

Rezoning Planning Proposal

431 SKYLINE ROAD SOUTH, WYRALLAH

October 2018



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EXECUTIVE SUMMARY

The planning proposal that forms the subject of this report was lodged with Council in November 2017. This report assesses the merits of the planning proposal in accordance with the Department of Planning & Environment's guide to preparing planning proposals. A Gateway determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* is sought.

This rezoning planning proposal has been prepared in respect to land described as 431 Skyline Road South, Wyrallah (Lot 3 DP 709370). Refer to Figure 1 for locality map.

The outcomes of the planning proposal will be:

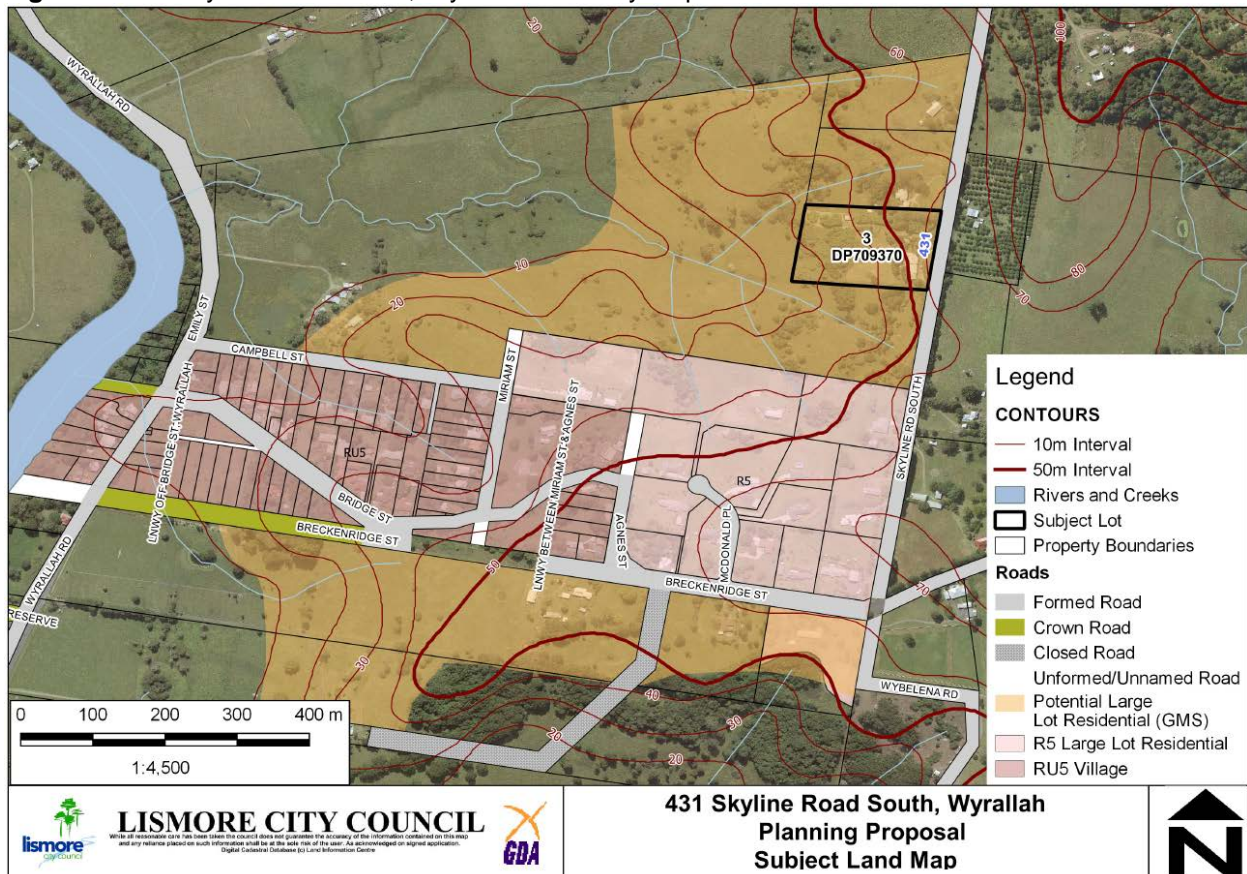
- Change the Zone of 431 Skyline Road South, Wyrallah from RU1 Primary Production to R5 Large Lot Residential; and
- Apply a minimum lot size of 8000m² to the land to permit the creation of an additional one allotment; and
- Apply a maximum building height of 8.5m to the lot.

The entire 2ha allotment is identified in the Lismore Growth Management Strategy 2015 – 2035 as potential large lot residential. The subject land has direct road frontage to Skyline Road South and is located 140m from existing large lot residential land in Wyrallah Village; 900m from the Wyrallah Public School; and approximately 14km from both Lismore CBD and Goonellabah shopping precinct.

The site is generally free of significant constraints and at this pre-Gateway stage it is known to be partially bush fire prone and included on the acid sulfate soils planning map (class 5). Further constraints, if any, may become evident after the issuance of a Gateway determination and the submission of additional relevant studies; and the analysis of public submissions and agency/organisation comments.

The planning proposal is consistent with the North Coast Regional Plan and the relevant State Environmental Planning Policies. The proposal is also consistent or justifiably inconsistent with the relevant section 9.1 Ministerial Directions.

Figure 1. 431 Skyline Road South, Wyrallah - Locality Map



PART 1 – OBJECTIVES OR INTENDED OUTCOMES

To amend the Lismore Local Environmental Plan 2012 to enable subdivision of 431 Skyline Road South, Wyrallah (one lot) into two lots.

PART 2 – EXPLANATION OF PROVISIONS

The proposed outcome of the planning proposal will be achieved by:

- Amending the Lismore LEP 2012 Land Zoning Map (Sheet LZN_006A) for 431 Skyline Road South, Wyrallah with the application of Zone R5 Large Lot Residential in accordance with the proposed zoning map provided in Part 4 of this report.
- Amending the Lismore LEP 2012 Minimum Lot Size Map (Sheet LSZ_006) for 431 Skyline Road South, Wyrallah with the application of an 8,000m² minimum lot size in accordance with the proposed Minimum Lot Size Map provided in Part 4 of this report.
- Amending the Lismore LEP 2012 Height of Buildings Map (HOB_006) for 431 Skyline Road South, Wyrallah with the application of an 8.5m maximum building height in accordance with the proposed Height of Buildings Map provided in Part 4 of this report.
- Consequential amendments to all of the other Lismore LEP 2012 Minimum Lot Size Map sheets to include the introduction of a new lot size category of 8,000m². These map sheets include LSZ_001, LSZ_002, LSZ_003, LSZ_004, LSZ_005, LSZ_005AA, LSZ_005AB, LSZ_006AA, LSZ_006AB & LSZ_007.

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

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

Yes. The land is identified in the Lismore Growth Management Strategy 2015 – 2035 (GMS) as potential large lot residential. Refer to Figure 1 for the identification of the site in the GMS. An extract from the GMS regarding Wyrallah follows:

Two areas depicted in Map 24 are considered suitable for large lot residential to the north and south of the current village area. Both areas offer gentle to moderate slopes, are flood free, not prime agricultural land and provide attractive outlooks.

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

Yes. In order for a Development Application to be considered for the subdivision and development of the land for large lot residential purposes it is necessary to first amend Lismore Local Environmental Plan 2012 maps including Land Zoning, Lot Size and Height of Buildings.

Section B – Relationship to Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The planning proposal is consistent with the North Coast Regional Plan 2036 Actions and Directions. Refer to Appendix 1 for detail.

The land is included in the North Coast Regional Plan, Figure 16 Urban growth area map for the Lismore LGA as “Investigation Area – Urban Land”.

4. Is the Planning Proposal consistent with the Council's local strategy or other local strategic plan?

Yes. The land is identified in the Lismore Growth Management Strategy 2015 – 2035 (GMS) as potential large lot residential. Refer to Figure 1 for the identification of the site in the GMS.

The planning proposal is consistent with the Lismore City Council Delivery Program 2017 - 2021 Strategy D3.1 “Ensure land is available and serviced to meet population growth in locations that are accessible, close to services and employment and suitable for development”. The proposal is also consistent with Council's Operational Plan 2018 – 2019 Action D3.1.1 “Process rezoning planning proposals”.

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

The planning proposal is consistent with the applicable State Environmental Planning Policies. A SEPP compliance table is provided at Appendix 2.

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

The planning proposal is consistent, or justifiably inconsistent with the applicable section 9.1 Ministerial Directions. Refer to Appendix 3 for s9.1 compliance table.

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?

There is no registered critical habitat within the Lismore Local Government Area.

The vegetation on the allotment is highly disturbed. Council's mapping indicates the presence of some koala habitat on the north of the site. However, a site inspection revealed that a fence row of Eucalypts is located on the adjoining northern allotment. The confusion is a result of the cadastre being out by around 10m on the aerial mapping. The Eucalypts on the adjoining lot have been planted along approximately 60m of the fence line and include approximately 8 trees of mixed species, some of which are *Eucalyptus tereticornis* (a koala food tree). The proposed rezoning will not negatively impact on these trees.

The vegetation around the existing dwelling is comprised of planted, predominantly exotic, landscaping. The linear area of approximately 1,700m² of Lemon Myrtle is located between the dwelling and the northern boundary. The plantation was not being managed for production at the time of inspection.

Other areas of vegetation are dominated by Camphor laurel, Privet and other exotic species. Native species such as *Acacia melanoxylum*, *Macaranga tanarius* and *Gioua semiglauca* are also present. While these species are associated with subtropical rainforest, their occurrence on the site is significantly less than the exotic species and the area does not meet the criteria of the endangered ecological community "Lowland Subtropical Rainforest".

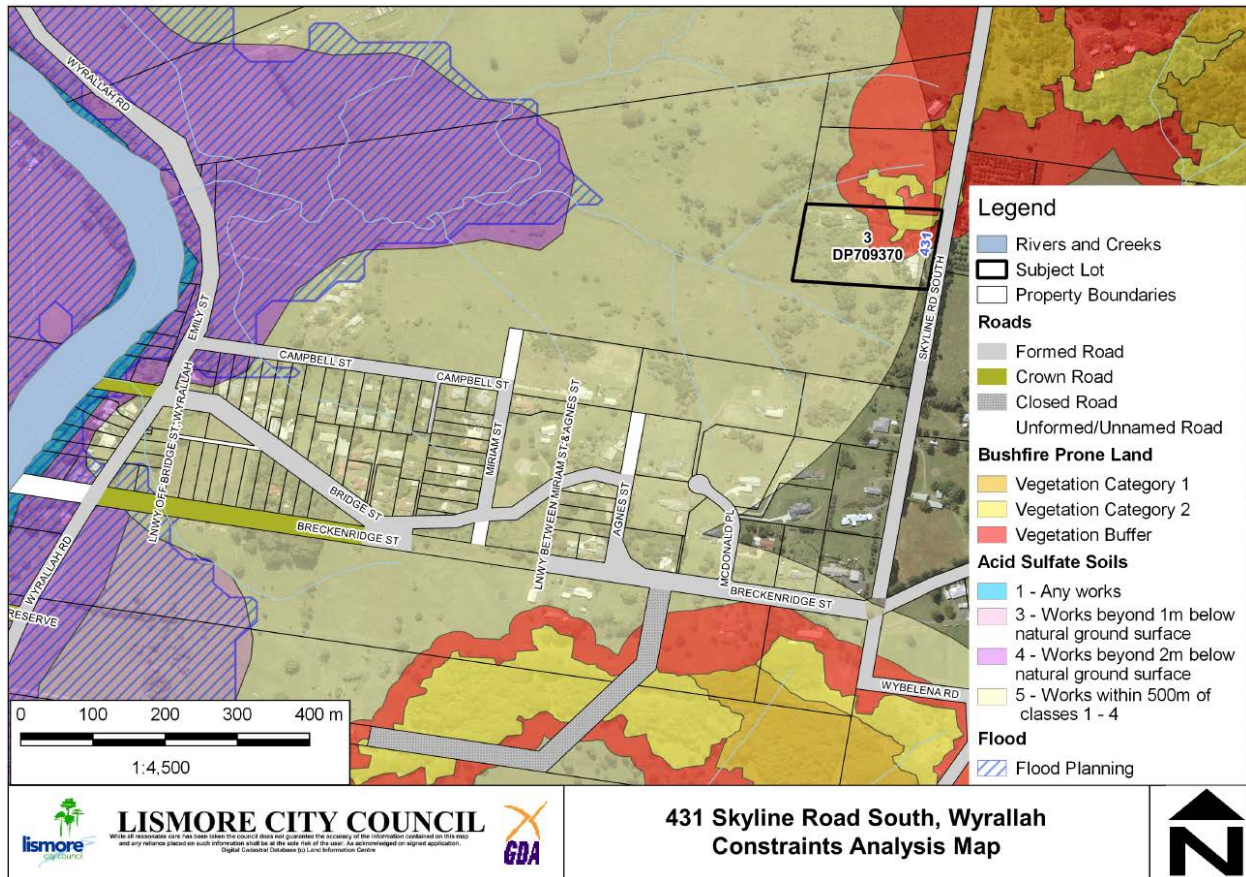
The proposed rezoning of this generally cleared allotment to enable the creation of one additional allotment is not likely to have a significant impact on the flora and fauna species on or within the vicinity of the site as listed under the *Biodiversity Conservation Act 2016* and the *Environment Protection and Biodiversity Conservation Act 1999*, subject to further investigation for Hairy Joint-grass.

The Office of Environment and Heritage has **recommended that the Flora and Fauna Assessment be updated to include an adequate survey for Hairy Joint-grass in the western part of the site.**

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

The site is generally clear of major planning constraints. Refer to Figure 2 below for a Constraints Analysis Map.

Figure 2. Constraints Analysis Map



Flooding

The allotment is well clear of the Lismore LEP 2012 Flood Planning Area. **No additional flood reporting is required.**

Land Contamination

The preliminary contaminated land report was submitted with the planning proposal. The report has been prepared generally in accordance with the NSW EPA Guidelines made under the *Contaminated Land Management Act 1997*. The report concludes that the proposed area of the site nominated for future residential development is suitable for that use. Council's Environmental Health Officer concurs with the conclusion. **No additional contaminated land reporting is required.**

Land Use Conflict

A small scale macadamia plantation is located immediately east of the subject site. The plantation is located on a 2ha lot and includes approximately 350 trees. Buffers to horticulture as prescribed under Development Control Plan (DCP) Chapter 11 are 150m or 80m with a planted biological buffer. It appears that it is possible to achieve 150m from the small scale macadamia plantation for any future dwelling site on the additional lot, subject to the outcome of further reporting.

The adjoining plantation also appears to include a small de-husking facility. A Land Use Conflict Risk Assessment is required post Gateway to adequately assess the proposal. The DCP buffer

requirements applying to de-husking plants is 300m. Smaller scale de-husking plants that are ancillary to the macadamia plantation and located on the same land may not require such a separation distance due to the limited operation hours within a typical harvest season.

Other adjoining agricultural land uses are limited to grazing and a 30m buffer from dwellings is required under the DCP. The likelihood of more intensive agricultural land uses on adjoining land is limited for the following reasons:

- The adjoining land is included in the North Coast Regional Plan, Figure 16 Urban growth area map for the Lismore LGA as “Investigation Area – Urban Land”.
- The adjoining land is identified in the Lismore Growth Management Strategy for potential large lot residential.
- The adjoining land is not Regionally or State Significant Farmland.
- The land is not identified as prime agricultural land under the previous numerical agricultural classification system. It is Class 4 – grazing.

It is recommended that the applicant provide a Land Use Conflict Risk Assessment post Gateway determination. The report is to consider the requirements of Lismore Development Control Plan Chapter 11 Buffers; and “Living and Working in Rural Areas” – NSW Department of Primary Industries.

Bush Fire

The site has been identified as bush fire prone land. A bush fire threat assessment report was submitted to Council as part of the planning proposal.

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 take into account any comments received.

It is likely that the requirements of Planning for Bush Fire Protection 2006 can be satisfied with minimal environmental impact. **No additional bush fire reporting is recommended at this stage.**

Acid Sulfate Soils

The subject allotment is identified as Class 5 within the Acid Sulfate Soils Planning Map. No information regarding acid sulfate soil was submitted with the planning proposal. Council requires a preliminary acid sulfate soil assessment in accordance with Section 9.1 Ministerial Direction 4.1 – Acid Sulfate Soils.

It is recommended that a preliminary Acid Sulfate Soil Assessment is submitted post Gateway determination.

Geotechnical

Council's Strategic Engineer has confirmed that there are no geotechnical issues associated with the locality with the exception of localised rock outcrops. **No additional geotechnical reporting is recommended at this stage.**

Drinking Water Catchment

The allotment is not located within the Lismore LEP 2012 Drinking Water Catchment. **No further technical reporting is required for this matter**

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

Aboriginal and European cultural heritage

Lismore City Council's Environmental and Cultural Heritage Contractor has reviewed the planning proposal and referred the proposal to the Ngulingah Local Aboriginal Land Council (LALC). There are no recorded Aboriginal sites or objects in or near the allotment and considering the low risk nature of the proposal (potential for one additional lot) and the long history of site disturbance (100 years of rural land use practices) it is unlikely there would be any negative impact on Aboriginal cultural heritage. At the time of writing Council had not received a response from the LALC.

The allotment is not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 LEP 2012.

It is recommended that the planning proposal be referred to Ngulingah Local Aboriginal Land Council and the Office of Environment and Heritage to demonstrate consistency with Section 9.1 of the *EP&A Act 1979*, Ministerial Direction 2.3 – Heritage Conservation.

Social Impact

A formal social impact assessment is only required where a rezoning results in a significant change in land use e.g. 20 or more dwellings or lots (Section 5.3 LCC Social Impact Assessment Guidelines). The planning proposal will only result in one additional lot. **No further reporting is required.**

Section D – State and Commonwealth Interests

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

Water

Water supply will be harvested on site and stored in rainwater tanks. This matter can be addressed at development application stage. No public infrastructure is required for the provision of water. **No further reporting is required.**

Sewer

No public infrastructure is required for the provision of effluent disposal.

The preliminary On-site Wastewater Management technical report submitted with the planning proposal is generally in accordance with Council's On-site Sewage and Wastewater Management Strategy 2013. The report concludes that the subject site can accommodate on-site sewage management to service one additional large residential lot. The natural features of the site including a drainage line and 'rock floaters' limit the capability of the site for the on-site management of sewage. Council's Environmental Health Officer recommends that additional test-pitting be undertaken post Gateway determination to ensure that the nominated disposal envelope is appropriate for the on-site disposal of effluent.

It is recommended that the applicant provide an amended On-site Wastewater Management report post Gateway determination.

Traffic – external road network

The intersection of Skyline Road South and Tregeagle Road was upgraded as part of subdivision works several years ago and is of a good standard. The road frontage adjacent to the subject allotment is unsealed. The sealed section of Skyline Road South finishes approximately 170m south of the subject lot. This sealed section is 6m wide and of a good standard.

Council's Strategic Engineering Contractor has indicated that Skyline Road South should be sealed as part of any future subdivision DA where feasible and reasonable. This would improve road safety and reduce dust and noise.

No further traffic assessment is warranted.

Stormwater

No issues. Stormwater can be addressed at DA stage. **No further reporting is required for the planning proposal.**

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

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.

Table 1 provides a summary of the relevant public authorities/organisations, which in the opinion of Council, should be consulted in accordance with the Gateway determination.

Table 1 – Recommended referral organisations

Public Authority/Stakeholder	Issue Requiring Comment
NSW Rural Fire Service	Section 9.1 of the <i>EP&A Act 1979</i> , Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service.
Ngulingah Local Aboriginal Land Council	Aboriginal Heritage
Office of Environment and Heritage	Environment and Cultural Heritage

The planning proposal was referred to the Office of Environment and Heritage pre-Gateway determination after a request from that agency for early referrals. Preliminary agency comments and a staff assessment are provided in Table 2.

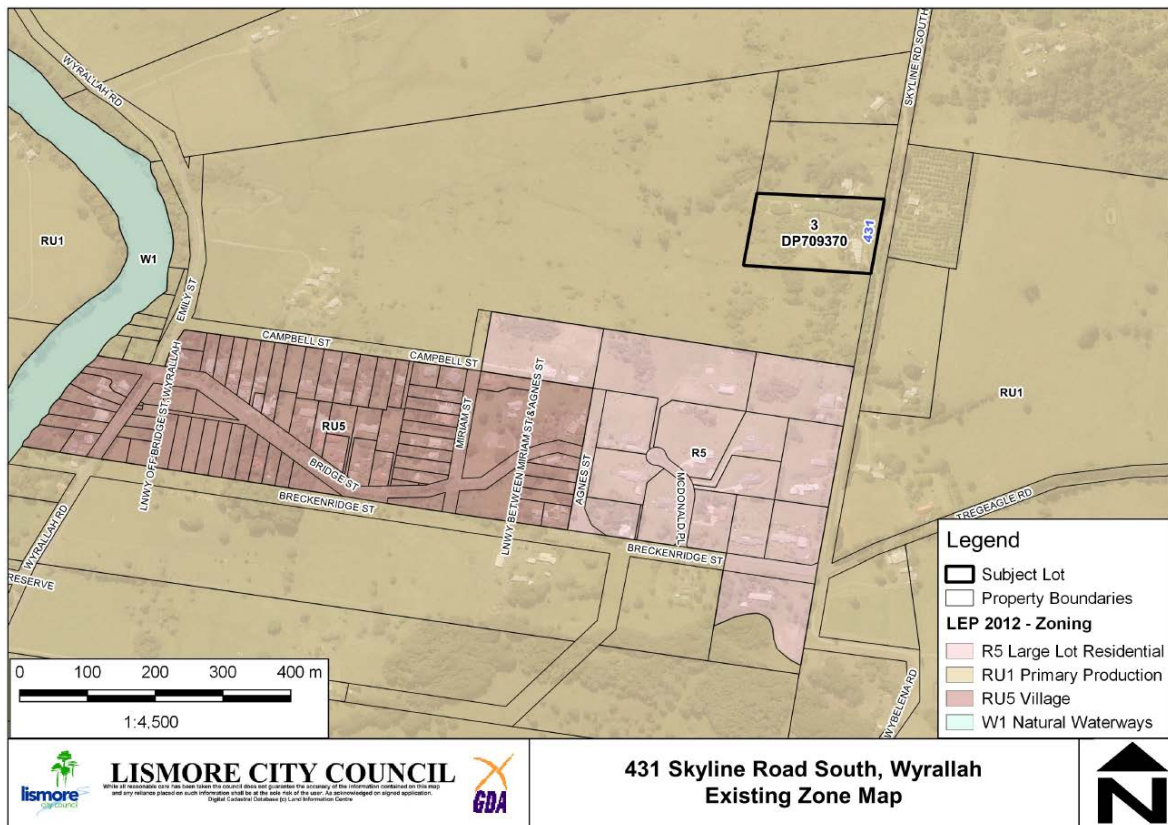
Table 2 – Preliminary OEH referral

OEH comments	Council staff assessment
The flora and fauna assessment be updated to include an adequate survey for Hairy Joint-grass in the western part of the site.	A recommendation is included in this report that would require the post-Gateway submission of an amended flora and fauna assessment to include a Hairy Joint-grass survey covering the western portion of the lot.

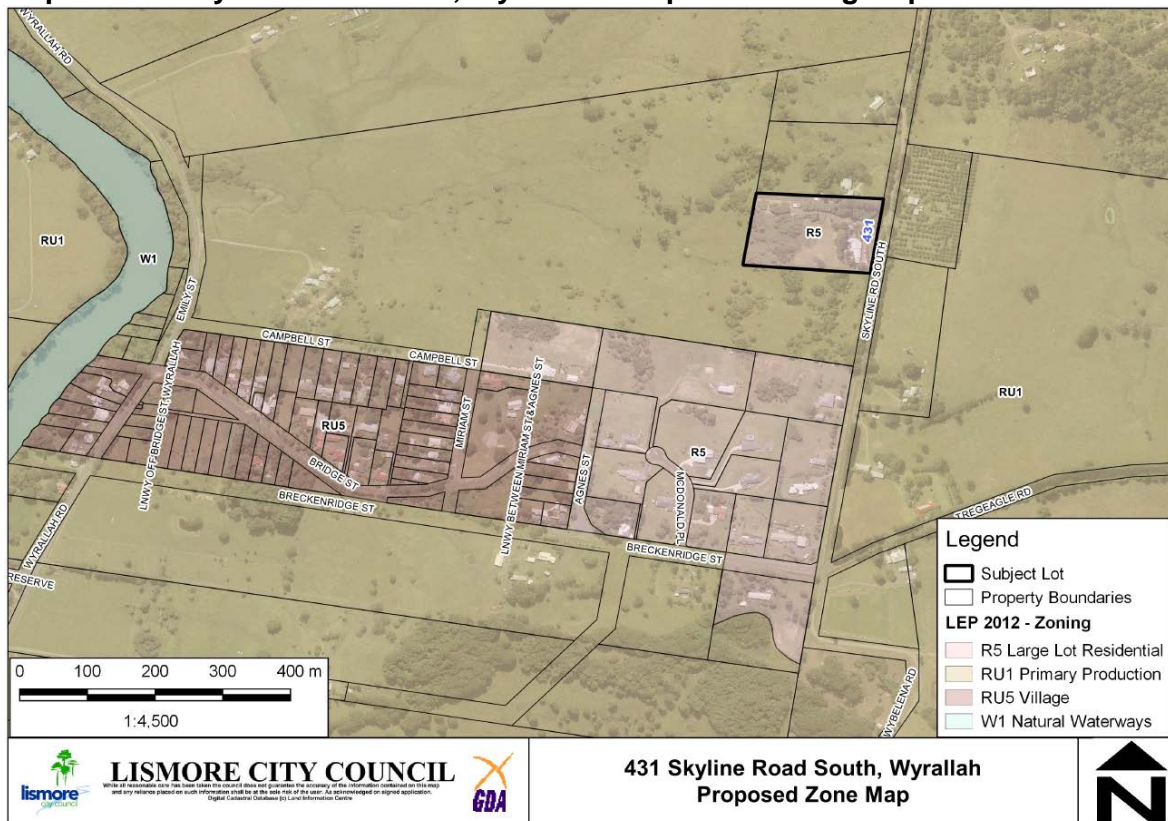
OEH comments	Council staff assessment
<p>An assessment of the planning area is carried out with a view to ensuring that all likely tangible and intangible Aboriginal cultural constraints which may be present are identified to inform the planning proposal. At a minimum this would involve a walkover of the site with a representative from the Ngulingah LALC.</p>	<p>Council staff undertook a pre-Gateway referral to Ngulingah LALC in February 2018. The LALC were invited to attend a site inspection. The invitation was not taken up.</p> <p>The planning proposal report (Attachment 1 to this report) includes a list of recommended agencies and organisations, which in the opinion of Council, should be consulted as part of this planning proposal process. It is recommended that the Nugulingah LALC is consulted again post-Gateway determination.</p> <p>The OEH correspondence has been sent to the applicant along with a request to address the issue of consultation and a “walkover” with Ngulingah LALC.</p>

PART 4 - MAPPING

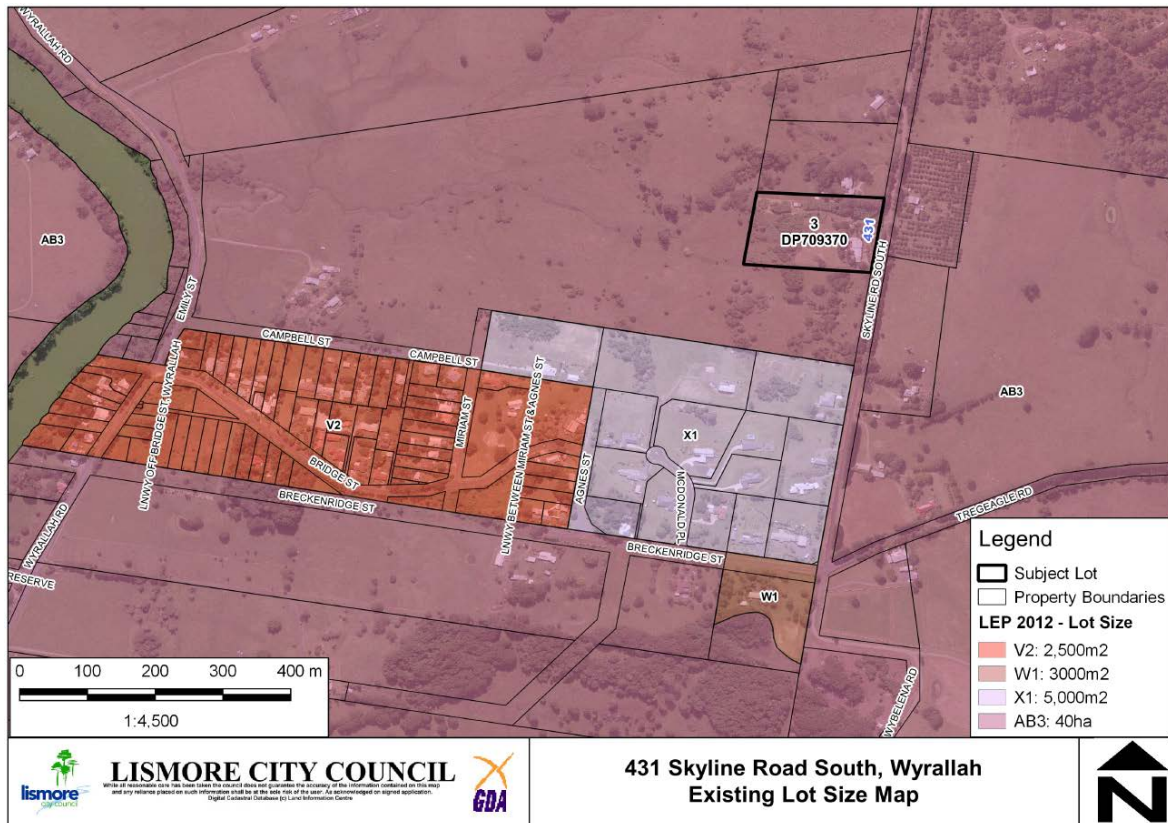
Map 1 – 431 Skyline Road South, Wyrallah - Existing Zoning Map



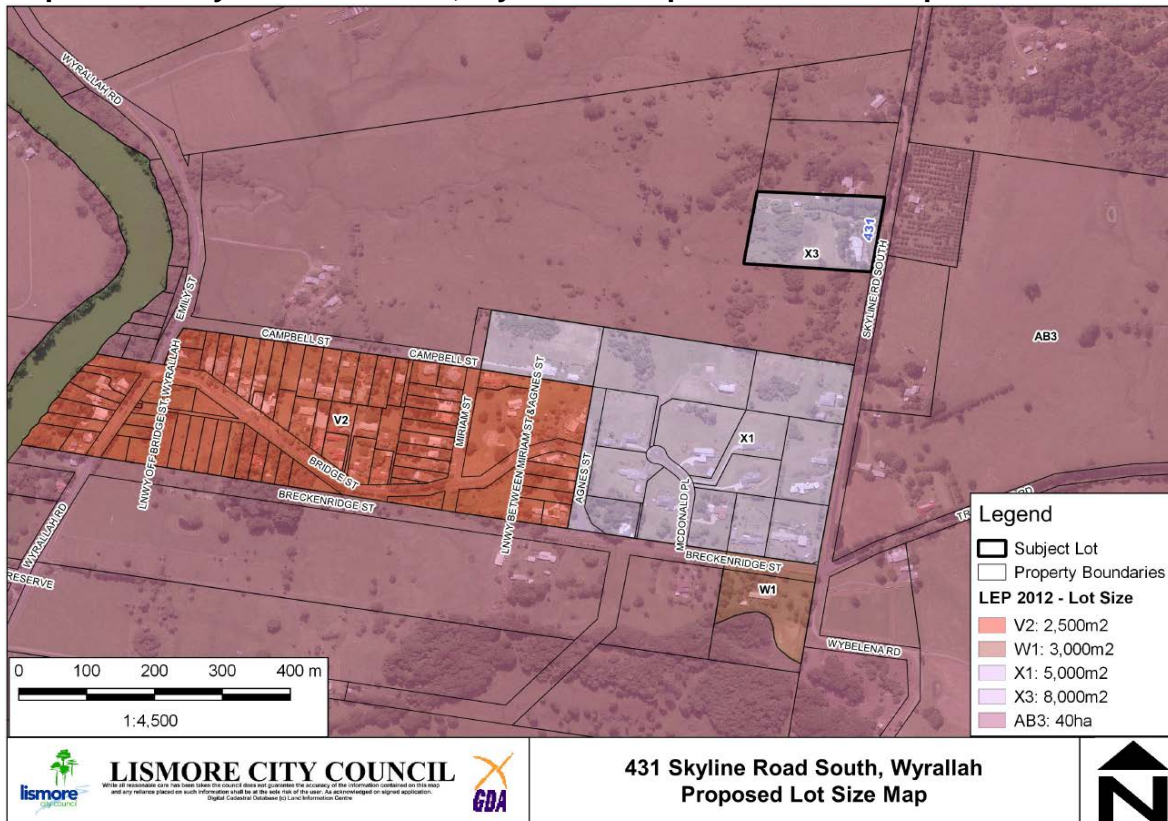
Map 2 – 431 Skyline Road South, Wyrallah - Proposed Zoning Map



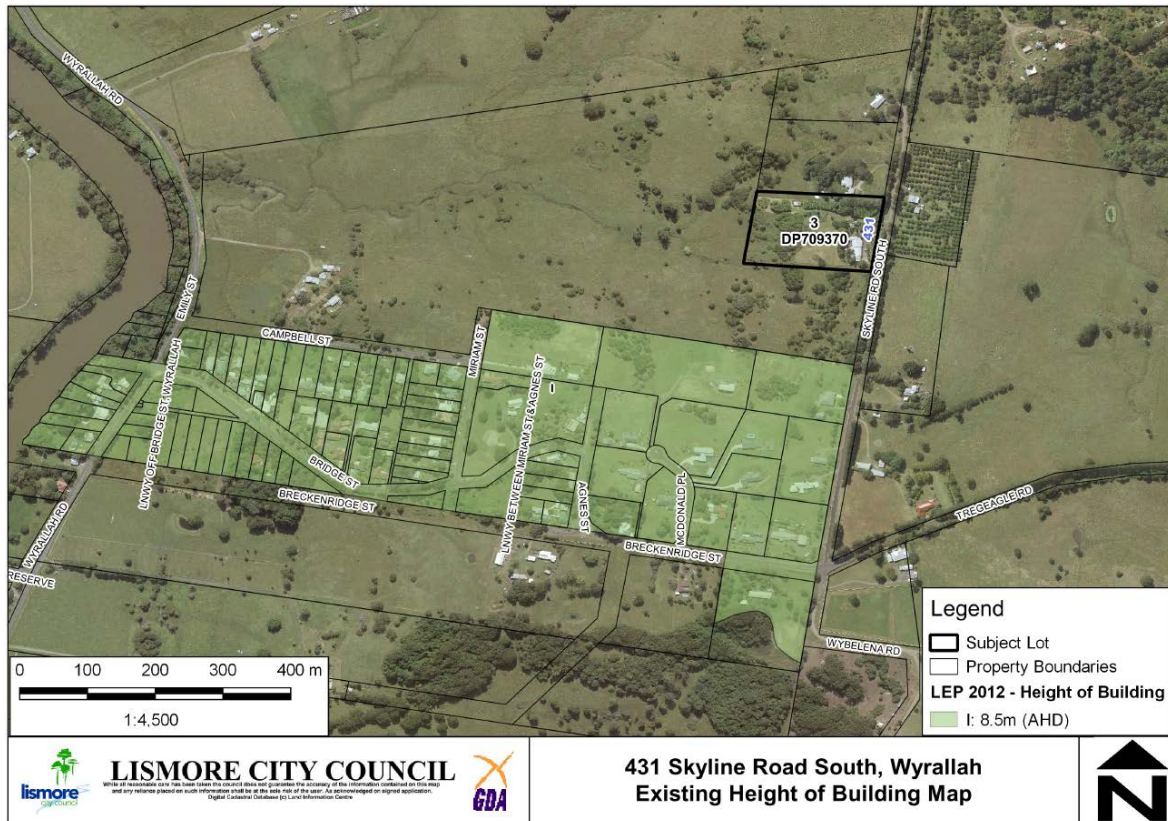
Map 3 – 431 Skyline Road South, Wyrallah - Existing Lot Size Map



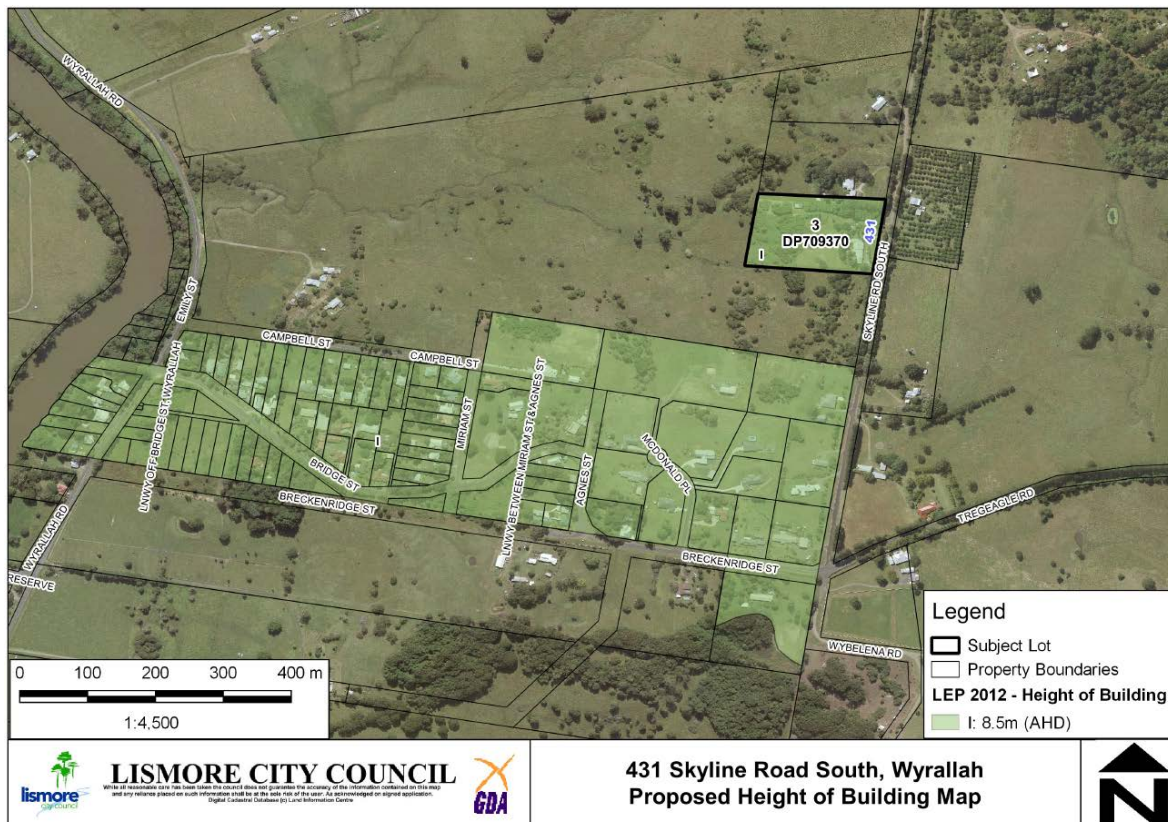
Map 4 – 431 Skyline Road South, Wyrallah - Proposed Lot Size Map



Map 5 – 431 Skyline Road South, Wyrallah - Existing Height of Building Map



Map 6 – 431 Skyline Road South, Wyrallah – Proposed Height of Building Map



Other mapping amendments

Consequential amendments to all of the other Lismore LEP 2012 Minimum Lot Size Map sheets to include the introduction of a new lot size category of 8,000m². These map sheets include LSZ_001, LSZ_002, LSZ_003, LSZ_004, LSZ_005, LSZ_005AA, LSZ_005AB, LSZ_006AA, LSZ_006AB & LSZ_007.

PART 5 – COMMUNITY CONSULTATION

Council will commence community consultation post Gateway determination. For the purposes of public notification, Council considers the planning proposal as “low impact” and recommends a fourteen (14) day public exhibition period.

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 the name and address of Council for the receipt of submissions.
- Indicate the dates for the exhibition period and the last day for receipt of submissions.
- Confirm whether delegation for making the LEP has been issued to Council.

Exhibition Material:

- The planning proposal, in the form approved for community consultation by the Gateway determination.
- The Gateway determination
- Any information or technical studies that accompany the planning proposal or are required by the Gateway determination.

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
October 2018	Report planning proposal to Council
November 2018	Gateway determination issued by DP&E
January/February 2019	Submission of additional technical information
March 2019	Council reviews technical information Government agency consultation Analysis of government agency comments
April/May 2019	Public exhibition Analysis of public submissions Preparation of LEP maps Preparation of Council report
June 2019	Report to Council
July 2019	Opinion sought from Parliamentary Counsel's Office (if delegated) Plan making by RPA (if delegated)
August 2019	Notification of the draft Local Environmental Plan

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 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

NORTH COAST REGIONAL PLAN 2036 - COMPLIANCE TABLE

Action	Requirement	Compliance
Direction 1: Deliver environmentally sustainable growth		
1.1	Urban development in mapped areas.	Consistent The land is identified in the Lismore Growth Management Strategy 2015 – 2035 (GMS) as potential large lot residential.
1.2	Review mapped areas for high environmental value.	N/A
1.3	Identify residential, commercial or industrial uses in GMS.	Consistent The land is identified in the Lismore Growth Management Strategy 2015 – 2035 (GMS) as potential large lot residential.
1.4	Prepare land release criteria to assess appropriate locations for future urban growth.	N/A
Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments		
2.1	Implement the 'avoid, minimise, offset' hierarchy to biodiversity.	Consistent The subject allotment is of low biodiversity sensitivity, subject to the outcome of a post-Gateway targeted Hairy Joint-grass survey.
2.2	Ensure local plans manage marine environments, water catchment areas and groundwater sources.	Consistent Existing clauses in LEP for protection of drinking water catchment and coastal zone.
Direction 3: Manage natural hazards and climate change		
3.1	Reduce the risk from natural hazards by identifying, avoiding and managing.	Consistent There is no additional risk to life or property as a result of the planning proposal. The elevated site is well clear of the flood plain. There are no geotechnical constraints. Part of the land is mapped as bush fire prone – referral to the RFS required in accordance with s9.1 Ministerial Direction 4.4. The allotment is mapped as class 5 on the acid sulfate soils planning map – a preliminary acid sulfate soils assessment is recommended post Gateway in accordance with s9.1 Ministerial Direction 4.1.
3.2	Review flood risk, bushfire and coastal management mapping.	N/A
3.3	Use latest knowledge on regional climate projections for new urban development.	Consistent The elevation of the land ranges from 60m to 25m AHD. In that location land above approximately 10m AHD is outside of the LEP 2012 flood planning area.
Direction 4: Promote renewable energy opportunities		
4.1	Identifying renewable energy resource precincts and infrastructure corridors.	N/A
4.2	Enable appropriate smaller-scale renewable energy projects	N/A
4.3	Promote appropriate smaller and community-scale renewable energy projects.	N/A
Direction 5: Strengthen communities of interest and cross-regional relationships		
5.1	Collaborate on regional and intra-regional housing and employment land delivery, and industry development.	N/A
5.2	Integrate cross-border land use planning between NSW and SE Qld.	N/A
5.3	Cooperation and land use planning between the City of Gold Coast and Tweed Shire Council.	N/A
5.4	Prepare a regional economic development strategy.	N/A
Direction 6: Develop successful centres of employment		
6.1	Facilitate economic activity around industry anchors by considering new infrastructure needs & encourage clusters of related activity.	N/A

Action	Requirement	Compliance
6.2	Flexible planning controls, business park development opportunities and opportunities for start-up industries.	N/A
6.3	Reinforce centres through LGMS and LEP as primary mixed-use locations	N/A
6.4	Focus commercial activities in existing centres; place-making focused planning	N/A
6.5	Appropriate mix of land uses; prevent encroachment of sensitive uses on employment land	N/A
6.6	Deliver employment land through LGMS and LEP	N/A
6.7	Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor.	N/A
Direction 7: Coordinate the growth of regional cities		
7.1	Prepare action plans for regional cities	N/A
Direction 8: Promote the growth of tourism		
8.1	Facilitate appropriate large-scale tourism developments in prime tourism development areas.	N/A
8.2	Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through LGMS and LEP.	Consistent The proposed zone change will have minimal impact on the potential for tourism development. B&Bs and farm stay accommodation are permissible in the existing Zone RU1. The 2ha allotment is currently best described as rural residential and is not used for farming, so farm stay accommodation is unlikely at the site. B&Bs are also permissible with consent within the proposed Zone R5.
8.3	Prepare destination management plans or other tourism focused strategies.	N/A
8.4	Promote opportunities to expand visitation to regionally significant nature-based tourism places.	N/A
8.5	Preserve the region's existing tourist and visitor accommodation.	N/A
Direction 9: Strengthen regionally significant transport corridors		
9.1	Encouraging business and employment activities that leverage major transport connections.	N/A
9.2	Minimise impact of development on regionally significant transport infrastructure.	N/A
9.3	Ensure the effective management of the State and regional road network.	N/A
Direction 10: Facilitate air, rail and public transport infrastructure		
10.1	Deliver airport precinct plans that maximise potential of value-adding industries close to airports.	N/A
10.2	Consider airport-related employment/precincts that capitalise on future expanded Gold Coast Airport.	N/A
10.3	Protect the North Coast Rail Line and high-speed rail corridor.	Consistent The planning proposal does not compromise North Coast Rail Line network opportunities.
10.4	Provide public transport where urban area has potential to generate sufficient demand.	Consistent Existing school bus service between Wyrallah Village and Lismore.
10.5	Deliver a safe and efficient transport network to serve future release areas.	N/A
Direction 11: Protect and enhance productive agricultural lands		
11.1	Direct urban and rural residential development away from important farmland. Support existing and small-lot primary production.	Consistent The subject allotment is not important agricultural land. Most of the Wyrallah area, including the subject allotment, is not

Action	Requirement	Compliance
		mapped as State or Regionally Significant Farmland.
11.2	Update the Northern Rivers Farmland Protection Project (2005).	N/A
11.3	Identify and protect intensive agriculture clusters in local plans.	Consistent The subject allotment is not located in or nearby an intensive agricultural cluster.
11.4	Encourage commercial/tourist/recreation that complements/promotes agricultural sector.	Consistent The small scale proposal to enable 1 additional lot, located within the GMS, does not compromise this action.
11.5	Address sector-specific considerations for agricultural industries through local plans.	N/A
Direction 12: Grow agribusiness across the region		
12.1	Promote the expansion of agribusiness in LGMS and LEPs.	N/A
12.2	Encourage the co-location of intensive primary industries and compatible processing activities.	N/A
12.3	Leverage proximity from the Gold Coast and Brisbane West Wellcamp airports for agribusiness.	N/A
12.4	Facilitate investment in the agricultural supply chain.	N/A
Direction 13: Sustainably manage natural resources		
13.1	Locate sensitive development e.g. residential away from region's natural mineral and forestry resources.	Consistent The subject allotment is not located close to any natural, mineral or forestry resources.
13.2	Plan for the ongoing use of lands with regionally significant construction material resources.	Consistent Existing construction material resources are not compromised by the planning proposal. The subject allotment is not located close to any significant construction material resources. The allotment is located outside of the Lismore DCP prescribed quarry buffer (800m) for local small scale quarry operations.
Direction 14: Provide great places to live and work		
14.1	Prepare precinct plans in growth areas or centres bypassed by the Pacific Highway. Establish appropriate zoning, development standards & S94.	N/A
14.2	Deliver precinct plans that are consistent with the Precinct Plan Guidelines (Appendix C).	N/A
Direction 15: Develop healthy, safe, socially engaged and well-connected communities		
15.1	Deliver guidelines for healthy built environments.	N/A
15.2	Facilitate more recreational walking and cycling paths.	N/A
15.3	Implement actions and invest in boating infrastructure priorities.	N/A
15.4	Create socially inclusive communities.	Consistent Council's social impact assessment policies do not apply to this planning proposal.
15.5	Deliver CPTED.	Consistent The proposals do not compromise Council's CPTED controls.
Direction 16: Collaborate and partner with Aboriginal communities		
16.1	Develop partnerships with Aboriginal communities to facilitate engagement during the planning process.	Consistent Engagement protocols used with LALC in conjunction with Councils Environmental Contractor (Environmental and cultural heritage management).
16.2	Engage with Aboriginal communities with preparation of LGMS and LEP.	Consistent The planning proposal will be referred to Ngulingah LALC.
Direction 17: Increase the economic self-determination of Aboriginal communities		
17.1	Deliver opportunities to increase the economic	N/A

Action	Requirement	Compliance
	independence of Aboriginal communities.	
17.2	Foster closer cooperation with LALC.	N/A
17.3	Identify priority sites with economic development potential that LALC may wish to investigate.	N/A
Direction 18: Respect and protect the North Coast's Aboriginal Heritage		
18.1	Ensure Aboriginal objects and places are protected, managed and respected.	<p>Consistent</p> <p>An AHIMS search was conducted for the subject allotment and surrounds on 8/8/18. There are no Aboriginal sites or places in or near the subject allotment.</p> <p>There are no Aboriginal sites, objects or places recorded in or near the allotment in the unpublished Lismore "Ron Heron Study" Council's Environmental and Cultural Heritage Contractor has reviewed the proposal and concluded that it is unlikely there would be any negative impact on Aboriginal cultural heritage due to the low risk nature of the proposal (potential for one additional lot) and the long history of site disturbance (100 years of rural land use practices).</p> <p>The proposal has been referred to the LALC as part of the pre-Gateway consultation with no response received at the time of writing. It is proposed to consult with the LALC again post Gateway determination.</p> <p>The applicant has been provided with a copy of OEH comments and has been requested to organise a site inspection with a LALC representative.</p>
18.2	Undertake Aboriginal cultural heritage assessments to inform planning and development proposals.	<p>Consistent</p> <p>Due diligence has been exercised as indicated in Action 18.1. The planning proposal is unlikely to negatively impact on Aboriginal cultural heritage. Further consultation will be undertaken with the LALC post Gateway determination.</p>
18.3	Adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	N/A
18.4	Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas to protect Aboriginal heritage.	N/A
Direction 19: Protect historic heritage		
19.1	Ensure best-practice guidelines are considered when assessing heritage significance.	<p>Consistent</p> <p>There is no known heritage significance associated with the subject allotment.</p>
19.2	Prepare, review and update heritage studies and include appropriate local planning controls.	N/A
19.3	Deliver the adaptive or sympathetic use of heritage items and assets.	N/A
Direction 20: Maintain the region's distinctive built character		
20.1	Development consistent with the North Coast Urban Design Guidelines (2009).	<p>Consistent</p> <p>S3.2 – "Inland Villages"</p> <p>The proposed small scale rezoning is part of an area included in the Lismore GMS that is contiguous with the existing village land. The proposal will maintain the compact well defined centre of the village and is consistent with nearby village settlement pattern.</p> <p>S5.0 – "Inland Villages"</p> <p>The proposed small scale rezoning will maintain low density, compact nature of the village.</p> <p>S10.2 – "Settlement Consolidation Inland</p>

Action	Requirement	Compliance
		Village" No impact on natural forests & rivers. Minor expansion of town centre on generally unconstrained land.
20.2	Review the North Coast Urban Design Guidelines (2009).	N/A
Direction 21: Coordinate local infrastructure delivery		
21.1	Undertake detailed infrastructure service planning to support proposals for new major release areas.	N/A
21.2	Maximise the cost-effective and efficient use of infrastructure.	Consistent Small scale proposal with on-site water harvesting and on-site management of effluent. Existing road network capable of carrying additional traffic, however, sealing of road frontage may be required at subdivision DA stage.
Direction 22: Deliver greater housing supply		
22.1	Deliver an appropriate supply of residential land within LGMS and local plans.	Consistent The subject allotment is included in the Lismore GMS for potential large lot residential.
22.2	Facilitate housing and accommodation options for temporary residents.	N/A
22.3	Monitor the supply of residential land and housing through the North Coast Housing and Land Monitor.	Ongoing
Direction 23: Increase housing diversity and choice		
23.1	Encourage housing diversity - target 40% of new housing as dual occupancies, apartments, townhouses, villas or dwellings on 400m ² , by 2036.	N/A Village rezoning is low density, primarily due to the requirement for on-site effluent disposal. 400m ² only applies in the Lismore LGA where reticulated services included water and sewer are proposed or existing in Zones R1 or R3.
23.2	Develop LGMS to respond to changing housing needs and support initiatives for ageing in place.	Consistent Lismore GMS 2015 – 2035 is scheduled for review every 5 years.
Direction 24: Deliver well-planned rural residential housing areas		
24.1	Facilitate the delivery of well-planned rural residential housing areas.	Consistent The subject allotment is identified in the Lismore GMS for potential large lot residential.
24.2	Enable sustainable use of the region's sensitive coastal strip - new rural residential areas located outside the coastal strip, unless in LGMS	Consistent The subject allotment is not located in the sensitive coastal strip.
Direction 25: Deliver more opportunities for affordable housing		
25.1	Deliver more opportunities for affordable housing.	N/A
25.2	Prepare guidelines for local housing strategies to plan for local affordable housing needs.	N/A

APPENDIX 2

STATE ENVIRONMENTAL PLANNING POLICIES COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 21 – Caravan Parks	N/A	N/A
SEPP No. 30 – Intensive Agriculture	N/A	N/A
SEPP No. 33 – Hazardous and Offensive Development	N/A	N/A
SEPP No. 36 – Manufactured Home Estates	N/A	N/A
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 The site is located within the planning area for the Comprehensive Koala Plan of Management for south-east Lismore. Council's mapping indicates the presence of some koala habitat on the north of the site. However, a site inspection revealed that a fence row of Eucalypts is located on the adjoining northern allotment. The confusion is a result of the cadastre being out by around 10m on the aerial mapping. The Eucalypts on the adjoining lot have been planted along approximately 60m of the fence line and include approximately 8 trees of mixed species, some of which are <i>Eucalyptus tereticornis</i> (a koala food tree). The proposed rezoning will not negatively impact on these trees.
SEPP No. 50 – Canal Estate Development	N/A	N/A
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	N/A
SEPP No. 55 – Remediation of Land	6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal	Consistent The preliminary contaminated land report was submitted with the planning proposal. The report has been prepared generally in accordance with the NSW EPA Guidelines made under the <i>Contaminated Land Management Act 1997</i> . The report concludes that the proposed area of the site nominated for future residential development is suitable for that use. Council's Environmental Health Officer concurs with the conclusion. No additional contaminated land reporting is required.
SEPP No. 62 – Sustainable Aquaculture	N/A	N/A
SEPP No. 64 – Advertising and Signage	N/A	N/A
SEPP No. 65 – Design Quality of Residential Flat Development	N/A	N/A
SEPP No 70 – Affordable Housing (<i>Revised Schemes</i>)	N/A	N/A
SEPP (Affordable Rental Housing) 2009	N/A	N/A

State Environmental Planning Policy	Requirements	Compliance
SEPP (Building Sustainability Index: BASIX) 2004	N/A	N/A
SEPP (Coastal Management) 2018	<p>3 Aim of Policy</p> <p>The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:</p> <p>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</p> <p>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</p> <p>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</p>	<p>N/A</p> <p>The subject allotment is not in the coastal use area, nor is it in the coastal environment area. There is no coastal wetland located in or near the site.</p>
SEPP (Educational Establishments and Child Care Facilities) 2017	N/A	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	N/A
SEPP (Infrastructure) 2007	<p>2 Aim of Policy</p> <p>The aim of this policy is to facilitate the effective delivery of infrastructure across the State.</p>	<p>Consistent</p> <ul style="list-style-type: none"> The planning proposal is consistent with the aims of the SEPP. The proposed Zone R5 is a prescribed zone within which various forms of infrastructure are either permissible with or without development consent. It is also worth noting that the proposed Zone R5 will prohibit various forms of infrastructure that are deemed incompatible with residential development. These include research stations, sewage treatment plants, water recycling facilities, waste or resource management facilities and water treatment facilities.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A
SEPP (Rural Lands) 2008	<p>Consistency with the following:</p> <p>7 Rural Planning Principles</p> <p>8 Rural Subdivision Principles</p>	<p>Consistent</p> <ul style="list-style-type: none"> The planning proposal is consistent with the Rural Planning Principles and Rural Subdivision Principles. The subject allotment is part of an area of land identified in the Lismore GMS adjacent to the existing large lot residential land. Development that is contiguous with the existing village land will

State Environmental Planning Policy	Requirements	Compliance
		<p>minimise fragmentation of agricultural land. This approach will also serve to minimise potential land use conflicts. Residential land proposed to adjoin rural land will be of sufficient dimensions to accommodate required DCP buffer distances.</p> <ul style="list-style-type: none"> • The biodiversity values of the site will not be compromised by the planning proposal, subject to the outcomes of a post-Gateway targeted Hairy Joint-grass survey. • The subject site is near existing community infrastructure and services at Wyrallah (primary school). Larger centres including Lismore, Ballina and Byron Bay are readily accessible by road. • The land is identified in the North Coast Regional Plan "Urban Growth Area Map for the Lismore LGA". • The land is identified in the Lismore Growth Management Strategy 2015 – 2035 for potential large lot residential.
SEPP (State and Regional Development) 2011	Not applicable	N/A
SEPP (Urban Renewal) 2010	Not applicable	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	<p>3 Aims of Policy</p> <p>The aims of this Policy are:</p> <p>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</p> <p>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p>	<p>Consistent</p> <p>Vegetation removal within the existing Zone RU1 Primary Production is controlled under the <i>Local Land Services Act 2013</i>.</p> <p>Vegetation removal in the proposed Zone R5 Large Lot Residential will be controlled by the Vegetation SEPP.</p>

APPENDIX 3

SECTION 9.1 MINISTERIAL DIRECTIONS COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	<p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> Retain existing business and industrial zones. Not reduce floor space for employment areas and related public services in business zones. Not reduce potential floor space for industrial uses in industrial zones. New employment areas in accordance with strategy approved by Director General DP&E. 	N/A
1.2 Rural Zones	<p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. 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>Justifiably inconsistent</p> <ul style="list-style-type: none"> The inconsistency is justified because the subject land has been identified for potential large lot residential in the Lismore Growth Management Strategy 2015 - 2035. The Lismore GMS has given consideration to the objectives of this Ministerial Direction. The GMS provides for additional residential land on the basis of meeting appropriate criteria, including consistency or justified inconsistency with SEPP (Rural Lands) 2008 and S9.1 Ministerial Directions 1.2 and 1.5. The GMS was approved by the Department of Planning and Environment. The land is identified in the North Coast Regional Plan "Urban Growth Area Map for the Lismore LGA".
1.3 Mining Petroleum Production and Extractive Industries	<p>This direction applies when the planning proposal:</p> <ul style="list-style-type: none"> 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 	<p>Consistent</p> <ul style="list-style-type: none"> 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 SEPP (Mining, Petroleum Production and Extractive Industries) 2007, mining, petroleum production and extractive industries can occur where agriculture or industry may be carried out (with or without development consent). Home industries (a form of industry) are permissible in rural and residential zones, therefore a planning proposal to change the zone from rural to residential is consistent with the direction as it maintains the permissibility status quo. The land does not incorporate mineral resources or extractive materials which are of State or regional significance.
1.4 Oyster Aquaculture	N/A	N/A
1.5 Rural Lands	<p>This direction applies when:</p> <ul style="list-style-type: none"> The planning proposal effects land within an existing 	<p>Consistent</p> <ul style="list-style-type: none"> The planning proposal is consistent with the Rural Planning Principles and Rural Subdivision Principles.

Ministerial Directions	Requirements	Compliance
	<p>or proposed rural or environmental protection zone;</p> <ul style="list-style-type: none"> When changes are proposed to minimum lot size in a rural or environmental protection zone. <p>The Planning Proposal must be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in SEPP (Rural Lands) 2008.</p>	<ul style="list-style-type: none"> The subject allotment is part of an area of land identified in the Lismore GMS adjacent to the existing large lot residential land. Development that is contiguous with the existing village land will minimise fragmentation of agricultural land. This approach will also serve to minimise potential land use conflicts. Residential land proposed to adjoin rural land will be of sufficient dimensions to accommodate required DCP buffer distances. The biodiversity values of the site will not be compromised by the planning proposal. The subject site is near existing community infrastructure and services at Wyrallah (primary school). Larger centres including Lismore, Ballina and Byron Bay are readily accessible by road. The land is identified in the North Coast Regional Plan "Urban Growth Area Map for the Lismore LGA". The land is identified in the Lismore Growth Management Strategy 2015 – 2035 for potential large lot residential.
2. Environment and Heritage		
2.1 Environment Protection Zones	<p>Must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>Must not reduce protection standards for environmental protection zones.</p>	<p>Consistent</p> <ul style="list-style-type: none"> The planning proposal does not involve <i>environmentally sensitive areas</i> listed under Clause 3.3 of the Lismore LEP 2012. The planning proposal does not apply to land within an environmental protection zone or land otherwise identified for environmental protection purposes.
2.2 Coastal Protection	<p>3 When this direction applies</p> <p>This direction applies to land that is within the coastal zone under the <i>Coastal Management Act 2016</i>.</p> <p>4 A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) The objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management area;</p> <p>(b) The NSW Coastal Management Manual and associated Toolkit;</p> <p>(c) NSW Coastal Design Guidelines 2003;</p> <p>(d) Any relevant Coastal Management Program or Coastal Zone Management Plan.</p>	<p>N/A</p> <p>The subject allotment is not in the coastal use area, nor is it in the coastal environment area. There is no coastal wetland located in or near the site.</p>
2.3 Heritage Conservation	<p>Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.</p>	<p>Consistent</p> <p>Lismore City Council's Environmental and Cultural Heritage Contractor has reviewed the planning proposal and referred the proposal to the Ngulingah Local Aboriginal Land Council (LALC). There are no recorded Aboriginal sites or objects in or near the allotment and considering the low risk nature of the proposal (potential for one additional lot) and the long</p>

Ministerial Directions	Requirements	Compliance
		<p>history of site disturbance (100 years of rural land use practices) it is unlikely there would be any negative impact on Aboriginal cultural heritage. At the time of writing Council had not received a response from the LALC.</p> <p>The allotment is not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 LEP 2012.</p> <p>The applicant has been requested to undertake a site inspection with a LALC representative.</p>
2.4 Recreation Vehicle Areas	N/A	N/A
2.5 Application of E2 and E3 Zones and Environmental Protection Overlays in Far North Coast LEPs	The DM planning proposal must be consistent with the Northern Councils E Zone Review Final Recommendations.	<p>N/A</p> <p>The planning proposal does not involve Zone E2 Environmental Conservation or Zone E3 Environmental Management. The proposal does not involve an environmental overlay or an associated clause.</p>
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	<p>The planning proposal must:</p> <ul style="list-style-type: none"> • 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. 	<p>Consistent</p> <ul style="list-style-type: none"> • The rezoning planning proposal is of a small scale and limited to the potential creation of one additional lot. • A range of housing types including dwelling houses, dual occupancies and secondary dwellings are permissible with consent within Zone R5. • The land is part of a larger area identified in the Lismore GMS for future potential large lot residential development. This area in the GMS is adjacent to an existing large lot residential estate. The land is in close proximity to existing community facilities in Wyrallah Village including Wyrallah Public School. • Lismore LEP 2012 clause 6.9 requires the provision of services essential for the development prior to granting development consent. • The proposal does not contain provisions that reduce residential density.
3.2 Caravan Parks and Manufactured Home Estates	<p>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal the RPA must:</p> <ul style="list-style-type: none"> • Retain provisions that permit development of caravan park. • Retain zoning of existing caravan parks. <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the RPA must:</p> <ul style="list-style-type: none"> • Take into account excluded land in Schedule 2 SEPP 36 • Principles listed in clause 9 	<p>Consistent</p> <ul style="list-style-type: none"> • The planning proposal does not remove provisions that permit development for the purposes of a caravan park to be carried out on land. Lismore LEP 2012 permits caravan parks with development consent in the following zones RU1, RU5, R1, R3, RE1, RE2 & E3. • The planning proposal does not alter the zoning of existing caravan parks. • The planning proposal does not involve the identification of suitable zones, locations or provisions for manufactured home estates.

Ministerial Directions	Requirements	Compliance
	SEPP 36	
3.3 Home Occupations	The Planning Proposal must permit <i>home occupations</i> in dwelling houses without development consent.	<p>Consistent</p> <p>This planning proposal does nothing to alter the current permissibility of <i>home occupations</i>.</p> <p>SEPP (Exempt and Complying Development Codes) 2008 provides for home occupations as Exempt Development.</p> <p>Development consent is not required for home occupations under LEP 2012 in the following zones: rural, residential, business, industrial and E3.</p>
3.4 Integrating Land Use and Transport	<p>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to:</p> <ul style="list-style-type: none"> Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001) 	<p>Consistent</p> <ul style="list-style-type: none"> The rezoning planning proposal is of a small scale and limited to a potential one additional allotment within Zone R5. The proposal will extend an existing large lot residential estate. The site has sufficient capacity to provide access to transport for residents. The existing road network will be utilised. The site is adjacent to existing large lot residential development and associated infrastructure. The land is in close proximity to existing community facilities including the Wyrallah Public School. The site is located a short drive from the Lismore CBD and other larger centres.
3.5 Development Near Licensed Aerodromes	<p>A planning proposal in the vicinity of a licensed aerodrome is to be:</p> <ul style="list-style-type: none"> Referred to Civil Aviation Safety Authority and the lessee of the aerodrome. Take into consideration the Obstacle Limitation Surface (OLS). Prepare standards such as height if land is affected by OLS. Obtain permission from CASA where the planning proposal allows, as permissible with consent, development that encroaches above the OLS. Permission must be obtained prior to public exhibition. Not rezone land for various listed noise sensitive land uses where the ANEF exceeds specified thresholds. 	<p>N/A</p> <p>The subject allotment is not located in the vicinity of a licenced aerodrome.</p>
3.6 Shooting Ranges	N/A	<p>N/A</p> <p>The planning proposal does not affect, create, alter or remove a zone or provision relating to land adjacent to and/or adjoining an existing shooting range.</p>
4. Hazard and Risk		
4.1 Acid Sulfate Soils	(6) A Council shall not prepare a draft LEP that proposes an	<p>Consistent</p> <ul style="list-style-type: none"> The subject allotment is identified as class 5 on the

Ministerial Directions	Requirements	Compliance
	intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the Council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.	<p>Acid Sulfate Soils Planning Map.</p> <ul style="list-style-type: none"> Council recommends that a preliminary acid sulfate soils assessment is provided by the proponent post Gateway determination.
4.2 Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> Applies to mine subsidence areas. Applies to areas identified as unstable. 	<p>N/A</p> <p>The land proposed for rezoning is not within a mine subsidence area.</p> <p>The subject allotment or nearby land is not identified as unstable.</p>
4.3 Flood Prone Land	<p>(5) 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>(6) 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>N/A</p> <p>The allotment is well clear of the Lismore LEP 2012 Flood Planning Area (Refer to Figure 2 Constraints Map of this report).</p>
4.4 Planning for Bushfire Protection	<p>A Planning Proposal in bush fire prone land:</p> <ul style="list-style-type: none"> Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination prior to community consultation. Have regard to 'Planning for Bush Fire Protection 2006'. Restrict inappropriate development from 	<p>Consistent</p> <ul style="list-style-type: none"> The subject allotment is bush fire prone land. Council is required under section 9.1 of the <i>EP&A Act 1979</i>, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and take into account any comments made. Bush fire hazard reduction authorised under the <i>Rural Fires Act 1997</i> can be carried out on any land without development consent. Planning for Bushfire Protection 2006 has been considered in the preparation of this planning

Ministerial Directions	Requirements	Compliance
	hazardous areas. <ul style="list-style-type: none"> Ensure bush fire hazard reduction is not prohibited within the APZ. 	proposal.
5. Regional Planning		
5.1 Regional Strategies	Revoked 17 October 2017	Revoked
5.2 Sydney Drinking Water Catchments	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<ul style="list-style-type: none"> The Planning Proposal must not re-zone land mapped as State or regionally significant farmland for urban or rural residential purposes. 	N/A The subject allotment is not mapped State or regionally significant farmland.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A The subject allotment is not in the vicinity of the existing and/or proposed alignment of the Pacific Highway.
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A
5.9 North West Rail Link Corridor Strategy	N/A	N/A
5.10 Implementation of Regional Plans	<ul style="list-style-type: none"> The planning proposal must be consistent with the North Coast Regional Plan 2036. 	Consistent (refer to Appendix 1)
6. Local Plan Making		
6.1 Approval and Referral Requirements	<ul style="list-style-type: none"> 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. 	Consistent 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	<ul style="list-style-type: none"> A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DP&E. 	Consistent The planning proposal does not reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	Site specific provisions not to be applied to enable a land use	Consistent The proposal involves the rezoning of the land to enable a particular land use (residential subdivision). No additional development standards to those already

Ministerial Directions	Requirements	Compliance
		in use in that zone are proposed for the site.
7. Metropolitan Planning		
N/A	N/A	N/A

