

# Rezoning Planning Proposal

## 431 SKYLINE ROAD SOUTH, WYRALLAH

Revised to include the use of a small area of Zone E2 with minimum lot size of 40ha and no height of buildings limitation.

September 2019



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## EXECUTIVE SUMMARY

The planning proposal that forms the subject of this report was lodged with Council in November 2017. The Gateway determination was issued on 30 November 2018 and Council has 18 months to finalise the proposal. 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 planning proposal was modified in August 2019 to include a small area of Zone E2 Environmental Conservation. The outcomes of the planning proposal are provided below:

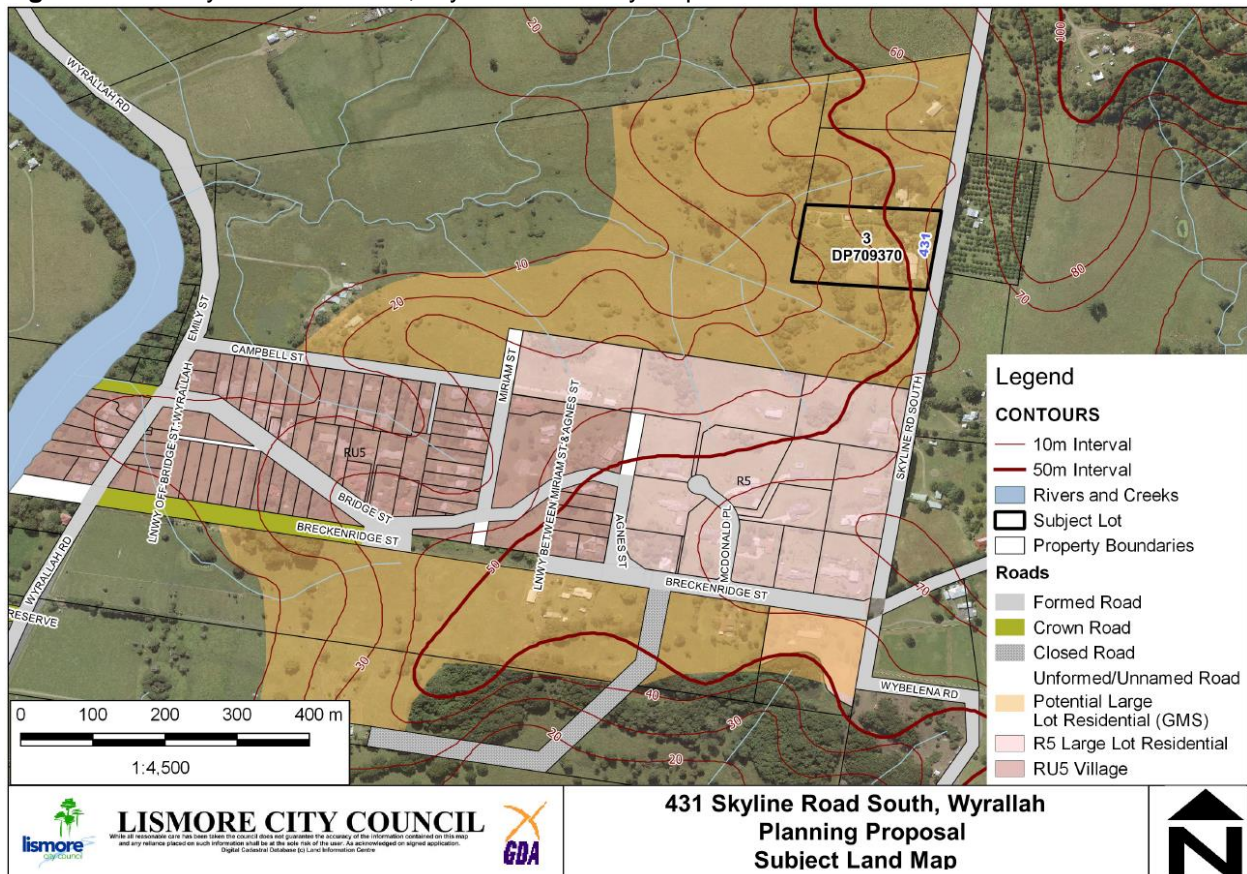
- Change the Zone of 431 Skyline Road South, Wyrallah from RU1 Primary Production to R5 Large Lot Residential and E2 Environmental Conservation; and
- Apply a minimum lot size of 8000m<sup>2</sup> for Zone R5 to permit the creation of an additional one allotment; and apply and 40ha for Zone E2; and
- Apply a maximum building height of 8.5m for Zone R5.

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. The lot is partially bush fire prone and is included on the acid sulfate soils planning map (class 5). A flora and fauna assessment of the site revealed the presence of a small area of Hairy joint Grass and this area of the site is now proposed for Zone E2. A land use conflict risk assessment prepared for the site indicates that the proposed rezoning will incorporate appropriate buffer distances required for the future development of one additional lot.

The planning proposal is consistent with the North Coast Regional Plan and the relevant State Environmental Planning Policies. The proposal is also is 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 and Zone E2 Environmental Conservation 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 8,000m<sup>2</sup> minimum lot size for Zone R5 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 for Zone R5 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 8,000m<sup>2</sup>. 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 s9.1 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 1,700m<sup>2</sup> 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 site has been the subject of a flora and fauna assessment (in accordance with the Gateway determination) including a targeted Hairy Joint Grass (HJG) assessment which revealed the presence of a small area HJG habitat in the western part of the lot. This part of the allotment is now proposed for Zone E2 Environmental Conservation.

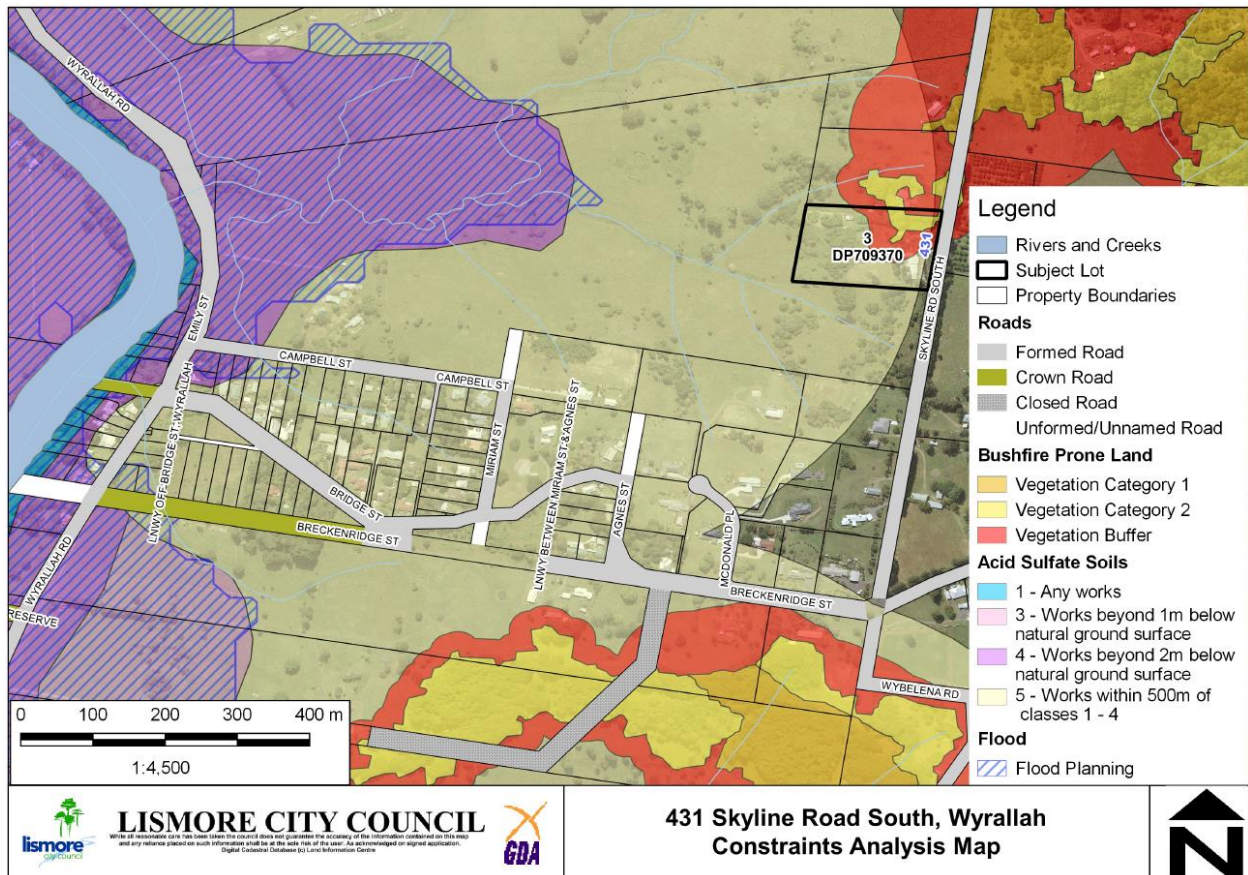
The proposed rezoning of this generally cleared allotment to enable the creation of one additional allotment is not likely to have a significant impact on the flora and fauna species on or within the vicinity of the site as listed under the *Biodiversity Conservation Act 2016* and the *Environment Protection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



**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.

A Land Use Conflict Risk Assessment (LUCRA) was prepared for the planning proposal in accordance with the Gateway determination. The LUCRA concludes "We submit that based upon the land use conflict risk assessment the proposal for the change of zoning of the site so as to provide opportunity for an additional lot and future dwelling is suitable". Council's Environmental Health Officer assessed the LUCRA and concurs with the conclusions of the report

### **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.

The Gateway determination did not require a preliminary acid sulfate soils assessment.

### **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 required.

### **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.

The Gateway determination did not require any additional On-site Wastewater Management reporting.

#### **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 was confirmed with the Gateway determination. The outcomes of the consultation will be reported back to Council post public consultation.

Table 1 provides a list of the public authorities/organisations to be consulted in accordance with the Gateway determination.

**Table 1 – Referral organisations**

<b>Public Authority/Stakeholder</b>	<b>Issue Requiring Comment</b>
NSW Rural Fire Service	Section 9.1 of the <i>EP&amp;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

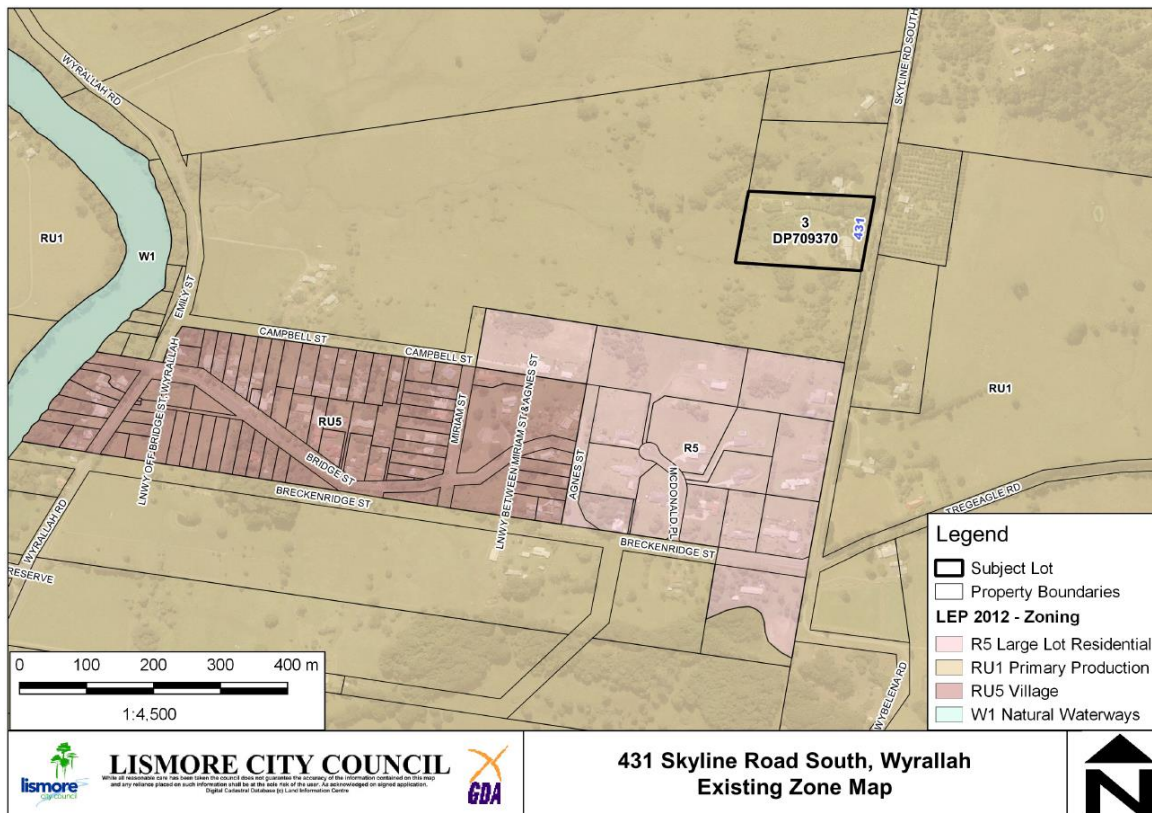
The planning proposal was referred to the Office of Environment and Heritage pre-Gateway determination after a request from that agency for early referrals. Preliminary agency comments and a staff assessment are provided in Table 2.

**Table 2 – Preliminary OEH referral**

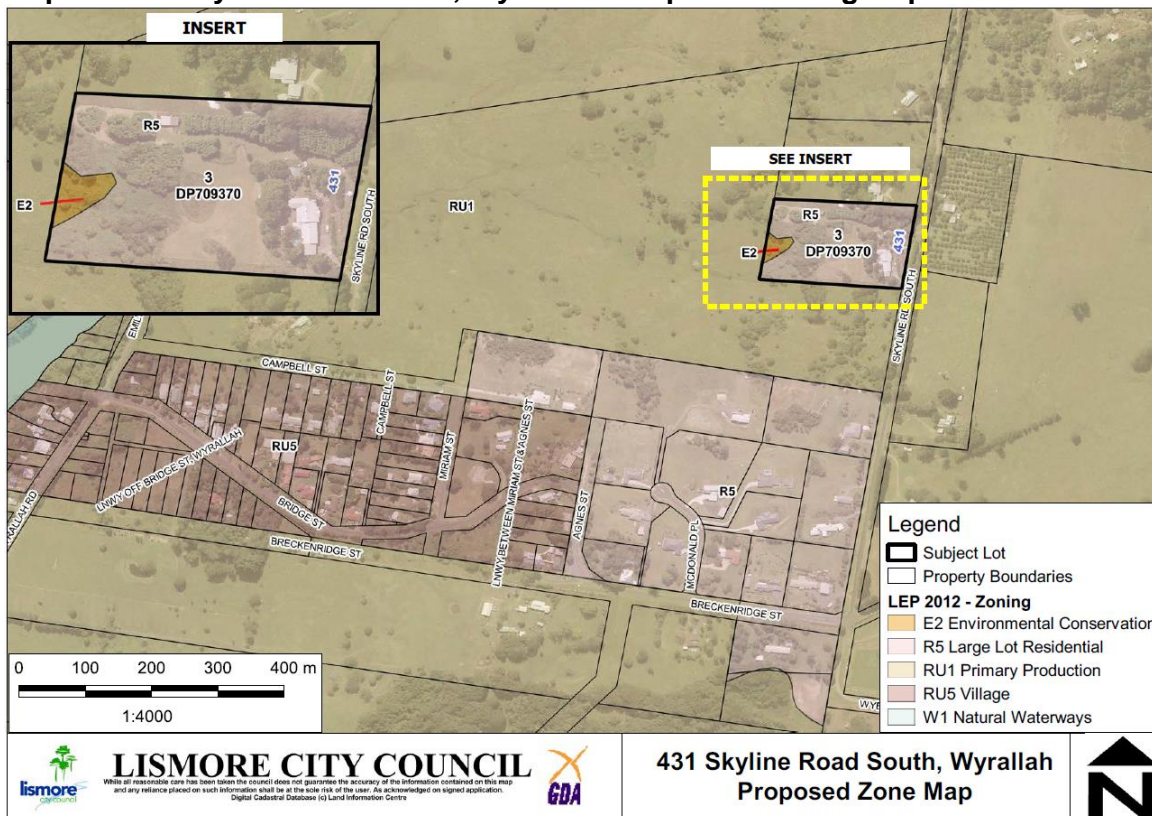
<b>OEH comments</b>	<b>Council staff assessment</b>
The flora and fauna assessment be updated to include an adequate survey for Hairy Joint-grass in the western part of the site.	A targeted Hairy Joint-grass (HJG) survey covering the western portion of the lot was submitted to Council in accordance with the OEH request. The survey identified the presence of a small area of HJG habitat. The planning proposal has been amended to include Zone E2 Environmental Conservation over the area of HJG habitat.
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.	Council staff undertook a pre-Gateway referral to Ngulingah LALC in February 2018. No response was received. The LALC were invited to attend a site inspection. The invitation was not taken up.  Further consultation with the LALC will be undertaken in accordance with the Gateway determination.

## PART 4 - MAPPING

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

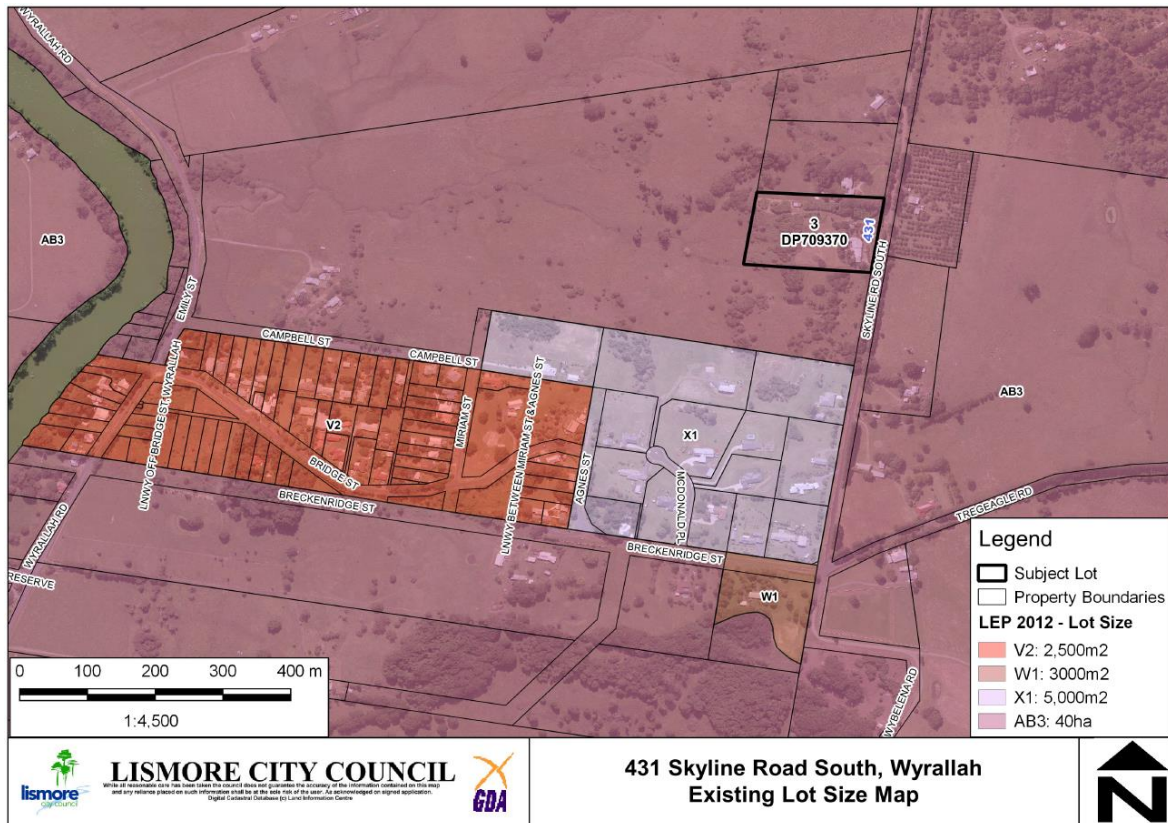


Map 2 – 431 Skyline Road South, Wyrallah - Proposed Zoning Map

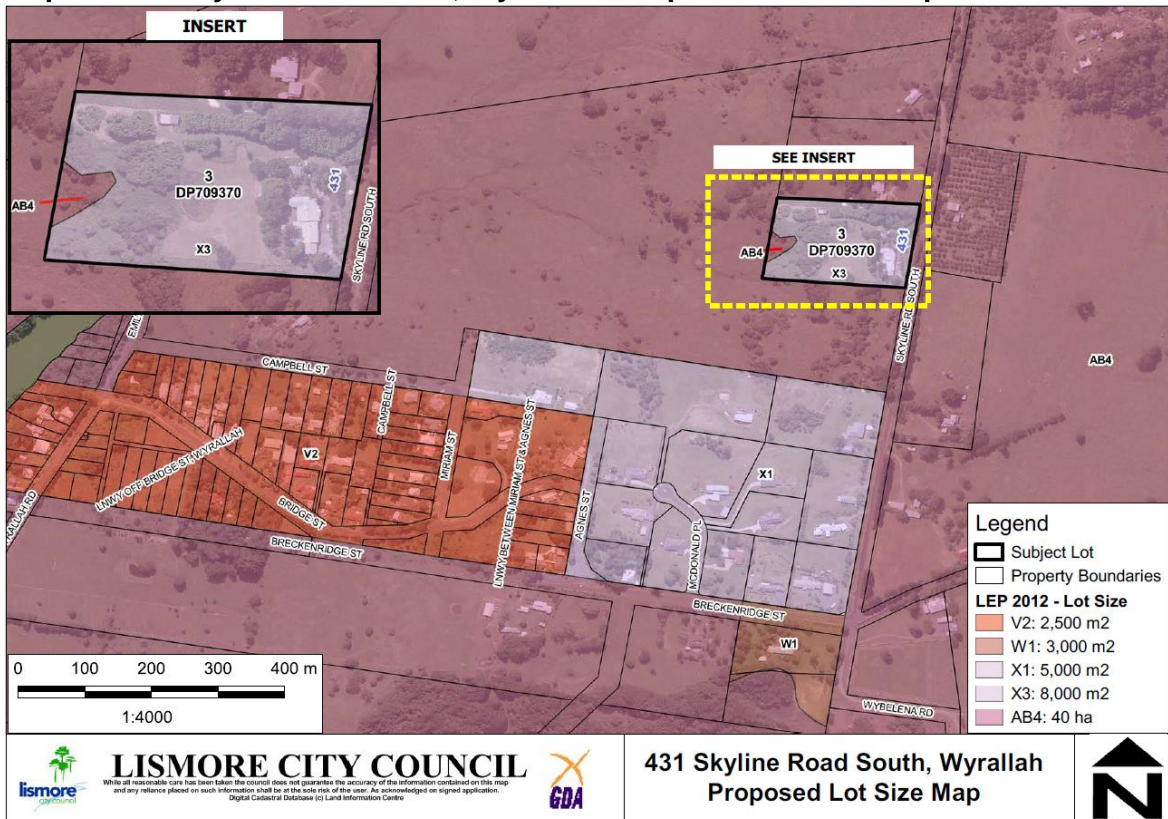




**Map 3 – 431 Skyline Road South, Wyrallah - Existing Lot Size Map**

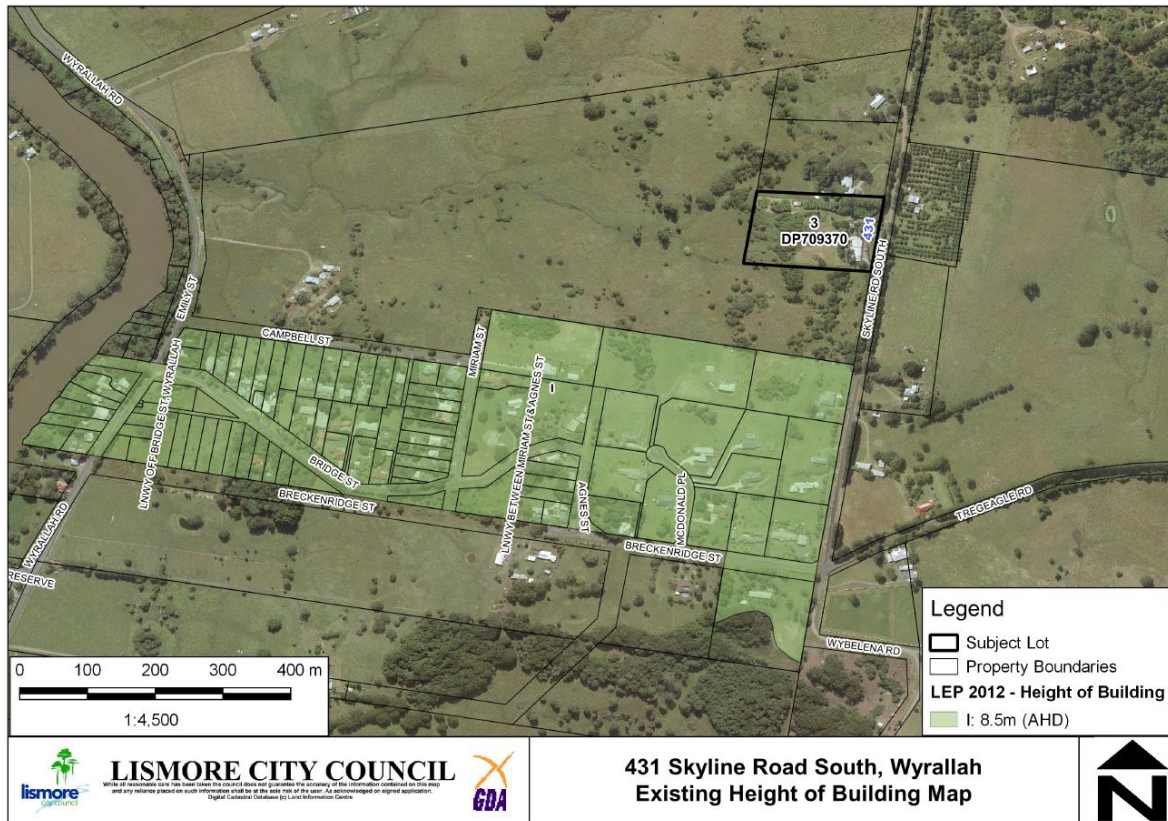


**Map 4 – 431 Skyline Road South, Wyrallah - Proposed Lot Size Map**

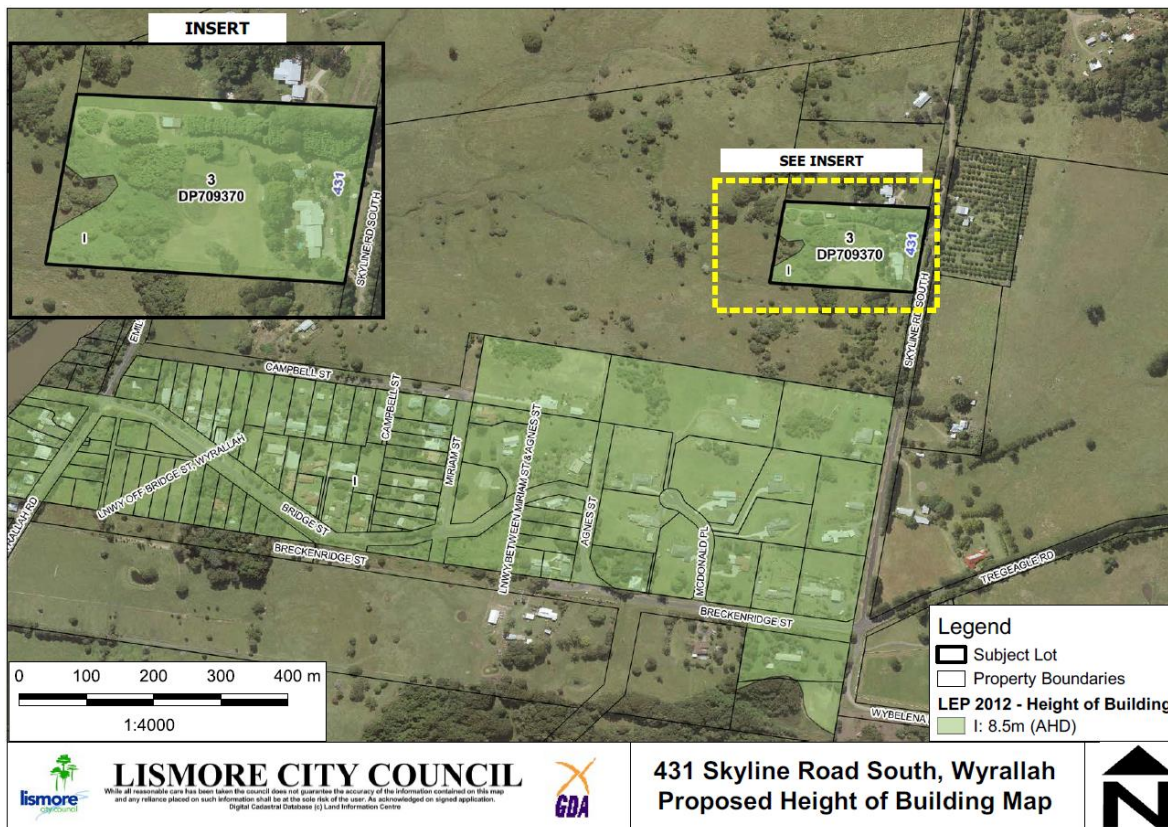




**Map 5 – 431 Skyline Road South, Wyrallah - Existing Height of Building Map**



**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 8,000m<sup>2</sup>. 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**

The Gateway determination public exhibition requirements are listed below:

Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Environmental Planning and Assessment Act 1979. As follows:

- (a) The planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 14 days; and
- (b) The planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

## 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
June/July 2019	Submission of additional technical information
July/August 2019	Council reviews technical information
August/September 2019	Request for amended Gateway determination for new Zone E2. Request for Gateway extension
October 2019	Government agency consultation Analysis of government agency comments
November 2019	Public exhibition Analysis of public submissions Preparation of LEP maps Preparation of Council report
December 2019	Report to Council
December 2019/January 2020	Opinion sought from Parliamentary Counsel's Office (if delegated) Plan making by RPA (if delegated)
February 2020	Notification of the draft Local Environmental Plan

## PART 7– LEP DELEGATIONS

The Gateway determination has confirmed that Council is authorised as the local plan making authority.

## APPENDIX 1

### NORTH COAST REGIONAL PLAN 2036 - COMPLIANCE TABLE

Action	Requirement	Compliance
<b>Direction 1: Deliver environmentally sustainable growth</b>		
1.1	Urban development in mapped areas.	<b>Consistent</b> 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.	<b>Consistent</b> 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
<b>Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments</b>		
2.1	Implement the 'avoid, minimise, offset' hierarchy to biodiversity.	<b>Consistent</b> The subject allotment is of low biodiversity sensitivity, with the exception of a small area of Hairy Joint-grass (HJG) habitat. It is proposed to apply Zone E2 to the HJG habitat area.
2.2	Ensure local plans manage marine environments, water catchment areas and groundwater sources.	<b>Consistent</b> Existing clauses in LEP for protection of drinking water catchment and coastal zone.
<b>Direction 3: Manage natural hazards and climate change</b>		
3.1	Reduce the risk from natural hazards by identifying, avoiding and managing.	<b>Consistent</b> 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.	<b>Consistent</b> 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.  In 2009 in NSW Department of Environment, Climate Change and Water used the following sea level rise benchmarks: 2050 – 40cm; 2100 – 90cm*. Technology and modelling techniques are evolving rapidly and this well results in changes to predicted benchmarks over time. The elevation of the subject allotment is well beyond any predicted sea level rise by 2100.  * NSW Chief Scientist and Engineer, <i>Assessment of the science behind the NSW Government's sea level rise planning benchmarks</i> , April 2012.
<b>Direction 4: Promote renewable energy opportunities</b>		
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-	N/A

Action	Requirement	Compliance
	scale renewable energy projects.	
<b>Direction 5: Strengthen communities of interest and cross-regional relationships</b>		
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
<b>Direction 6: Develop successful centres of employment</b>		
6.1	Facilitate economic activity around industry anchors by considering new infrastructure needs & encourage clusters of related activity.	N/A
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
<b>Direction 7: Coordinate the growth of regional cities</b>		
7.1	Prepare action plans for regional cities	N/A
<b>Direction 8: Promote the growth of tourism</b>		
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.	<b>Consistent</b> 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
<b>Direction 9: Strengthen regionally significant transport corridors</b>		
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
<b>Direction 10: Facilitate air, rail and public transport infrastructure</b>		
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	N/A

Action	Requirement	Compliance
	that capitalise on future expanded Gold Coast Airport.	
10.3	Protect the North Coast Rail Line and high-speed rail corridor.	<b>Consistent</b> 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.	<b>Consistent</b> 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
<b>Direction 11: Protect and enhance productive agricultural lands</b>		
11.1	Direct urban and rural residential development away from important farmland. Support existing and small-lot primary production.	<b>Consistent</b> The subject allotment is not important agricultural land. Most of the Wyrallah area, including the subject allotment, is not 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.	<b>Consistent</b> The subject allotment is not located in or nearby an intensive agricultural cluster.
11.4	Encourage commercial/tourist/recreation that complements/promotes agricultural sector.	<b>Consistent</b> 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
<b>Direction 12: Grow agribusiness across the region</b>		
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
<b>Direction 13: Sustainably manage natural resources</b>		
13.1	Locate sensitive development e.g. residential away from region's natural mineral and forestry resources.	<b>Consistent</b> 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.	<b>Consistent</b> 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.
<b>Direction 14: Provide great places to live and work</b>		
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
<b>Direction 15: Develop healthy, safe, socially engaged and well-connected communities</b>		
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.	<b>Consistent</b> Council's social impact assessment policies do not apply to this planning proposal.



Action	Requirement	Compliance
15.5	Deliver CPTED.	<b>Consistent</b> The proposals do not compromise Council's CPTED controls.
<b>Direction 16: Collaborate and partner with Aboriginal communities</b>		
16.1	Develop partnerships with Aboriginal communities to facilitate engagement during the planning process.	<b>Consistent</b> 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.	<b>Consistent</b> The planning proposal will be referred to Ngulingah LALC.
<b>Direction 17: Increase the economic self-determination of Aboriginal communities</b>		
17.1	Deliver opportunities to increase the economic independence of Aboriginal communities.	N/A
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
<b>Direction 18: Respect and protect the North Coast's Aboriginal Heritage</b>		
18.1	Ensure Aboriginal objects and places are protected, managed and respected.	<b>Consistent</b> 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. 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). 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. A LALC representative was invited to attend a site inspection, however, the invitation was declined.
18.2	Undertake Aboriginal cultural heritage assessments to inform planning and development proposals.	<b>Consistent</b> 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.
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
<b>Direction 19: Protect historic heritage</b>		
19.1	Ensure best-practice guidelines are considered when assessing heritage significance.	<b>Consistent</b> There is no known heritage significance associated with the subject allotment.
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
<b>Direction 20: Maintain the region's distinctive built character</b>		

Action	Requirement	Compliance
20.1	Development consistent with the North Coast Urban Design Guidelines (2009).	<b>Consistent</b> S3.2 – “Inland Villages” 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. S5.0 – “Inland Villages” The proposed small scale rezoning will maintain low density, compact nature of the village. S10.2 – “Settlement Consolidation Inland 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
<b>Direction 21: Coordinate local infrastructure delivery</b>		
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.	<b>Consistent</b> 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.
<b>Direction 22: Deliver greater housing supply</b>		
22.1	Deliver an appropriate supply of residential land within LGMS and local plans.	<b>Consistent</b> 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
<b>Direction 23: Increase housing diversity and choice</b>		
23.1	Encourage housing diversity - target 40% of new housing as dual occupancies, apartments, townhouses, villas or dwellings on 400m <sup>2</sup> , by 2036.	N/A Village rezoning is low density, primarily due to the requirement for on-site effluent disposal. 400m <sup>2</sup> 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.	<b>Consistent</b> Lismore GMS 2015 – 2035 is scheduled for review every 5 years.
<b>Direction 24: Deliver well-planned rural residential housing areas</b>		
24.1	Facilitate the delivery of well-planned rural residential housing areas.	<b>Consistent</b> 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	<b>Consistent</b> The subject allotment is not located in the sensitive coastal strip.
<b>Direction 25: Deliver more opportunities for affordable housing</b>		
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. 33 – Hazardous and Offensive Development	N/A	N/A
SEPP No. 36 – Manufactured Home Estates	N/A	N/A
<b>SEPP No. 44 – Koala Habitat Protection</b>	<b>3 - Aims, Objectives, Etc.</b> (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.	<b>Consistent</b> 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
<b>SEPP No. 55 – Remediation of Land</b>	<b>6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal</b>	<b>Consistent</b> 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. 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
SEPP (Building Sustainability Index: BASIX) 2004	N/A	N/A
SEPP (Coastal Management) 2018	<b>3 Aim of Policy</b> The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the	N/A The subject allotment is not in the coastal use area, nor is it in the coastal environment area. There is no coastal

State Environmental Planning Policy	Requirements	Compliance
	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: (a) managing development in the coastal zone and protecting the environmental assets of the coast, and (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and (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.	wetland located in or near the site.
SEPP (Educational Establishments and Child Care Facilities) 2017	N/A	N/A
SEPP (Exempt and Complying Development Codes) 2008	N/A	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	N/A
SEPP (Infrastructure) 2007	<b>2 Aim of Policy</b>  The aim of this policy is to facilitate the effective delivery of infrastructure across the State.	<b>Consistent</b> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A
<b>SEPP (Primary Production and Rural Development) 2019</b>	<b>3 Aims of Policy</b> The aims of this Policy are as follows— (a) to facilitate the orderly economic use and development of lands for primary production, (b) to reduce land use conflict and sterilisation of rural land, (c) ensure ongoing viability of agriculture on State significant agricultural land, (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, artificial water supply or drainage, in irrigation areas and districts, (e) to encourage sustainable	<b>Consistent</b> <ul style="list-style-type: none"> <li>The proposed rezoning to enable the creation of one additional lot does not inhibit the use of adjoining rural land for agricultural purposes.</li> <li>The subject 2ha lot is for all intents and purposes a rural lifestyle lot and is not currently used for agricultural purposes.</li> <li>The proposal is supported by a land use conflict risk assessment. The assessment has been reviewed by Council's Environmental Health Officer.</li> </ul>

State Environmental Planning Policy	Requirements	Compliance
	<p>agriculture, including sustainable aquaculture,</p> <p>(f) to consider the effects of the proposed development on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to be treated as designated development.</p>	<p>The proposal is consistent with Council buffer distance requirements and does not increase land use conflict.</p> <ul style="list-style-type: none"> <li>• The land is identified in the Lismore Growth Management Strategy 2015 – 2035 for potential large lot residential.</li> </ul>
SEPP (State and Regional Development) 2011	N/A	N/A
SEPP (Urban Renewal) 2010	N/A	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	<p><b>3 Aims of Policy</b></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><b>Consistent</b></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 and Zone E2 Environmental Conservation will be controlled by the Vegetation SEPP.</p>



## APPENDIX 3

### SECTION 9.1 MINISTERIAL DIRECTIONS COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	<p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> <li>Retain existing business and industrial zones.</li> <li>Not reduce floor space for employment areas and related public services in business zones.</li> <li>Not reduce potential floor space for industrial uses in industrial zones.</li> <li>New employment areas in accordance with strategy approved by Director General DP&amp;E.</li> </ul>	N/A
1.2 Rural Zones	<p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> <li>Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</li> <li>Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</li> </ul>	<p><b>Justifiably inconsistent</b></p> <ul style="list-style-type: none"> <li>The inconsistency is justified because the subject land has been identified for potential large lot residential in the Lismore Growth Management Strategy 2015 - 2035.</li> <li>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.</li> <li>The GMS was approved by the Department of Planning and Environment.</li> <li>The land is identified in the North Coast Regional Plan "Urban Growth Area Map for the Lismore LGA".</li> </ul>
1.3 Mining Petroleum Production and Extractive Industries	<p>This direction applies when the planning proposal:</p> <ul style="list-style-type: none"> <li>Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials;</li> <li>Restricting the potential of State or regionally significant mineral resources</li> </ul>	<p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>The land does not incorporate mineral resources or extractive materials which are of State or regional significance.</li> </ul>
1.4 Oyster Aquaculture	N/A	N/A
1.5 Rural Lands	<p>This direction applies when:</p> <ul style="list-style-type: none"> <li>The planning proposal effects land within an existing</li> </ul>	<p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>The planning proposal is consistent with the Rural Planning Principles and Rural Subdivision Principles.</li> </ul>

Ministerial Directions	Requirements	Compliance
	<p>or proposed rural or environmental protection zone;</p> <ul style="list-style-type: none"> <li>When changes are proposed to minimum lot size in a rural or environmental protection zone.</li> </ul> <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"> <li>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.</li> <li>The biodiversity values of the site will not be compromised by the planning proposal.</li> <li>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.</li> <li>The land is identified in the North Coast Regional Plan "Urban Growth Area Map for the Lismore LGA".</li> <li>The land is identified in the Lismore Growth Management Strategy 2015 – 2035 for potential large lot residential.</li> </ul>
<b>2. Environment and Heritage</b>		
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><b>Consistent</b></p> <ul style="list-style-type: none"> <li>The planning proposal does not involve <i>environmentally sensitive areas</i> listed under Clause 3.3 of the Lismore LEP 2012.</li> <li>The planning proposal does not apply to land within an existing environmental protection zone or land otherwise identified for environmental protection purposes.</li> <li>A small area of Zone E2 Environment Conservation is proposed for an area of Hairy Joint-grass habitat.</li> </ul>
2.2 Coastal Protection	<p><b>3 When this direction applies</b></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><b>Consistent</b></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</p>

Ministerial Directions	Requirements	Compliance
		<p>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.</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><b>Consistent</b></p> <p>A flora and fauna assessment including a targeted Hairy Jointgrass assessment was prepared for the site by a suitably qualified person. The site contained a small area (&lt;0.1ha) of Hairy Jointgrass, located adjacent to the western boundary of the property.</p> <p>Zone E2 Environment Conservation is proposed for the small area of HJG habitat. The landowner's consent has been provided for the use of the E2. Appendix 4 includes: The Targeted Hairy Jointgrass Assessment and the owner's consent for the use of zone E2.</p>
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	<p>The planning proposal must:</p> <ul style="list-style-type: none"> <li>• Broaden the choice of housing types and locations.</li> <li>• Make efficient use of existing infrastructure and services.</li> <li>• Reduce consumption of land.</li> <li>• Housing of good design.</li> <li>• Residential development not permitted until land is adequately serviced.</li> <li>• Not contain provisions that will reduce residential density.</li> </ul>	<p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>• The rezoning planning proposal is of a small scale and limited to the potential creation of one additional lot.</li> <li>• A range of housing types including dwelling houses, dual occupancies and secondary dwellings are permissible with consent within Zone R5.</li> <li>• 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.</li> <li>• Lismore LEP 2012 clause 6.9 requires the provision of services essential for the development prior to granting development consent.</li> <li>• The proposal does not contain provisions that reduce residential density.</li> </ul>
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"> <li>• Retain provisions that permit development of caravan park.</li> <li>• Retain zoning of existing caravan parks.</li> </ul> <p>In identifying suitable zones, locations and provisions for</p>	<p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>• 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 &amp; E3.</li> <li>• The planning proposal does not alter the zoning of existing caravan parks.</li> <li>• The planning proposal does not involve the identification of suitable zones, locations or</li> </ul>

Ministerial Directions	Requirements	Compliance
	<p>manufactured home estates (MHEs) in a planning proposal, the RPA must:</p> <ul style="list-style-type: none"> <li>• Take into account excluded land in Schedule 2 SEPP 36</li> <li>• Principles listed in clause 9 SEPP 36</li> </ul>	provisions for manufactured home estates.
3.3 Home Occupations	<p>The Planning Proposal must permit <i>home occupations</i> in dwelling houses without development consent.</p>	<p><b>Consistent</b></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"> <li>• Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>• The Right Place for Business and Services – Planning Policy (DUAP 2001)</li> </ul>	<p><b>Consistent</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The site has sufficient capacity to provide access to transport for residents.</li> <li>• The existing road network will be utilised.</li> <li>• The site is adjacent to existing large lot residential development and associated infrastructure.</li> <li>• 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.</li> </ul>
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"> <li>• Referred to Civil Aviation Safety Authority and the lessee of the aerodrome.</li> <li>• Take into consideration the Obstacle Limitation Surface (OLS).</li> <li>• Prepare standards such as height if land is affected by OLS.</li> <li>• 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.</li> <li>• Not rezone land for various listed noise sensitive land uses where the ANEF exceeds specified thresholds.</li> </ul>	<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</p>

Ministerial Directions	Requirements	Compliance
		and/or adjoining an existing shooting range.
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	(6) A Council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate 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.	<b>Consistent</b> <ul style="list-style-type: none"> <li>The subject allotment is identified as class 5 on the Acid Sulfate Soils Planning Map.</li> <li>Council recommends that a preliminary acid sulfate soils assessment is provided by the proponent post Gateway determination.</li> </ul>
4.2 Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> <li>Applies to mine subsidence areas.</li> <li>Applies to areas identified as unstable.</li> </ul>	N/A  The land proposed for rezoning is not within a mine subsidence area. The subject allotment or nearby land is not identified as unstable.
4.3 Flood Prone Land	(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.  (6) 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.	N/A The allotment is well clear of the Lismore LEP 2012 Flood Planning Area (Refer to Figure 2 Constraints Map of this report).
4.4 Planning for Bushfire Protection	A Planning Proposal in bush fire prone land: <ul style="list-style-type: none"> <li>Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination prior to</li> </ul>	<b>Consistent</b> <ul style="list-style-type: none"> <li>The subject allotment is bush fire prone land.</li> <li>Council is required under section 9.1 of the <i>EP&amp;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.</li> </ul>



Ministerial Directions	Requirements	Compliance
	community consultation. <ul style="list-style-type: none"> <li>Have regard to 'Planning for Bush Fire Protection 2006'.</li> <li>Restrict inappropriate development from hazardous areas.</li> <li>Ensure bush fire hazard reduction is not prohibited within the APZ.</li> </ul>	<ul style="list-style-type: none"> <li>Bush fire hazard reduction authorised under the <i>Rural Fires Act 1997</i> can be carried out on any land without development consent.</li> <li>Planning for Bushfire Protection 2006 has been considered in the preparation of this planning proposal.</li> </ul>
<b>5. Regional Planning</b>		
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"> <li>The Planning Proposal must not re-zone land mapped as State or regionally significant farmland for urban or rural residential purposes.</li> </ul>	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"> <li>The planning proposal must be consistent with the North Coast Regional Plan 2036.</li> </ul>	<b>Consistent</b> (refer to Appendix 1)
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	<ul style="list-style-type: none"> <li>A planning proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning &amp; Environment.</li> <li>Not identify development as designated development unless justified.</li> </ul>	<b>Consistent</b> 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"> <li>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the</li> </ul>	<b>Consistent</b> The planning proposal does not reduce existing zonings or reservations of land for public purposes.

Ministerial Directions	Requirements	Compliance
	Director General of DP&E.	
6.3 Site Specific Provisions	Site specific provisions not to be applied to enable a land use	<b>Consistent</b> The proposal involves the rezoning of the land to enable a particular land use (residential subdivision). No additional development standards to those already in use in that zone are proposed for the site.
<b>7. Metropolitan Planning</b>		
N/A	N/A	N/A

