

# Planning Proposal (DRAFT)

**REZONING of land at 48 Lincoln Avenue MCLEANS RIDGES (Lot 13 DP1130169) and an LEP amendment to amend the minimum lot size at 49 Lincoln Avenue MCLEANS RIDGES (Lot 14 DP 1130169)**

**May 2020**



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# Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to rezone Lot 13 DP1130169 (48 Lincoln Avenue, McLeans Ridges – the subject site) from RU1 Primary Production to R5 Large Lot Residential and to amend the minimum lot size maps and height of building maps to facilitate a future subdivision of the site for residential use. A change to the minimum lot size of the adjoining lot at 49 Lincoln Avenue (Lot 14 DP 1130169) from 2ha to 3 ha is also required for consistency across the two parcels for a proposed subdivision development application that was lodged simultaneously with the Planning Proposal.

The subject site is presently zoned RU1 Primary Production with a minimum lot size of 40ha in the Lismore Local Environmental Plan 2012, as shown on Figure 1 below. Land to the north, east and south of the site is currently zoned R5 Large Lot Residential, with land to the west predominantly zoned RU1 Primary Production, with some R5 Large Lot Residential.

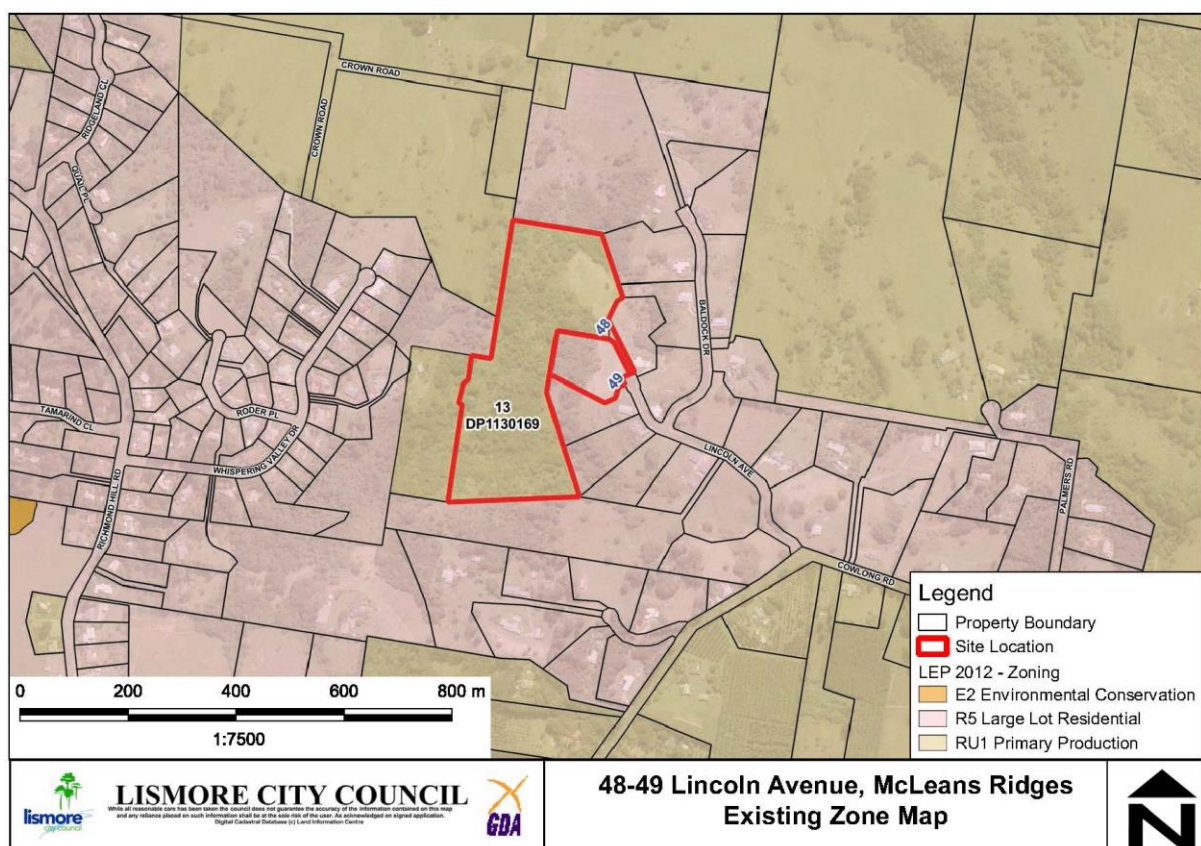


Figure 1 – Existing LEP Zone map.

## Site description and setting

The subject site is approximately 9.58 hectares. An area in the north of the site of approximately 1 hectare has been cleared, with the remainder of the land covered in regrowth forest dominated by Camphor Laurel. No buildings or other structures are located on the land. The land slopes gently from south to north and steeply to the west at 20-33%.

The land is situated at the western edge of the Floreat Park residential estate and is approximately 12km by road from the Lismore CBD which offers a high level of services and facilities commensurate to its status as a Regional City. There are existing dwellings on all the lots on the eastern boundary other than Lot 14 DP1130169 which is in the same ownership as the subject site and is intended to form part of a three-lot subdivision



subsequent to the proposed rezoning. The development application for subdivision was lodged simultaneously with the Planning Proposal.

Underground power is available from Lincoln Avenue. No reticulated water or sewer services are available.



**Figure 2: Cleared land, looking north.**



**Figure 3: General view of regrowth forest area showing steepness and rockiness of the land.**

## Part 2 - Explanation of Provisions

The objective of the proposal will be achieved by amending the Lismore Local Environmental Plan (LEP) 2012 to rezone 48 Lincoln Avenue, McLeans Ridges (Lot 13 DP1130169) from Zone RU1 Primary Production to Zone R5 Large Lot Residential. The Planning proposal will;

- Amend the **Land Zoning Map** to change the subject land from Zone RU1 Primary Production to Zone R5 Large Lot Residential.
- Amend the **Minimum Lot Size Map** from 40ha to 3ha. The **Minimum Lot Size Map** will also be amended for 49 Lincoln Avenue, McLeans Ridges (Lot 14 DP 1130169) from 2ha to 3ha.
- Amend the **Height of Building Map** to provide for a building height of 8.5m.

Proposed mapping is provided in Part 4 of this report.

## Part 3 - Justification

### Section A - Need for the Planning Proposal

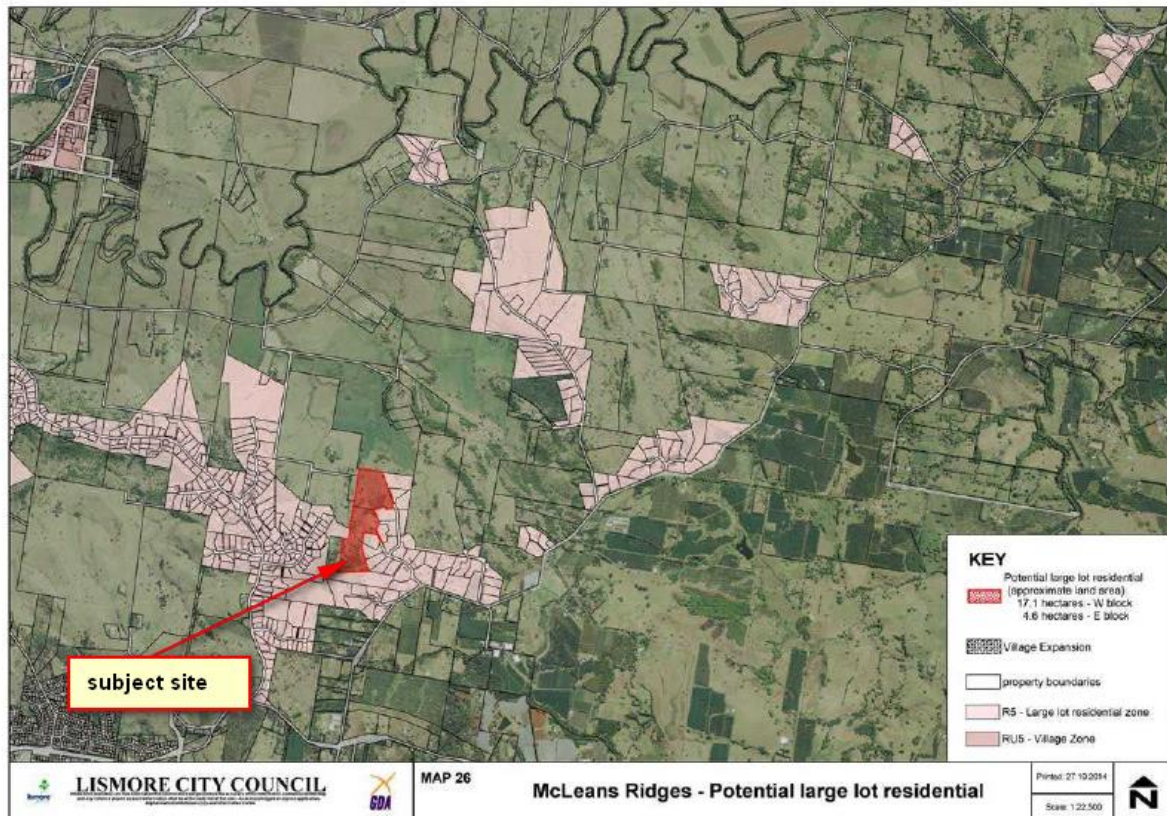
There is a need for the Planning Proposal to allow for the rezoning of the site from Zone RU1 Primary Production to Zone R5 Large Lot Residential. The North Coast Regional Plan (2017) states that the Lismore LGA will need a minimum of 3350 new dwellings by 2036 to meet anticipated population growth. The proposed rezoning will assist in meeting this demand for new residential land.

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

The Lismore Growth Management Strategy 2015-2035 (GMS) was adopted by Council at its Ordinary meeting on 12 May 2015 and identifies land preferred for development for residential and employment purposes. The GMS provides commentary that there is limited opportunity for expansion of residential land within McLeans Ridges due to the steep topography and traffic concerns. However, the subject site and an adjoining site to the north is identified as having the potential to provide an additional 3-4 lots. The GMS was conditionally approved by the Department of Planning and Environment on 11 August 2015.

Figure 4 (below) shows a map from Lismore's GMS identifying the subject site and another to the north as having the potential for re-zoning. The lot to the north has already been rezoned via a previous Planning Proposal.





**Figure 4: Lismore Growth Management Strategy (2015-2035) map showing the subject site.**

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

A planning proposal to change the zone to R5 Large Lot Residential zone and an associated amendment of the Lot Size map and Building Height map is the best way to enable residential subdivision.

The current minimum lot size applying to the land is 40ha which precludes subdivision of the land and the provision of additional dwellings. Therefore, a change to the zoning and minimum lot size applying to the land is necessary to achieve the objectives and intended outcomes and the planning proposal is the only means to achieve this.

**Section B – Relationship to strategic planning framework**

**Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?**

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

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

The NCRP also states that well-planned rural residential housing will be achieved by “identifying new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment”.

This Planning Proposal is consistent with this action in the NCRP.

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

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

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

**Imagine Lismore (Community Strategic Plan) 2017-2027**

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

The planning proposal is consistent with the following Imagine Lismore objectives and strategies:

- *Our land-use planning caters for all sectors of the community;*
- *Ensure land is available and serviced to meet population growth in locations that are accessible, close to services and employment, and suitable for development; and*
- *Ensure a diverse range of land use and development opportunities are available.*

**Lismore Growth Management Strategy 2015-2035**

The subject site is identified on Map 26 of the GMS as a ‘Potential Large Lot Residential’ land as shown in Figure 4.

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

The Planning Proposal is consistent with the requirements of the applicable State Environmental Planning Policies (SEPPs). An assessment against relevant SEPPs is provided at **Appendix 1**.

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The proposal is consistent with applicable Section 9.1 Directions or any inconsistency can be justified. An assessment against the Ministerial Directions is provided at **Appendix 2**.

**Section C – Environmental, social and economic impact**

**Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

An ecological assessment was undertaken by Melaleuca Group and no threatened species or EECs were recorded during their investigations. It was noted that it is possible that some species may occur within the forested areas of the site, but any future residential dwellings will have to be located well outside of the forested areas due to slope and other constraints. Therefore it is reasonable to conclude there will be no impact upon any species located within those areas.



Council's ecologist has also assessed the report and commented that there are no significant issues.

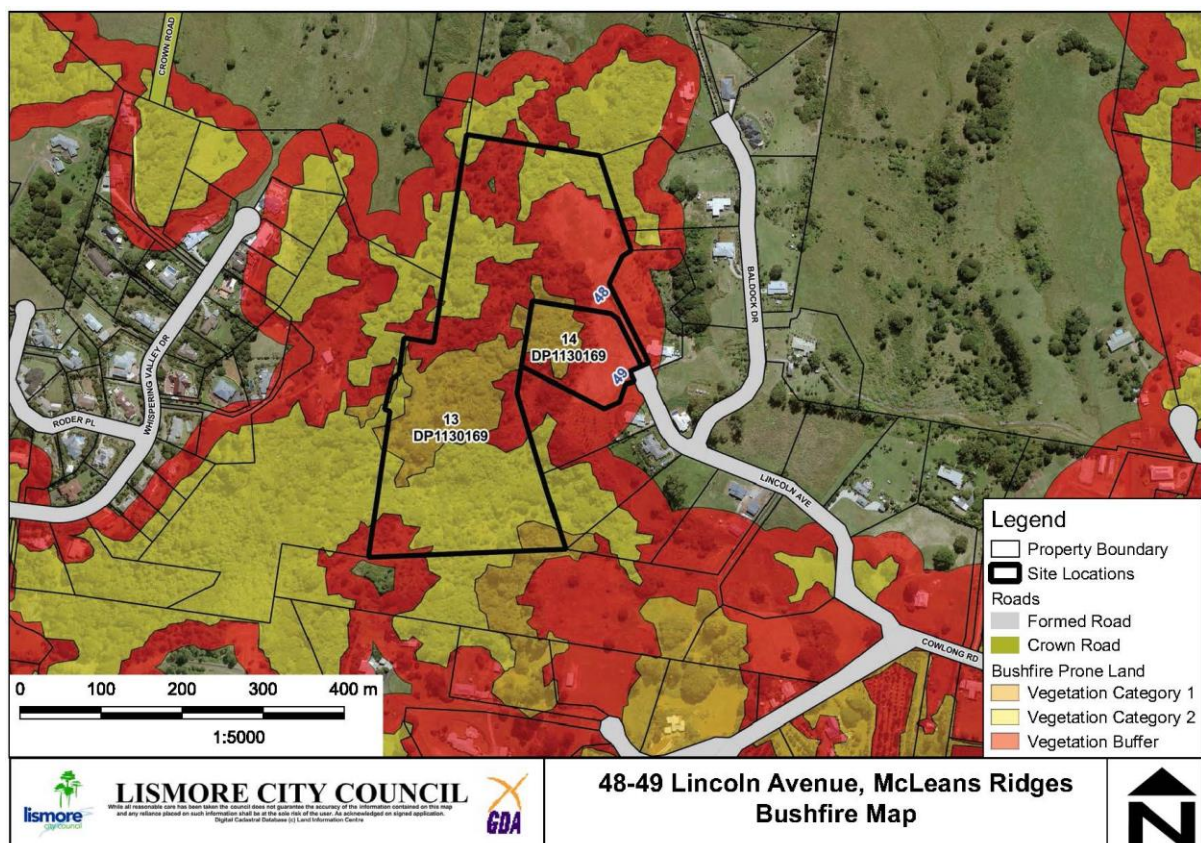
#### **Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

##### **Contaminated Land**

A preliminary contaminated land assessment was undertaken by Melaleuca Group Pty Ltd and submitted with the Planning Proposal. It covered the area of land shown to be the indicative dwelling envelope area submitted with the development application. No chemicals of concern have been identified above threshold levels for residential use.

##### **Bushfire**

The site is mapped as containing bushfire prone vegetation as shown in Figure 5. Both Category 1 and Category 2 vegetation is mapped across the site. A preliminary assessment of bushfire hazard indicates that future development will be able to meet the requirements of Planning for Bushfire Protection 2006. As the site is mapped as bushfire prone land, the Planning Proposal will require referral to the NSW Rural Fire Service.



**Figure 5: Bushfire vegetation mapping.**

##### **Buffers to watercourses**

A second and third order stream is located in the south western part of the site. The NSW Office of Water recommends a riparian buffer of 20 metres and 30 metres respectively to preserve the integrity of the riparian corridor. Given the slope of the land, any future dwellings will be situated >200 metres from the watercourse.

##### **Stormwater management**

Given the scale and location of the proposed rezoning, consideration of stormwater disposal can reasonable be determined and managed at the future subdivision stage.



### **Land Use Conflict**

The proposed rezoning will result in the interface of a rural residential land use with an existing rural land use. While there are no existing agricultural activities currently being undertaken on the adjoining land, a Land Use Conflict Risk Assessment (LUCRA) may be required with a future development application for a dwelling.

### **Slope Stability**

The development is on lands ranging from 15% to 33%+ slope, with preliminary location of dwelling envelopes shown on the 15% to 20% ridgeline area. A review of the files of past subdivision developments did not identify slope instability as an issue. Whilst it is likely slope stability should not be an issue, instability assessment has not been provided. Slope stability assessment may be required with a future development application for a dwelling.

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

#### **Economic Impacts**

The planning proposal will facilitate the development of one additional lot which is unlikely to create any adverse economic effects. There is likely to be some additional economic activity generated by development of the land and construction of future dwellings.

#### **Social Impacts**

Due to the nature and scale of the proposal there are not expected to be any adverse social impacts. A social impact assessment is not triggered by LCC's policy as the proposed rezoning will result in less than 20 dwellings. The provision of additional land for residential development will increase housing choice in the Lismore LGA.

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

An Aboriginal Heritage Information Management Systems (AHIMS) search of the site and surround area was conducted. No Aboriginal sites were identified. A referral was also sent to the Ngulingah Local Aboriginal Land Council. The LALC recommended that any future development application that propose excavation works within gully areas should include on site cultural spotters. Whilst indicative future building envelopes and on-site sewage management systems have been identified well away from gully areas, this advice is noted and should be considered with any future development applications.

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

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

#### **Water and sewer**

No reticulated water or sewage is provided within the existing residential estate. All residents are required to supply rainwater tanks and on-site sewage management systems. These requirements can be dealt with at a future DA stage.

#### **Education, Health and Emergency Services**

The site is located approximately 12kms by road from the Lismore CBD and the Base Hospital and allied health services, various primary and secondary schools, Southern Cross University and emergency services.

#### **Roads and Traffic**

The site has existing access to Lincoln Road. Council's consultant engineer is satisfied the local road network is able to cope with the expected increase in traffic.

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

It is recommended that the following authorities are consulted following the Gateway determination:

- Rural Fire Service
- Department of Primary Industries
- Biodiversity and Conservation Division (DoPIE)

## Part 4 - Mapping

### Current zoning

The land within the subject site is currently in Zone RU1 Primary Production under the provisions of the Lismore Local Environmental Plan 2012. The land is also mapped on the Lot Size Map with a minimum lot size of 40ha. There is no maximum height of buildings that applies to the land.

### Proposed land zoning, lot size and height of buildings

It is proposed to rezone the subject site from RU1 Primary Production to R5 Large Lot Residential. The change to the zoning map will require corresponding changes to the minimum lot size and height of building maps as shown in Figures 6-11 on the following pages.

This will be achieved by amending map sheets: LZN\_005, LSZ\_005 and HOB\_005.

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

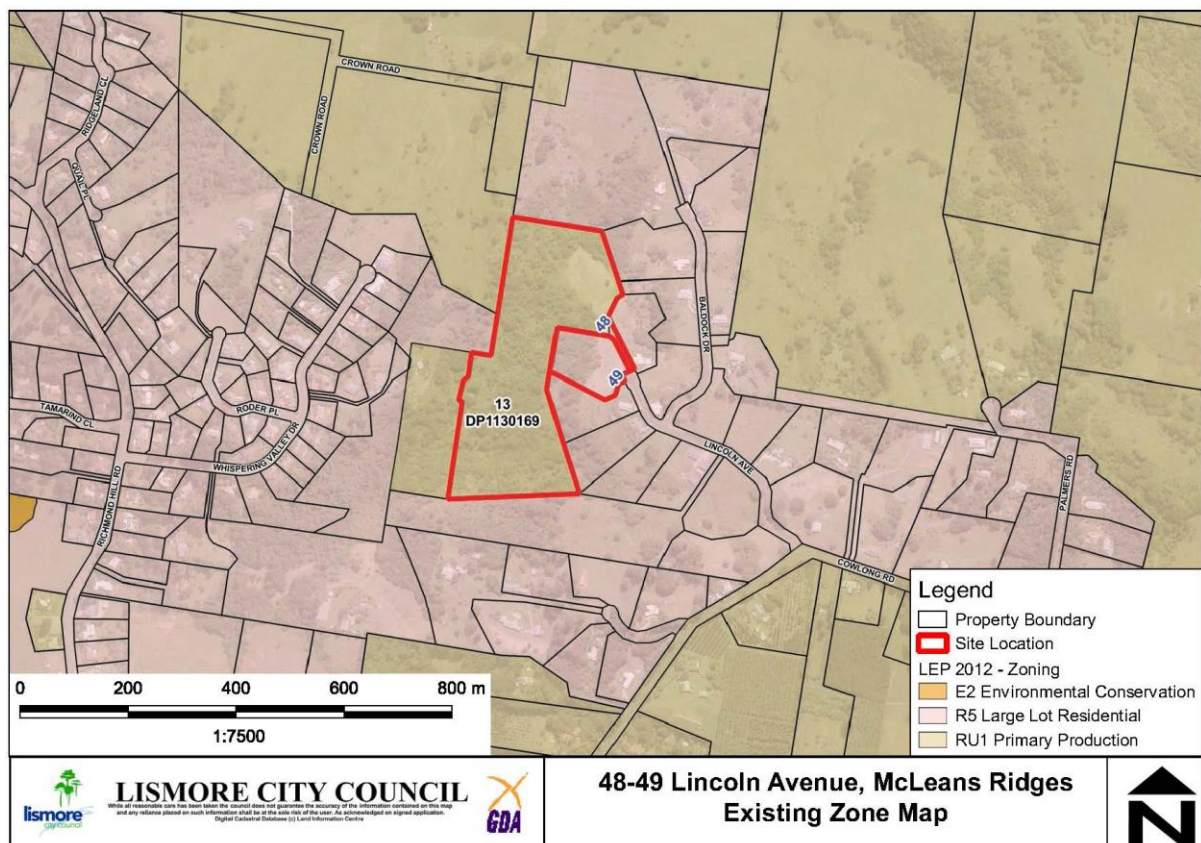


Figure 6: Existing Land Zoning



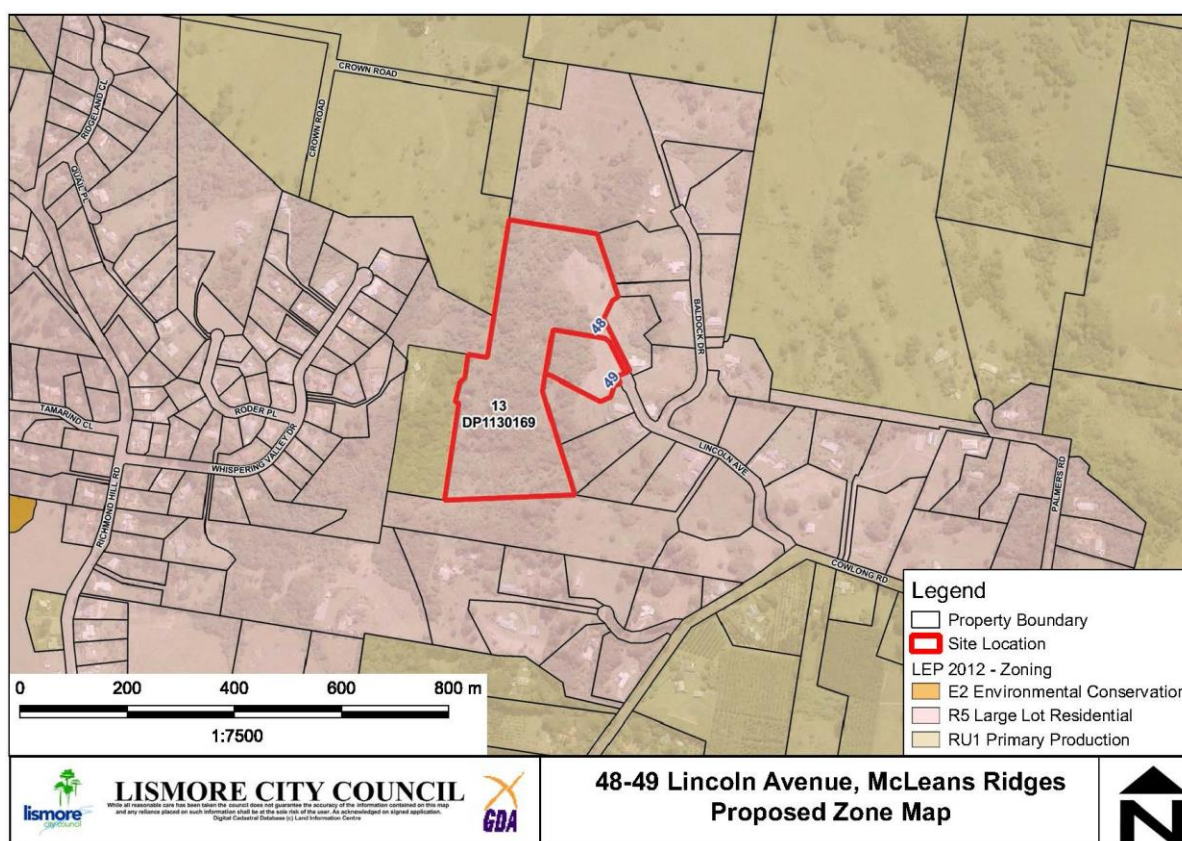


Figure 7: Proposed Land Zoning

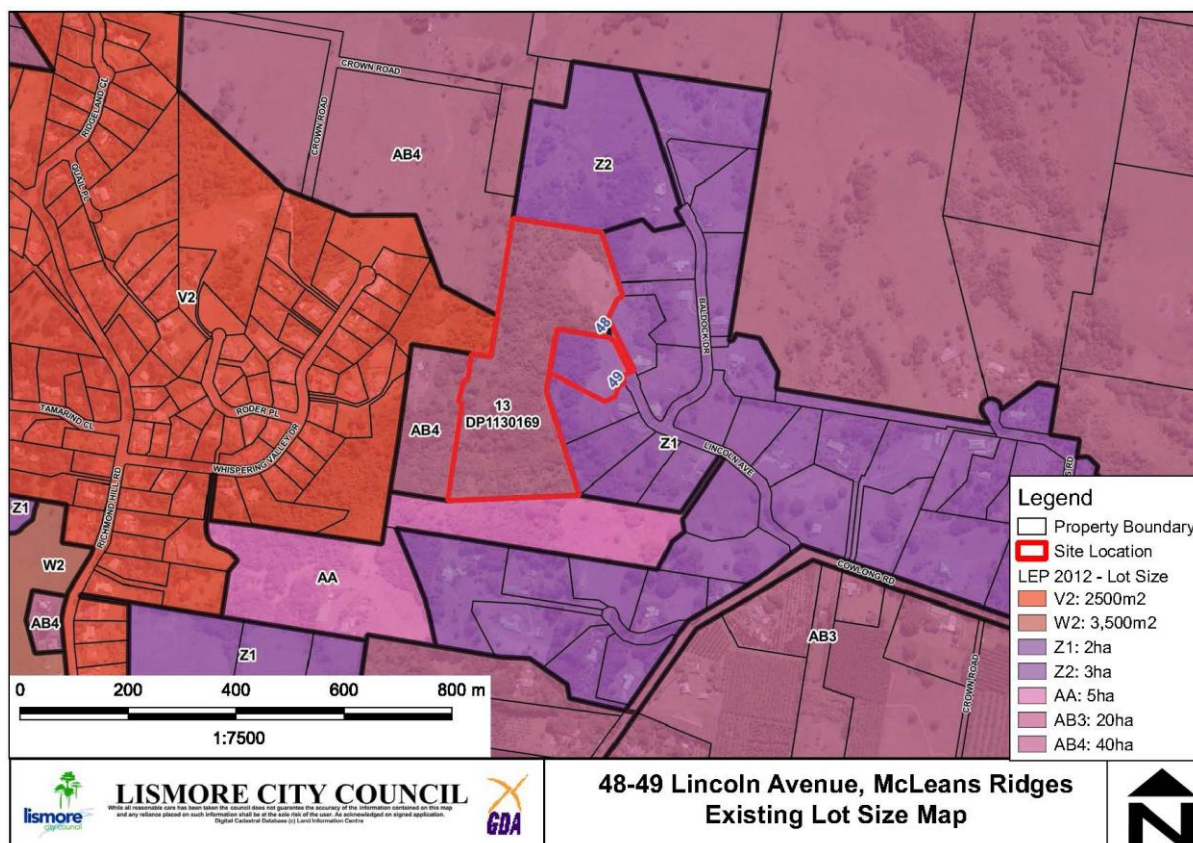


Figure 8: Existing Minimum Lot Size



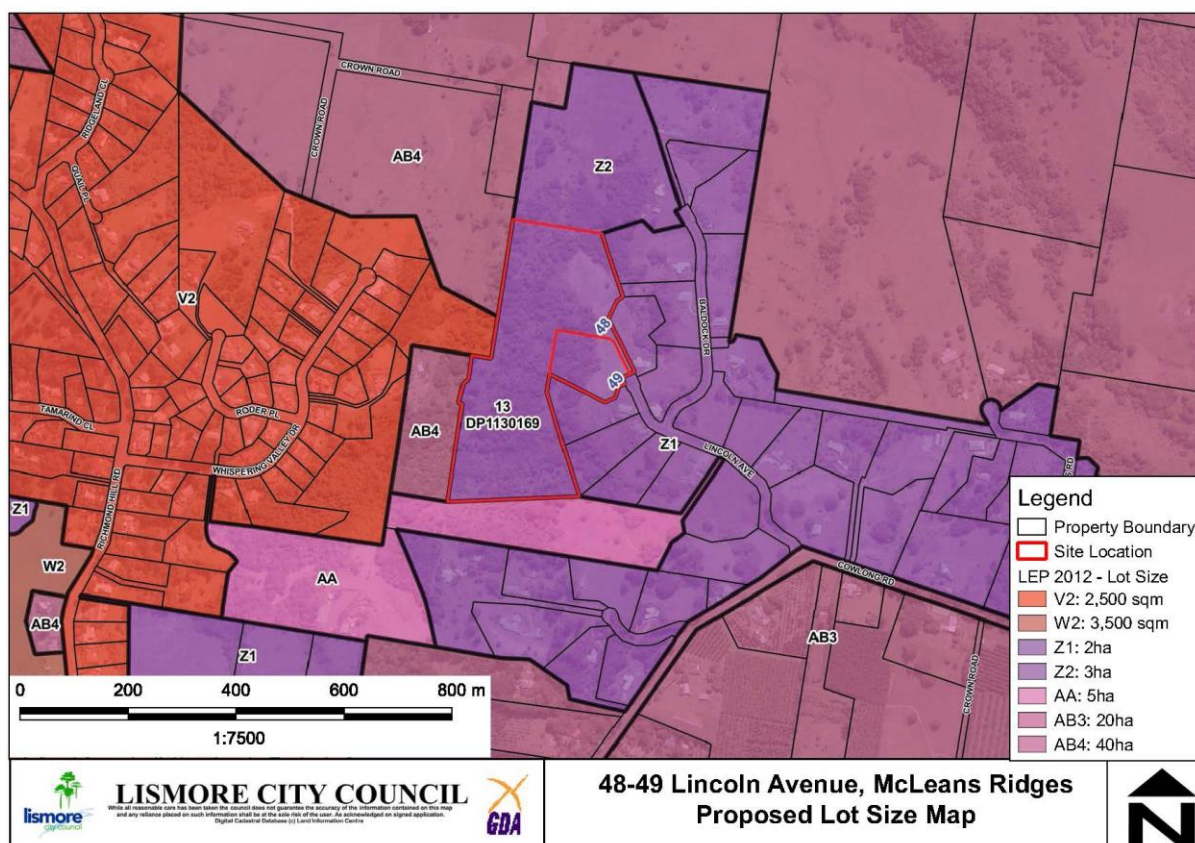


Figure 9: Proposed Minimum Lot Size includes a change to 49 Lincoln Avenue to 3ha.

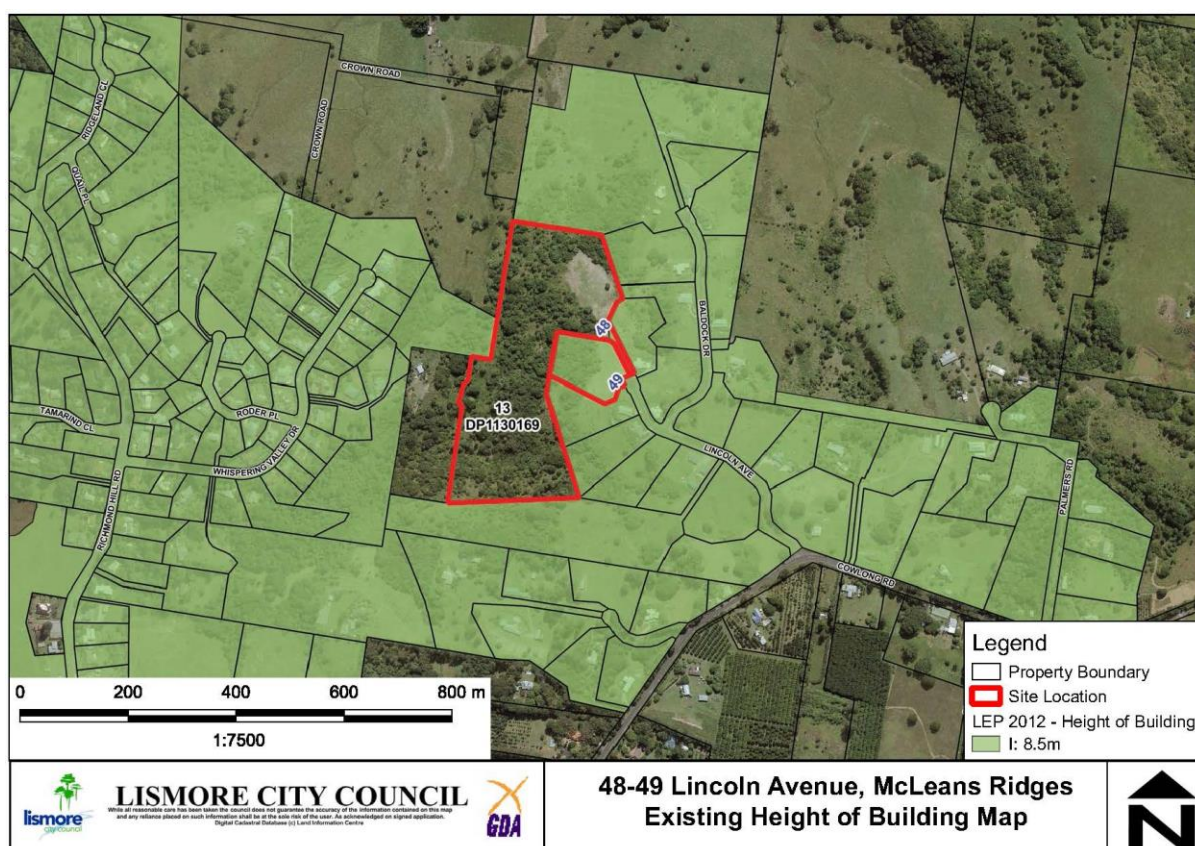


Figure 10: Existing Height of Buildings



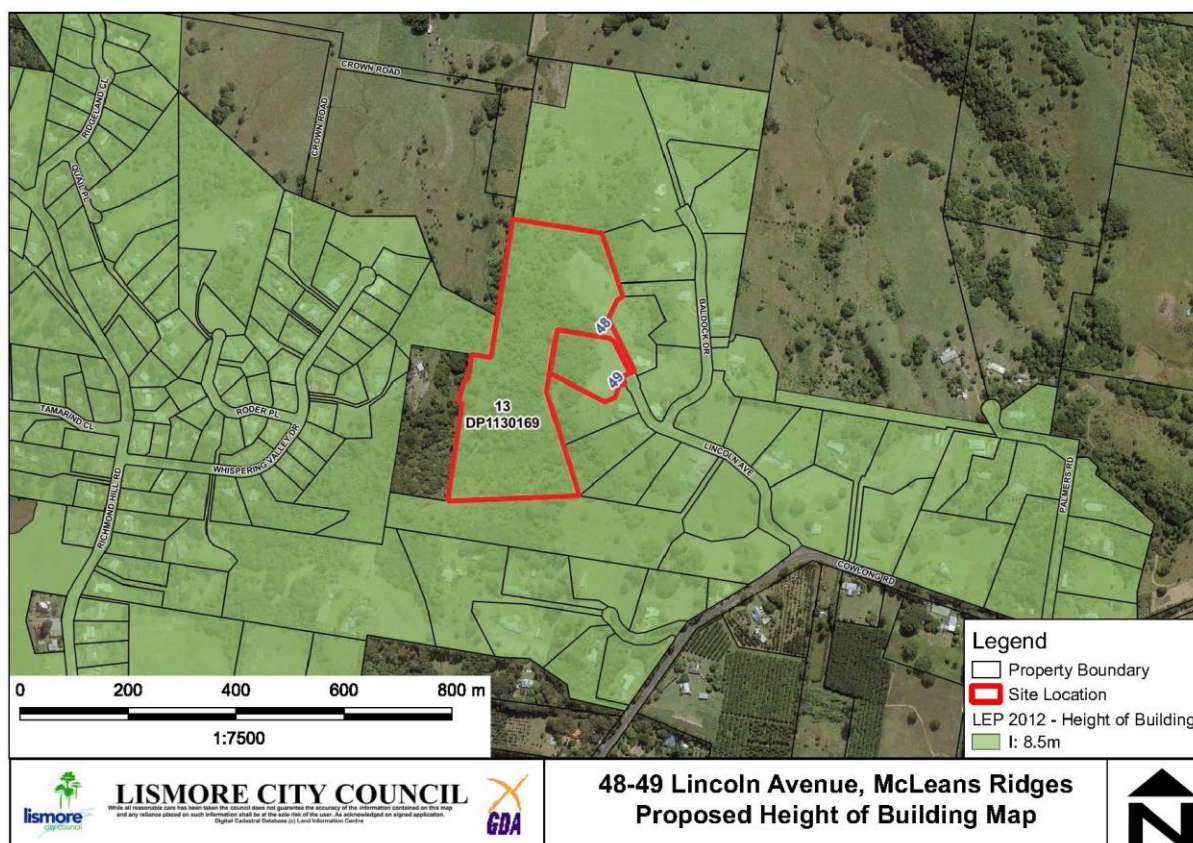


Figure 11: Proposed Height of Buildings

## Part 5 - Community Consultation

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

Notification of the exhibited Planning Proposal will include:

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

The written notice will:

- Provide a brief description of the objectives or intended outcomes of the 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, Industry and Environment.
- The Gateway Determination
- Any studies required as part of the Planning Proposal.

The Gateway Determination will confirm the public consultation requirements.

## Part 6 - Project Timeline

It is anticipated that the planning proposal will be completed within the indicative timeline shown below:

- Report to Council – **May 2020**
- Gateway determination issued – **May 2019**
- Agency and public consultation – **June 2020**
- Consideration of submissions – **July 2020**
- Council consideration of the proposal post exhibition – **August 2020**
- Anticipated date of submission to the Department for notification of the making of the LEP – **September 2020**
- Anticipated date for plan making – **October 2020**

## Conclusion

The subject land has been identified in the Lismore Local Growth Management Strategy 2015-2035 as a potential large lot residential site. The proposal is consistent with relevant State Environmental Planning Policies and s9.1 Ministerial Directions, or any inconsistency can be justified. There is sufficient information to enable Council to support the Planning Proposal and forward it to the Department of Planning and Environment for its consideration and response.

### APPENDIX 1 Compliance with applicable State Environmental Planning Policies

State Environmental Planning Policy	Requirements	Compliance
<b>SEPP (Koala Habitat Protection)</b>	<b>3 Aims of Policy</b> To encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	A development application for subdivision was lodged with the Planning Proposal prior to the introduction of this SEPP on March 1, 2020. Therefore the provisions of SEPP 44 will be applied to the development application.
<b>SEPP 55 – Remediation of Land</b>	<b>6 Contamination and remediation to be considered in zoning or rezoning proposal</b>  Council is required to consider whether the land is contaminated when rezoning for residential development.	Consideration of Contaminated Lands issues has been addressed under Question 8 within this report. Satisfactory.
<b>SEPP (Affordable Rental Housing) 2009</b>	No specific requirement regarding rezoning land.	<b>Not applicable.</b>
<b>SEPP (Housing for Seniors or</b>	No specific requirement regarding rezoning land.	<b>Not applicable.</b>



State Environmental Planning Policy	Requirements	Compliance
People with a Disability) 2004		
SEPP (Infrastructure) 2007	No specific requirement regarding rezoning land.	<b>Not applicable.</b>
SEPP (Coastal Management) 2018	<b>Not applicable</b>	The subject land is not affected by the Coastal Use or Coastal Environment area mapping or the Coastal Wetland and proximity area for coastal wetland mapping.
SEPP (Primary Production and Rural Development) 2019	<b>3 Aims of Policy</b> (a) to facilitate the orderly economic use and development of lands for primary production, (b) to reduce land use conflict and sterilisation of rural land (c) to identify State significant agricultural land (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine work in irrigation areas and districts, (e) to encourage sustainable agriculture, including sustainable aquaculture, (f) to consider effects of all proposed development in the State on oyster aquaculture, (g) to identify aquaculture that is to be treated as designated development.	The site is not mapped as being State or Regionally Significant Agricultural Land.
SEPP (Vegetation in Non-Rural Areas) 2017	<b>3 Aims of Policy</b> The aims of this Policy are: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation	No clearing of vegetation is proposed as part of the re-zoning.

## APPENDIX 2 – Compliance with Section 9.1 Ministerial Directions

Ministerial Directions	Requirements	Compliance
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	Not applicable	Not applicable
1.2 Rural Zones	A Planning Proposal must not rezone land from a rural zone to a residential zone unless it is justified under clause 5 of the direction. Such justification includes the identification of the land in a strategy.	<b>Consistent.</b> The site is identified in the Lismore Growth Management Strategy 2015-2035 as a 'potential rural-residential development site'.
1.3 Mining Petroleum Production and Extractive Industries	This direction applies when the Planning Proposal:  Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials;  Restricting the potential of State or regionally significant mineral resources	<b>Not applicable.</b> The Planning Proposal does not have the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials. Pursuant to clause 7 <i>SEPP (Mining, Petroleum Production and Extractive industries) 2007</i> , mining, petroleum production and extractive industries can occur where agriculture or industry may be carried out (with or without development consent).  The land does not accommodate mineral resources or extractive materials which are of State or regional significance.
1.4 Oyster Aquaculture	Not applicable	<b>Not applicable.</b>
1.5 Rural Lands	This direction applies when: <ul style="list-style-type: none"> <li>• The planning proposal effects land within an existing or proposed rural or environmental protection zone;</li> <li>• When changes are proposed to minimum lot size in a rural or environmental protection zone.</li> </ul> The Planning Proposal must: <ul style="list-style-type: none"> <li>• Be consistent with any applicable strategic plan;</li> <li>• Consider the significance of agriculture;</li> <li>• Identify and protect environmental values;</li> <li>• Consider the natural and physical constraints of the land;</li> <li>• Minimise fragmentation of rural land</li> </ul>	The land is currently zoned RU1 and changes are proposed to the minimum lot size, so this direction applies.  The proposal is consistent with the Lismore Growth Management Strategy (2015-2035) and North Coast Regional Plan (2036)  The site is not identified as State or Regionally Significant Farmland. The land is surrounded by large lot residential holdings and the slope of the land make it unsuitable for agriculture. The rezoning of the land will result in an area of land to the west of approximately 3000m <sup>2</sup> being isolated rural (RU1) land. This land to the west is part of a parcel that is predominantly zoned R5 Large Lot Residential. The Planning Proposal is unlikely to negatively impact upon any agricultural use or result in land use conflict issues as potential dwelling sites will be located >200m away.

Ministerial Directions	Requirements	Compliance
	<ul style="list-style-type: none"> <li>Consider the social, economic and environmental interests of the community.</li> </ul>	The natural and physical constraints of the land have been assessed and addressed within this report as have social, economic and environmental interests.
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	The Planning Proposal must include provisions that facilitate protection of environmentally sensitive areas. Must not reduce protection standards for environmental protection zones.	No Endangered Ecological Communities were identified within the site.
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.	Comments from Ngulingah LALC have been incorporated at Question 9.
2.4 Recreation Vehicle Areas	Not applicable	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	A planning proposal that introduces or alters an E2 or E3 zone or an overlay must apply zones and clauses consistent with the Northern Councils E Zone Review Final Recommendations	Not applicable
2.6 Remediation of Contaminated Land	The direction applies to land within an investigation area within the meaning of the <i>Contaminated Lands Management Act 1997</i> .	Not applicable.
<b>3. Housing, Infrastructure and Urban Development</b>		



Ministerial Directions	Requirements	Compliance
3.1 Residential Zones	<p>Where applicable a Planning Proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <li>(a) Broaden the choice of housing types and locations.</li> <li>(b) Make efficient use of existing infrastructure and services.</li> <li>(c) Reduce consumption of land on the urban fringe.</li> <li>(d) Housing of good design.</li> </ul> <p>In addition, a planning proposal must:</p> <ul style="list-style-type: none"> <li>• Contain a requirement that residential development is not permitted until land is adequately serviced.</li> <li>• Not contain provisions that will reduce permissible residential density of land.</li> </ul>	<p><b>Consistent.</b></p> <p>A range of housing types will be permitted.</p> <p>The land is situated relatively close (12km) to the Lismore CBD and is serviced by existing electricity and road infrastructure. The Planning Proposal will therefore make more efficient use of this infrastructure by facilitating increased development potential of the land.</p> <p>Lismore LEP 2012 contains provisions that require the provision of services prior to development consent for residential development. Rural residential land must demonstrate adequate potable water and adequate on-site sewage systems with a development application.</p> <p>The planning proposal will not reduce the permissible residential density of the land; rather, it will increase it.</p> <p>The Planning Proposal is therefore consistent with this Direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> <li>(a) Retain provisions that permit development of caravan parks.</li> <li>(b) Retain zonings of existing caravan parks.</li> <li>(c) Take into account principles for siting manufactured home estates.</li> </ul>	<p><b>Consistent.</b></p> <p>The subject site is not an existing caravan park and will have minimal impact on where caravan parks or manufactured homes estates can be located.</p>
3.3 Home Occupations	<p>The Planning Proposal must permit home occupations in dwelling houses without development consent.</p>	<p><b>Consistent.</b></p> <p>Home occupations are permitted without development consent under LEP 2012 and SEPP (Exempt and Complying Development Codes) 2008. This planning proposal does not affect these provisions.</p>

Ministerial Directions	Requirements	Compliance
3.4 Integrating Land Use and Transport	<p>The Planning Proposal must give effect to and be consistent with the aims, objectives and principles of:</p> <ol style="list-style-type: none"> <li>1. <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001) <ul style="list-style-type: none"> <li>• better integrate land use and transport planning and development,</li> <li>• provide transport choice and manage travel demand to improve the environment, accessibility and livability,</li> <li>• reduce growth in the number and length of private car journeys,</li> <li>• make walking, cycling and public transport use more attractive.</li> </ul> </li> <li>2. <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001)</li> </ol> <p>This policy aims to encourage a network of vibrant, accessible mixed use centres that are closely aligned with and accessible by public transport, walking and cycling. Objectives include:</p> <ul style="list-style-type: none"> <li>• help reduce reliance on cars and moderate the demand for car travel</li> <li>• encourage multi-purpose trips</li> <li>• encourage people to travel on public transport, walk or cycle</li> <li>• provide people with equitable and efficient access</li> <li>• protect and maximise community investment in centres, and in transport infrastructure and facilities</li> <li>• foster growth, competition, innovation and investment confidence in centres,</li> </ul>	<p><b>Consistent.</b></p> <p>The site has sufficient capacity to provide suitable access to transport for residents. The site is adjacent to existing residential development, associated infrastructure and services such as education, retail, recreation, medical, religious, sporting, trade and professional services are available within and around the Lismore CBD.</p> <p>The proposed residential development will lead to increased car journeys. However, the local road network has been assessed as having the capacity to cater for the expected increase in traffic.</p> <p>The planning proposal will facilitate development that will access services and facilities in Lismore and serve to reinforce the role and importance of this Regional City.</p>
3.5 Development Near Licensed Aerodromes	Not applicable	<p><b>Not applicable.</b></p> <p>The site is not in the vicinity of a licensed aerodrome.</p>
3.6 Shooting Ranges	Not applicable	<p><b>Not applicable.</b></p> <p>The site is not located adjacent to an existing shooting range.</p>
<b>4. Hazard and Risk</b>		

Ministerial Directions	Requirements	Compliance
4.1 Acid Sulfate Soils	Not applicable	<b>Not applicable.</b>
4.2 Mine Subsidence and Unstable Land	Applies to mine subsidence areas  Applies to areas identified as unstable	<b>Consistent.</b> The land is not within a mine subsidence area. The site is not mapped as being unstable or prone to subsidence and displays no physical evidence of this. The planning proposal is therefore consistent with this Direction.
4.3 Flood Prone Land	Not applicable	<b>Not applicable.</b> The land is not prone to flooding.
4.4 Planning for Bushfire Protection	A Planning Proposal in bush fire prone land: (a) Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to community consultation. (b) Have regard to Planning for Bush Fire Protection 2006. (c) Restrict inappropriate development from hazardous areas. (d) Ensure bush fire hazard reduction is not prohibited within the APZ.	<b>Consistent.</b> The subject site is mapped as bushfire prone land. A preliminary bush fire threat assessment was submitted with the planning proposal. This assessment found that the site can accommodate future development that will comply with the relevant provisions of Planning for Bushfire Protection 2006.  Council is required under section 9.1 of the EP&A Act 1979, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to undertaking community consultation.  Bush fire hazard reduction authorised under the <i>Rural Fires Act 1997</i> can be carried out on any land without development consent.  The planning proposal is consistent with this Direction.
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies	Not applicable. This direction only applies to land within the South Coast Regional Strategy and the Sydney-Canberra Corridor Regional Strategy.	<b>Not applicable</b>
5.2 Sydney Drinking Water Catchments	Not applicable	<b>Not applicable</b>
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.  The Direction does not apply to areas contained within a 'town and village growth boundary' in the Far North Coast Regional Strategy.	<b>Not applicable.</b> The land is not mapped as State or Regionally Significant Farmland.

<b>Ministerial Directions</b>	<b>Requirements</b>	<b>Compliance</b>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	<b>Not applicable.</b>
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	<b>Not applicable.</b>
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	A Planning Proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning. It must not identify development as designated development unless justified.	<b>Consistent.</b> The Planning Proposal does not introduce new concurrence, consultation or referral requirements. Nor does it propose new forms of 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 the Department of Planning.	<b>Consistent.</b> This planning proposal does not affect public land.
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.	<b>Consistent.</b> The proposed Zone R5 Large Lot Residential is the most appropriate for future residential development on the land. No additional development standards are to be applied that are not already in use.
<b>7. Metropolitan Planning – Not applicable</b>		