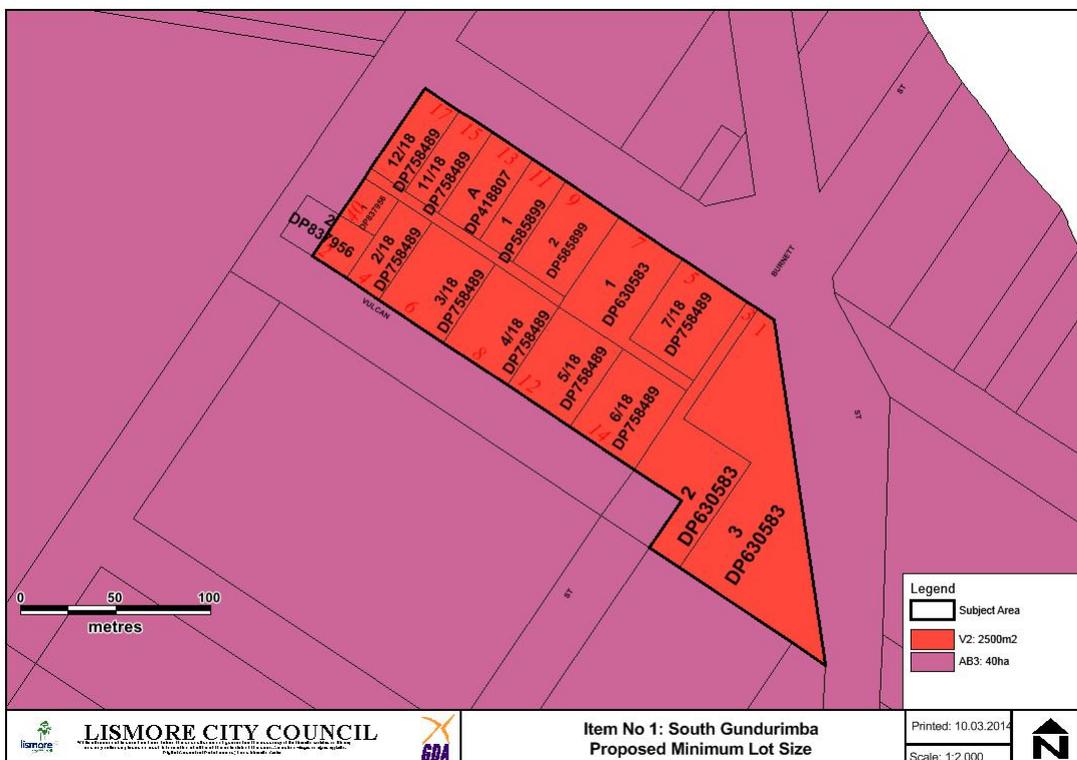
### Item No. 1 – Goolmangar proposed Lot Size Map



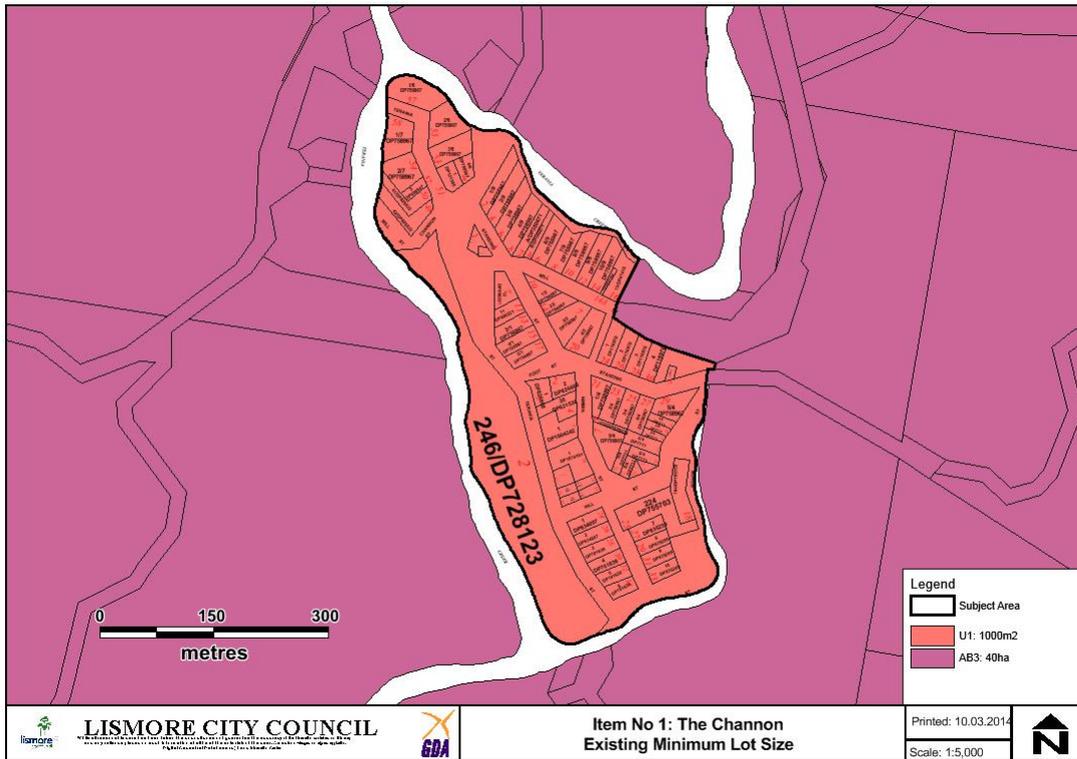
### Item No. 1 – South Gundurimba existing Lot Size Map



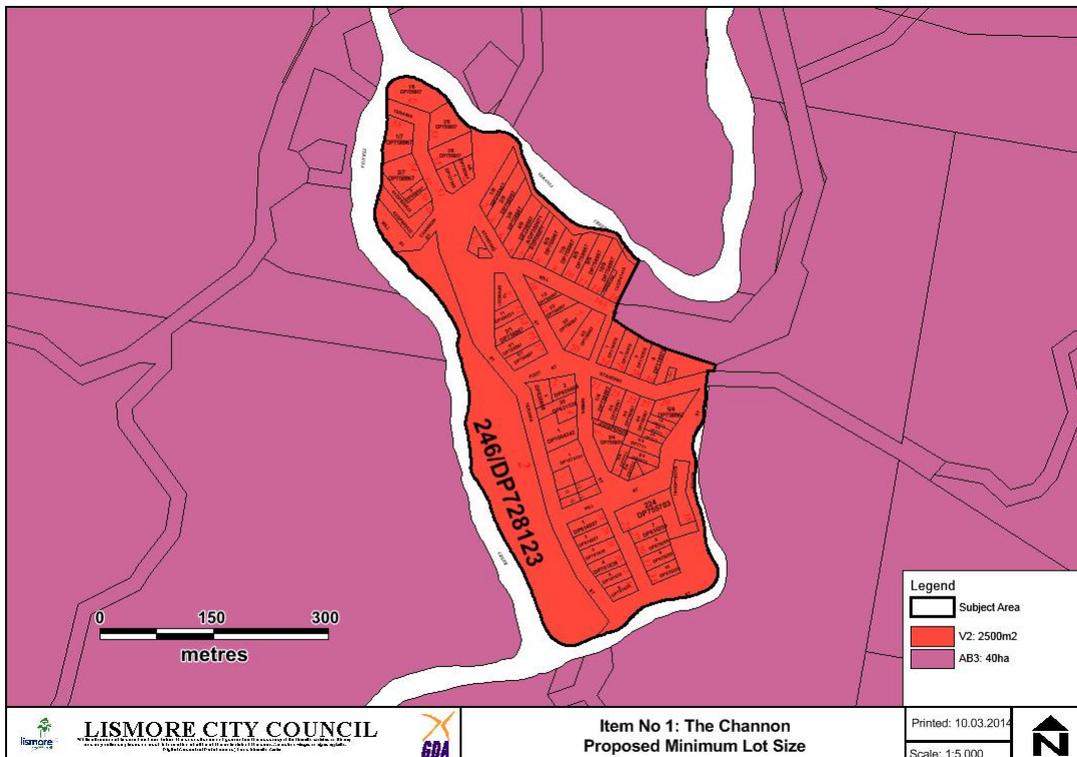
### Item No. 1 – South Gundurimba proposed Lot Size Map



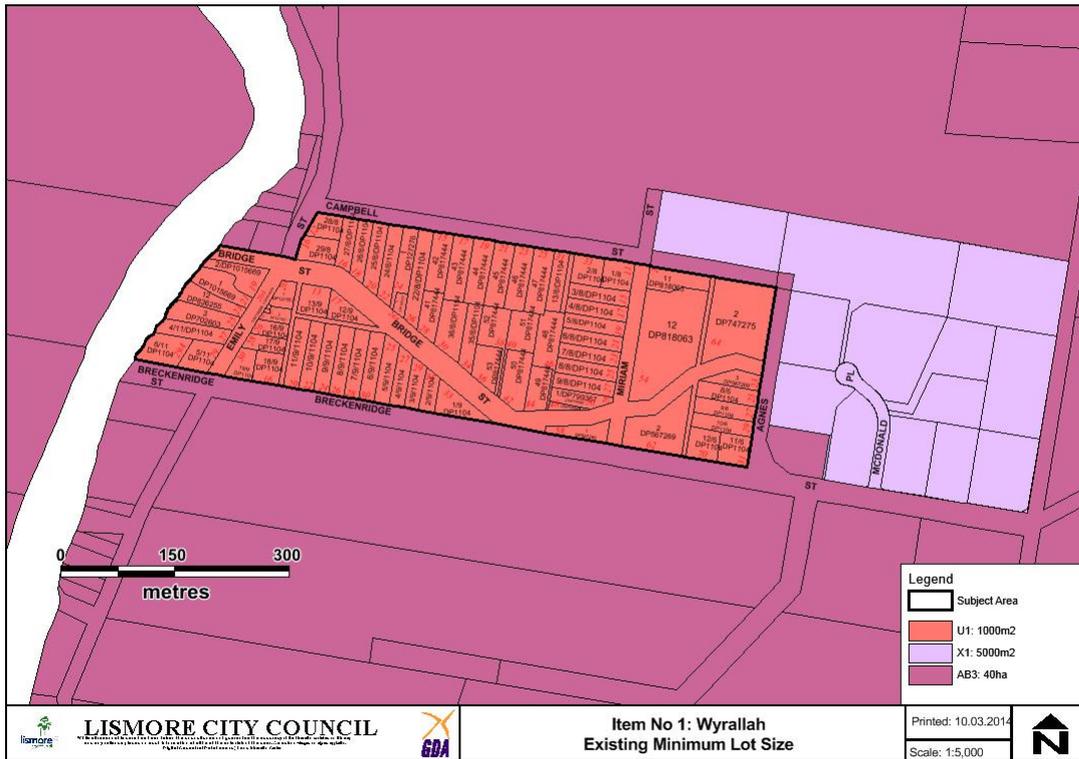
### Item No. 1 – The Channon existing Lot Size Map



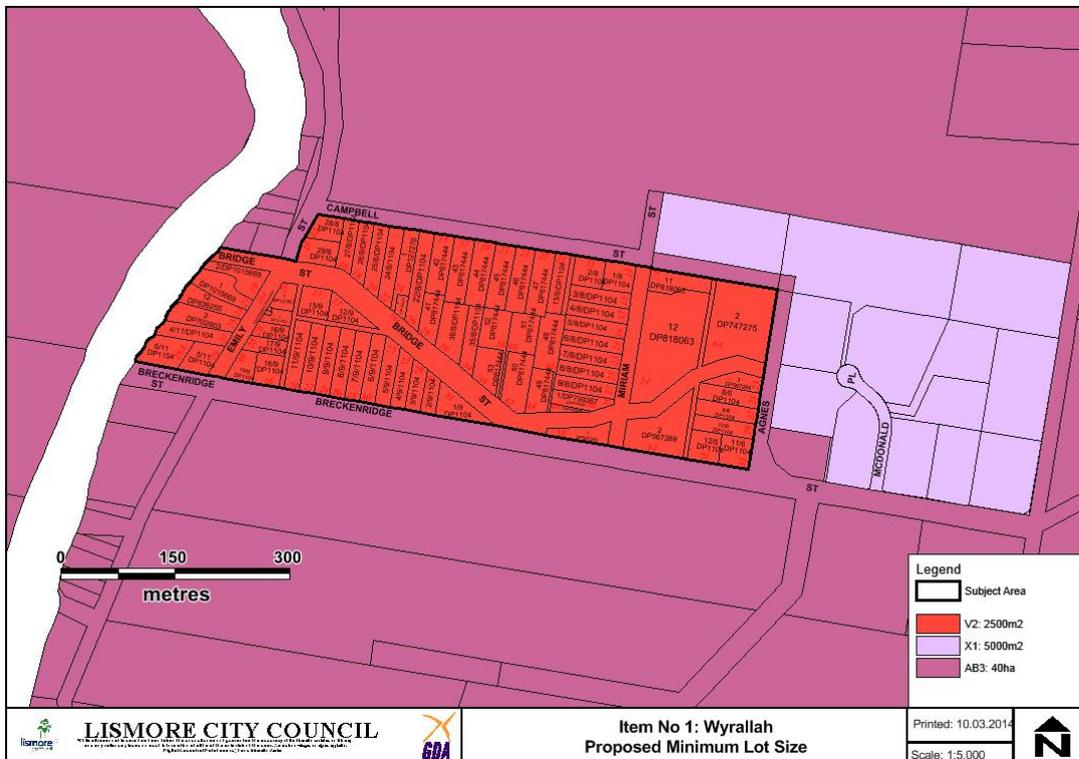
### Item No. 1 – The Channon proposed Lot Size Map



### Item No. 1 – Wyrallah existing Lot Size Map

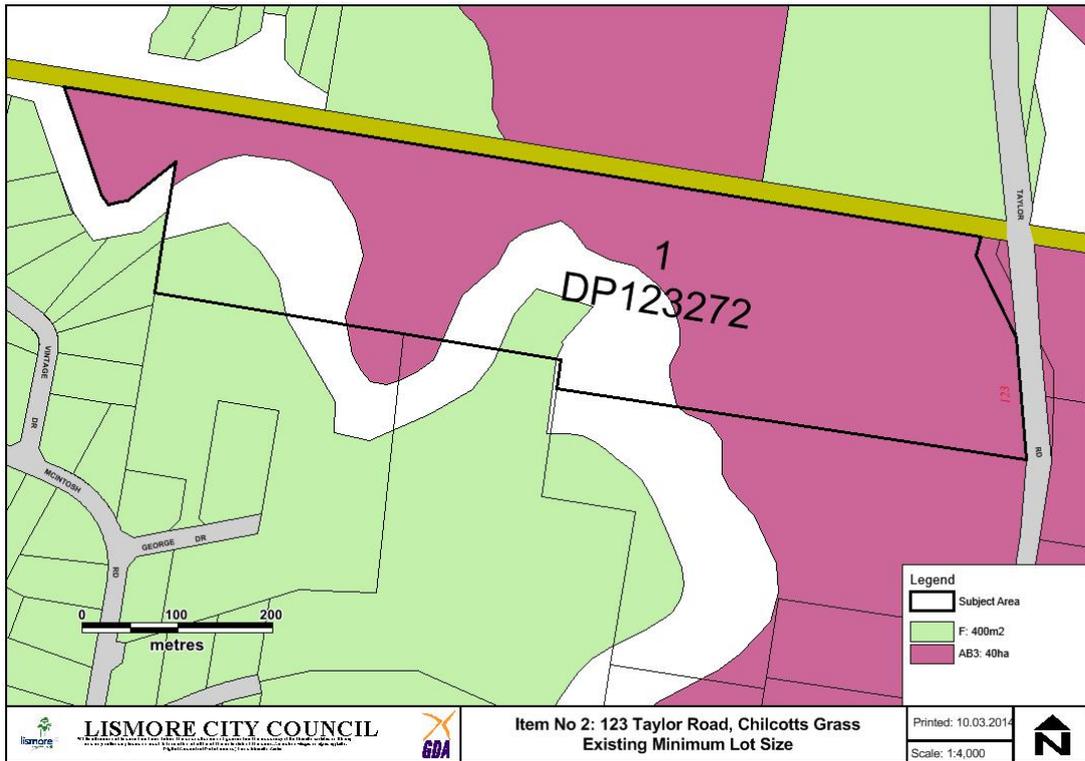


### Item No. 1 – Wyrallah proposed Lot Size Map

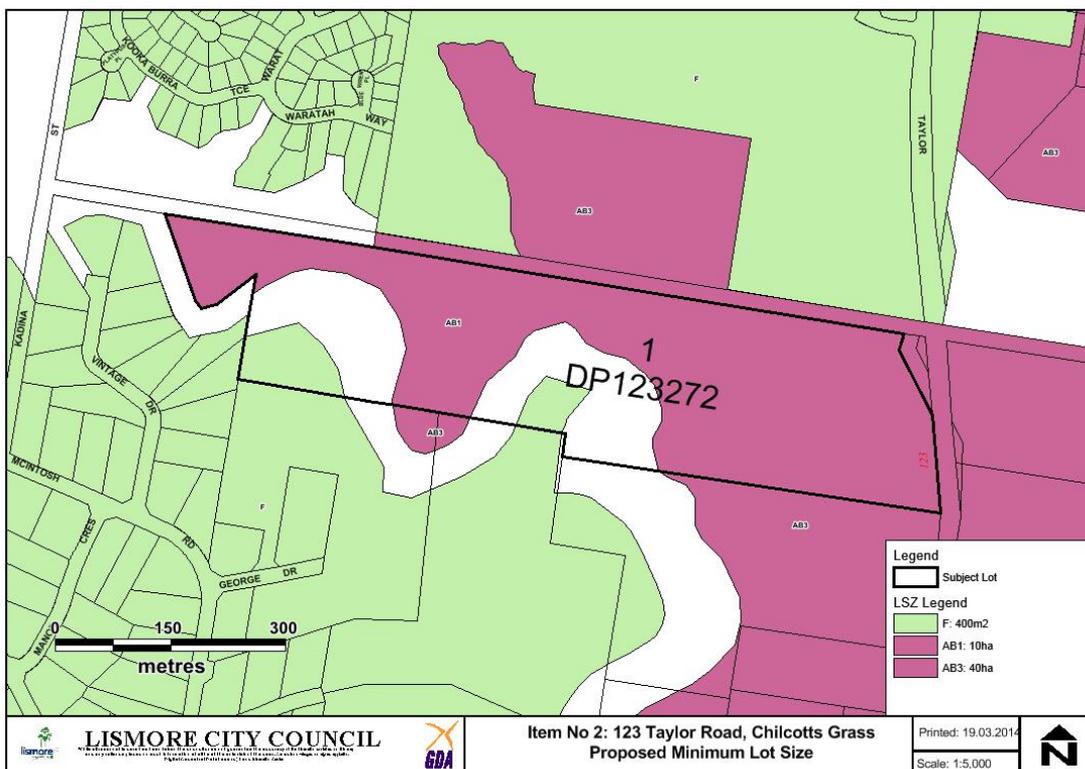




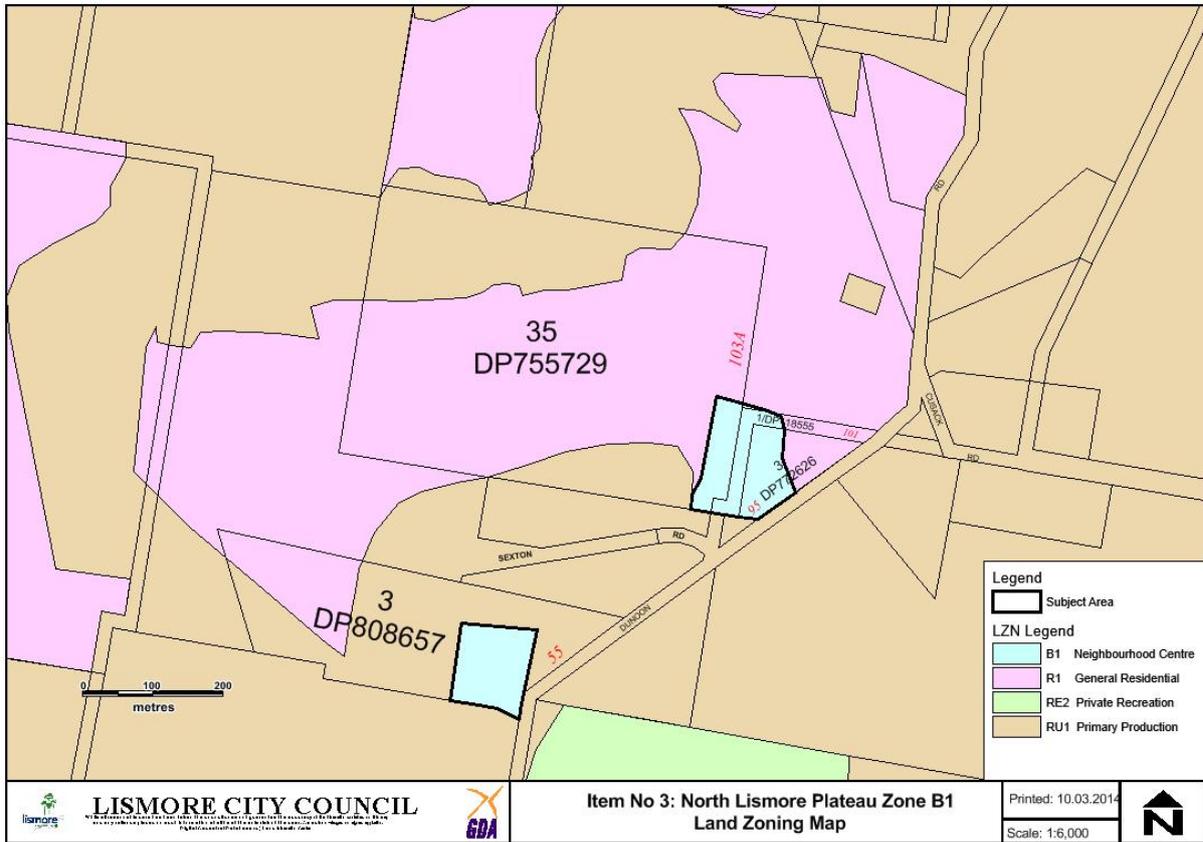
**Item No. 2 – 123 Taylor Road, Chilcotts existing Lot Size Map**



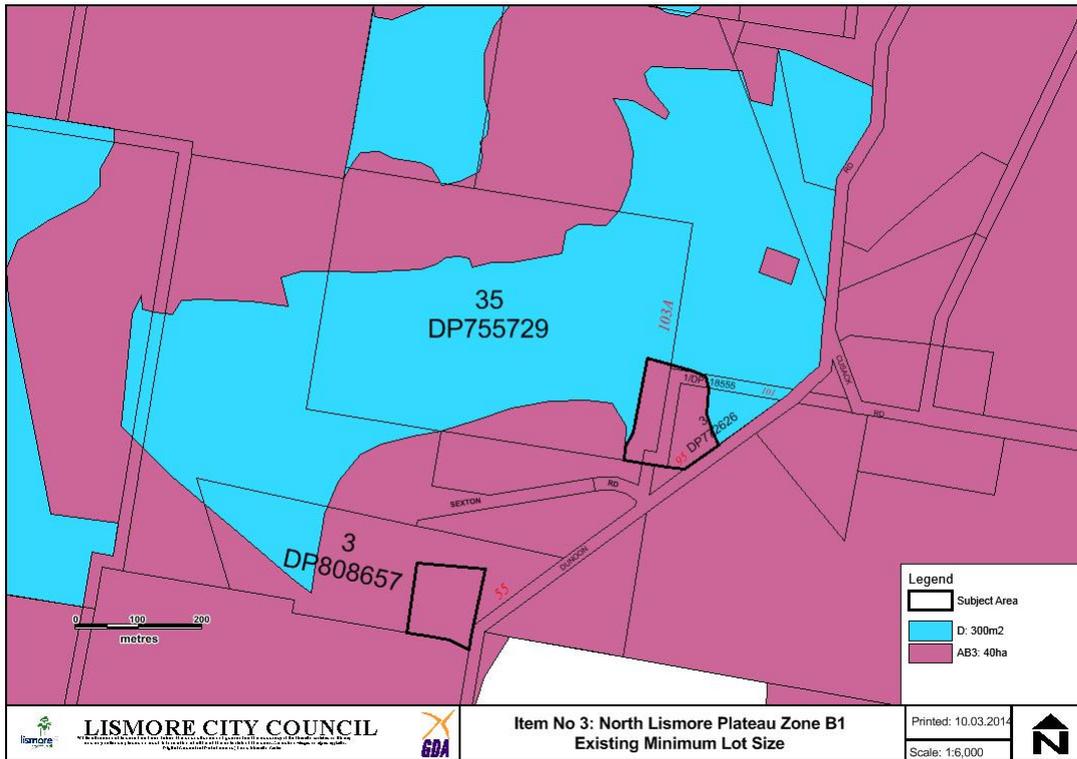
**Item No. 2 – 123 Taylor Road, Chilcotts proposed Lot Size Map**



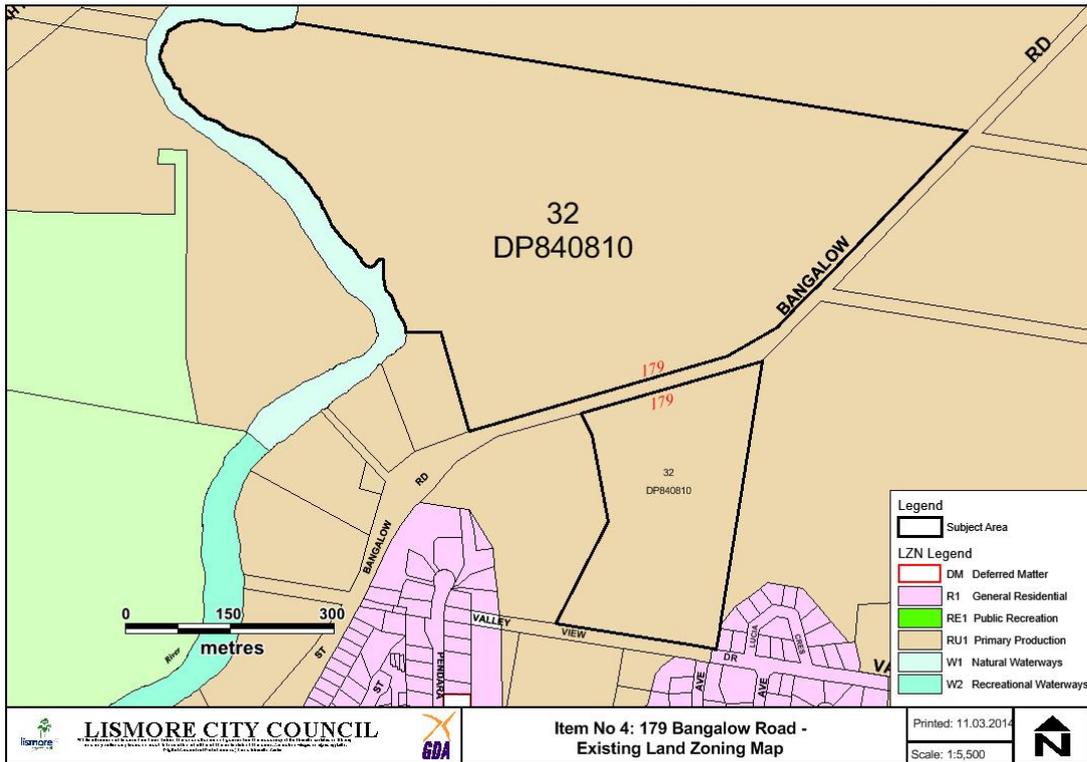
**Item No. 3 – Zone B1 North Lismore Plateau Land Zoning Map**



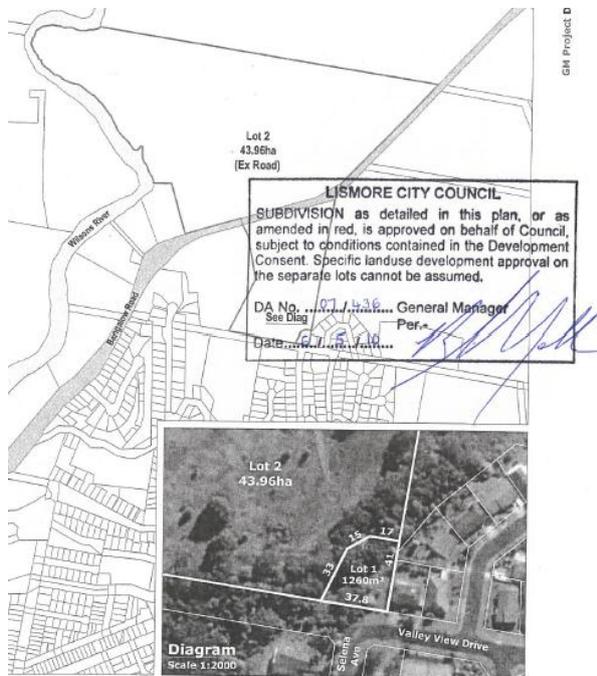
### Item No. 3 – Zone B1 North Lismore Plateau existing Lot Size Map



**Item No 4 – 179 Bangalow Road, Howards Grass existing Land Zoning Map**



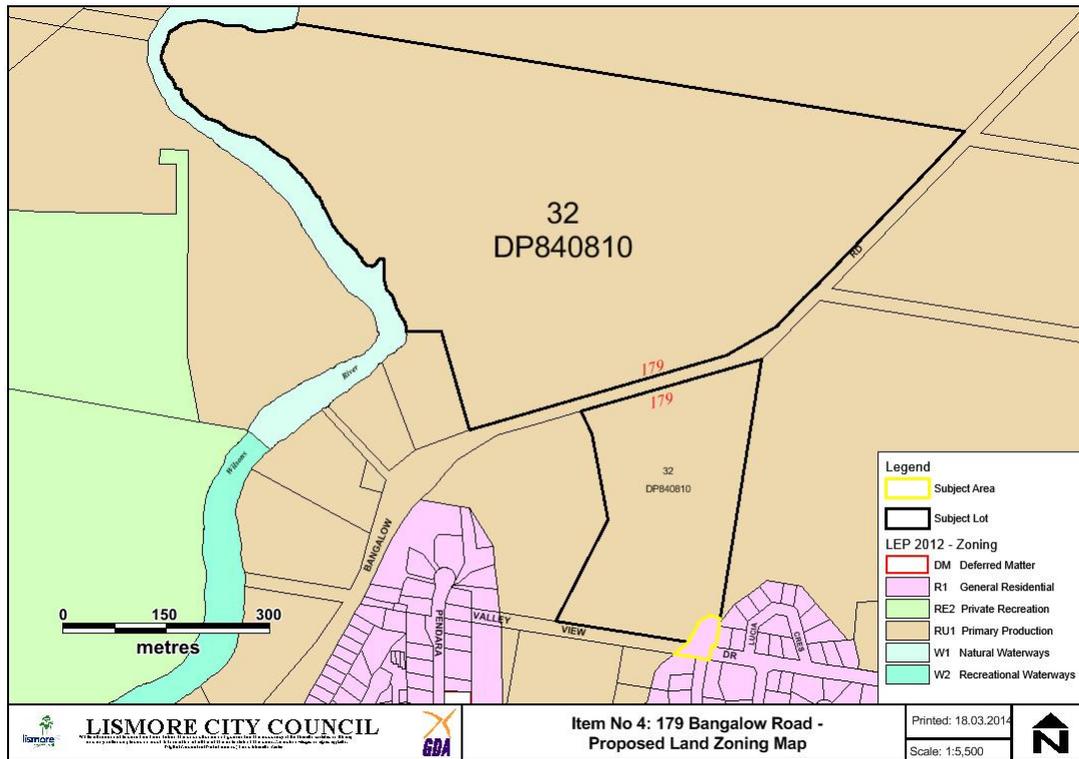
**Item No 4 – 179 Bangalow Road, Howards Grass development consent 07/436**



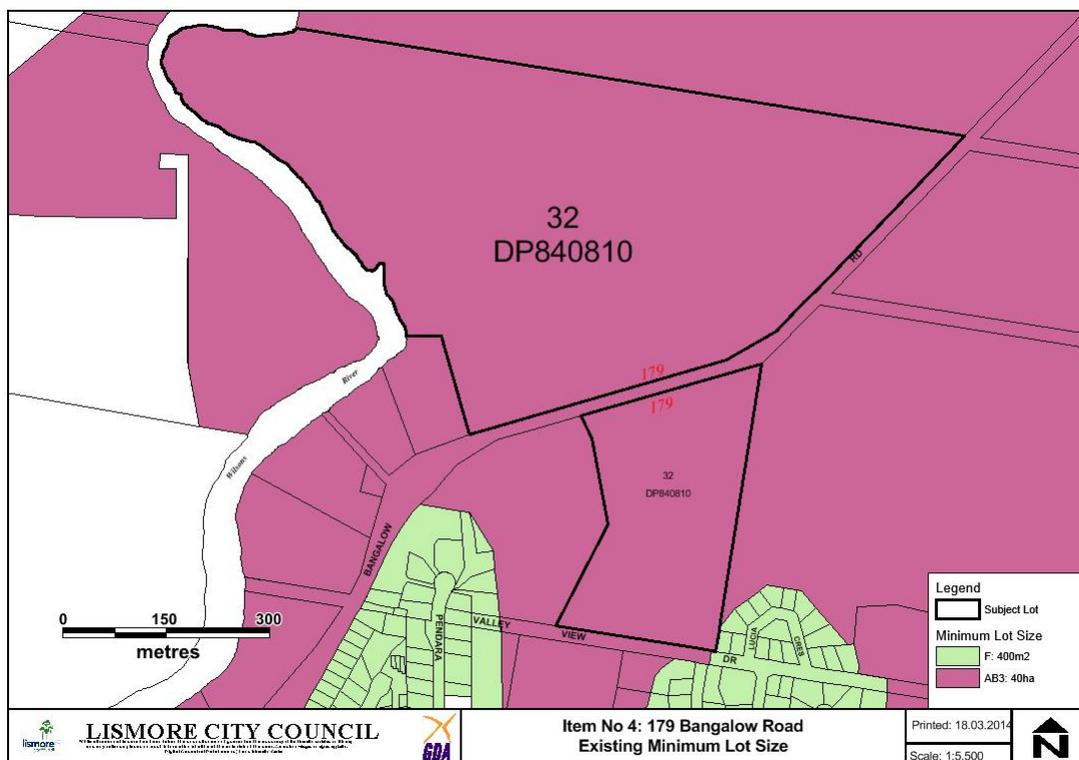
**IMPORTANT NOTE:**  
 draw and distances are approximate  
 only and subject to council approval  
 and registration of survey plan.

**Illustration 3:**  
**Proposed Subdivision of Lot 32 in DP 840810**  
 Proposed Subdivision • St Leonards • Lot 32 DP 840810 • Valley View Drive, Lismore Heights

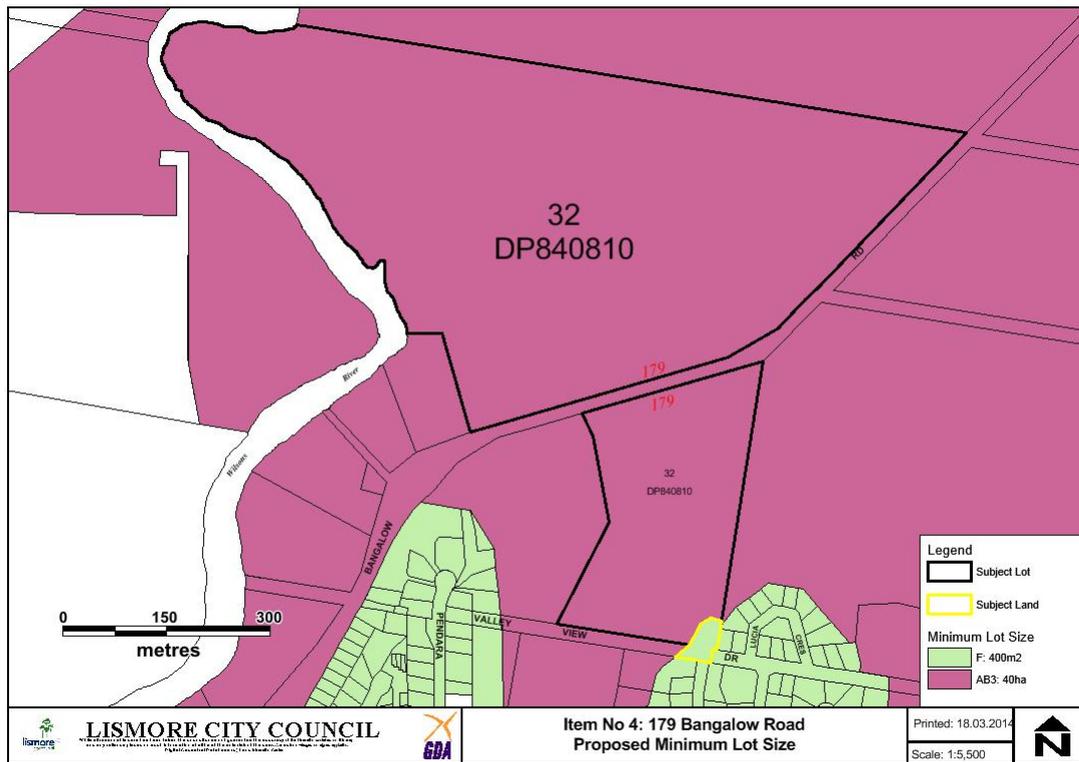
**Item No 4 – 179 Bangalow Road, Howards Grass proposed Land Zoning Map**



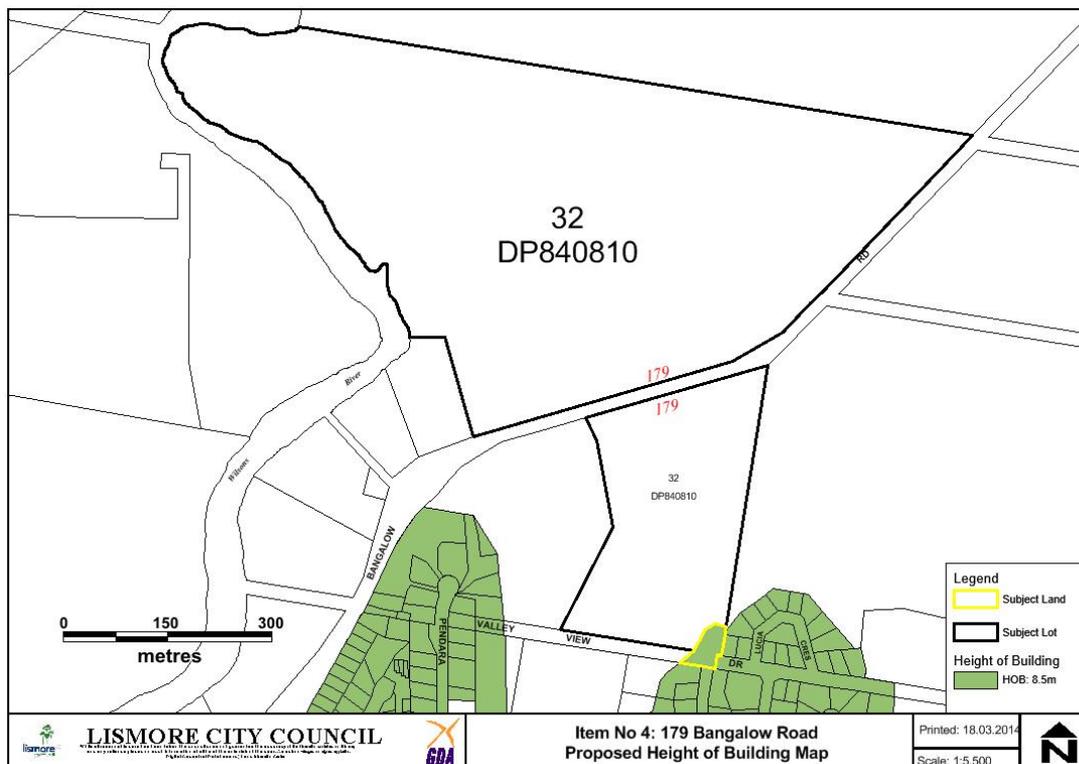
**Item No 4 – 179 Bangalow Road, Howards Grass existing Lot Size Map**



**Item No 4 – 179 Bangalow Road, Howards Grass Proposed Lot Size Map**



**Item No 4 – 179 Bangalow Road, Howards Grass Proposed Height of Buildings Map**



## Part 5 – Community consultation

Council will commence community consultation in accordance with the Gateway Determination. For the purposes of public notification, Council considers that the planning proposal is low impact in accordance with Planning and Infrastructure's *A guide to preparing local environmental plans*. In this regard, a fourteen day public exhibition period is deemed appropriate.

Notification of the planning proposal will include:

- An advertisement to be placed in the Lismore City Council *Local Matters* publication that circulates throughout the Local Government Area;
- Letters to affected landowners;
- Publication on the website of Lismore City Council and Planning and Infrastructure.

Exhibition material:

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

## Part 6 – Project timeline

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

Estimated completion	Plan making step
April 2014	Report planning proposal to Council
May 2014	Gateway determination issued by Department of Planning and infrastructure
June 2014	Government agency consultation Public exhibition
July / August 2014	Analysis of public submissions Preparation of Council report
September 2014	Report to Council
October 2014	Preparation of LEP draft maps
November 2014	Opinion sought from Parliamentary Counsel's Office
March 2015	Making of the draft LEP Notification of the draft LEP

## Part 7– LEP delegations

Council resolved at its Ordinary meeting of 11 December 2012 to accept the delegations which will enable Council to process the final stages of a planning proposal (LEP amendment) as outlined in Planning Circular PS12-006.

In accordance with the resolution Council wrote to the Minister of Planning and Infrastructure accepting the delegations under section 59 of the *Environmental Planning and Assessment Act 1979* and informed the Minister that the function is sub-delegated to the General Manager in accordance with section 381 of the *Local Government Act 1993*.

The delegations only extend to routine LEPs as listed below:

- Section 73A amendments (minor errors and anomalies, amending references to documents, etc.)
- Council land reclassifications

- Some local heritage items
- Spot rezonings consistent with endorsed strategies and/or surrounding zones
- Mapping alterations
- Other matters of local significance as determined by the Gateway.

Council seeks to exercise delegations for plan making in this instance.