

# Planning Proposal

## **LEP Minimum Lot Size Amendment 366 Dunoon Road, Tullera**

8 November 2016



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## APPENDICES

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## Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to enable a reduction in the minimum lot size applicable to Lot A DP 100387 at 366 Dunoon Road, Tullera to create an additional allotment for a dwelling. This objective will be achieved through an amendment to the Lismore Local Environmental Plan 2012 (LEP 2012), specifically the lot size map. The site is presently in the R5 Large Lot Residential zone in the Lismore Local Environmental Plan 2012 as shown on Figure 1 below with a minimum lot size of 2ha (Z1) as shown in Figure 2.

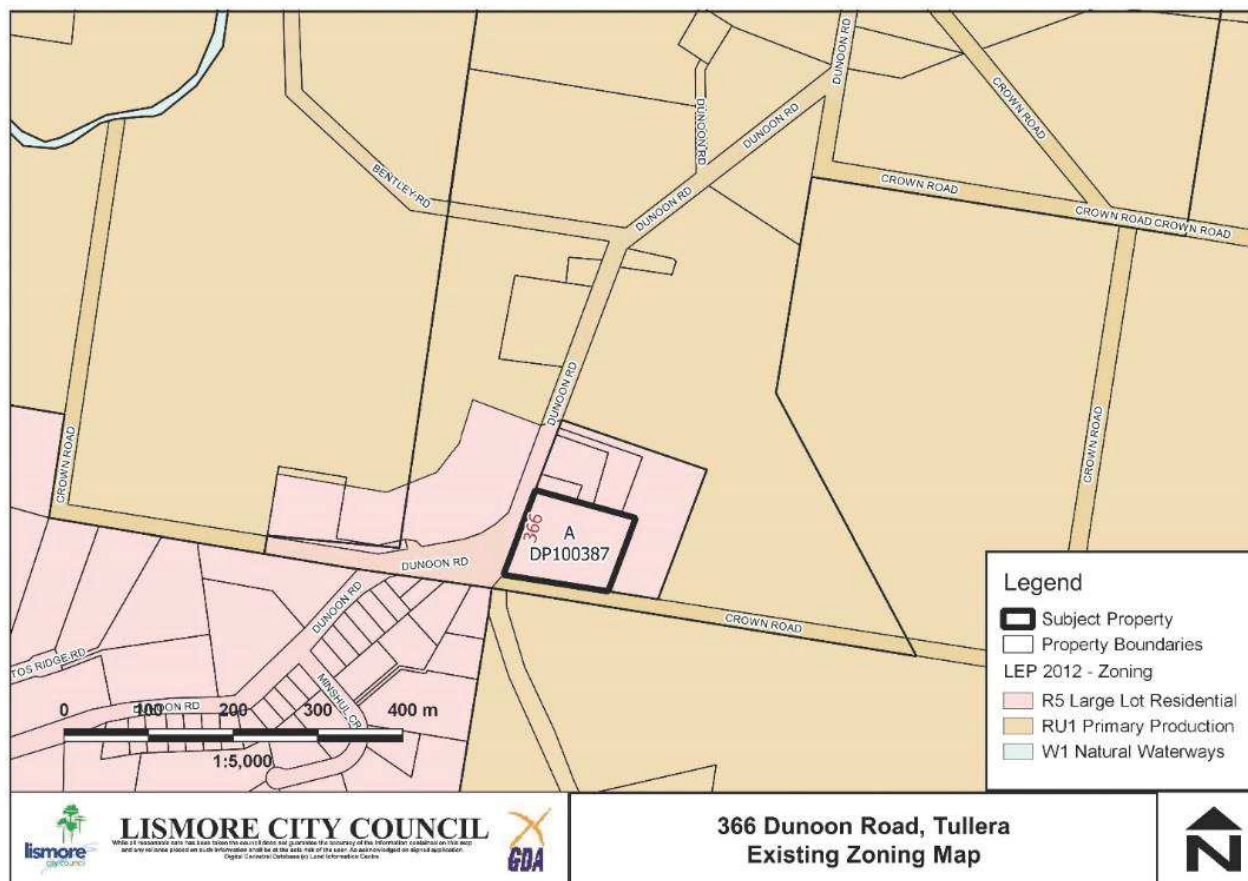


Figure 1 - Current zone at 366 Dunoon Road, Tullera

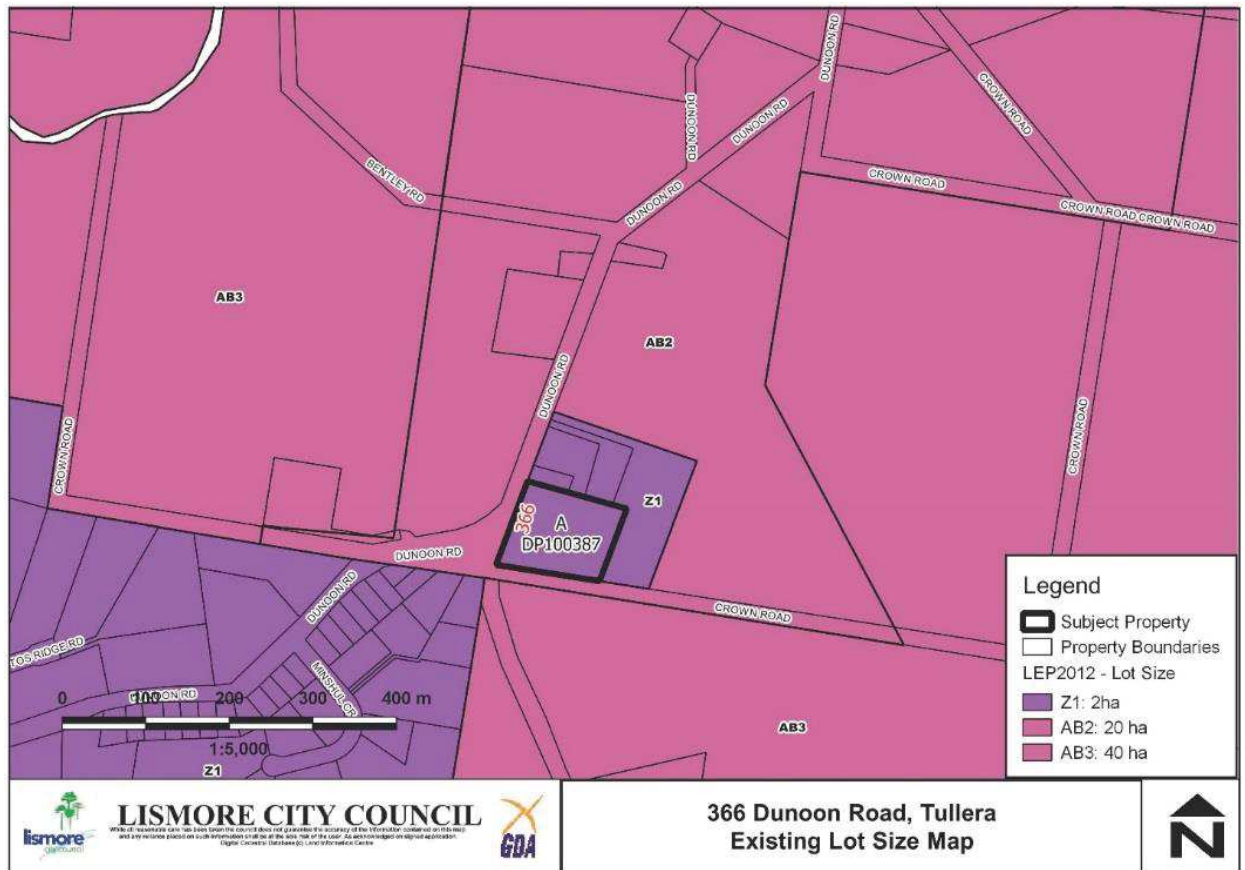


Figure 2 - Current lot size map Lismore LEP 2012

## Site description and setting

The land subject to this proposal totals approximately 1.2 hectares in area and currently accommodates a dwelling and shed, both located in the north western corner.

The remainder of the site has been cleared except for the steep, eastern portion that comprises Hoop Pine and low Privet shrubland. There are also some Forest Red Gum and Brush Box trees on the flatter parts of the site.

The site is located on the northern end of the Tullera settlement, with frontage and direct access onto Dunoon Road. An unformed Crown Road bounds the southern part of the site that comprises steep slopes leading to dense vegetation. On its northern and eastern boundaries, the site adjoins residential development with a similar zoning, while the southern boundary abuts agricultural lands.

The site enjoys expansive views on the eastern aspect toward the hills surrounding the Lismore township.

The site is located approximately 6km's from the Lismore CBD which offers high level services and facilities commensurate to its status as a Regional Centre.

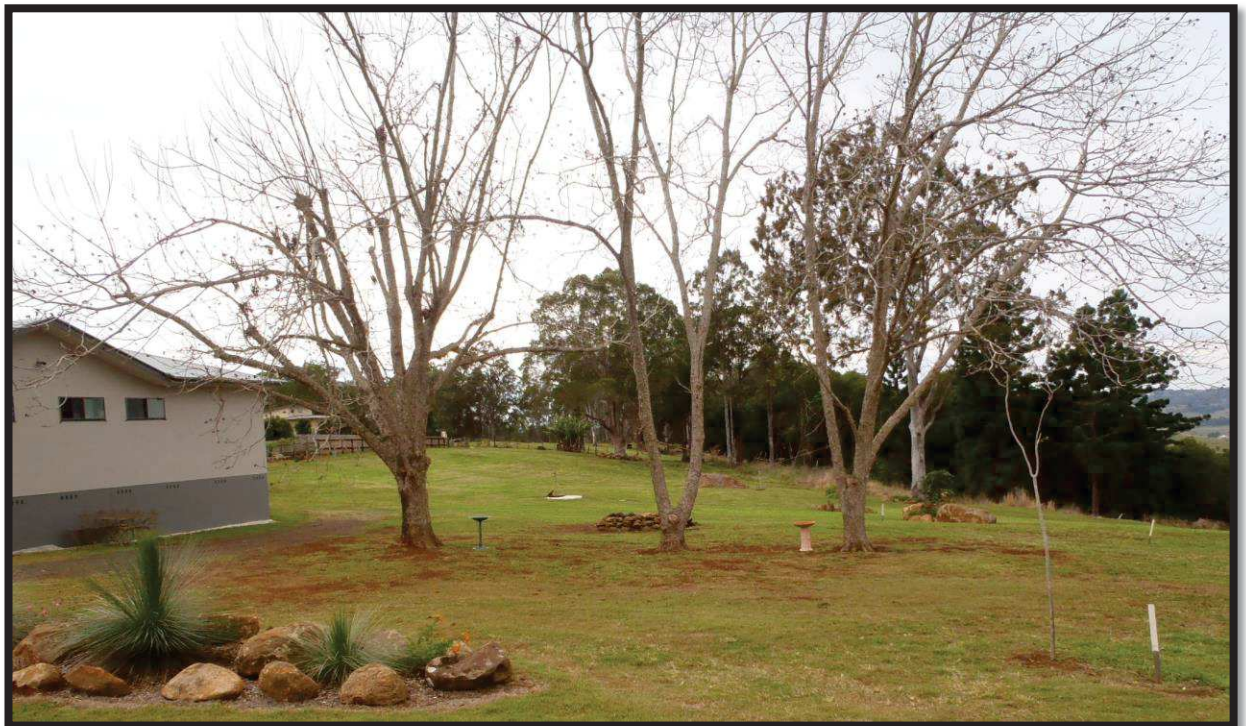
The site is serviced with electricity and can accommodate on-site wastewater disposal. Connection to reticulated water supply is not currently available.



Figure 3 - Aerial photograph of the site



**Figure 4 - View of Lismore suburbs to the south east**



**Figure 5 - Existing dwelling and dense vegetation to the north east**

## **Part 2 - Explanation of Provisions**

The objective of the proposal will be achieved by amending the Lismore Local Environmental Plan 2012 to reduce the minimum lot size of the land in R5 Large Lot Residential zone from 2ha to 5000m<sup>2</sup>. The following map sheet is proposed for amendment. The proposed LEP map is included in Part 4 of this planning proposal:

- Lot Size Map – [Sheet LSZ\_005] to apply a 5000m<sup>2</sup> minimum lot size to the site.

## **Part 3 - Justification**

### **Section A - Need for the Planning Proposal**

There is a need for the Planning Proposal to reduce the minimum lot size in the R5 zone to allow for a subdivision to create an additional lot for a dwelling. The population within the Council area is projected to grow by 8,000 additional residents by 2031 (Far North Coast Regional Strategy 2006-31, December 2006) (FNCRS) resulting in demand for additional residential land. The Draft North Coast Regional Plan (March 2016) states that an extra 4,200-5,000 dwellings will be needed in the Lismore City Council Local Government Area by 2036. This proposal will assist in meeting this demand for residential land.

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

The Lismore Growth Management Strategy 2015-2035 (GMS) was adopted by Council at its Ordinary meeting on 12 May 2015 and identifies land preferred for development for residential and employment purposes.

The subject site is specifically identified and discussed in the GMS as one of a number of sites in the R5 zone that have potential for further subdivision that may be achieved through a combined development application for subdivision and a planning proposal to amend the minimum lot size or by way of a standalone planning proposal.

The GMS was conditionally approved by the Department of Planning and Environment on 11 August 2015. This proposal is consistent with the land use policy articulated in the GMS for this site.

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

A planning proposal to reduce the minimum lot size in the R5 Large Lot Residential zone and an associated amendment of the Lot Size map is the best way to enable the further subdivision of the site.

Clause 4.2B(3) of the Lismore LEP 2012 allows for the erection of a dwelling house in Zone R5 on land that is at least the minimum lot size applying to the land. The current minimum lot size applying to the land is 2ha which precludes subdivision of the land and the development of a dwelling. Therefore, a change to the minimum lot size applying to the land is necessary to achieve the objectives and intended outcomes and the planning proposal is the only means to achieve this.

A change in minimum lot size is therefore consistent with Council's Growth Management Strategy and therefore is considered to be the most appropriate means of enabling the development of the land.

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

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

The FNCRS is the current overarching State Government framework for the management of growth for the Far North Coast. The FNCRS identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing network of major urban centres, reinforcing village character and requiring efficient use of existing services and major transport routes.

The FNCRS aims to facilitate the development of settlement and housing to meet the region's projected population growth sustainably and protect the unique environmental assets, cultural values and natural resources of the region. The FNCRS states that 'future rural residential land will only be released in accordance with a Local Growth Management Strategy' (FNCRS, pg.30). The planning proposal is consistent with this Action.

The Draft North Coast Regional Plan (Draft NCRP) is intended to replace the FNCRS. The Draft NCRP also seeks to sustainably manage the growth of the North Coast and allocate further development of land for residential and employment purposes in appropriate locations.

While the site is not shown as proposed urban land in Figure 29 in Appendix B of the draft Plan, the planning proposal is consistent with the Goals and Actions of the Draft NCRP with regard to locating new housing in and around existing towns where essential services and road infrastructure has been established. The proposal is also consistent with the Draft NCRP as the future subdivision and development of the site is compatible with Council's GMS that the State Government has approved.

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

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

- Imagine Lismore (Lismore Community Strategic Plan) 2013-2023.
- Lismore Growth Management Strategy 2015-2035 (GMS).

##### Imagine Lismore (Lismore Community Strategic Plan) 2013-2023

Imagine Lismore 2013-2023 was developed and endorsed by Council in accordance with the *Local Government Act 1993*. The plan identifies the main priorities and aspirations for the future of the local government area for a period of at least 10 years.

The planning proposal is consistent with Imagine Lismore's community visions and aspirations for growth as follows:

- The subject site is identified in the Lismore Growth Management Strategy 2015-2035;
- The site is close to existing development and services;
- The land is not flood prone.

##### Lismore Growth Management Strategy 2015-2035

The subject site is discussed on page 72 of the GMS as being one of a number of sites in the R5 zone with further ability to be subdivided, potentially through a combined development application for subdivision/planning proposal to amend the minimum lot size. The applicant in this case opted to lodge an individual planning proposal rather than combine it with a subdivision application.

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

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

#### **Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The proposal is consistent with applicable Section 117 Directions or any inconsistency can be justified. An assessment against the Ministerial Directions is provided at **Appendix 2**.

## Section C – Environmental, social and economic impact

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

Council's Ecologist has reviewed both the ecological assessment provided with the application and the comments supplied by Council's Environmental contractor following a site inspection. While part of the site has been cleared recently of weed species (including Camphor Laurel), it still contains several mature primary Koala food trees (Forest Red Gum) and regenerating dry rainforest vegetation (including Hoop Pine) in the steep eastern part. While the site is not shown to contain Koala habitat in the LEP mapping, an area of primary Koala habitat is shown on Figure 5 below to be located east/northeast of the site.

No further technical reporting is required at this stage because the site has been extensively disturbed in the past and comprises mostly native vegetation regrowth. At the development assessment stage, a further ecological assessment may be required because of the existing Koala food trees and dry rainforest identified on site, depending on the extent and nature of potential impacts. It is also considered that there is sufficient land area available in order that any future dwelling will not have a detrimental impact on the existing Koala food trees and dry rainforest on the site.

Figure 6 over the page shows primary Koala Habitat in the vicinity of the site.

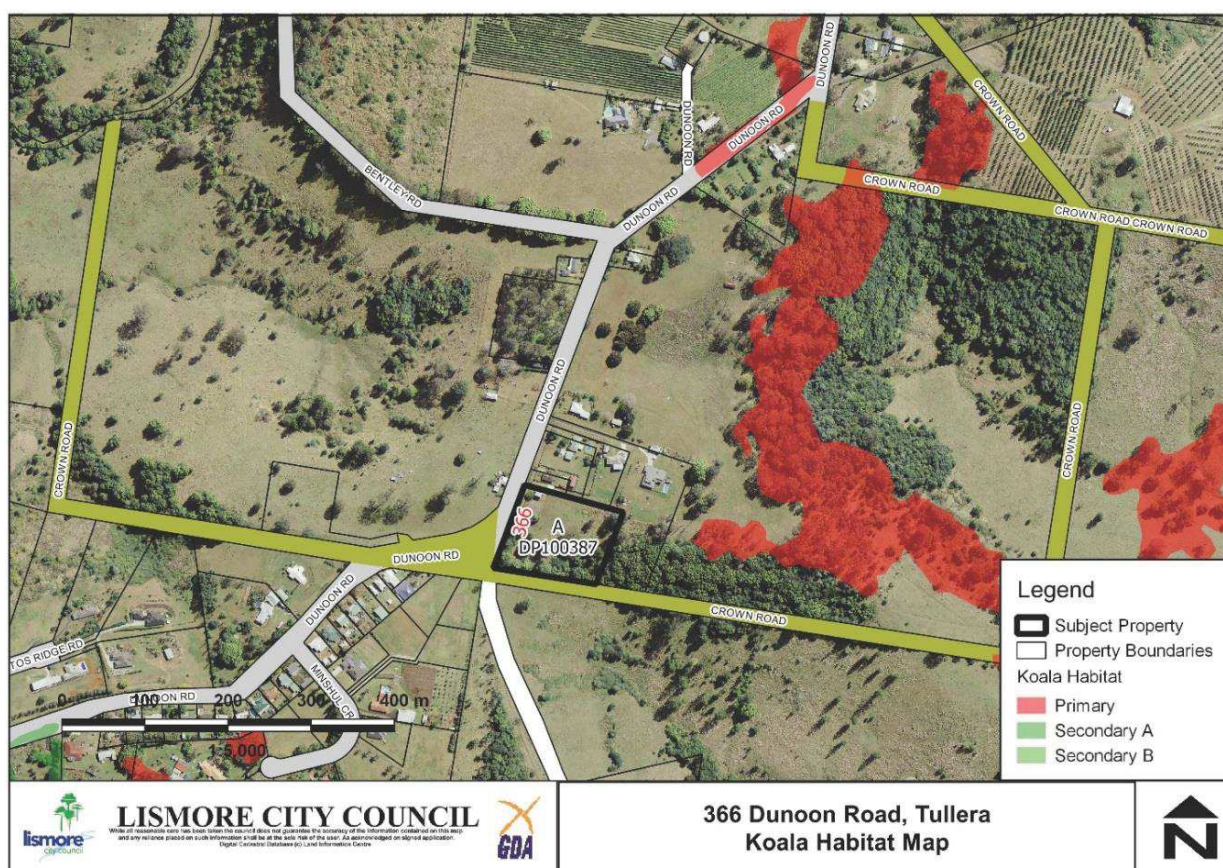


Figure 6 – Koala Habitat Map at 366 Dunoon Road, Tullera

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

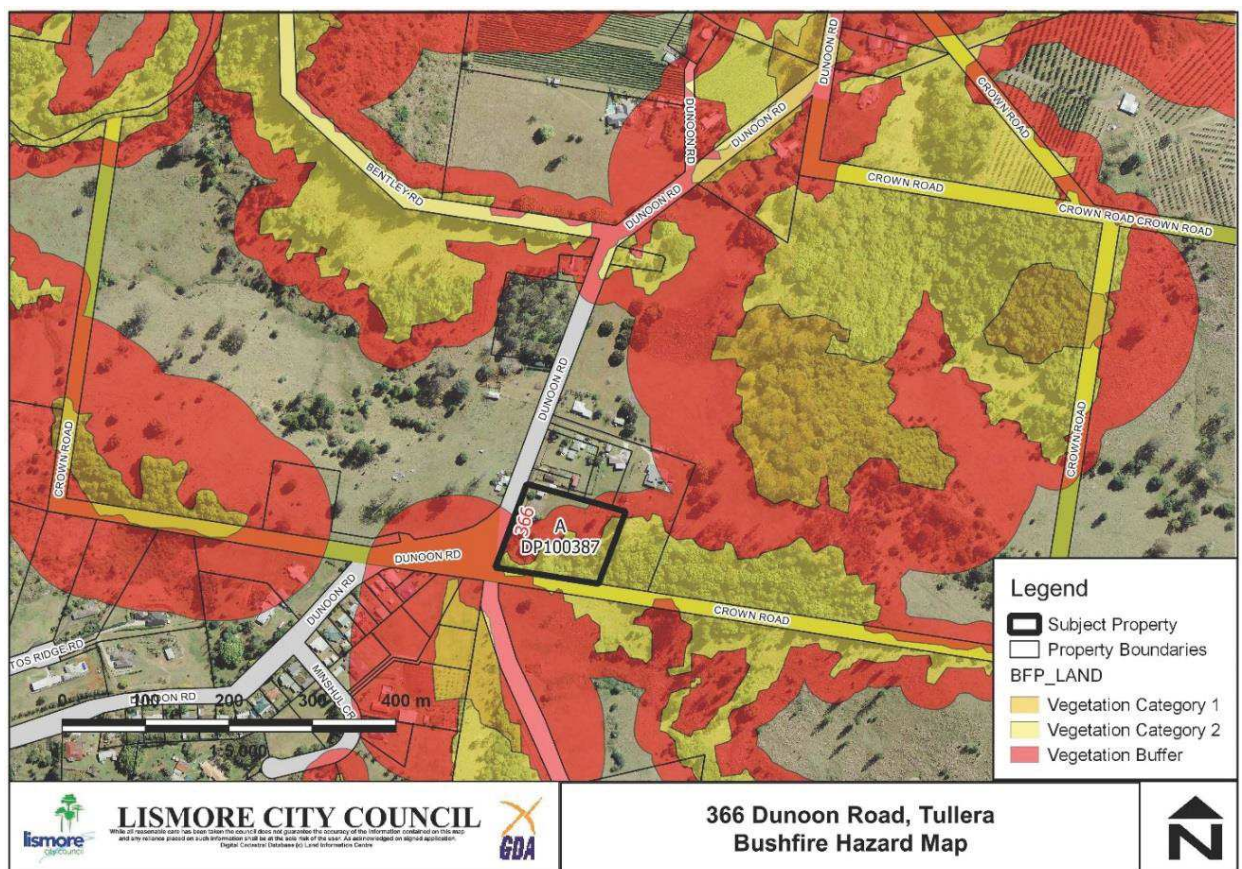
**Land Contamination**

Council's Environmental Health Officer (EHO) has reviewed a contaminated land assessment that accompanied the draft planning proposal. This assessment included soil tests on the area around a proposed dwelling site based on the applicant's preliminary lot size layout plan. The report concludes that the land does not require remediation and is suitable for residential habitation. The 5,000m<sup>2</sup> minimum lot size proposed will provide sufficient area to meet Council's setback requirements from the existing onsite wastewater system. However, the site for the future dwelling proposed by the landowner may change, thus warranting further soil testing in this vicinity at the development assessment stage.

A further assessment of asbestos contamination will also be required given that Council recently investigated the placement and burning of asbestos on the southern portion of the site. Council's EHO has indicated that the asbestos can be remediated and will not jeopardise the future development of the site.

**Bush Fire**

The majority of the site is mapped as being Vegetation Category 2 and Vegetation Buffer except for the north western corner. A Bushfire Hazard Assessment has been submitted as part of this proposal which indicates that future development will be able to meet the requirements of Planning for Bushfire Protection 2006. The planning proposal will require referral to the NSW Rural Fire Service due to the land being bushfire prone.



**Figure 8 - Bushfire prone land at 366 Dunoon Road, Tullera**

## Regionally Significant Farmland

Approximately 0.7ha of the site is mapped as 'Regionally Significant Farmland' under the Northern Rivers Farmland Protection Project, as shown on Figure 7 below. The subject land was effectively removed from agricultural production when it was developed for housing and is currently in the R5 Large Lot Residential zone.

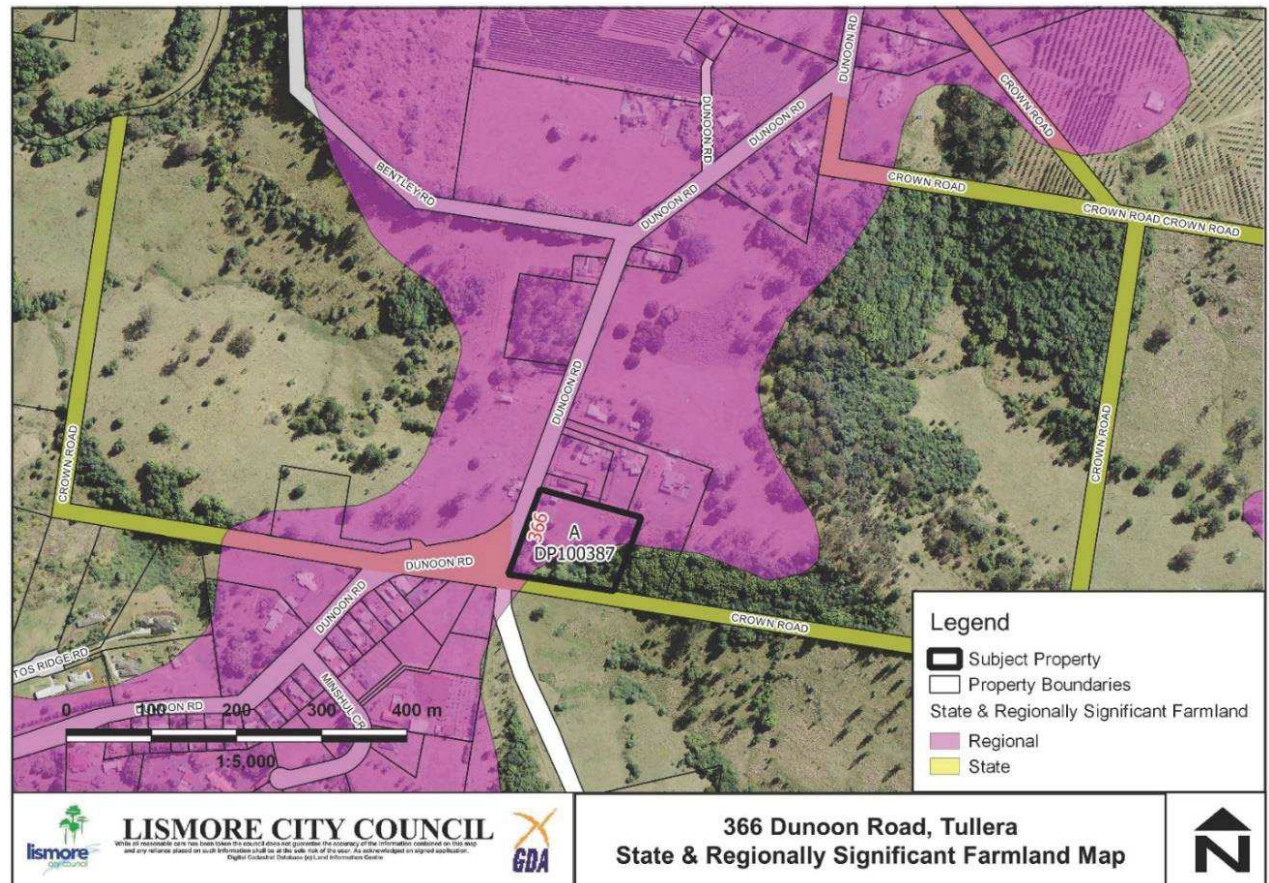


Figure 7 – Regionally Significant Farmland

## Land use conflict

The planning proposal will result in the potential for one additional dwelling on land adjoining rural land which may generate land use conflict. However, the risk of conflict occurring is relatively low given that only the southern boundary of the site abuts land in a rural zone and is buffered from this land by an unformed Crown road and steep slope. A Land Use Conflict Risk Assessment can be undertaken at the development assessment stage.

## Geotechnical Hazards

The western part of the site is gently undulating while the eastern section becomes steeper toward the eastern boundary. Council's Development Engineer suggests that in any future development application, the house pad be identified on a plan to avoid the steep slope that could trigger the need for a Geotechnical report.

The site is not mapped as being a site of potential mass movement.

## Flooding

The subject site is not in the Flood Planning Area of the Lismore Local Environmental Plan 2012 and is not mapped as being prone to flooding or inundation.

### **Stormwater Management**

Council's Development Engineer has advised that there are no storm water drainage issues that would impede the future subdivision and development of the site. The proper discharge of stormwater can be appropriately dealt with at the development assessment stage.

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

#### **Economic Impacts**

It is expected that this planning proposal will facilitate the development of one (1) additional lot which is likely to have a positive economic impact.

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

The site is not mapped in the LEP as containing any features or values in relation to Aboriginal or European cultural heritage. A search of the NSW Office of Environment and Heritage Aboriginal Heritage Information Management System shows no records of Aboriginal sites or places on the site.

Council's Environmental Contractor does not have any concerns with the proposal from a cultural heritage perspective. Thus a referral to the Ngulingah LALC is not deemed necessary due to the disturbed nature of the site, minor scale of the proposal and absence of any Aboriginal heritage records.

#### **Social Impacts**

Due to the minor nature and scale of the proposal there are not expected to be any adverse social impacts. The provision of additional land for residential development will increase housing choice in this locality.

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

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

#### **Water supply**

The subject site is not serviced by reticulated water; however, potable water can be obtained through roof collection and stored in domestic rainwater tanks.

#### **Management of effluent**

The site is not serviced by reticulated sewerage therefore, it is proposed to service future development through an on-site wastewater management system.

The location of the existing on-site septic system was identified at the site inspection and as a result, the minimum lot size proposed by the applicant has been increased from 4,500m<sup>2</sup> (as shown on the preliminary lot layout) to 5,000m<sup>2</sup> to accommodate sufficient area to meet Council's minimum buffer distance of 12 metres for ETA beds that are located upslope from property boundaries.

A preliminary on-site wastewater management technical report has been reviewed by Council's Environmental Health Officer which satisfactorily demonstrates that the land is suitable for on-site wastewater management to accommodate the proposed development.

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

Tullera is located approximately 6km's from the Regional Centre of Lismore CBD which offers high level education, health, commercial, recreational facilities and services. Tullera also has a Rural Fire Brigade, Community Hall and tennis club.

## **Roads and Traffic**

The planning proposal will create an additional 1 (one) lot.

Due to the small scale of the development a traffic assessment has not been undertaken. Council's Development Engineer has advised that the vehicle movements generated by this proposal will have a minimal impact on the surrounding road network. There are no issues with an additional access point being constructed for safe vehicle access onto Dunoon Road.

A section 94 contributions plan for Lismore LGA was adopted by Council in 2014 and is available on its website. Contributions for public infrastructure will apply to new rural dwellings and new rural lots.

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

Consultation with state and commonwealth public authorities has not occurred at this stage. It is recommended that the following authorities are consulted following the Gateway determination and in accordance with any s117 directions and conditions of the determination:

- Rural Fire Service

## Part 4 - Mapping

### Current zoning

The land is currently in Zone R5 Large Lot Residential under the provisions of the Lismore Local Environmental Plan 2012. The land is also mapped on the Lot Size Map (Z1) with a minimum lot size of 2ha. A maximum building height of 8.5m already applies to the land. Extracts of the relevant Lismore LEP 2012 lot size map is included below at Figures 5-6.

### Proposed lot size

It is proposed to amend the minimum lot size that applies to the land from 2ha to 5000m<sup>2</sup>. The existing and proposed lot size maps are provided in Figures 9 and 10 below. This will be achieved by amending map sheet: LSZ\_005

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

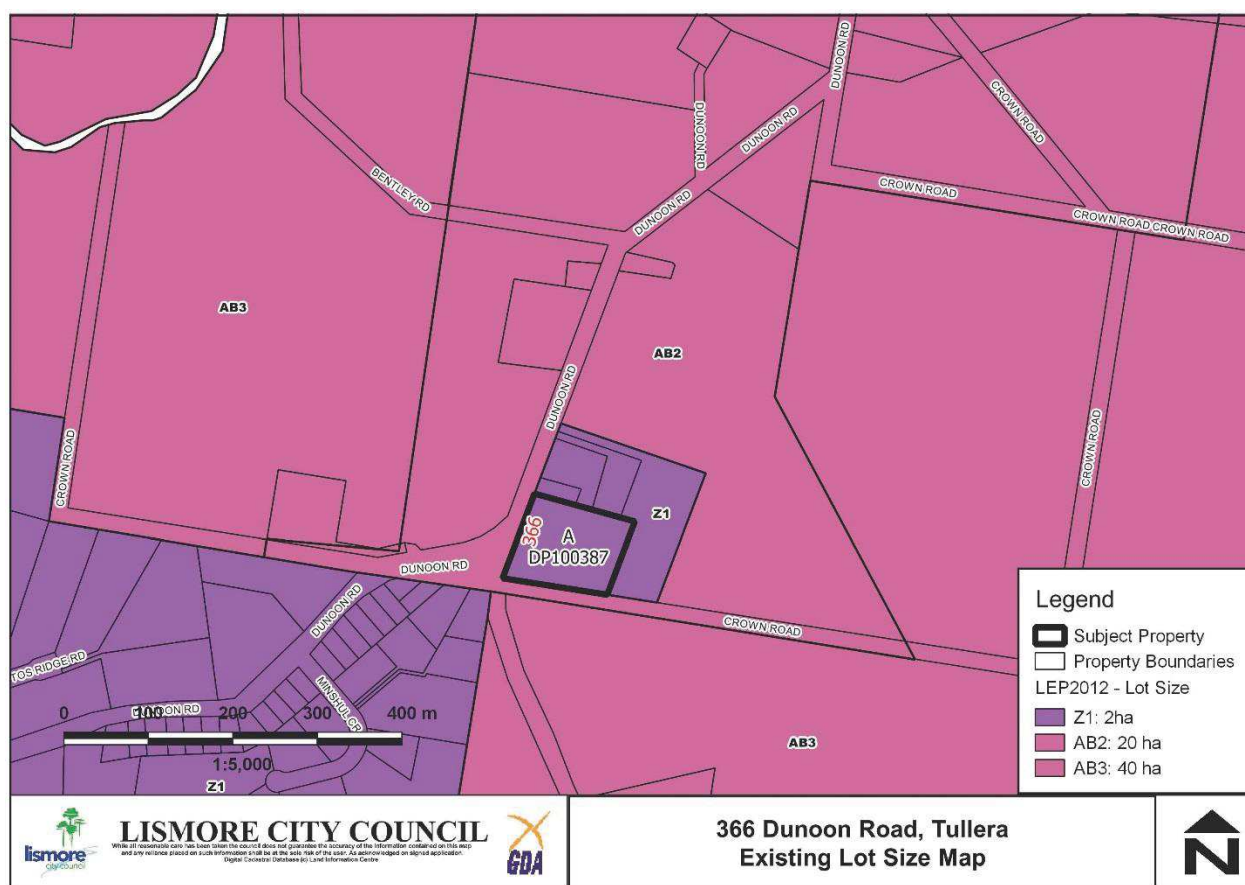
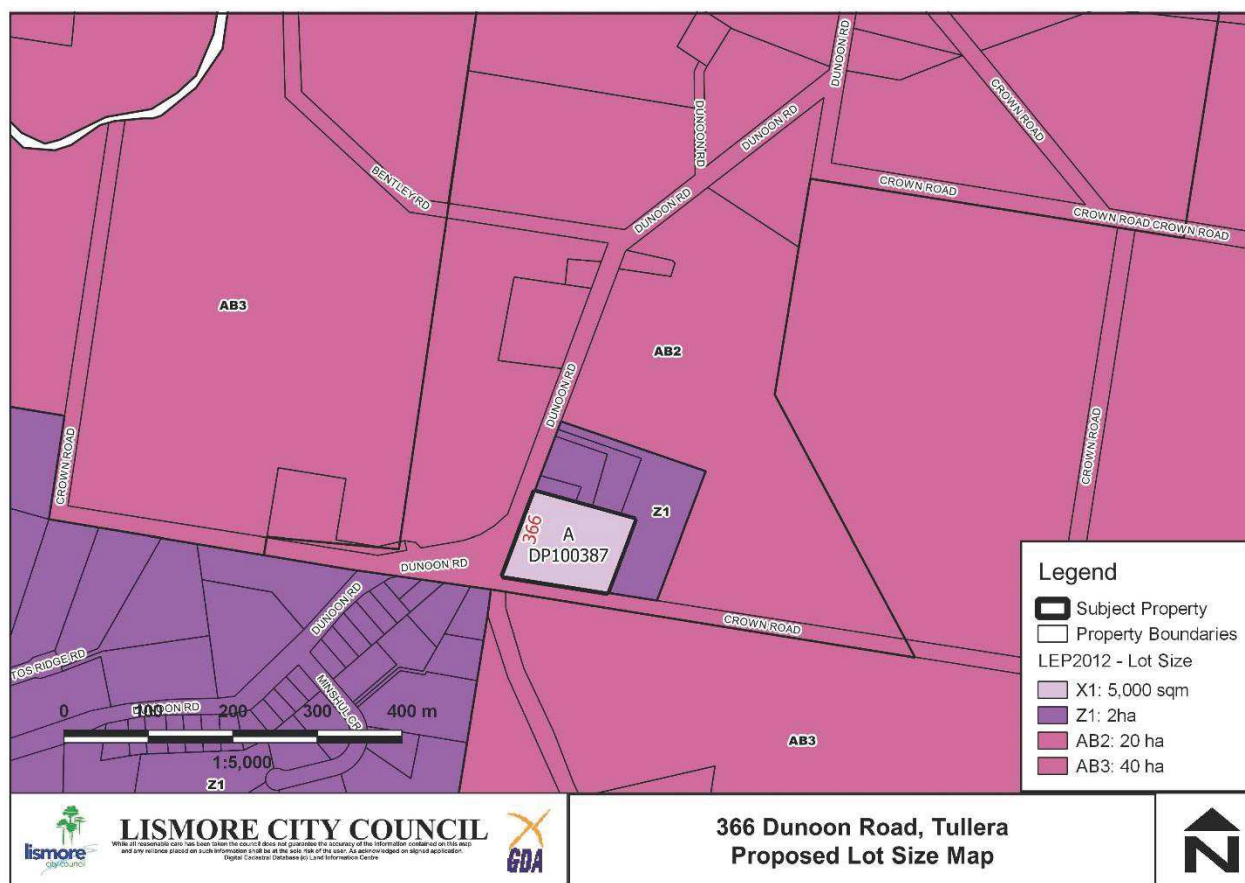


Figure 9 - Existing Lot Size



## **Part 5 - Community Consultation**

Council will carry out consultation with the community following Gateway Determination. For the purposes of public notification, Council considers that a fourteen (14) day public exhibition period is appropriate due to the minor nature of the proposal.

Notification of the exhibited Planning Proposal will include:

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

The written notice will:

- Provide a brief description of the objectives or intended outcomes of the Planning Proposal.
- Indicate the land that is the subject of the Planning Proposal.
- State where and when the Planning Proposal can be inspected.
- Provide detail that will enable members of the community to make a submission.

Exhibition Material:

- The Planning Proposal, in the form approved for community consultation by the Director General of the Department of Planning and Environment.
- The Gateway Determination
- Any studies required as part of the Planning Proposal.

The Gateway Determination will confirm the public consultation requirements.

## Part 6 - Project Timeline

It is anticipated that the planning proposal will be completed within nine (9) months with an indicative timeline shown below:

- Report to Council – **November 2016**
- Gateway determination issued – **December 2017**
- Agency and public consultation - **January 2017 to March 2017**
- Consideration of submissions - **April 2017**
- Council consideration of the proposal post exhibition - **May 2017**
- Anticipated date of submission to the Department for notification of the making of the LEP - **June 2017**
- Anticipated date for plan making - **July 2017**

## Conclusion

The subject land has been identified in the Lismore Local Growth Management Strategy 2015-2035 as having potential for further subdivision. A preliminary assessment of the Planning Proposal indicates that it responds to the constraints of the land and is consistent with relevant State Environmental Planning Policies and s117 Ministerial Directions, or any inconsistency can be justified. There is sufficient information to enable Council to support the Planning Proposal and forward it to the Department of Planning and Environment for its consideration and response.

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

| State Environmental Planning Policy                         | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP 44 – Koala Habitat Protection                          | <p><b>3 Aims, objectives etc</b><br/>           (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and<br/>           (b) by encouraging the identification of areas of core koala habitat, and<br/>           (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.</p> <p><b>16 Preparation of local environmental studies</b><br/>           The Director General may require that potential or core koala habitat not proposed for environmental protection zoning is the subject of an environmental study.</p> | <p><b>Consistent.</b><br/>           The site is not mapped as containing primary or secondary Koala habitat. However, a site inspection by Council's Ecologist indicated that Koala food trees are present within the area.</p> <p>It is not anticipated that these trees will be removed as part of the future subdivision and development of the site. Therefore, the planning proposal is not inconsistent with the provisions of SEPP 44.</p>                                                                                                                                                                                                                     |
| SEPP 55 – Remediation of Land                               | <p><b>6 Contamination and remediation to be considered in zoning or rezoning proposal</b><br/>           Council is required to consider whether the land is contaminated when rezoning for residential development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| SEPP (Affordable Rental Housing) 2009                       | No specific requirement regarding rezoning land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| SEPP (Housing for Seniors or People with a Disability) 2004 | No specific requirement regarding rezoning land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| SEPP (Infrastructure) 2007                                  | No specific requirement regarding rezoning land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| SEPP (Rural Lands) 2008                                     | <p><b>2 Aims of Policy</b><br/>           The aims of this Policy are as follows:<br/>           (a) orderly and economic use and development of rural lands,<br/>           (b) regard to Rural Planning Principles and the Rural Subdivision Principles,<br/>           (c) to implement measures designed to reduce land use conflicts,<br/>           (d) to identify State significant agricultural (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.</p>                                                                                                                      | <p><b>Consistent.</b><br/>           Part of the site is identified as regionally significant farmland in the Far North Coast Farmland Protection Project. However, the land is zoned R5 Large Lot Residential and the majority of this area has been developed with a dwelling and shed and is thus considered to have limited agricultural potential.</p> <p>The planning proposal is consistent with the SEPP because the land has been identified in the Lismore Growth Management Strategy 2015-2035 (GMS) as having potential for further subdivision. In preparing the GMS Council has had consideration for the Rural Planning Principles within the SEPP.</p> |

## APPENDIX 2 – Compliance with Section 117 Ministerial Directions

| Ministerial Directions                                    | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Compliance                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Employment and Resources</b>                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                         |
| 1.1 Business and Industrial Zones                         | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                  |
| 1.2 Rural Zones                                           | A Planning Proposal must not rezone land from a rural zone to a residential zone unless it is justified under clause 5 of the direction. Such justification includes the identification of the land in a strategy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                  |
| 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>Not applicable.</b></p> <p>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.</p> <p>The land does not accommodate mineral resources or extractive materials which are of State or regional significance.</p> |
| 1.4 Oyster Aquaculture                                    | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                  |
| 1.5 Rural Lands                                           | <p>The Planning Proposal must be consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008.</p> <p><b>Rural Planning Principles</b></p> <p>The Rural Planning Principles are:</p> <ol style="list-style-type: none"> <li>(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</li> <li>(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,</li> <li>(c) recognition of the significance of rural land uses to State and rural communities, including the social and economic benefits of rural land use and development,</li> <li>(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,</li> <li>(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,</li> </ol> | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                  |

| Ministerial Directions                                                                | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                       | (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,<br>(g) consideration of impacts on services & infrastructure & appropriate location when providing for rural housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>2. Environment and Heritage</b>                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2.1 Environment Protection Zones                                                      | The Planning Proposal must include provisions that facilitate protection of environmentally sensitive areas.<br>Must not reduce protection standards for environmental protection zones.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Consistent.</b><br>The site has no environmentally sensitive areas. The Planning Proposal does not involve existing or proposed environmental protection zones.                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 2.2 Coastal Protection                                                                | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2.3 Heritage Conservation                                                             | A planning proposal must contain provisions that facilitate the conservation of:<br>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,<br>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i> , and<br>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. | <b>Consistent.</b><br>Preliminary assessment through an AHIMs search and a review of Schedule 5 in the Lismore LEP 2012 indicates no items or places of Aboriginal or European heritage significance. Council's Cultural advisor has also advised there is a very low risk the site contains items of Aboriginal Cultural Heritage significance.<br><br>It is recommended consultation with the Ngulingah Local Aboriginal Land Council is not required due to the disturbed nature of the site, minor scale of the proposal and absence of any Aboriginal cultural heritage records. |
| 2.4 Recreation Vehicle Areas                                                          | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs | A planning proposal that introduces or alters an E2 or E3 zone or an overlay must apply zones and clauses consistent with the Northern Councils E Zone Review Final Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Not applicable.</b><br>This planning proposal does not introduce or alter E Zones or overlays.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| Ministerial Directions                                  | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>3. Housing, Infrastructure and Urban Development</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 3.1 Residential Zones                                   | <p>Where applicable a Planning Proposal must include provisions that encourage housing that will:</p> <ul style="list-style-type: none"> <li>(a) Broaden the choice of housing types and locations.</li> <li>(b) Make efficient use of existing infrastructure and services.</li> <li>(c) Reduce consumption of land on the urban fringe.</li> <li>(d) Housing of good design.</li> </ul> <p>In addition, a planning proposal must:</p> <ul style="list-style-type: none"> <li>• Contain a requirement that residential development is not permitted until land is adequately serviced.</li> <li>• Not contain provisions that will reduce permissible residential density of land.</li> </ul>                                                              | <p><b>Consistent.</b></p> <p>This proposal is consistent with the Direction because the proposal will result in greater housing choice and diversity in the housing market and increased residential density.</p> <p>Lismore LEP 2012 contains provisions that require the provision of services prior to development consent for residential development.</p> <p>The planning proposal is therefore consistent with this Direction.</p> |
| 3.2 Caravan Parks and Manufactured Home Estates         | <ul style="list-style-type: none"> <li>(a) Retain provisions that permit development of caravan parks.</li> <li>(b) Retain zonings of existing caravan parks.</li> <li>(c) Take into account principles for siting manufactured home estates.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><b>Consistent.</b></p> <p>This planning proposal does not identify suitable zones, locations or provisions for caravan parks or manufactured home estates.</p> <p>The site does not contain an existing caravan park.</p>                                                                                                                                                                                                             |
| 3.3 Home Occupations                                    | The Planning Proposal must permit home occupations in dwelling houses without development consent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p><b>Consistent.</b></p> <p>Home occupations are permitted without development consent under LEP 2012 and SEPP (Exempt and Complying Development Codes) 2008. This planning proposal does not affect these provisions.</p>                                                                                                                                                                                                              |
| 3.4 Integrating Land Use and Transport                  | <p>The Planning Proposal must give effect to and be consistent with the aims, objectives and principles of:</p> <ol style="list-style-type: none"> <li>1. <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001) <ul style="list-style-type: none"> <li>• better integrate land use and transport planning and development,</li> <li>• provide transport choice and manage travel demand to improve the environment, accessibility and livability,</li> <li>• reduce growth in the number and length of private car journeys,</li> <li>• make walking, cycling and public transport use more attractive.</li> </ul> </li> <li>2. <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001)</li> </ol> | <p><b>Consistent.</b></p> <p>This proposal is consistent with this Direction because it facilitates development that will access services and facilities primarily in Lismore and thus serve to reinforce its role and importance as a Regional Centre in the LGA.</p>                                                                                                                                                                   |

| Ministerial Directions                   | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                          | <p>This policy aims to encourage a network of vibrant, accessible mixed use centres that are closely aligned with and accessible by public transport, walking and cycling. Objectives include:</p> <ul style="list-style-type: none"> <li>• help reduce reliance on cars and moderate the demand for car travel</li> <li>• encourage multi-purpose trips</li> <li>• encourage people to travel on public transport, walk or cycle</li> <li>• provide people with equitable and efficient access</li> <li>• protect and maximise community investment in centres, and in transport infrastructure and facilities</li> <li>• foster growth, competition, innovation and investment confidence in centres,</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 3.5 Development Near Licensed Aerodromes | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Not applicable.</b><br>The site is not in the vicinity of a licensed aerodrome.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 3.6 Shooting Ranges                      | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Not applicable.</b><br>The site is not located adjacent to an existing shooting range.                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>4. Hazard and Risk</b>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 4.1 Acid Sulfate Soils                   | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 4.2 Mine Subsidence and Unstable Land    | <p>Applies to mine subsidence areas</p> <p>Applies to areas identified as unstable</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Consistent.</b><br>The land is not within a mine subsidence area. The site is not mapped as being unstable or prone to subsidence and displays no physical evidence of this. The planning proposal is therefore consistent with this Direction.                                                                                                                                                                                                                                                       |
| 4.3 Flood Prone Land                     | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Not applicable.</b><br>The land is not in a Flood Planning Area in the Lismore LEP 2012 and is not mapped as being prone to flooding or inundation.                                                                                                                                                                                                                                                                                                                                                   |
| 4.4 Planning for Bushfire Protection     | <p>A Planning Proposal in bush fire prone land:</p> <p>(a) Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to community consultation.</p> <p>(b) Have regard to Planning for Bush Fire Protection 2006.</p> <p>(c) Restrict inappropriate development from hazardous areas.</p> <p>(d) Ensure bush fire hazard reduction is not prohibited within the APZ.</p>                                                                                                                                                                                                                                                                          | <p><b>Consistent.</b></p> <p>The majority of the site is mapped as bushfire prone except the northwestern corner.</p> <p>A Bushfire Hazard Assessment has been submitted as part of this proposal which indicates that future development can meet the requirements of Planning for Bushfire Protection 2006.</p> <p>The planning proposal will require referral to the NSW Rural Fire Service due to the land being bushfire prone.</p> <p>The planning proposal is consistent with this Direction.</p> |

| Ministerial Directions                                                       | Requirements                                                                                                                                                                                                                                                                                                                              | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <b>5. Regional Planning</b>                                                  |                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 5.1 Implementation of Regional Strategies                                    | The Planning Proposal must be consistent with the Far North Coast Regional Strategy.                                                                                                                                                                                                                                                      | <p><b>Consistent.</b></p> <p>The proposal is consistent with the FNCRS which states that 'future rural residential land will only be released in accordance with a Local Growth Management Strategy'. This proposal is consistent with the Lismore Growth Management Strategy 2015-2035.</p> <p>This proposal is also consistent with the Goals and Actions of the Draft North Coast Regional Plan (NCRP) 2016 with regard to locating new housing in and around existing towns where essential services and road infrastructure have been established. It is also compatible with the Draft NCRP as the future subdivision and development of the site is compatible with Council's GMS that the State Government has approved.</p> |
| 5.2 Sydney Drinking Water Catchments                                         | Not applicable                                                                                                                                                                                                                                                                                                                            | <b>Not applicable</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast   | <p>The Planning Proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.</p> <p>The Direction does not apply to areas contained within a 'town and village growth boundary' in the Far North Coast Regional Strategy.</p>                                  | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | Not applicable.                                                                                                                                                                                                                                                                                                                           | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 5.8 Second Sydney Airport: Badgerys Creek                                    | Not applicable.                                                                                                                                                                                                                                                                                                                           | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>6. Local Plan Making</b>                                                  |                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 6.1 Approval and Referral Requirements                                       | A Planning Proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning. It must not identify development as designated development unless justified. | <p><b>Consistent.</b></p> <p>The Planning Proposal does not introduce new concurrence, consultation or referral requirements. Nor does it propose new forms of designated development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 6.2 Reserving Land for Public Purposes                                       | A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of the Department of Planning.                                                                                                               | <p><b>Consistent.</b></p> <p>This planning proposal does not affect public land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| <b>Ministerial Directions</b>                    | <b>Requirements</b>                                                                                                                                                                                                                                        | <b>Compliance</b>      |
|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 6.3 Site Specific Provisions                     | A Planning Proposal to allow a particular land use (residential development) must rezone the site to an existing zone already applying to the LEP that allows the land use, without additional development standards to those already in use in that zone. | <b>Not applicable.</b> |
| <b>7. Metropolitan Planning – Not applicable</b> |                                                                                                                                                                                                                                                            |                        |