

Planning Proposal

# **Rezoning of land at 55 Palmers Road, McLeans Ridges**

June 2019



# TABLE OF CONTENTS

Part 1 – Objectives or Intended Outcomes .....	2
Site description and context .....	2
Part 2 – Explanation of Provisions .....	3
Part 3 – Justification .....	4
Section A – Need for the Planning Proposal.....	4
Section B – Relationship to Strategic Planning Framework .....	4
Section C – Environmental, Social and Economic Impact .....	5
Section D – State and Commonwealth Interests .....	8
Part 4 – Mapping .....	9
Part 5 – Community Consultation .....	13
Part 6 – Project Timeline .....	13
Conclusion .....	14

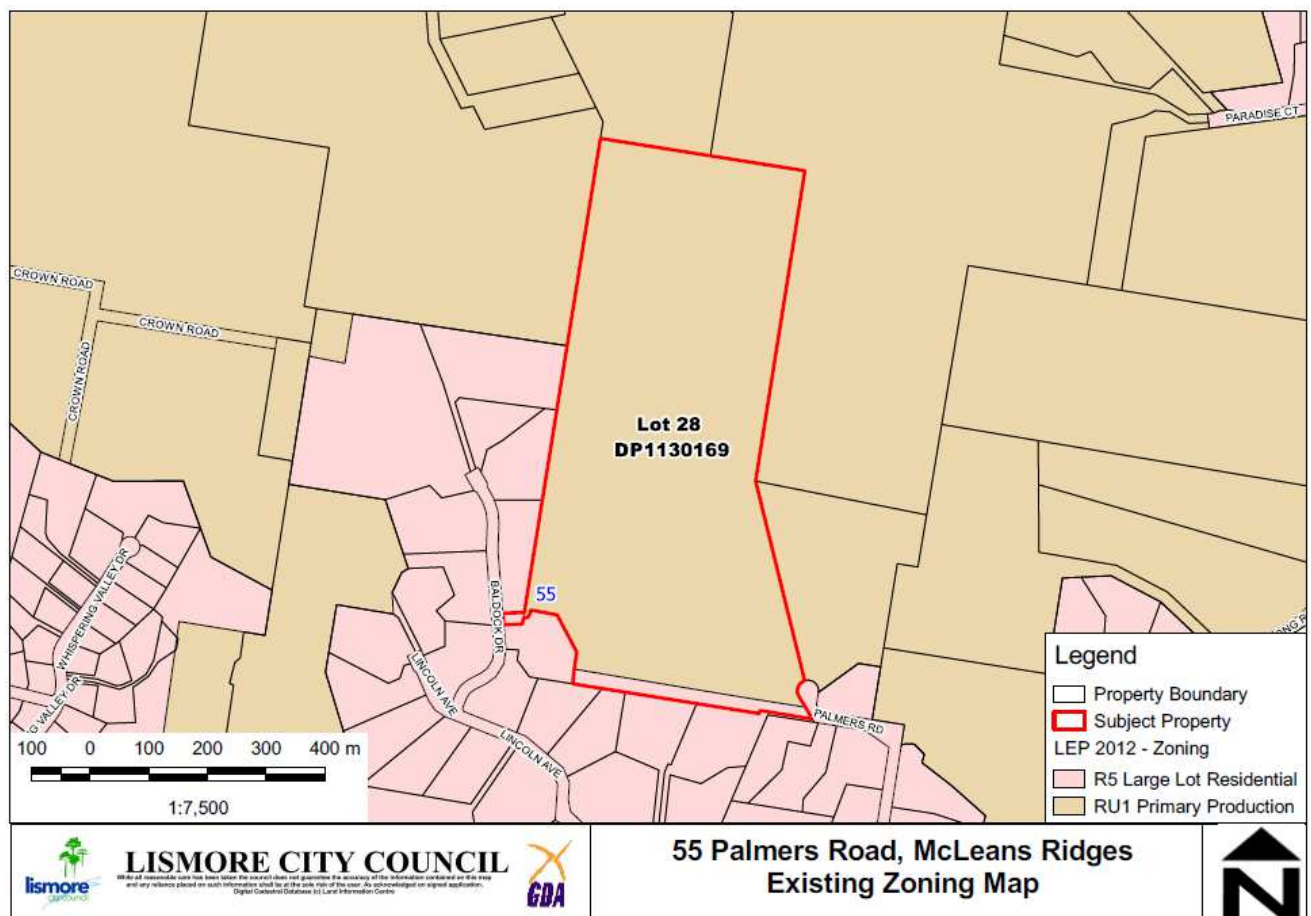
## APPENDICES

Appendix 1: Assessment of compliance with State Environmental Planning Policies .....	15
Appendix 2: Assessment of compliance with Section 9.1 Directions.....	17

## Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to enable large lot rural residential subdivision to create one additional allotment on part of 55 Palmers Road, McLeans Ridges (Lot 28 DP 1130169). It will also remove two small areas of land zoned for large lot rural residential development that are not able to be used for that purpose.

This objective will be achieved through an amendment to Lismore Local Environmental Plan 2012 (LEP 2012), specifically the maps for land use zones, minimum lot size and height of buildings. The subject land is currently zoned mostly RU1 Primary Production with two small areas of R5 Large Lot Residential as shown at Map 1 below.

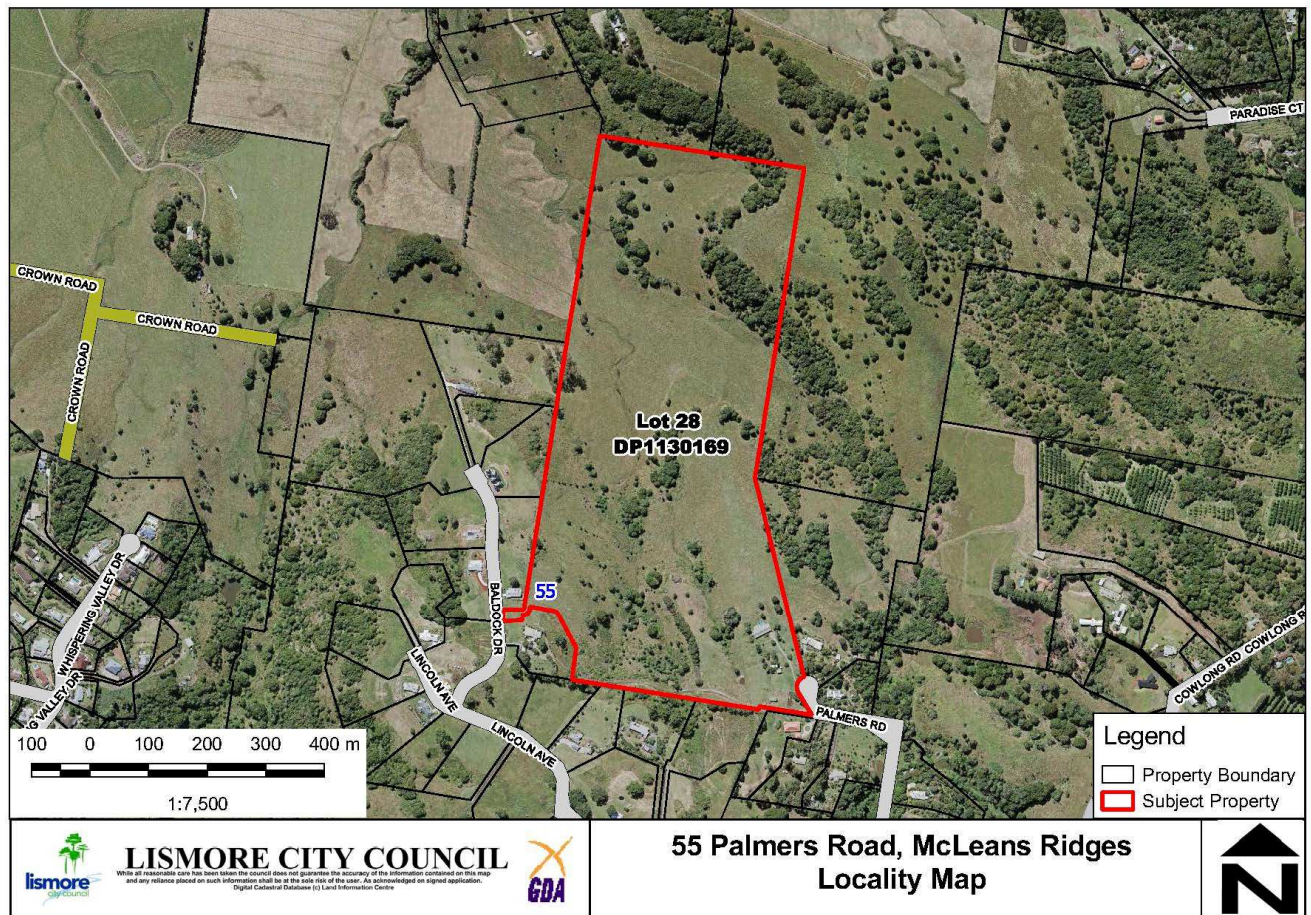


**Map 1: Existing Zone Map - 55 Palmers Road, McLeans Ridges**

### Site description and context

The planning proposal applies to 55 Palmers Road, McLeans Ridges which is a 34.99 hectare allotment with frontage to Palmers Road and Baldock Drive. The land currently comprises a single dwelling, pool and shed and is mostly open grassland with scattered shade trees. Two steep gullies are located at the southern boundary. The site includes scattered camphor laurel with some native tree species as regrowth. A small macadamia plantation was planted on the ridgeline near the farm house but this has since been removed, except for two trees. A stand of Tallowood trees was planted as a wind break for the macadamias, and they remain on the edge of the gully. A power line crosses near the southern boundary of the property, along the alignment of an old farm track. The site is located immediately adjacent to the established Floreat Park rural residential estate.

Established rural residential land is located on the southern and western boundaries and open grazing land is located to the north and east of the subject land as shown in Map 2 below.



**Map 2: Aerial photo of 55 Palmers Road, McLeans Ridges**

## Part 2 – Explanation of Provisions

It is proposed that Lismore Local Environmental Plan 2012 be amended as follows:

- Amend the Land Zoning Map to change part of the subject land from RU1 Primary Production to R5 Large Lot Residential;
- Amend the Land Zoning Map to change two small areas from R5 Large Lot Residential to RU1 Primary Production;
- Amend the Minimum Lot Size (MLS) Map to change part of the subject land from 40 hectares to 3 hectares; two small areas from 2 hectares to 30 hectares (those areas zoned R5); and the balance portion of the land to have an MLS of 30ha applied;
- Amend the Height of Building Map to change part of the subject land from no maximum building height to a building height of 8.5 metres (that part to be rezoned to R5);
- Amend the Height of Building Map to remove a building height limit of 8.5 metres on two small areas.

Changing the land use zone to R5 Large Lot Residential in conjunction with reducing the minimum lot size to 3 hectares will facilitate the subdivision of the land to create one allotment of 3ha comprising the existing dwelling. The balance parcel will be retained in Zone RU1 Primary Production with a minimum lot size of 30ha to ensure the land benefits from a dwelling entitlement.

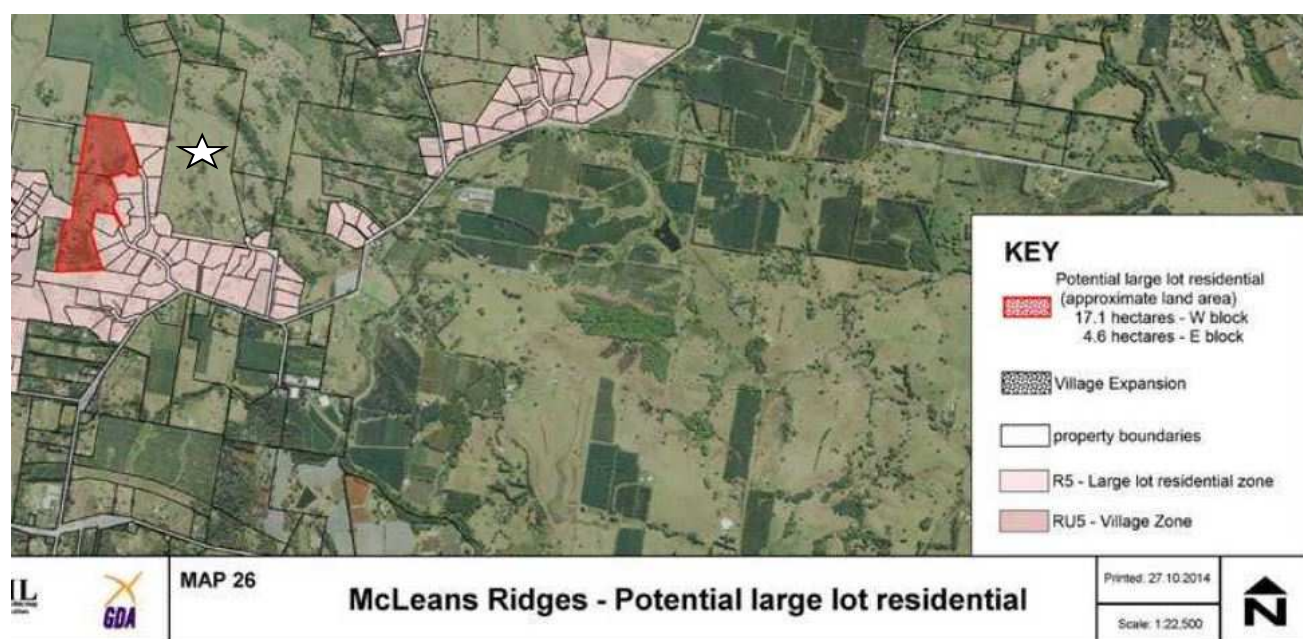
## Part 3 – Justification

### Section A – Need for the Planning Proposal

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

No. The *Lismore Growth Management Strategy 2015-2035* (GMS) does not identify the subject land on Map 26 “McLeans Ridges – Potential Large Lot Residential” (Figure 5). The Lismore GMS was adopted by Lismore City Council on 12 May 2015. It was conditionally approved by the Department of Planning and Environment on 11 August 2015. It replaces the *Lismore Urban Strategy 2003* (as amended), *Village Development Strategy 1997* and *Rural Housing Strategy 2002*.

The Planning Proposal is the result of a Council resolution made on 11 September 2018.



Map 3: Lismore Growth Management Strategy 2015–2035 (Map 26)

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

In order to increase the supply of rural residential land, Council needs to amend its LEP in response to appropriate land owner initiated planning proposals. A planning proposal is the only way to achieve this.

### Section B – Relationship to Strategic Planning Framework

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

The *North Coast Regional Plan 2036* (NCRP) is the overarching framework for the management of growth on the North Coast. The NCRP 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.

In relation to rural settlement in non-coastal areas (all of Lismore LGA), the NCRP states at Action 24.1 that the delivery of well-planned rural residential housing will be facilitated by identifying new rural residential areas in local growth management strategies agreed to by the Department (page 57). This planning proposal is inconsistent with the NCRP as it is not identified in the local growth management strategy. However, it is consistent with Action 24.2 of the NCRP as it is not within the coastal strip. The subject land is largely compliant with the land suitability and infrastructure requirements of *Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies* (2007) (Action 24.1). The rural settlement that would arise from this planning proposal will access existing roads servicing an existing rural residential estate. It will have access to existing reticulated power. Water will be collected on-site and wastewater will be disposed of on-site. Urban services are about 4 kilometres away in Goonellabah. It will function as a minor extension to an existing rural residential area.

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

The Lismore GMS 2015-2035 was adopted by Lismore City Council on 12 May 2015. It was conditionally approved by the Department of Planning and Environment on 11 August 2015. This planning proposal is not consistent with the LGMS as it is not identified as a potential large lot residential area. It is justifiably inconsistent with the LGMS due to its size (only one lot will be created) and the development outcome that will be consistent with surrounding rural residential development.

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

The planning proposal is consistent with applicable State Environmental Planning Policies (SEPPs). Refer to the checklist against these SEPPs provided at Appendix 1.

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?**

The planning proposal is consistent with most section 9.1 Directions. Where inconsistencies occur, they can be justified. A commentary of compliance of the planning proposal with these Ministerial Directions is provided at Appendix 2.

**Section C – Environmental, Social and Economic Impact**

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

An ecological assessment has been undertaken for the subject land that is limited to the southern portion. This assessment found that the vegetation on site is largely modified agricultural land that is predominantly camphor laurel regrowth with minimal ecological value. No threatened flora or fauna were found.

A windrow of Tallowwoods (approximately 120m in length), a preferred koala food tree, are located on a ridge that is proposed to be retained in the balance land area in Zone RU1 Primary Production. Historical aerial photography shows a previous macadamia plantation located east of the windrow.

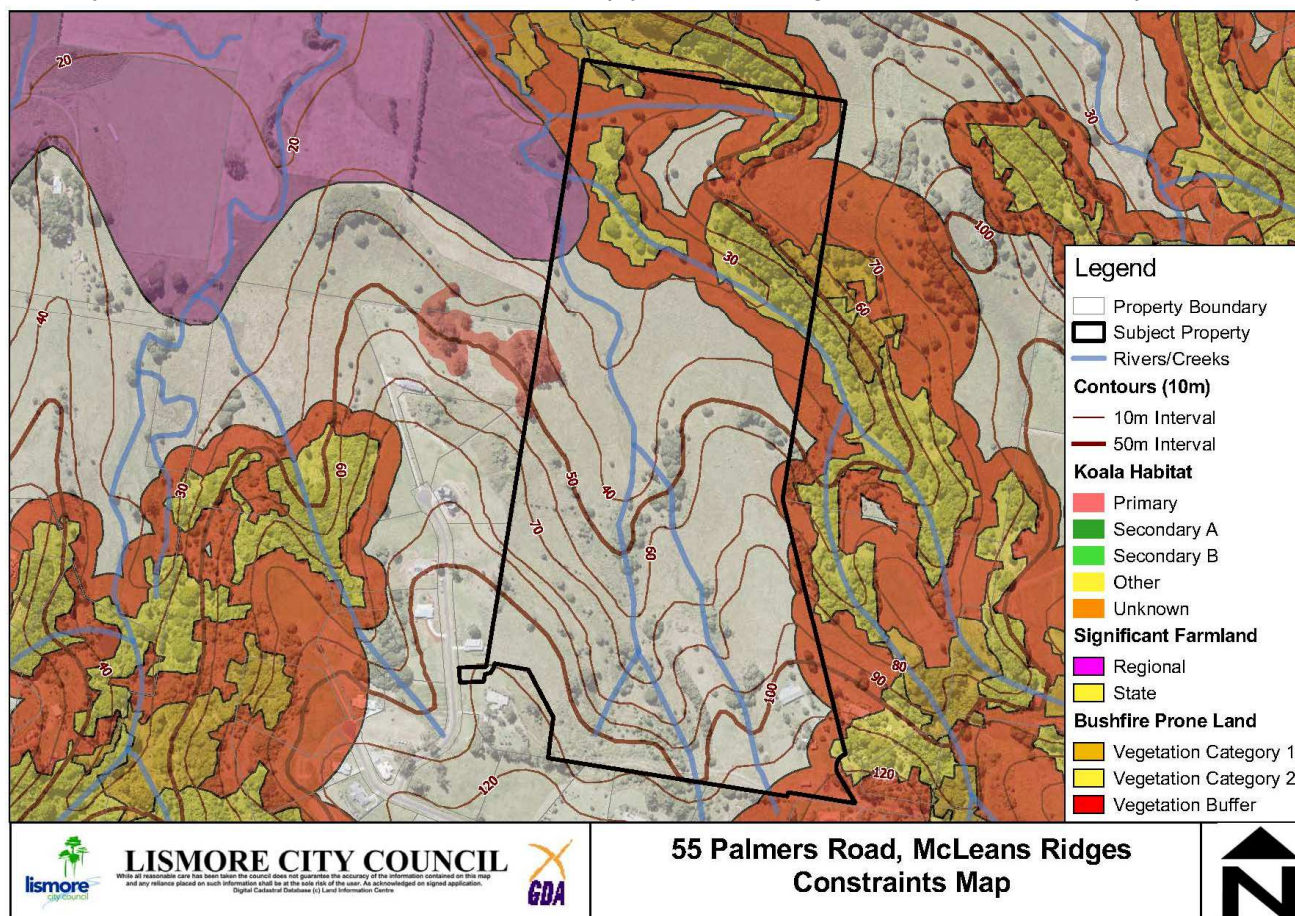
Two hollow bearing Tallowwoods are located on the south west part of the site to be retained in the RU1 zone. They are located in a gully where they are unlikely to be affected by future development. It is likely that threatened fauna species, Micro Bats and the Grey-headed Flying fox may use vegetation on the site for foraging on a seasonal basis.

A small area of primary koala habitat is mapped along the western boundary of the site which extends across 2 land parcels west of the subject site. This area is located approximately 500 metres from the land proposed for rezoning to R5 Large Lot residential so any impacts on this koala habitat are expected to be negligible. This area of primary koala habitat is shown on Map 4.

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

### Bushfire

The northern part of the site is mapped as comprising bushfire prone land in Vegetation Category 2 and Vegetation Buffer as shown on Map 4. A bushfire hazard assessment has been prepared and the additional dwelling that this Planning Proposal will facilitate on the land retained in Zone RU1 Primary Production can be constructed to comply with Planning for Bushfire Protection provisions.



**Map 4: Constraints Map (Bushfire, Regionally Significant Farmland) – 55 Palmers Road, McLeans Ridges**

## **Regionally Significant Farmland**

A small area in the north western part of the subject land is identified as Regionally Significant Farmland under the Northern Rivers Farmland Mapping Project as shown on Map 4. This small area is not impacted by the rezoning.

## **Land Use Conflict**

A Land Use Conflict Risk Assessment (LUCRA) was undertaken for this planning proposal. The rezoning of a small part of the site to R5 Large Lot Residential that comprises an existing dwelling, pool and shed will create an interface between rural and residential land uses which has the potential to generate land use conflict.

It is acknowledged that part of the western boundary and the entire southern boundary of the subject site are located adjacent to existing rural residential lots that are within Zone R5 Large Lot Residential which share a boundary with grazing land. This rezoning will extend the pattern of rural residential development already established in this locality by the addition of one 3ha allotment.

Council's DCP Chapter 11 'Buffer Areas' recommends that residential dwelling sites adjoining grazing land should have a 30 metre buffer setback. Due to the size of the area proposed for rezoning, it is considered that this setback on each boundary may be accommodated.

With regard to the land area retained in Zone RU1 that will benefit from a dwelling entitlement, it is envisaged that there is a negligible risk of land use conflict being generated by the development of an additional dwelling on this land because it will be associated with the agricultural use of the land. It is also acknowledged the landowner has obtained written agreement to the Planning Proposal from five adjoining landowners.

## **Land Contamination**

A preliminary contaminated land report has been prepared that investigates the land being retained in Zone RU1 Primary Production. This planning proposal, if approved, will facilitate this area having a building envelope applied at the subdivision stage and will result in its future development for residential purposes. The preliminary land contamination report investigates historical and current land use activities occurring on site and analyses soil samples for a range of contaminants which are compared to Environment Protection Agency acceptable levels to assess the significance of any risks. The report concluded that this area has been historically used for livestock grazing and more recently for a short term macadamia orchard with likely chemical usage being for weed and pest control. Moreover, the report found that the investigation area would not present a risk of harm to future occupants should the land be used for residential purposes.

It is noted that the area proposed for rezoning to Zone R5 Large Lot Residential does not require investigation into the potential for contaminated land because the land is already being used for residential purposes.

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

Lismore Council has used its GMS 2015-2035 to focus future rural residential development within a 4 kilometre range of established urban areas to ensure that new residents can connect with existing

social and community services such as halls, schools and local shops. Most sites also build on existing rural residential areas. This is a relatively small addition to existing zoned rural residential land, and is within 4 kilometres of the Goonellabah urban area. Overall, no major adverse social or economic impacts are predicted as a result of this planning proposal.

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

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the subject allotment (and a 1 kilometre buffer). No Aboriginal sites or places were recorded or declared on that date. There are no listings of environmental heritage items or archaeological sites in Schedule 5 of Lismore LEP 2012.

The applicant has supplied a Cultural Heritage Assessment which involved consultation and a site visit with the Ngulingah Local Aboriginal Land Council (LALC) Site Officer and a member of the Widjabul/Wyabul Native Title Claim Group. The assessment found the land is unlikely to contain Aboriginal objects or sites of significance and no further archaeological investigations are required.

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

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

#### **Roads and Traffic**

The rezoning proposal which would facilitate the creation one additional allotment would on average create an additional 6.5 traffic movements per day. Access to the site is from Palmers Road, a 5m sealed cul-de-sac that terminates at the subject site. Palmers Road has been assessed as being in satisfactory to good condition and able to accommodate a minor increase in traffic.

At the subdivision stage an upgrade of the cul-de-sac would be expected because it is only 12m in diameter, whereas current road design standards require a minimum of 18-20m diameter. It is anticipated that the upgrade could be either a localised widening of the cul-de-sac or the installation of a turning T pavement footprint.

#### **On-site Wastewater Management**

An on-site wastewater management assessment has not been prepared for the area proposed for rezoning that comprises an existing dwelling. However, Council's Environmental Health Officer has inspected the site and is satisfied that the existing sewage system meets Council's Onsite Wastewater Management Strategy with regard to buffer distances to potential future property boundaries. In addition, the size and topography of the proposed rezoning area offers numerous locations should the existing onsite sewage management system need upgrading in the future.

With regard to the area being retained in Zone RU1 Primary Production that, should this rezoning be approved, is expected to be developed for residential purposes, an onsite wastewater report has been completed that advises the main constraints on this area are two watercourses on the eastern and western parts of the land. These watercourses are each located in a steep gully on both sides of a narrow section of land that is proposed for future residential development and wastewater disposal. Due to these site constraints, it is recommended that at the subdivision stage, a section 88b instrument is placed on the title to restrict the maximum number of bedrooms for any future dwelling and the location of the effluent disposal areas, unless additional information can be provided to justify a variation to this advice. In addition, a detailed site and constraints map and onsite sewage

management report will be required at the subdivision stage to demonstrate setback distances can be met to watercourses and property boundaries.

### **Stormwater and Flooding**

At the subdivision stage, the applicant will be required to ensure that there will be no net increase in stormwater discharge from the site when compared to the pre-developed rural catchment. The land is within a drinking water catchment and the Water Sensitive Design Chapter 22 of the Lismore Development Control Plan may apply.

### **Water and Infrastructure**

The future dwelling will harvest rainwater for a potable water supply as a reticulated water service is not available.

A section 94 contributions plan for Lismore LGA was adopted by Council in 2014 that outlines that contributions for public infrastructure 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?**

It is recommended that the following authorities are consulted in accordance with the Gateway determination and any s9.1 Ministerial Directions:

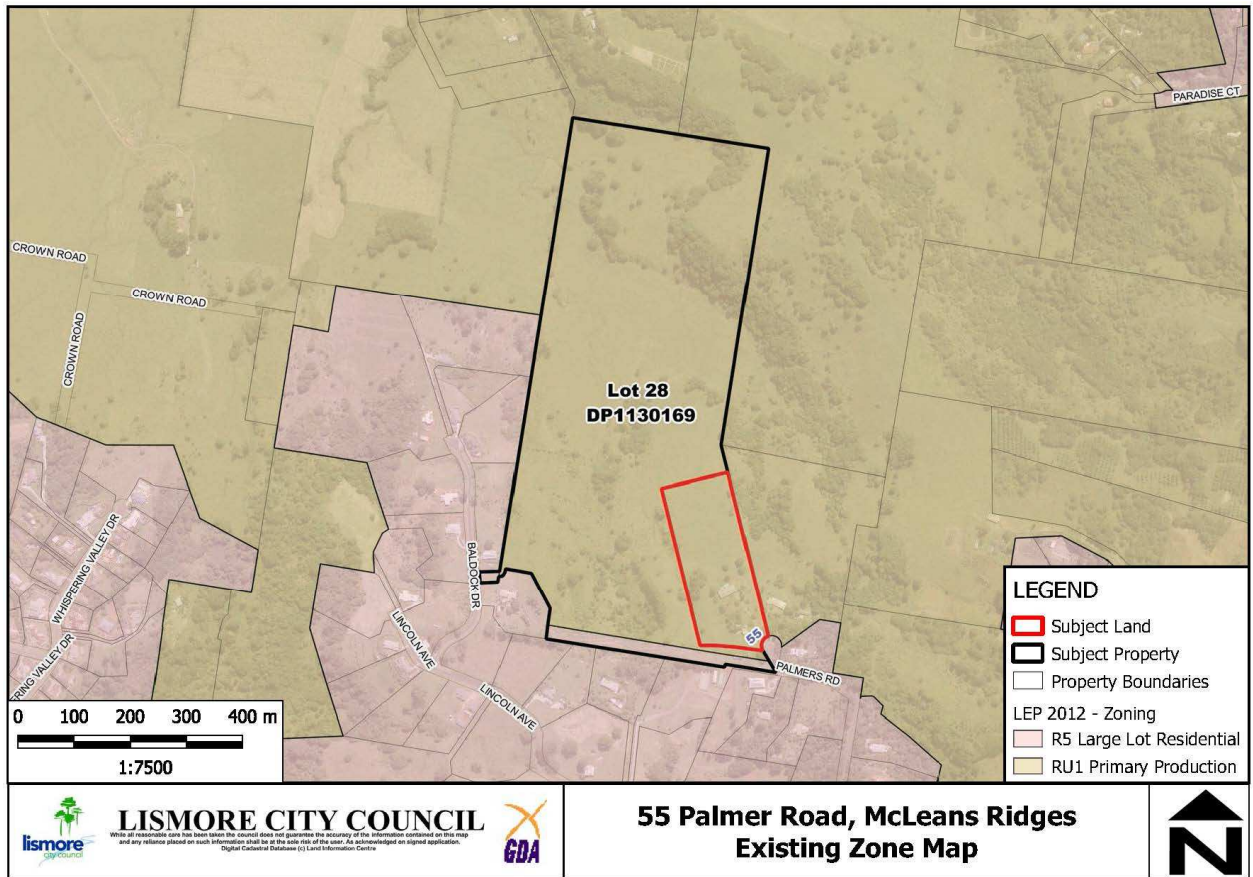
- Rural Fire Service
- Department of Primary Industries
- Office of Environment and Heritage

## **Part 4 – Mapping**

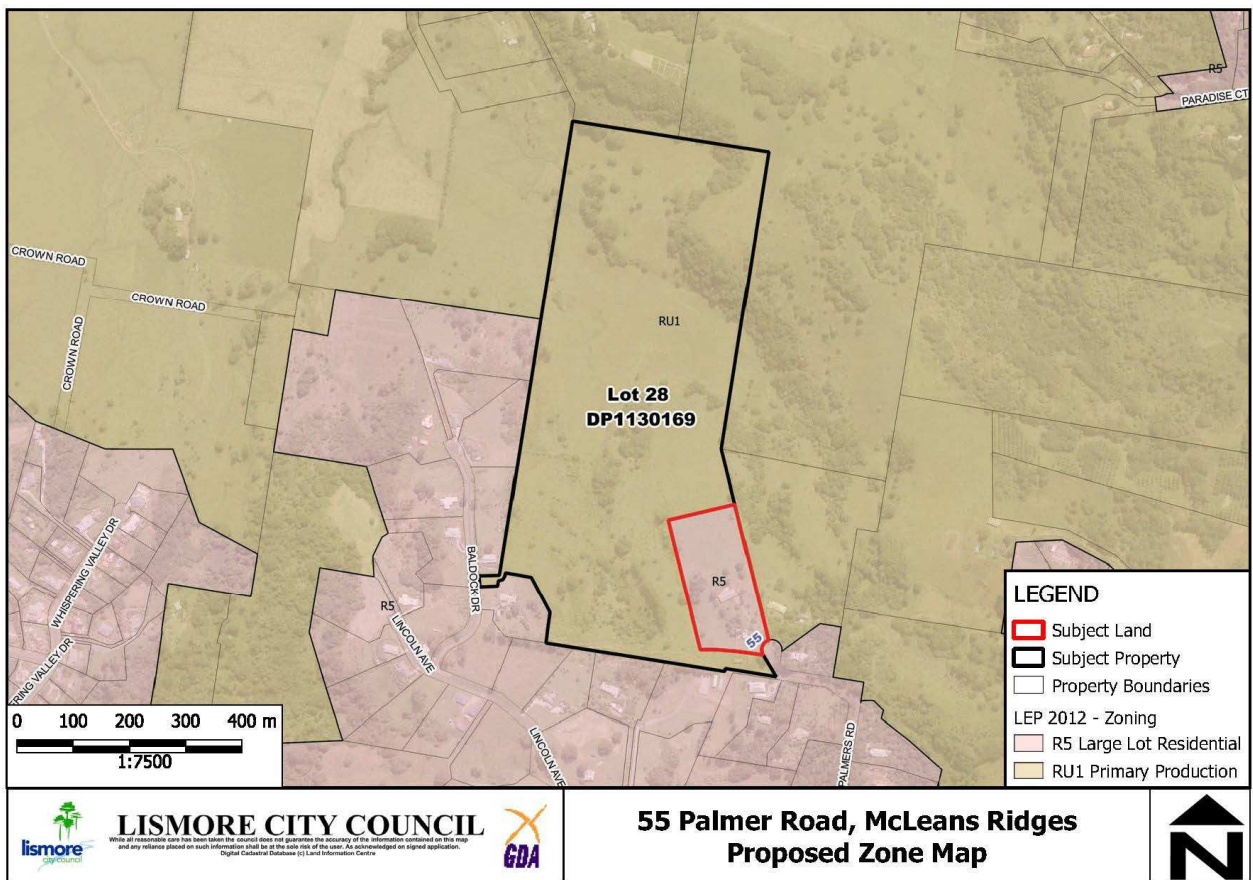
It is proposed to rezone a small part of the subject land (3ha) from Zone RU1 Primary Production to Zone R5 Large Lot Residential with the balance remaining as RU1 Primary Production. Two small areas of land will be rezoned from R5 Large Lot Residential to RU1 Primary Production. The R5 area will be subject to a Minimum Lot Size of 3 hectares and a maximum building height of 8.5 metres. The minimum lot size for the RU1 area will be amended to 30 hectares to ensure the land benefits from a dwelling entitlement and no maximum building height will apply consistent with land in Zone RU1.

This will be achieved by amending map sheets:

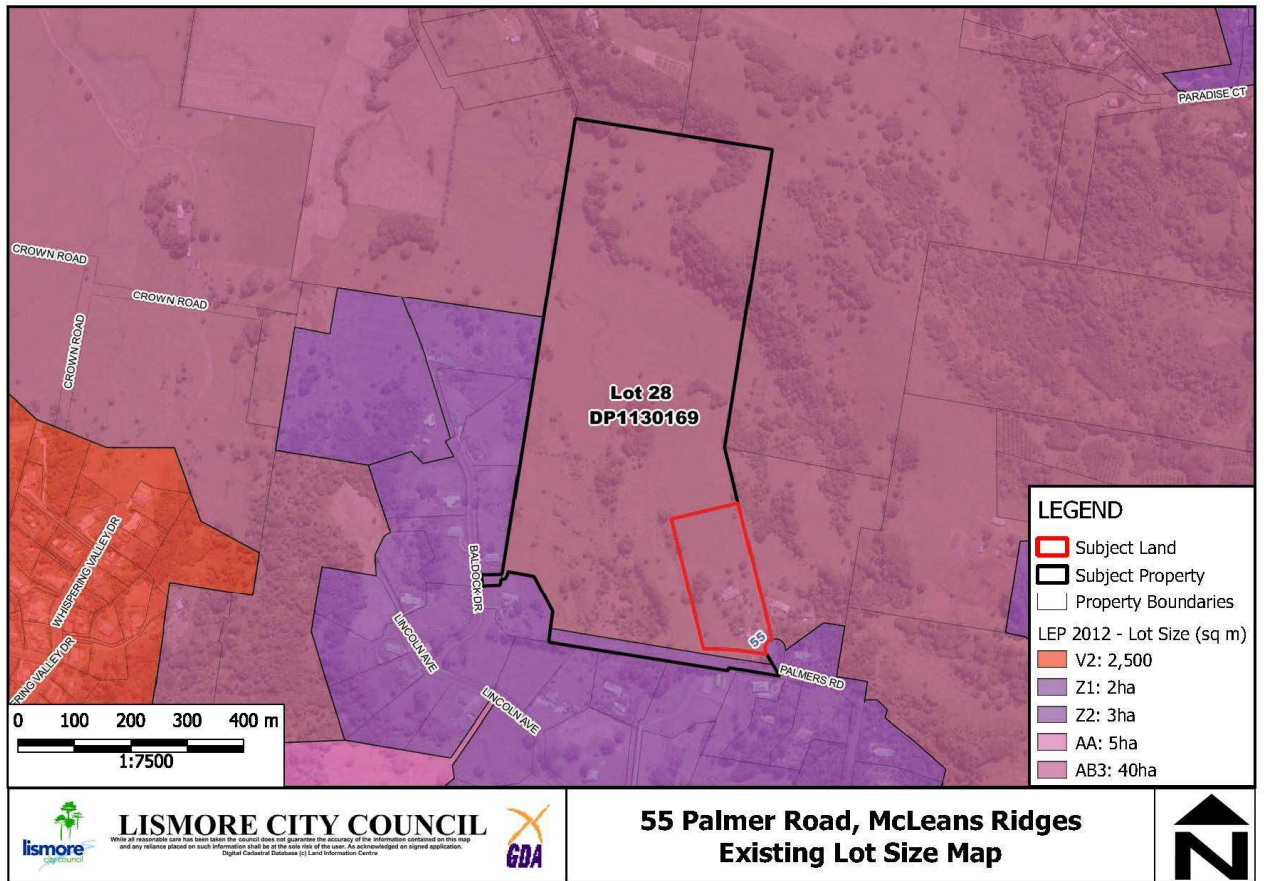
LZN\_005  
LSZ\_005  
HOB\_005



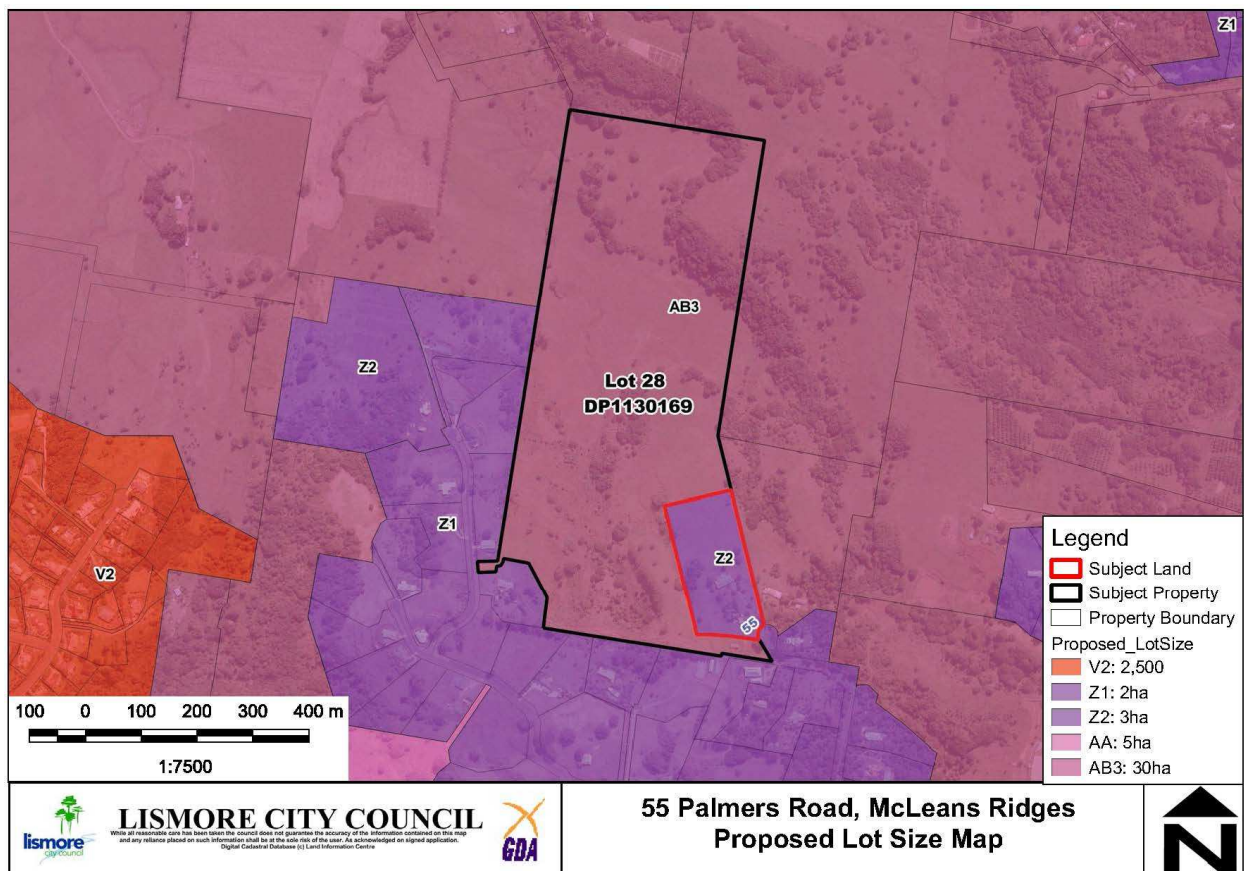
**Map 5: Existing Zone Map – 55 Palmers Road, McLeans Ridges**



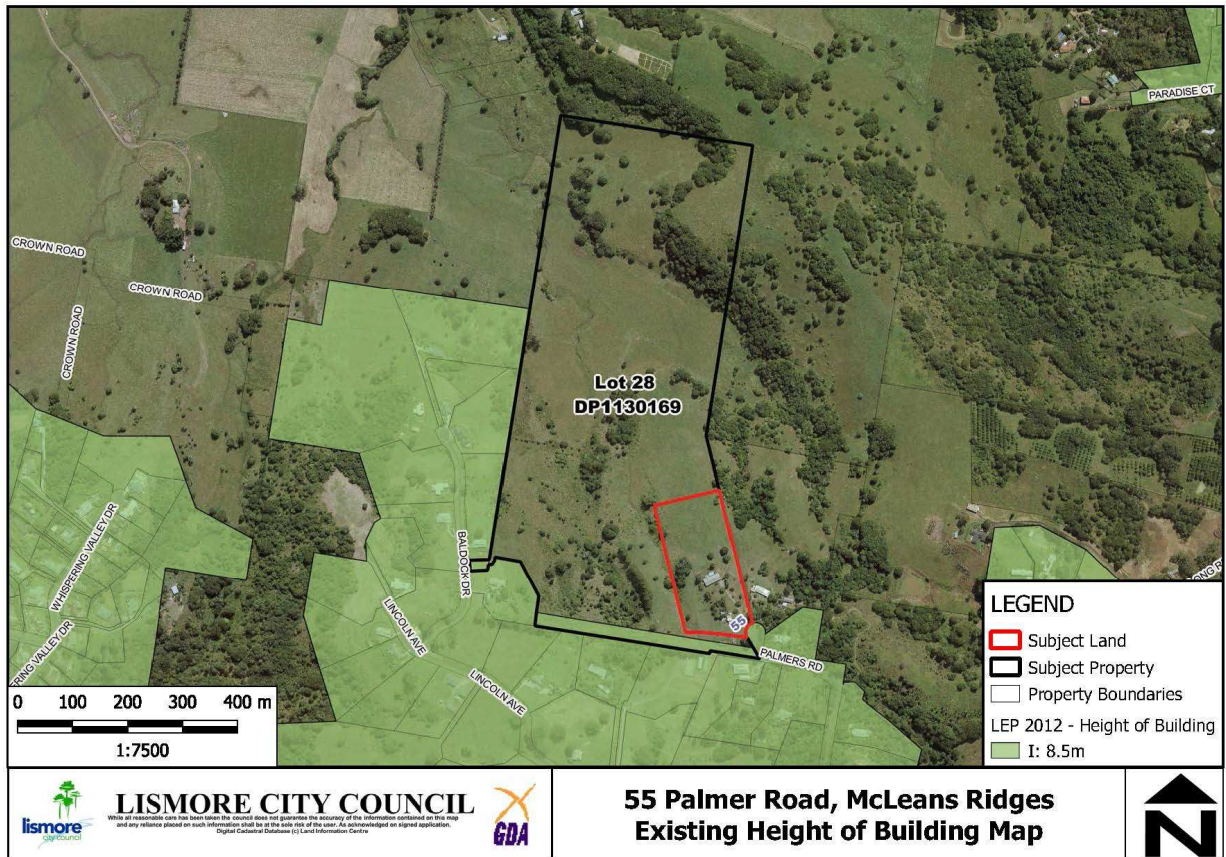
**Map 6: Proposed Zone Map – 55 Palmers Road, McLeans Ridges**



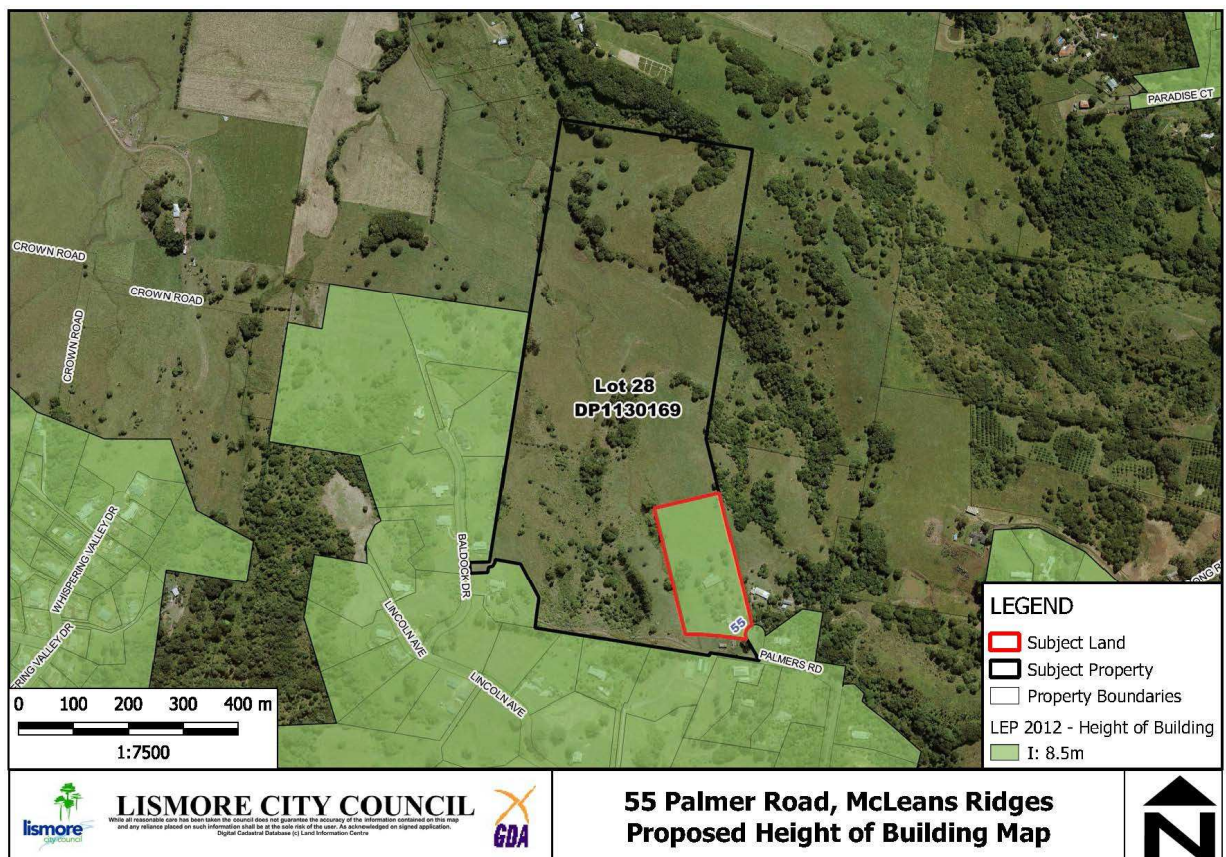
**Map 7: Existing Lot Size Map – 55 Palmers Road, McLeans Ridges**



**Map 8: Proposed Lot Size Map – 55 Palmers Road, McLeans Ridges**



**Map 9: Existing Height of Building Map – 55 Palmers Road, McLeans Ridges**



**Map 10: Proposed Height of Building Map – 55 Palmers Road, McLeans Ridges**

## Part 5 – Community Consultation

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

Notification of the exhibited Planning Proposal will include:

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

- Report to Council – **July 2019**
- Gateway determination issued – **August 2019**
- Timeframe for government agency consultation and public consultation – **September 2019**
- Timeframe for consideration of submissions – **July 2018**
- Timeframe for consideration of the planning proposal, post-exhibition, by Council – **September 2018**
- Date of submission to the Department to finalise the LEP – **October 2018**
- Anticipated date for plan making – **November/December 2018**

## Conclusion

This Planning Proposal seeks to amend Lismore LEP 2012 to permit rural residential subdivision on part of 55 Palmers Road, McLeans Ridges (Lot 28 DP 1130169) to create one additional lot. The Planning Proposal is the result of a Council resolution made on 11 September 2018. It is supported because there will only be potential for one additional lot and the development outcome will be consistent with surrounding rural residential development. The applicant has undertaken site-specific studies on ecology, bushfire hazard, on-site wastewater disposal, potential land contamination, and European and Aboriginal heritage which have not revealed any impediments that cannot be resolved.

The planning proposal is consistent with most of the relevant section 9.1 Directions and where inconsistencies occur, they can be justified. The planning proposal is inconsistent with the *North Coast Regional Plan 2036* in that it is not identified in the Lismore GMS, however this is a minor inconsistency and justified in the circumstances. There is sufficient information to enable Council to support the Planning Proposal and forward it to be the Department of Planning and Environment.

## APPENDIX 1

### STATE ENVIRONMENTAL PLANNING POLICIES COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 21 – Caravan Parks	N/A	N/A
SEPP No. 30 – Intensive Agriculture	N/A	N/A
SEPP No. 33 – Hazardous and Offensive Development	N/A	N/A
SEPP No. 36 – Manufactured Home Estates	N/A	N/A
<b>SEPP No. 44 – Koala Habitat Protection</b>	<b>3 - Aims, Objectives, Etc.</b> (a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat; (b) By encouraging the identification of areas of core koala habitat; and (c) By encouraging the inclusion of areas of core koala habitat in environment protection zones.	Consistent. The scattered remnant forest vegetation on the subject land has been assessed by an ecologist as camphor laurel with a heavy infestation of lantana. It also contains occasional rainforest species as regrowth. There are two mature Tallowood trees in a steep gully and a row of planted Tallowoods that were used as a wind break. This species is a koala food tree. However, these trees do not constitute potential or core koala habitat and there is no evidence that koalas use these trees. The draft planning proposal is consistent with the aims and objectives of SEPP 44.
SEPP No. 50 – Canal Estate Development	N/A	N/A
<b>SEPP No. 55 – Remediation of Land</b>	<b>6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal</b>	Consistent. A preliminary contaminated land assessment has been undertaken. The area proposed for rezoning that comprises the existing dwelling was not investigated because it has previously been developed for a residential use. Soil samples have been investigated from the land proposed to be retained in RU1 where the location of a new dwelling is proposed as a result of this rezoning and subsequent subdivision. The samples demonstrated the site is not contaminated. The assessment concludes that the land is safe for future residential development and does not pose a risk to future occupants.
SEPP No. 64 – Advertising and Signage	N/A	N/A
SEPP No. 65 – Design Quality of Residential Flat Development	N/A	N/A
SEPP No 70 – Affordable Housing ( <i>Revised Schemes</i> )	N/A	N/A
SEPP (Affordable Rental Housing) 2009	N/A	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A	N/A

State Environmental Planning Policy	Requirements	Compliance
SEPP (Coastal Management) 2018	<b>3 Aim of Policy</b> The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i> , including the management objectives for each coastal management area, by: <ul style="list-style-type: none"> <li>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</li> <li>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</li> <li>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the <i>Coastal Management Act 2016</i>.</li> </ul>	The subject site is not located on land that is defined as a coastal use or coastal environment area. The subject site is also not located on land that is defined as a coastal wetland or coastal wetland proximity area.
SEPP (Educational Establishments and Child Care Facilities) 2017	<b>3 Aims of Policy</b> The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by	
SEPP (Housing for Seniors or People with a Disability) 2004	This SEPP has no specific requirements regarding rezoning land.	N/A
SEPP (Infrastructure) 2007	This SEPP has no specific requirements regarding rezoning land.	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A
SEPP (Primary Production and Rural Development) 2019	<b>3 Aims of Policy</b> <ul style="list-style-type: none"> <li>(a) to facilitate the orderly economic use and development of lands for primary production,</li> <li>(b) to reduce land use conflict and sterilisation of rural land</li> <li>(c) to identify State significant agricultural land</li> <li>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine work in irrigation areas and districts,</li> <li>(e) to encourage sustainable agriculture, including sustainable aquaculture,</li> <li>(f) to consider effects of all proposed development in the State on oyster aquaculture,</li> <li>(g) to identify aquaculture that is to be treated as designated development.</li> </ul>	Consistent. A Land Use Conflict Risk Assessment (LUCRA) was undertaken for this planning proposal. The rezoning of a small part of the site to R5 Large Lot Residential that comprises an existing dwelling, pool and shed will create an interface between rural and residential land uses which has the potential to generate land use conflict. Due to the size of the area proposed for rezoning, it is expected that a 30m buffer required to surrounding grazing land can be accommodated. It is considered that the potential for land use conflict can be adequately mitigated using land use buffers.
SEPP (State and Regional Development) 2011	Not applicable	N/A
SEPP (Urban Renewal) 2010	Not applicable	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	<b>3 Aims of Policy</b> The aims of this Policy are: <ul style="list-style-type: none"> <li>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</li> </ul>	

State Environmental Planning Policy	Requirements	Compliance
	(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation	

## APPENDIX 2: COMPLIANCE WITH SECTION 9.1 MINISTERIAL DIRECTIONS

Ministerial Directions	Requirements	Compliance
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	(4) A planning proposal must: <ul style="list-style-type: none"> <li>Retain existing business and industrial zones.</li> <li>Not reduce floor space for employment areas and related public services in business zones.</li> <li>Not reduce potential floor space for industrial uses in industrial zones.</li> <li>New employment areas in accordance with strategy approved by Director General DP&amp;E.</li> </ul>	Consistent. This planning proposal will not affect the boundaries or extent of business or industrial zones.
1.2 Rural Zones	(4) A planning proposal must: <ul style="list-style-type: none"> <li>Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</li> <li>Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</li> </ul>	Inconsistent. This planning proposal will rezone a 3ha part of the subject land from RU1 to R5 Large Lot Residential. This will permit rural residential subdivision of the land to create one new lot of 3 hectares and retain 30ha in Zone RU1. This land is not identified in the endorsed Lismore GMS 2015-2035. The proposed land for rezoning is about 3 hectares in area and forms a logical part of the rural residential estate with access from Palmers Road. The planning proposal is of minor significance and the inconsistency is justifiable in the circumstances.
1.3 Mining Petroleum Production and Extractive Industries	This direction applies when the planning proposal: <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>	N/A
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	This direction applies when: <ul style="list-style-type: none"> <li>The planning proposal effects land within an existing or proposed rural or environmental protection zone;</li> <li>When changes are proposed to minimum lot size in a rural or</li> </ul>	Inconsistent. The planning proposal will not reduce the current and potential productive rural activities in the McLeans Ridges locality. It will rezone approx 3ha that has previously been developed for residential purposes. This planning proposal will make use of existing rural residential infrastructure and services. It is not consistent with the endorsed <i>Lismore Growth Management Strategy 2015-2035</i> . However, it is a very

Ministerial Directions	Requirements	Compliance
	<p>environmental protection zone.</p> <p>The Planning Proposal must:</p> <ul style="list-style-type: none"> <li>• Be consistent with any applicable strategic plan;</li> <li>• Consider the significance of agriculture;</li> <li>• Identify and protect environmental values;</li> <li>• Consider the natural and physical constraints of the land;</li> <li>• Promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities;</li> <li>• Support farmers in exercising their right to farm;</li> <li>• Minimise fragmentation of rural land &amp; reduce the risk of land use conflict;</li> <li>• Consider State significant agricultural land identified in Rural SEPP 2019;</li> <li>• Consider the social, economic &amp; environmental interests of the community.</li> </ul>	<p>small addition (one lot) to the rural residential land supply in the locality.</p> <p>It is inconsistent with the North Coast Regional Plan because the land is not identified in the Lismore LGMS.</p> <p>It is a minor inconsistency and is justifiable in the circumstances.</p>
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	<p>Must include provisions that facilitate the protection and conservation of environmentally sensitive areas</p> <p>Must not reduce protection standards for environmental protection zones.</p>	<p>Consistent.</p> <p>The planning proposal will not introduce any environment protection zones. The land to which the planning proposal applies does not contain any environmentally sensitive areas that would meet the criteria for inclusion in an environment protection zone.</p>
2.2 Coastal Protection	<p><b>3 When this direction applies</b></p> <p>This direction applies to land that is within the coastal zone under the <i>Coastal Management Act 2016</i>.</p>	N/A
2.3 Heritage Conservation	<p>Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.</p>	<p>Consistent.</p> <p>An AHIMS search has been undertaken. No European or Aboriginal heritage item or place is known to occur on the subject land.</p> <p>The applicant has supplied a Cultural Heritage Assessment that involved a site inspection and consultation with the local Aboriginal community. A representative of Ngulingah LALC attended the site inspection. The assessment found the land is unlikely to contain Aboriginal objects or sites of significance and no further archaeological investigations are required.</p>
2.4 Recreation Vehicle Areas	N/A	N/A
2.5 Application of E2 and E3 Zones and Environmental	The DM planning proposal must be consistent with the Northern	Consistent.

Ministerial Directions	Requirements	Compliance
Protection Overlays in Far North Coast LEPs	Councils E Zone Review Final Recommendations.	The land directly affected by this planning proposal has minimal environmental value and would not meet the criteria for inclusion in an E zone. No E zones are proposed
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	<p>The planning proposal must:</p> <ul style="list-style-type: none"> <li>• Broaden the choice of housing types and locations.</li> <li>• Make efficient use of existing infrastructure and services.</li> <li>• Reduce consumption of land.</li> <li>• Housing of good design.</li> <li>• Residential development not permitted until land is adequately serviced.</li> <li>• Not contain provisions that will reduce residential density.</li> </ul>	N/A
3.2 Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> <li>• Retain provisions that permit development of caravan park.</li> <li>• Appropriate zone for existing caravan parks.</li> </ul>	N/A
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	N/A
3.4 Integrating Land Use and Transport	<p>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to:</p> <ul style="list-style-type: none"> <li>• Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>• The Right Place for Business and Services – Planning Policy (DUAP 2001)</li> </ul>	<p>Consistent.</p> <p>This site is within a 4 kilometre catchment around the Lismore urban area and this better integrates land use, transport and services.</p>
3.5 Development Near Regulated Airports and Defence Airfields	<p>Lismore Airport is a regulated airport but not a core regulated airport under the <i>Federal Airports Act 1996</i>.</p> <p>In preparing a planning proposal for land near a regulated airport, the planning authority must:</p> <ul style="list-style-type: none"> <li>• Consult with operator of the airport.</li> <li>• Take into consideration the operational airspace.</li> <li>• Prepare standards such as height limits if land is affected by operational airspace.</li> <li>• Not allow development types that are incompatible with the current and future operation of the airport.</li> </ul>	<p>Consistent.</p> <p>The planning proposal is beyond the 4 kilometre radius of the Lismore Airport that represents the area of concern for Obstacle Height Limitation. It is also well beyond the 20 and 25 or above ANEF contours.</p>
3.6 Shooting Ranges	N/A	Consistent.

Ministerial Directions	Requirements	Compliance
		Shooting ranges are located at Rifle Range Road, Tuncester and Wyrallah Road, Monaltrie. The subject land is not within the buffers to these two ranges.
3.7 Reduction in non-hosted short-term rental accommodation period	N/A	N/A
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	Consistent. Lismore LEP 2012 includes provisions for the management of acid sulfate soils. This planning proposal does not alter those provisions. The subject land is not affected by acid sulfate soils.
4.3 Flood Prone Land	(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.	N/A – the subject land is not flood prone.
4.4 Planning Bushfire Protection for	A Planning Proposal in bush fire prone land: <ul style="list-style-type: none"> <li>Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination prior to community consultation.</li> <li>Have regard to 'Planning for Bush Fire Protection 2006'.</li> <li>Restrict inappropriate development from hazardous areas.</li> <li>Ensure bush fire hazard reduction is not prohibited within the APZ.</li> </ul>	Consistent. The northern part of the site comprises vegetation in Category 2 and a vegetation buffer area, however, the land subject to the proposed rezoning is located approximately 450m away. There is also an area of bushfire vegetation buffer east and south of the rezoning area close to the existing dwelling. A bushfire hazard assessment has been undertaken for the site that concluded that the additional dwelling that this Planning Proposal will facilitate on land retained in Zone RU1 can be constructed to comply with Planning for Bushfire provisions. The Planning Proposal will be referred to the RFS for comment.
<b>5. Regional Planning</b>		
5.1 Regional Strategies	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<ul style="list-style-type: none"> <li>The Planning Proposal must not re-zone land mapped as State or regionally significant farmland for urban or rural residential purposes.</li> </ul>	Consistent. None of the subject land that will be affected by the rezoning is mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A
5.9 North West Rail Link Corridor Strategy	N/A	N/A

Ministerial Directions	Requirements	Compliance
5.10 Implementation of Regional Plans	<ul style="list-style-type: none"> <li>The planning proposal must be consistent with the North Coast Regional Plan 2036.</li> </ul>	<p>Justifiably inconsistent.</p> <p>The NCRP requires that rural residential development should be consistent with an agreed local strategy. In this case, the planning proposal affects a site that is not identified in the Lismore GMS 2015-2035, (endorsed by DPE on 11 August 2015). The planning proposal is a minor inconsistency with the LGMS.</p> <p>The main justification for this inconsistency with the NCRP is that the planning proposal affects a very small area of land (there will only be a potential for one lot), and part of the subject site is already zoned R5 Large Lot Residential. The merits of the site are consistent with the land suitability and infrastructure requirements of the <i>Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies</i> (2007).</p> <p>The planning proposal is a minor inconsistency with the NCRP.</p>
5.11 Development of Aboriginal Land council Land	N/A	N/A
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	<ul style="list-style-type: none"> <li>A planning proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning &amp; Environment.</li> <li>Not identify development as designated development unless justified.</li> </ul>	Consistent. No such provisions are proposed.
6.2 Reserving Land for Public Purposes	<ul style="list-style-type: none"> <li>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DP&amp;E.</li> </ul>	N/A
6.3 Site Specific Provisions	<ul style="list-style-type: none"> <li>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.</li> </ul>	N/A