

Planning Proposal

WATERFORD PARK ESTATE

November 2014



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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the planning proposal is to enable the residential development of part of Lot 82, DP1187079, Waterford Park Estate, Goonellabah.

PART 2 – EXPLANATION OF PROVISIONS

The outcome of the Planning Proposal is to amend the following maps of the Lismore Local Environmental Plan 2012:

- Land Zoning Map – Sheet LZN_006AB to apply a R1 General Residential zone to the site (part of Lot 82, DP1187079).
- Lot Size Map – Sheet LSZ_006AB to apply a 400m² minimum lot size to the site (part of Lot 82, DP1187079).
- Height of Buildings Map – Sheet HOB_006AB to apply an 8.5m maximum building height to the site (part of Lot 82, DP1187079).

PART 3 - JUSTIFICATION

The following criteria must be addressed under the State Government Gateway system:

Section A – Need for the Planning Proposal

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

The Planning Proposal applies to land that is within the eastern limit of urban expansion of Lismore's Urban Strategy 2003. It is also nominated for future residential in the draft Growth Management Strategy. This is dealt with in Section 5 of the Planning Proposal.

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

Amending the provisions in the Lismore LEP 2012 is the best way of achieving the residential land use in a way that is compatible with the surrounding land use. This is more fully explained in Part 2 of this Planning Proposal.

3. *Is there a net community benefit?*

The community benefits of the Planning Proposal are:

- More housing options, with minimal environmental, social and economic impacts. The site is identified as State Significant farmland, but is currently not being used for agricultural purposes and an agricultural assessment indicates its value is low. The benefits of residential development close to existing services and the potential for conflict between agricultural uses and residential outweigh the loss of agricultural land.
- Providing a product consistent with existing residential development in the Lismore LGA.
- Future development that contributes to meeting Council's housing target in the Far North Coast Regional Strategy (FNCRS).
- A development that contributes to meeting the FNCRS objective of Lismore supporting a larger population, consolidating Lismore's position as a Major Regional Centre.

- Additional residential land supply contributing to meeting the current and future demand for residential land and the ability for Lismore to accommodate further population growth.

Section B – Relationship to the Strategic Planning Framework

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

The Far North Coast Regional Strategy 2006-2031 (Department of Planning & Environment) applies to this Planning Proposal.

Part 7 – Settlement and Housing - Settlement Pattern & Dwelling Targets

The Far North Coast Regional Strategy identifies Lismore as a Major Regional Centre and states that 'Lismore will continue as a regional hub for creative industry and cultural activities, education, health, employment and retail'. A growth figure of 8,000 dwellings between 2006 and 2031 has been allocated to Lismore. This means that 363 new dwellings need to be built each year.

The provision of 8,000 new dwellings in Lismore means that the population will grow by approximately 9,500 people. Therefore the provision of new land for residential development in an urban area of Lismore is consistent with the settlement pattern in the FNCRS.

Town and Village Growth Boundary

The site is located outside of the Town and Village Growth Boundary, next to land identified for urban development. Development proposals located on Greenfield land outside of the growth boundary need to satisfy the Sustainability Criteria of the FNCRS.

A compliance table detailing consistency with the FNCRS Sustainability Criteria is located at Attachment 3, where it has been demonstrated that the Planning Proposal is consistent with the settlement and housing provisions of the FNCRS.

Part 4 – Environment and Natural Resources

The site is identified as State Significant Agricultural Land, where the FNCRS and Section 117 direction requires that it be retained for agriculture. Nevertheless the agricultural assessment has found that the land exhibits qualities associated with Class 4 and 5 agricultural land. This is land with a low agricultural value. The assessment concludes *"The removal of the agricultural zoning from this land and its alienation from agricultural use will not in any significant way detract from the total agricultural production potential of the region. The land is poor quality agricultural land and its re-zoning will take pressure off other areas of land for similar development which may have a higher long term agricultural potential."*

Given the findings of the agricultural assessment that the land has limited agricultural potential and is in close proximity to existing and future housing, the proposed re-zoning is consistent with the FNCRS objectives of protecting prime agricultural land.

Overall, the Planning Proposal is consistent with the Far North Coast Regional Strategy's outcomes and actions subject to further studies.

5. *Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?*

Lismore Local Environmental Plan 2012

The land was zoned 1(d) Investigation in the LEP 2000, which identified land suitable for investigation for rezoning. The NSW LEP Standard Instrument did not have an equivalent zone to 1(d) Investigation and given the identification of the land as State Significant Agricultural Land, the site was zoned RU1 Primary Production in the Lismore LEP 2012.

Lismore Urban Strategy 2003 (amended 2005 and 2011)

The site is located within the future urban expansion boundary of the Lismore Urban Land Release Strategy 2003. The subject site is depicted in Figure1 below.

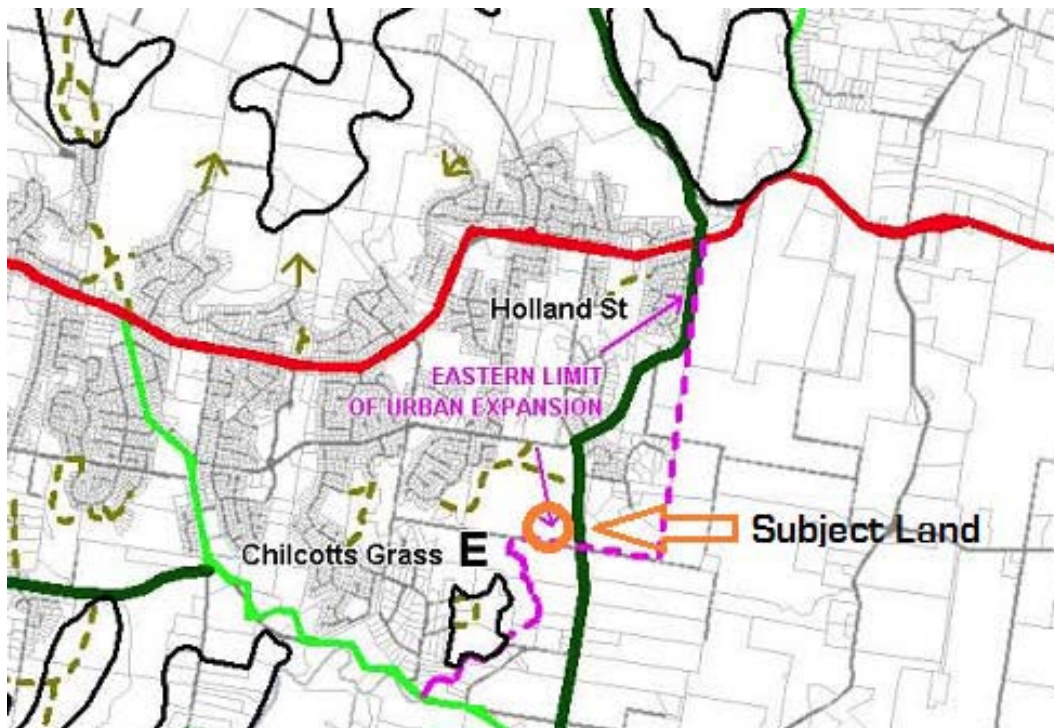


Figure 1: Extract from Lismore Urban Strategy

Draft Growth Management Strategy 2014 – 2034

Waterford Park Extension has been identified as an Urban Infill site with a potential yield of about 30 sites. The land is located close to existing services and facilities and is within the eastern limit of urban expansion.

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

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

7. *Is the Planning Proposal consistent with applicable s117 Ministerial Directions?*

The Planning Proposal is consistent, or justifiably inconsistent with the applicable s117 Ministerial Directions. A Section 117 checklist for the Planning Proposal is provided at Appendix 2.

Section C – Environmental, Social and Economic Impact

8. *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?*

Vegetation and Koala Habitat

Most of the subject site consists of a disused macadamia orchard, with a dam located near the centre of the site, with clusters of Dry Rainforest, North Coast Wet Sclerophyll Forest and Coastal Valley Grassy Woodlands immediately to the south. The vegetation is however infested with Camphor Laurel.

Council's Comprehensive Koala Plan of Management for South East Lismore 2013 indicates that the subject site does not contain any primary or secondary Koala habitat.

There are unlikely to be any significant adverse ecological impacts on protected vegetation or communities. Nevertheless, it is recommended that the applicant provide a flora and fauna assessment that includes an analysis of both terrestrial and aquatic habitats for the entire site post Gateway Determination and prior to the making of the plan.

The flora and fauna assessment should be prepared by a suitably qualified person and will be assessed in accordance with both the structure and content guidelines specified in the following NSW State Government guidelines:

- DEC (2004). Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities (working draft), Department of Environment and Conservation NSW, Hurstville, NSW.
- DECC (2007). Threatened Species Assessment Guidelines: The assessment of significance, Department of Environment and Climate Change NSW, Sydney South, NSW.

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

Land Contamination

A preliminary contaminated land assessment submitted as part of the Development Application for Waterford Park did not identify any land contamination issues, either historic or from current land uses.

It is however noted the previous horticultural land use has the potential for contamination. Therefore it is recommended that a preliminary contaminated land assessment be undertaken for the area proposed for residential zoning post Gateway Determination, prior to the making of the plan. The assessment is to be undertaken in accordance with guidelines made or approved by NSW EPA in accordance with the *Contaminated Land Management Act 1997*.

Traffic

Council's Senior Strategic Engineer has reviewed the traffic information in the Statement of Environmental Effects that accompanied the Application for subdivision for the land to the north of Waterford Park Extension. The traffic assessment was prepared before Council's Strategic Road Review. Taylor Road is now excluded from the strategic road network, increasing reliance on Oliver Avenue.

Council's Senior Strategic Engineer recommends that a detailed Traffic Impact Assessment be prepared post gateway 'giving due consideration to the Lismore Strategic Road review and the impact of this development on the external road network.' Consideration needs to be given to the capacity and changes in current levels of service for the intersection of Oliver Avenue / Holland Street; the intersection of Oliver Avenue / Waratah Way and the intersection of Oliver Avenue / Dudley Drive.

Consideration also needs to be given to: -

- The street hierarchy being safe, accessible and convenient for all users;
- The road network having good connections with surrounding areas;
- Streets defining edges between development and natural areas, and providing bushfire buffers;
- Promoting healthy communities where the character of streets is based on street planting and landscaping;
- Road design lowers the design speed for all users;
- A landscaping Plan details streetscape planting.

Pedestrian, Cycling and Public Transport

Council's Senior Strategic Engineer recommends that further information is required demonstrating pedestrian connectivity, cycling paths connectivity and access to public transport.

Bushfire

The site has been identified as being bushfire prone land. An assessment therefore needs to be carried out in accordance with the provisions of Planning for Bush Fire Protection 2006 after receipt of the Gateway Determination.

Council is required under Section 117 of the EP&A Act 1979, Ministerial Direction 4.4, to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination, and prior to undertaking community consultation in satisfaction of Section 57 of the EP&A Act 1979, and take into account any comments so made.

The requirements of Planning for Bush Fire Protection 2006 can be satisfied with minimal environmental impact.

Land Use Conflict

The Planning Proposal will result in the creation of an interface between existing rural zoned land and proposed residential land uses. There is potential for land use conflict between this residential site and adjoining rural uses. The Planning Proposal reporting to date has not addressed this matter in any detail and therefore it is recommended a *Land Use Conflict Risk Assessment* (LUCRA) be undertaken. The methodology for the assessment should be consistent with that presented in the publication '*Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast*'.

LUCRA is aimed at complementing development control and buffer requirements by providing a more thorough understanding of the likely land use conflict issues at the development level so as to inform the application of land use conflict and avoidance and buffer measures.

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

Although employment opportunities will be created during the construction of the subdivision and new housing, insufficient information has been provided about potential impacts on local schools, community facilities, health and retail facilities.

It is recommended that a social impact assessment be provided post Gateway Determination.

Aboriginal Cultural Heritage

A search of the Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) showed that there are no Aboriginal sites registered on the land. Several sites are however located near the southern boundary of this property.

It is recommended that post Gateway the local Aboriginal Land Council be consulted.

European Heritage

No items of European Cultural Heritage being identified on site in the Lismore Local Environmental Plan 2012.

Despite no Aboriginal or European heritage issues being identified, further assessment is required of European and Aboriginal cultural heritage in order to demonstrate consistency with section 117 of the EP&A Act 1979, Ministerial Direction 2.3 – Heritage Conservation.

Section D – State and Commonwealth Interests

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

The area immediately to the north already has subdivision approval, but development has not commenced.

Sewer

Council has recently constructed the Southern Trunk Main to the lowest point in Waterford Park Estate. Conventional gravity sewer infrastructure could therefore be extended as part of the proposed development.

Council's Strategic Engineer - Water and Wastewater, confirms the site can 'readily be serviced with water and wastewater services utilising existing infrastructure'.

Water

Council's Strategic Engineer - Water and Wastewater confirms that 'Water supply can be provided through an extension of the existing reticulation within Waterford Park Estate'. Modelling of future water loadings within Waterford Park has previously been undertaken, with this modelling indicating the existing Holland Street zone can easily service this expansion whilst maintaining agreed service levels.

Roads

The existing road network could be extended as reflected in the master plan that formed part of the approved subdivision for the remaining part of Waterford Park Estate. The roads will be built to Northern Rivers Design Standards.

Electricity and Telecommunications

A 66kv underground electricity line has already been built in the area. This will be used to supply electricity to the subject site and a NBN compliant telecommunications network links to Waterford Park Estate.

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

The proponent consulted the Department of Planning and Environment prior to lodging the Planning Proposal. Despite the land being designated State Significant Agricultural Land, it was appropriate to lodge a Planning Proposal addressing the Sustainability Criteria in the FNCRS because:

- The property does not support an operational horticultural pursuit;
- Once the approved Waterford Park subdivision is fully developed, the site will be adjoined by residential housing to the north, east and west; and
- The land was identified for residential housing within the Master Plan lodged with the development application lodged for Waterford Park.

The following table provides a summary of the relevant public authorities, which in the opinion of Council, should be consulted in accordance with the Gateway Determination.

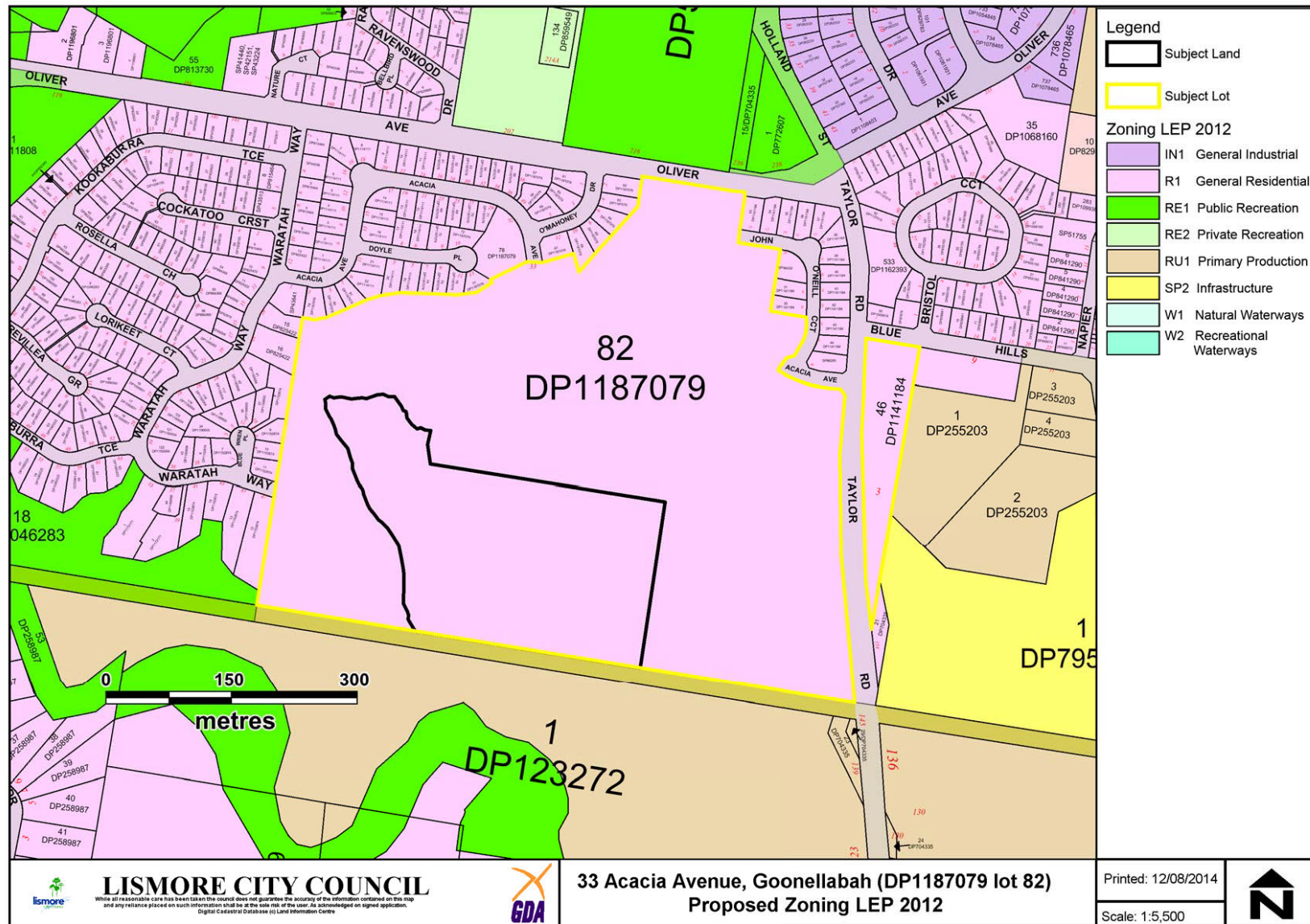
Public Authority/Stakeholder	Issue Requiring Comment
NSW Rural Fire Service	Section 117 of the EP&A Act 1979, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service.
Housing NSW	Housing Choice and Housing Needs
Department of Primary Industries	Use of existing agricultural land for residential development.
Members of the Local Aboriginal Community	Aboriginal Heritage
Essential Energy	Electricity Supply
Office of Environment and Heritage	Environment and Cultural Heritage
Department of Education and Communities	Capacity of Schools
NSW Health	Capacity of Hospital

The proposed agency consultation will be confirmed with the Gateway Determination. The outcomes of the consultation will be reported back to Council post public consultation.

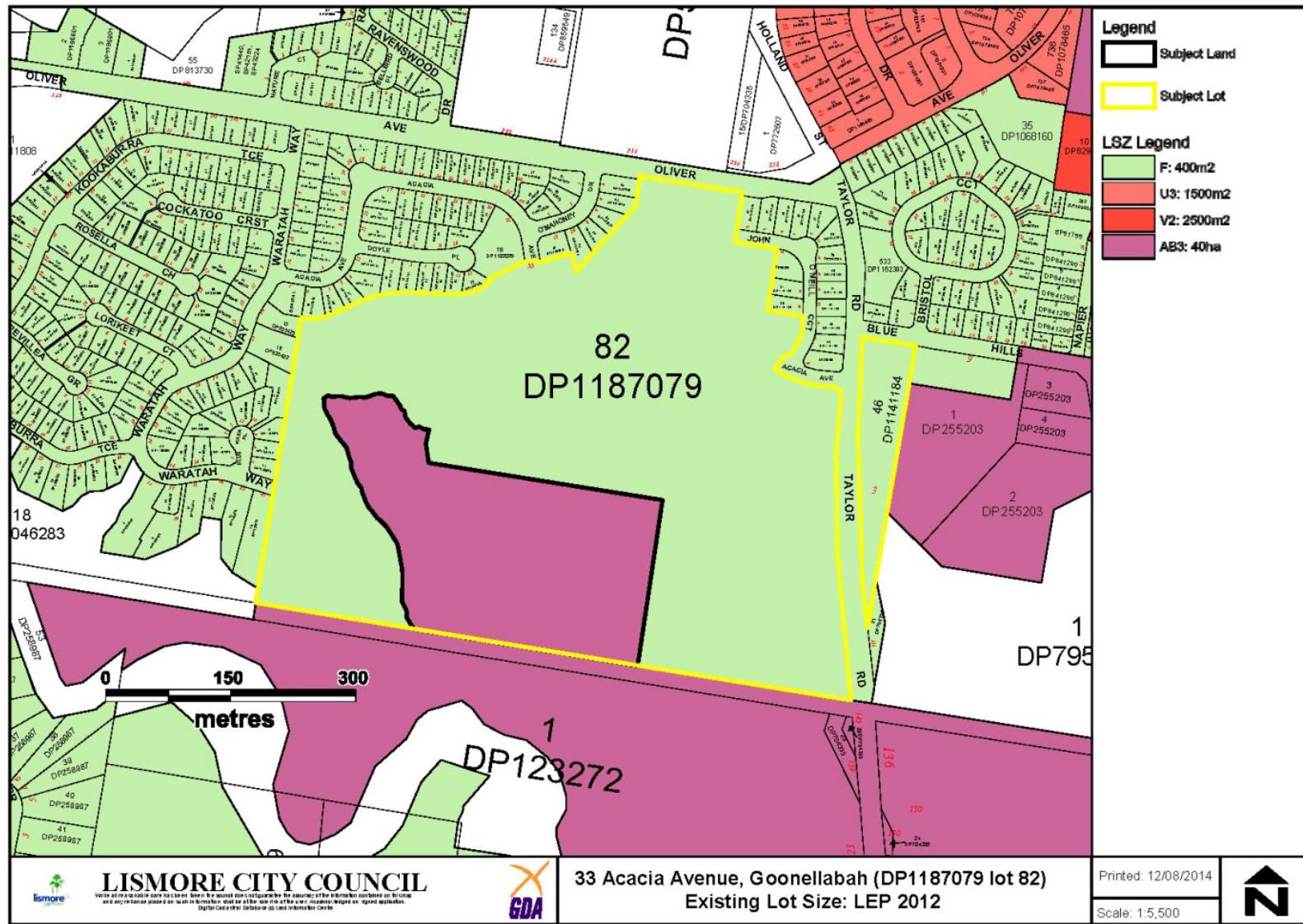
Map 1 - Waterford Park Estate - Existing Zoning Map



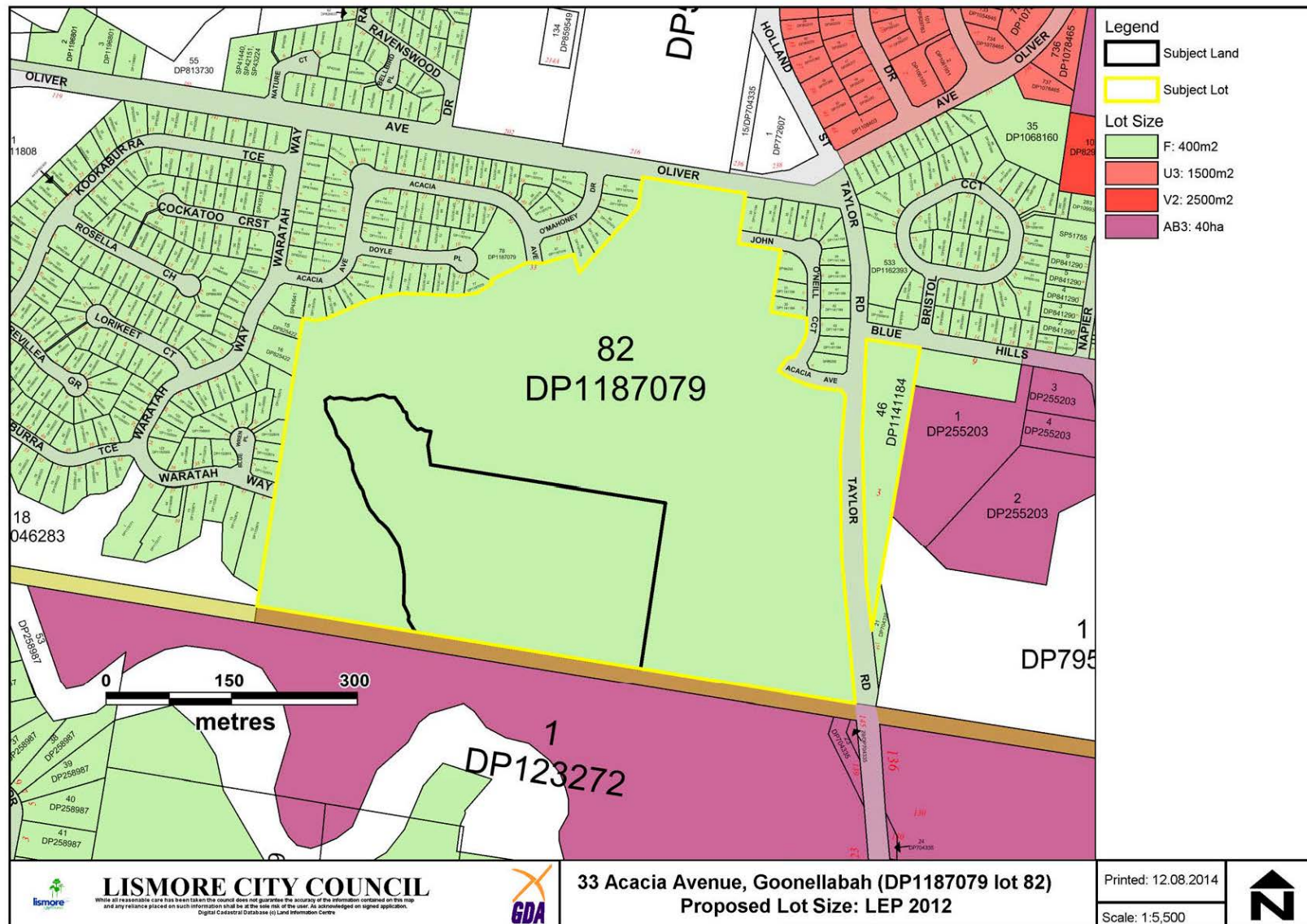
Map 2 - Waterford Park Estate - Proposed Zoning Map



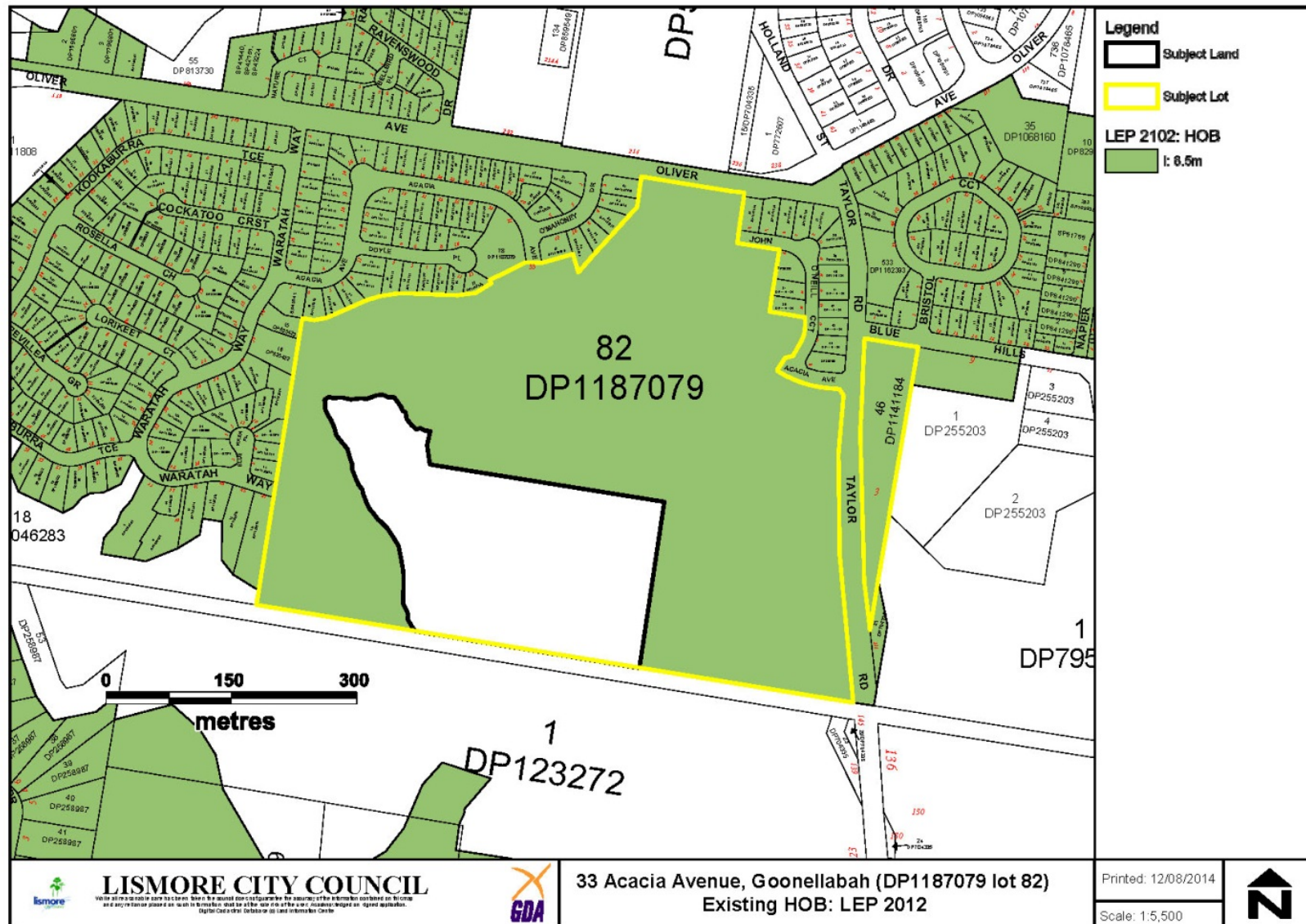
Map 3 - Waterford Park Estate - Existing Lot Size Map



Map 4 - Waterford Park Estate - Proposed Lot Size Map



Map 5 – Waterford Park Estate - Existing Height of Building Map



Lismore City Council Planning Proposal – Waterford Park Estate



PART 5 – COMMUNITY CONSULTATION

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

Notification of the exhibited Planning Proposal will include:

- A newspaper advertisement (Local Matters) that circulates in the area affected by the Planning Proposal.
- The website of Lismore City Council and the Department of Planning 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 and Environment.
- The Gateway Determination
- Any studies required as part of the Planning proposal.

Key stakeholders will be identified and contacted directly to ensure that they are aware of the Planning Proposal. The Gateway Determination will confirm the public consultation requirements.

PART 6 – PROJECT TIMELINE

The proposed timeline for the completion of the Planning Proposal is as follows:

Estimated Completion	Plan Making Steps
December 2014	Report Planning Proposal to Council
January 2014	Gateway Determination issued by Department of Planning and Environment.
January / February 2015 2015	Request Additional Technical Information
May / June 2015	Council Reviews Technical Information
July 2015	Government Agency Consultation
July / August 2015	Public Exhibition
September 2015	Analysis of Public Submissions Preparation of Council Report
October 2015	Report to Council
November 2015	Preparation of Local Environmental Plan Draft Maps
November 2015	Opinion Sought from Parliamentary Counsel's Office

August 2015	Making of the Draft Local Environmental Plan Notification of the Draft Local Environmental Plan
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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 re-zonings consistent with endorsed strategies and/or surrounding zones;
- Mapping Alterations; and
- Other matters of local significance as determined by the Gateway.

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

APPENDIX 1

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 (<i>Redevelopment of Urban Land</i>)	Not Applicable	Not Applicable
SEPP No. 33 – Hazardous and Offensive Development	Not Applicable	Not Applicable
SEPP No. 36 – Manufactured Home Estates	Not Applicable	Not Applicable
SEPP No. 44 – Koala Habitat Protection	3 - Aims, Objectives, Etc. (a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat; (b) By encouraging the identification of areas of core koala habitat; and (c) By encouraging the inclusion of areas of core koala habitat in environment protection zones.	Consistent Council's Comprehensive Koala Plan of Management for South East Lismore 2013 does not identify any part of the site as primary or secondary Koala habitat.
SEPP No. 50 – Canal Estate Development	Not Applicable	Not Applicable
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable	Not Applicable
SEPP No. 55 – Remediation of Land	6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal	Consistent A preliminary contaminated land assessment will be done post gateway.
SEPP No. 62 – Sustainable Aquaculture	Not Applicable	Not Applicable
SEPP No. 64 – Advertising and Signage	Not Applicable	Not Applicable
SEPP No. 65 – Design Quality of Residential Flat Development	Not Applicable	Not Applicable
SEPP No 70 – Affordable Housing (<i>Revised Schemes</i>)	Not Applicable	Not Applicable
SEPP No. 71 – Coastal Protection	Not Applicable	Not Applicable
SEPP (Affordable Rental Housing) 2009	Not Applicable	Not Applicable

State Environmental Planning Policy	Requirements	Compliance
SEPP (Building Sustainability Index: BASIX) 2004	Not Applicable	Not Applicable
SEPP (Exempt and Complying Development Codes) 2008	Not Applicable	Not Applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable	Not Applicable
SEPP (Infrastructure) 2007	Applicable	Consistent Development applications will be subject to referrals pursuant to the Infrastructure SEPP.
SEPP (Major Development) 2005	Not Applicable	Not Applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable	Not Applicable
SEPP (Rural Lands) 2008	Consistency with the following: 7 Rural Planning Principles 8 Rural Subdivision Principles	Justifiably Inconsistent Whilst the SEPP provides for the protection of State or Regional significant agricultural land, the SEPP does contain provisions that relate to the assessment of Development Applications over rural land. The proposed zoning is generally consistent with the rural planning principles, and given the location of the land is unlikely to result in significant impacts on existing agricultural land uses in the area. Further information in this regard is provided in Section 4 of the Planning 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

APPENDIX 2

SECTION 117 MINISTERIAL DIRECTIONS COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	Not Applicable	
1.2 Rural Zones	(4) A planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	<u>Justifiably Inconsistent</u> The proposed re-zoning is from RU1 – Primary Production to R1 – General Residential. The Planning Proposal is considered reasonable because: • The site is within the urban growth boundaries of the Lismore Urban Land Release Strategy; • The agricultural assessment at Appendix 2 of the Council report has established that the land has qualities normally associated with Class 4 and 5 agricultural Lands, low agricultural value. This land is not normally associated with State Significant Agricultural Land. • The subject site is not being used for agricultural purposes. • Once approved the development will form part of the Waterford Park Subdivision. • Development of approximately 7.1 hectares represents a minor loss of agricultural production.
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.	<u>Justifiably Inconsistent</u> The same arguments used in 1.2 apply.
2. Environment and Heritage		
2.1 Environment Protection Zones	Must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Must not reduce protection standards for environmental protection zones.	<u>Consistent</u> The Planning Proposal does not involve <i>environmentally sensitive areas</i> listed Clause 3.3 of the Lismore LEP 2012. The Planning Proposal does not

Ministerial Directions	Requirements	Compliance
		reduce environmental protection standards to the land.
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.	<u>Consistent</u> There are no known items of European or Aboriginal heritage and the subject site does not appear in Council's LEP 2012 Heritage Map.
2.4 Recreation Vehicle Areas	Not Applicable	Not Applicable
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The planning proposal must: • Broaden the choice of housing types and locations. • Make efficient use of existing infrastructure and services. • Reduce consumption of land. • Housing of good design. • Residential development not permitted until land is adequately serviced. • Not contain provisions that will reduce residential density.	<u>Consistent</u> The Planning Proposal involves rezoning the subject site from RU1 – Primary Production to R1 – General Residential, pursuant to the provisions of the Lismore Local Environmental Plan 2012. This residential zone permits a range of residential land uses with development consent. As outlined in the Planning Proposal, the site will be serviced in a cost effective manner.
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable	Not Applicable
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	Home occupations are permissible without development consent in a R1 – General Residential zone of the Lismore LEP 2012.
3.4 Integrating Land Use and Transport	A Planning Proposal must locate zones for urban purposes that give effect to: • Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and • The Right Place for Business and Services – Planning Policy (DUAP 2001)	<u>Consistent</u> The proposed rezoning represents an infill development within an approved urban subdivision. School bus routes will be accommodated within the Waterford Park subdivision.
3.5 Development Near Licensed Aerodromes	Not Applicable	Not Applicable
3.6 Shooting Ranges	Not Applicable	Not Applicable
4. Hazard and Risk		
4.1 Acid Sulphate Soils	(6) A Council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a	<u>Consistent</u> The subject site is not identified on Council's Acid Sulphate Soils

Ministerial Directions	Requirements	Compliance
	probability of containing acid sulfate soils on the Acid Sulphate Soils Planning Maps unless the Council has considered an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid sulphate soils.	Planning Maps.
4.2 Mine Subsidence and Unstable Land	• Applies to mine subsidence areas. • Applies to areas identified as unstable.	<u>Consistent</u> • The land is not within a mine subsidence area. • The Proposal does not incorporate intensification of land uses in any unstable land.
4.3 Flood Prone Land	A Planning Proposal must not re-zone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. A draft LEP shall not contain provisions that apply to the flood planning areas which: (a) Permit development in floodway areas; (b) Permit development that will result in significant flood impacts to other properties; (c) Permit a significant increase in the development of that land; (d) Are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) Permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.	<u>Consistent</u> There is no land within a flood planning area.
4.4 Planning for Bushfire Protection	A Planning Proposal in bush fire prone land: • Is to be referred to the Commissioner of the NSW	<u>Consistent</u> The site is mapped as being Bushfire Prone Land. Council is required under Section

Ministerial Directions	Requirements	Compliance
	Rural Fire Service following receipt of a Gateway Determination prior to community consultation. • Have regard to 'Planning for Bush Fire Protection 2006'. • Restrict inappropriate development from hazardous areas. • Ensure bush fire hazard reduction is not prohibited within the APZ.	117 of the EP&A Act 1979, Ministerial Direction 4.4, to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination and prior to undertaking community consultation in satisfaction of Section 57 of the EP&A Act, and take into account any comments so made.
5. Regional Planning		
5.1 Implementation of Regional Strategies	• The Planning Proposal must be consistent with the Far North Coast Regional Strategy.	<u>Consistent</u> The Planning Proposal is consistent with the Far North Coast Regional Strategy – refer to Appendix 3 of the Council report.
5.2 Sydney Drinking Water Catchments	Not Applicable	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	• The Planning Proposal must not re-zone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.	<u>Justifiably Inconsistent</u> A detailed agricultural assessment (Appendix 2 of the Council report) has established that the Planning Proposal is reasonable because: • The site is located within the urban growth boundary of the Lismore Urban Land Release Strategy. • The agricultural assessment has found that the land exhibits qualities normally associated with Class 4 and 5 agricultural lands, of low agricultural value. These are characteristics not normally associated with State Significant Agricultural Land. • The subject site is not actively being used for agricultural purposes. • The subject site will form part of the Waterford Park Subdivision.
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	Not Applicable	Not Applicable

Ministerial Directions	Requirements	Compliance
Corridor Strategy		
6. Local Plan Making		
6.1 Approval and Referral Requirements	- A Planning Proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning & Environment. - Not identify development as designated development unless justified.	<u>Consistent</u> There are no referral or concurrence requirements in the Planning Proposal. The proposal does not identify development as designated development.
6.2 Reserving Land for Public Purposes	Not Applicable	Not Applicable
6.3 Site Specific Provisions	Not Applicable	Not Applicable
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Not Applicable	Not Applicable