

Planning Proposal

GENERAL AMENDMENTS

26 April 2016



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EXECUTIVE SUMMARY

Lismore City Council periodically reviews Lismore Local Environmental Plan 2012 (LEP 2012) aiming to correct minor mapping anomalies, adjust the land use table, refine non-mandatory provisions and amend schedules as required. This planning proposal comprises the third round of general amendments to LEP 2012. Previous general amendments planning proposals were made on 4 April 2014 and 19 December 2014.

This proposal includes minor amendments to: the Land Zoning Map with consequential amendments to the Lot Size Map and/or the Height of Buildings Map; the Lot Size Map; the Heritage Map with consequential amendments to Schedule 5 Environmental Heritage – Part 1 Environmental Heritage; the Land Use Table; Clause 4.2C Erection of dual occupancies (detached) in Zone RU1; and Clause 4.2D Exceptions to minimum subdivision lot size for lot boundary adjustments in Zone RU1.

This planning proposal has been prepared in accordance with the Department of Planning & Environment's guide to preparing planning proposals. A Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979* is sought.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives of this proposal include:

- To rectify minor anomalies in the Land Zoning Map including consequential amendments to the Lot Size Map and/or the Height of Buildings Map
- To amend the Land Zoning Map to more accurately reflect existing and desired land uses including consequential amendments to the Lot Size Map and/or the Height of Buildings Map
- To rectify minor anomalies in the Lot Size Map
- To rectify minor anomalies in the Heritage Map with consequential amendments to Schedule 5 – Environmental Heritage
- To permit *hardware and building supplies* in Zone RU5 Village with development consent
- To rectify an inconsistency between the Codes SEPP and LEP 2012 with regards to *home-based child care*
- To permit *vehicle repair stations* in Zones B1 Neighbourhood Centre, B2 Local Centre and B3 Commercial Core
- To refine clause 4.2C 'Erection of dual occupancies (detached) in zone RU1' to emphasise the protection of primary production potential of the land
- To refine clause 4.2D 'Exceptions to minimum subdivision lot size for lot boundary adjustments in Zone RU1' to cater for the non-urban zone combinations that occur in rural areas

PART 2 – EXPLANATION OF PROVISIONS

This planning proposal incorporates the third round of general amendments to LEP 2012. The proposal includes amendments to the Land Zoning Map, the Lot Size Map, the Height of Buildings Map and the Heritage Map. Amendments are also proposed to the Land Use Table, Schedule 5 Environmental Heritage, clause 4.2C 'Erection of dual occupancies (detached) in zone RU1' and clause 4.2D 'Exceptions to minimum subdivision lot size for lot boundary adjustments in Zone RU1'. The proposed amendments are listed in Table No. 1 below and justification for the planning proposal is included in Table No. 2 in Part 3 of this report.

Table No. 1 Details of the planning proposal

Item/Site	Proposed Amendment
Zone, Minimum Lot Size and Height of Buildings Map	
a) Zone SP2 to Zone RU1 at 422 Whian Whian Road, Whian Whian	Land Zoning Map Amend the Land Zoning Map – Sheet LZN_004 so that Zone RU1 Primary Production applies to Lot 217 DP 755703 (422 Whian Whian Road, Whian Whian). Lot Size Map Amend the Lot Size Map – Sheet LSZ_004 so that a minimum lot size of 40ha applies to Lot 217 DP 755703 (422 Whian Whian Road, Whian Whian). Refer to Site a) maps
b) Zone SP2 to Zone RU1 at 572 and 582 Humpty Back Road, Pearces Creek	Land Zoning Map Amend the Land Zoning Map – Sheet LZN_005 so that Zone RU1 Primary Production applies to Lot 1 DP 794891 and Lot 1 DP 118808 (572 and 582 Humpty Back Road, Pearces Creek). Lot Size Map Amend the Lot Size Map – Sheet LSZ_005 so that a minimum lot size of 40ha applies to Lot 1 DP 794891 and Lot 1 DP 118808 (572 and 582 Humpty Back Road, Pearces Creek). Refer to Site b) maps
c) Zone RU1 to Zone R5 in the following locations at Wyrallah : Agnes Street road reserve; 80 Breckenridge Street, Wyrallah; 2A Miriam Street Wyrallah; and 7 McDonald Place, Wyrallah.	Land Zoning Map Amend the Land Zoning Map – Sheet LZN_006A so that Zone R5 Large Lot Residential applies to Agnes Street road reserve Wyrallah; Lot 1 DP 1160243 (2A Miriam Street, Wyrallah); Lot 2 DP 1160243 (7 McDonald Place, Wyrallah); and Lot 1 DP 731234 (80 Breckenridge Street, Wyrallah). Lot Size Map Amend the Lot Size Map – Sheet LSZ_006 so that 5000m² minimum lot size applies to Agnes Street road reserve Wyrallah; Lot 1 DP 1160243 (2A Miriam Street, Wyrallah); Lot 2 DP 1160243 (7 McDonald Place, Wyrallah); and Lot 1 DP 731234 (80 Breckenridge Street, Wyrallah). Height Of Buildings Map Amend the Height Of Buildings Map – Sheet HOB_006 so that an 8.5m maximum building height applies to Lot 1 DP (731234 80 Breckenridge Street, Wyrallah). Refer to Site c) maps
d) Zone RU1 to Zone RU5 at 2 and part 4 Blue Knob Road, Nimbin - Nimbin Bush Theatre/Candle Factory	Land Zoning Map Amend the Land Zoning Map – Sheet LZN_004 so that Zone RU5 Village applies to SP 30107 (2 Blue Knob Road, Nimbin) and part Lot 11 DP 1182866 (part 4 Blue Knob Road, Nimbin). Lot Size Map Amend the Lot Size Map – Sheet LSZ_004 so that a 1ha minimum lot size applies to SP 30107 (2 Blue Knob Road, Nimbin) and part Lot 11 DP 1182866 (part 4 Blue Knob Road, Nimbin). Height Of Buildings Map Amend the Height Of Buildings Map – Sheet HOB_004 so that an 8.5m maximum building height applies to SP 30107 (2 Blue Knob Road, Nimbin) and part Lot 11 DP 1182866 (part 4 Blue Knob Road, Nimbin).

Item/Site	Proposed Amendment
	Refer to Site d) maps
e) Zone RU2 to Zone B6 at part 6 Bruxner Highway, South Lismore	Land Zoning Map Amend the Land Zoning Map – Sheet LZN_006AA so that Zone B6 Enterprise Corridor applies to part Lot 2 DP 1206024 (part 6 Bruxner Highway, South Lismore). Lot Size Map Amend the Lot Size Map – Sheet LSZ_006AA so that no minimum lot size applies to part Lot 2 DP 1206024 (part 6 Bruxner Highway, South Lismore). Refer to Site e) maps
f) Zone RU1 to Zone R1 at part 116 and 79C Fischer Street, Goonellabah	Land Zoning Map Amend the Land Zoning Map – Sheet LZN_006AB so that Zone R1 General Residential applies to part Lot 3 DP 883865 (part 116 Fischer Street, Goonellabah) and Lot 3 DP 823632 (79C Fischer Street, Goonellabah). Lot Size Map Amend the Lot Size Map – Sheet LSZ_006AB so that a minimum lot size of 400m² applies to part Lot 3 DP 883865 (part 116 Fischer Street, Goonellabah) and Lot 3 DP 823632 (79C Fischer Street, Goonellabah). Height Of Buildings Map Amend the Height Of Buildings Map – Sheet HOB_006AB so that a maximum building height of 8.5m applies to part Lot 3 DP 883865 (part 116 Fischer Street, Goonellabah) and Lot 3 DP 823632 (79C Fischer Street, Goonellabah). Refer to Site f) maps
g) Minimum lot size at Boatharbour Nature Reserve , Bangalow Road, Bexhill	Lot Size Map Amend the Lot Size Map – Sheet LSZ_005AB so that a minimum lot size development standard does not apply to Lot 1 DP 806694 (634A Bangalow Road, Bexhill); Lot 381 DP 725859 (624 Bangalow Road, Bexhill); and Lot 193 DP 755686 (623 Bangalow Road, Bexhill). Refer to Site g) maps
h) Minimum lot size in rail corridor	Lot Size Map Amend the Lot Size Map – Sheets LSZ_002; LSZ_005; and LSZ_005AB so that a 40ha minimum lot size applies to Zone RU1 Primary Production within the rail corridor. Amend the Lot Size Map Sheet LSZ_005AA so that the following minimum lot sizes apply to land within the rail corridor: 40ha for Zone RU1 and Zone RU2; 10 hectares for Zone IN1; 10 hectares for Zone R2. Refer to Site h) maps
i) Zone B6 to Zone IN1 at part 161 and 29 – 77 Krauss Avenue, Loftville	Land Zoning Map Amend the Land Zoning Map – Sheet LZN_006AA so that Zone IN1 General Industrial replaces Zone B6 Enterprise Corridor at part Lot 9 and Lots 1, 3, 4, 5, 6, 7, 11 and 12 all in DP 1093668; Lots 21 and 22 in DP 1133005; and Lots 81 and 82 in DP 1214371 (part 161 and 29 – 77 Krauss Avenue, Loftville); and the adjacent Krauss Avenue and Bruxner Highway road reserve.

Item/Site	Proposed Amendment
	Lot Size Map Amend the Lot Size Map – Sheet LSZ_006AA so that a minimum lot size of 1500m² applies to part Lot 9 and Lots 1, 3, 4, 5, 6, 7, 11 and 12 all in DP 1093668; Lots 21 and 22 in DP 1133005; and Lots 81 and 82 in DP 1214371 (part 161 and 29 – 77 Krauss Avenue, Loftville); and the adjacent Krauss Avenue and Bruxner Highway road reserve. Refer to Site i) maps
j) Zone IN1 to Zone RE1 and Zone RE1 to Zone IN1 at part 16 Taylor Street, South Lismore - Riverview Park	Land Zoning Map Amend the Land Zoning Map – Sheet LZN_005AA for part Lot 1 DP 122285 (part 16 Taylor Street, South Lismore) so that Zone RE1 Public Recreation applies to land classified as Community and Zone IN1 General Industrial applies to land classified as Operational. Lot Size Map Amend the Lot Size Map – Sheet LSZ_005AA for part Lot 1 DP 122285 (part 16 Taylor Street, South Lismore) so that a 1500m² minimum lot size applies to all land within Zone IN1 General Industrial. Refer to Site j) maps
Heritage Map and Schedule 5 Environmental Heritage	
k) 9 Club Lane, Lismore	Heritage Map Amend the Heritage Map – Sheet HER_005AA so that item I41 is consistent with the realigned boundary of 9 Club Lane, Lismore that is now legally described as Lot 2 DP 1201176. Refer to Site k) maps Schedule 5 Environmental Heritage, Part 1 Environmental Heritage Omit the property description 'Lot 2 DP 1114333' for Item No. I41 (The Lismore Club) and insert in its place 'Lot 2 DP 1201176'
l) 511 and 563 Tuckurimba Road, East Coraki	Heritage Map Amend the Heritage Map – Sheet HER_006 so that item I19 is omitted from Lot 1 DP 798966 (511 Tuckurimba Road, East Coraki) and inserted on Lot 9 DP 755699 (563 Tuckurimba Road, East Coraki). Refer to Site l) maps Schedule 5 Environmental Heritage, Part 1 Environmental Heritage Omit the address '511 Tuckurimba Road' and omit the property description 'Lot 1 DP 798966' for Item I19 and insert the address '563 Tuckurimba Road' and property description 'Lot 9 DP755699'
Land Use Table	
m) Hardware and building supplies	Omit 'hardware and building supplies' from item 4 (Prohibited) in Zone RU5 Village.
n) Home-based child care	Omit 'home-based child care' from item 2 (Permitted without consent) in Zones RU1, RU2, RU5, R1, R2, R5, B1, B2, B3, B4, B6, IN1 and IN2. Insert 'home-based child care' in item 3 (Permitted with consent) in Zones RU1, RU2, RU5, R2 and R5.

Item/Site	Proposed Amendment
o) Vehicle repair stations	Omit 'vehicle repair stations' from item 4 (Prohibited) in Zone B1 Neighbourhood Centre, Zone B2 Local Centre and Zone B3 Commercial Core.
Principle Development Standards	
p) Clause 4.2C Erection of dual occupancies (detached) in Zone RU1	Omit objective (b) <i>(b) to ensure development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land.</i> Insert objectives (b) and (c) in its place <i>(b) to protect the primary production potential of the land</i> <i>(c) to ensure development is of a scale and nature that is compatible with the rural character and environmental capabilities of the land.</i>
q) Clause 4.2D Exceptions to minimum subdivision lot size for lot boundary adjustments in Zone RU1	Omit clause 4.2D <i>Exceptions to minimum subdivision lot size for lot boundary adjustments in Zone RU1</i> Insert in its place clause 4.2D <i>Boundary adjustments of land in certain rural, residential and environmental protection zones</i> <i>(1) The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size shown on the <u>Lot Size Map</u> in relation to that land but the objectives of the relevant zone can be achieved.</i> <i>(2) This clause applies to land in any of the following zones:</i> <i>(a) Zone RU1 Primary Production,</i> <i>(b) Zone RU2 Rural Landscape,</i> <i>(c) Zone R5 Large Lot Residential,</i> <i>(d) Zone E2 Environmental Conservation,</i> <i>(e) Zone E3 Environmental Management.</i> <i>(3) Despite clause 4.1, development consent may be granted to subdivide land by way of a boundary adjustment between adjoining lots where one or more resultant lots do not meet the minimum lot size shown on the <u>Lot Size Map</u> in relation to that land if the consent authority is satisfied that:</i> <i>(a) the subdivision will not create additional lots or the opportunity for additional dwellings, and</i> <i>(b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and</i> <i>(c) the potential for land use conflict will not be increased as a result of the subdivision, and</i> <i>(d) the subdivision will not result in any increased bush fire risk to existing buildings, and</i> <i>(e) if the land is in Zone RU1 Primary Production or Zone RU2 Rural Landscape, the agricultural viability of the land will not be adversely affected as a result of the subdivision.</i> <i>(4) Before granting development consent to development to which this clause applies, the consent authority must be satisfied that the subdivision will not compromise the continued protection and long-term maintenance of any land in Zone E2 Environmental Conservation, Zone E3 Environmental Management.</i>

PART 3 - JUSTIFICATION

Section A – Need for the Planning Proposal

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

The planning proposal is not a result of any strategic study or report. The planning proposal is part of a periodic review of LEP 2012 aiming to correct minor mapping anomalies, adjust the land use table, refine non-mandatory provisions and amend schedules as required.

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

The planning proposal is the best means of achieving the objectives listed in Part 1 of this report.

Table No. 2 below provides justification for the proposed amendments.

Proposed Amendment	Rationale
Zone, Minimum Lot Size and Height of Buildings Maps	
a) Zone SP2 to Zone RU1 at 422 Whian Whian Road, Whian Whian	Lot 217 DP 755703 (422 Whian Whian Road, Whian Whian) was formerly owned by the Department of Education and the land is now in private ownership. The property is within Zone SP2 Infrastructure for the purpose of an <i>educational establishment</i>. The 1012m² allotment includes an old school house currently used as a private residence. The land is located directly across the road from Whian Whian Public School, an operational K-6 school situated within Lot 213 DP 755703 (421 Whian Whian Road, Whian Whian). All of the surrounding land is located within Zone RU1 Primary Production with a 40ha minimum lot size. Zone SP2 Infrastructure should be changed to Zone RU1 Primary Production for the land containing the old school house in order to regularise the current use as a <i>dwelling house</i>. Lots 217 and 213, if zoned RU1, have one dwelling entitlement between them. This would be taken up taken up by the existing school house on Lot 217. A minimum lot size of 40ha should be applied to the land, consistent with the surrounding Zone RU1.
b) Zone SP2 to Zone RU1 at 572 and 582 Humpty Back Road, Pearces Creek	Lot 1 DP 794891 & Lot 1 DP 118808 (572 and 582 Humpty Back Road, Pearces Creek) was formerly owned by the Department of Education and the land is now in private ownership. The property is within Zone SP2 Infrastructure for the purpose of an <i>educational establishment</i>. Improvements on the land include the old school and school house. Lot 1 DP 794891 has an area of 8094m² and Lot 1 DP 118808 has an area of 1485m². All of the surrounding land is located within Zone RU1 Primary Production. Zone SP2 Infrastructure should be changed to Zone RU1 Primary Production in order to regularise the current use as a <i>dwelling house</i>. Council issued correspondence in March 2015 to a prospective purchaser indicating that the two adjoining allotments, when zoned RU1, have one dwelling entitlement between them, which would be taken up by the existing school house. A minimum lot size of 40ha

Proposed Amendment	Rationale
	should be applied to the land, consistent with the surrounding Zone RU1.
c) Zone RU1 to Zone R5 in the following locations at Wyrallah: Agnes Street road reserve; 80 Breckenridge Street, Wyrallah; 2A Miriam Street, Wyrallah; and 7 McDonald Place, Wyrallah.	A mapping anomaly has been identified in Wyrallah where Zone RU1 Primary Production has been applied over Agnes Street road reserve; Lot 1 DP 731234 (80 Breckenridge Street); and small portions of Lots 1 and 2 both in DP 1160243 (2A Miriam Street and 7 McDonald Place respectively). In accordance with the DP&E LEP practice notes, the surrounding zone, in this instance Zone R5 Large Lot Residential, should apply over roads. Lots 1 and 2 both in DP 1160243 and Lot 1 DP 731234 are part of a small-scale estate contained within Zone R5 Large Lot Residential and Zone RU1 Primary Production has been applied erroneously. The application of Zone R5 Large Lot Residential in these locations is consistent with the Lismore Local Environmental Study 2010, section 2.1.3. Zone RU1 in these locations should be substituted with Zone R5 to reflect the use of the land. Consequential amendments will also be required to the Minimum Lot Size Map and the Height of Buildings Map with the application of 5000m² and 8.5m respectively.
d) Zone RU1 to Zone RU5 at 2 and part 4 Blue Knob Road, Nimbin - Nimbin Bush Theatre/Candle Factory	2 Blue Knob Road, Nimbin (SP 30107) and part 4 Blue Knob Road, Nimbin (Part Lot 11 DP 1182866) is located within Zone RU1 Primary Production, adjacent the northern bank of Mulgum Creek. SP 30107 has an area of 8423m² and Part Lot 11 DP 1182866 has an area of 950m². Zone RU5 Village is located adjacent to the southern bank of Mulgum Creek. The land and the adjacent central village area are located within the Nimbin Heritage Conservation Area. The land is not within the LEP flood planning area. The land is bush fire prone. The old butter factory is located on SP 30107 and part of the unsealed car park is located on the adjoining Part Lot 11 DP 1182866. Part Lot 11 is burdened by a right of carriageway The site which was originally operated by the Nimbin Co-operative Dairy Company. Norco amalgamated with the Nimbin Co-op in 1921 and commenced operations in this building in 1932. The factory closed in 1950 (Lismore Heritage Study, Ref No. 10009, 1995). M. Scott (SEE DA 2015/340) states "It is thought that the building was used as a transport terminal and for pet food manufacture prior to its purchase in 1976-77 by the Bush Factory Co-operative." Development consent history follows: • 1978/46: live theatre; radio and sound recording studio; printing and photographic reproductions; manufacture of solar water heaters, digesters and minor farm equipment; and squash courts. • 83/2134: refused proposed strata subdivision due to inconsistencies with DA 1978/46. • 84/3084: Strata subdivision with the following uses – recording studio; arts studio; live theatre; local produce packing store; video and film arts studio; applied crafts workshop; and caretakers residence. Current uses include: Nimbin Candle Factory; Nimbin Bush Theatre and Café; Bringabong smoking accessories. At the time of writing Council was assessing a development application for a shop on the

Proposed Amendment	Rationale
	site. Justification for a change of zone from RU1 Primary Production to RU5 Village includes: • The historical and current land uses are more consistent with Zone RU5 Village than Zone RU1 Primary Production; • The land is serviced with reticulated water and sewer; • LEP clause 5.3 <i>Development near zone boundaries</i> can be used for only part of the site to permit land uses that are permissible in the nearby Zone RU5 Village. • Current land uses are permissible in Zone RU5. <i>Light industries</i> and <i>entertainment facilities</i> are prohibited in Zone RU1, therefore such land uses would rely on the existing use provisions of the EP&A Act 1979.
e) Zone RU2 to Zone B6 at part 6 Bruxner Highway, South Lismore	Development consent 5.2014.320.1 was issued on 23/12/14 for a three lot subdivision at 2 Bruxner Highway, South Lismore. The subject lot, located between Quayside Motors and Bunnings, is consistent with the approved subdivision certificate (13.2014.320.2) issued for the subdivision of Lot 2 DP 1206024 (6 Bruxner Highway, South Lismore) on 5/2/16. The subject lot contains both Zone B6 Enterprise Corridor and Zone RU2 Rural Landscape. The portion of zone RU2 was well under the minimum lot size of 40ha. Clause 5.3 – <i>Development near zone boundaries</i> was used to enable the consent. Development within the RU2 portion of the approved subject lot consists of a private access road that services the rear of Bunnings and Masters. The existing development in the Zone RU2 portion of this lot is more consistent with the objectives of Zone B6.
f) Zone RU1 to Zone R1 at part 116 and 79C Fischer Street, Goonellabah	Development consent was issued for Lot 3 DP 883865 (116 Fischer Street, Goonellabah) and Lot 3 DP 823632 (79C Fischer Street, Goonellabah) on 31/3/15 for: staged integrated multi-dwelling development comprising 218 dwellings (9 x 1 bedroom and 209 x 2 bedroom), community facilities (vegetable gardens, BBQ facilities, swimming pool, children's playground and walking trails), infrastructure civil works (roads, water, sewer, drainage, bulk earthworks and retaining walls), tree removal, landscaping, compensatory revegetation and strata subdivision. LEP clause 5.3 Development near zone boundaries was used to enable the approval of some of the multi dwelling housing up to 50m within the adjoining Zone RU1 Primary Production. For all intents and purposes this part of the site is now a residential zone. The extension of Zone R1 so that it includes all of the dwellings is a logical approach. The approval pathway for minor alterations or modifications to these dwellings will be facilitated without the use of clause 5.3.
g) Minimum lot size at Boatharbour Nature Reserve, Bangalow Road, Bexhill	A mapping error has been identified in the Boatharbour Nature Reserve. The reserve incorporates the following allotments: • Lot 1 DP 806694 (634A Bangalow Road, Bexhill); • Lot 381 DP 725859 (624 Bangalow Road, Bexhill); • Lot 193 DP 755686 (623 Bangalow Road, Bexhill); and • Lot 1 DP 125322 (560 Bangalow Road, Richmond Hill). All four of these allotments are within Zone E1 National Parks and Nature Reserves. A minimum lot size does not apply to land within Zone E1. In this instance, a minimum lot size has been applied

Proposed Amendment	Rationale																																										
	erroneously to Lot 1 DP 806694; Lot 381 DP 725859; and Lot 193 DP 755686. This anomaly can be rectified with the removal of the minimum of size from these allotments.																																										
h) Minimum lot size in rail corridor	Council resolved to adopt the then Draft LEP 2012 at the ordinary meeting of 31 May 2012, including the use of Zone SP2 Infrastructure for the railway corridor. A minimum lot size was not applied within Zone SP2 across the Local Government Area. LEP 2012 was made on 22 February 2013 incorporating changes by the then Department of Planning and Infrastructure, including the removal of the use of Zone SP2 for the rail corridor and replacement with the adjoining zone. The DP&I erroneously excluded a minimum lot size for the zones used along the rail corridor. The proposal is to amend the lot size map for consistency with the lot size applying to the relevant zone except in the urban area where a 10 hectare lot size is proposed																																										
i) Zone B6 to Zone IN1 at part 161 and 29 – 77 Krauss Avenue, Loftville	The land that forms the subject of this item of the planning proposal is located in Krauss Avenue, Loftville. The street number and corresponding legal description are provided below: <table><tr><th>Krauss Ave Street No.</th><th>Lot</th><th>DP</th></tr><tr><td>161 (part)</td><td>9 (part)</td><td>1093668</td></tr><tr><td>29</td><td>1</td><td>1093668</td></tr><tr><td>35</td><td>21</td><td>1133005</td></tr><tr><td>39</td><td>22</td><td>1133005</td></tr><tr><td>41</td><td>11</td><td>1093668</td></tr><tr><td>43</td><td>3</td><td>1093668</td></tr><tr><td>49</td><td>4</td><td>1093668</td></tr><tr><td>53</td><td>5</td><td>1093668</td></tr><tr><td>57</td><td>12</td><td>1093668</td></tr><tr><td>61</td><td>6</td><td>1093668</td></tr><tr><td>67</td><td>7</td><td>1093668</td></tr><tr><td>73</td><td>81</td><td>1214371</td></tr><tr><td>77</td><td>82</td><td>1214371</td></tr></table> The subject strip of land is located adjacent to the East of Lismore Airport within Zone B6 Enterprise Corridor. The land was previously within Zone No 4(a) (Industrial Zone) under LEP 2000. The area consists of twelve allotments and one part lot, two lots of which are 4000m² drainage reserves. The remaining ten lots range in area from 6000m² to 30000m². Existing or approved and yet to be constructed development includes industrial, warehouse or distribution centre, RMS heavy vehicle inspection centre, and emergency services facility. Interest has also been expressed in bulky goods premises, vehicle sales or hire premises, and rural industries. Section 2.2.4 of the Lismore Local Environmental Study 2010 (LES) provides justification for the use of Zone B6 in this “gateway location”. An extract of the LES follows: <i>The zone offers the opportunity to expand development, increase employment and create a far more dynamic urban environment. The FNCRS encourages Councils to identify opportunities for bulky goods style retailing in appropriate locations. The B6 Enterprise Corridor zone provides the opportunity to allow large</i>	Krauss Ave Street No.	Lot	DP	161 (part)	9 (part)	1093668	29	1	1093668	35	21	1133005	39	22	1133005	41	11	1093668	43	3	1093668	49	4	1093668	53	5	1093668	57	12	1093668	61	6	1093668	67	7	1093668	73	81	1214371	77	82	1214371
Krauss Ave Street No.	Lot	DP																																									
161 (part)	9 (part)	1093668																																									
29	1	1093668																																									
35	21	1133005																																									
39	22	1133005																																									
41	11	1093668																																									
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Proposed Amendment	Rationale
	<i>scale commercial development on a main road, within close proximity to the CBD and adjoining an industrial precinct. This will encourage bulky goods retailing in a restricted location and ensure that the primary retail role of the CBD is not jeopardised.</i> Council resolved to permit bulky goods premises in Zones IN1 and IN2 in the final stages of preparation of the then draft LEP 2012. Consequently, the justification for the use of Zone B6 in this location is no longer compelling. The use of Zone IN1 General Industrial in this location instead of Zone B6 Enterprise Corridor can now be justified as it permits all of the existing or approved and yet to be constructed development as well as providing opportunities for rural industries and other industrial land uses. The existence of a 30m wide vegetated nature strip along Krauss Avenue in this location provides potential for screening of developments with limited visual appeal.
j) Zone IN1 to Zone RE1 and Zone RE1 to Zone IN1 at 16 Taylor Street, South Lismore - Riverview Park	The subject land, part Lot 1 DP 122285 (part 16 Taylor Street, South Lismore – the north eastern section of Riverview Park) was one of several lots that were reclassified and/or rezoned as part of LEP 2012 Amendment No. 8. A partial reclassification from Community to Operational and Operational to Community was undertaken to more accurately reflect an existing encroachment onto public land. Land that was reclassified from Community to Operational was changed from Zone RE1 to Zone IN1 with the application of a 1500m² minimum lot size. Land that was reclassified from Operational to Community was changed from Zone IN1 to Zone RE1. It has become apparent that a mapping error was not detected prior to the finalisation of the plan making. The new zone boundaries do not entirely match up with the reclassification areas. A similar error was also detected with the minimum lot size. The amendment will enable Council to enter into a lease or licence agreement for the existing encroachment by Hernes Freight Services onto public land.
Heritage Map and Schedule 5 Environmental Heritage	
k) 9 Club Lane, Lismore	Five reconfigured allotments were created in Lismore CBD as a result of a boundary adjustment with the registration of deposited plan 1201176. The boundary adjustment was required as a result of development associated with levee repairs adjacent to 9 Club Lane Lismore (Lot 2 DP 1201176). The boundary adjustment involved 5 contiguous allotments, including 9 Club Lane. This allotment is listed in LEP Schedule 5 Environmental Heritage (Item I41) and appears in the LEP Heritage Map. The legal description of the 9 Club Lane in Schedule 5 needs to change from Lot 2 DP 1114333 to Lot 2 DP 1201176. The Heritage Map requires amendment to reflect the current boundaries of the land. The proposed updated entry in the Heritage Map involves a reduction in area as the rear portion of the building was demolished to accommodate the realigned levee. The updated entry will cover the entire allotment within which is contained the entire heritage item.
l) 563 Tuckurimba Road, East Coraki	Item I19 of Schedule 5 Environmental Heritage lists a house at 511 Tuckurimba Road, East Coraki with a property description Lot 1 DP

Proposed Amendment	Rationale
	798966. It has become apparent that this house has been erroneously listed as it exists on the adjacent allotment at 563 Tuckurimba Road, East Coraki with a property description of Lot 9 DP 755699. The correction of this error will require an amendment to Schedule 5 Environmental Heritage and the Heritage Map.
Land Use Table	
m) Hardware and building supplies	The land use <i>hardware and building supplies</i> was one of the numerous new terms introduced into the Standard Instrument LEP prior to the finalisation of the LEP 2012. <i>Hardware and building supplies</i> have been prohibited in Zone RU5 Village since LEP 2012 has been in force. Upon review, this land use is considered to be compatible with the village zone objectives. Amendment of the land use table to permit <i>hardware and building supplies</i> is consistent with the Far North Coast Regional Strategy and the relevant LEP planning circulars.
n) Home-based child care	<i>Home-based child care</i> is Exempt Development under SEPP (Exempt and Complying Development Codes) 2008 if it is not carried out on bush fire prone land. <i>Home-based child care</i> is development that is permitted without consent under LEP 2012 in the zones listed below without any requirements regarding bush fire prone land. • RU1 Primary Production • RU2 Rural Landscape • RU5 Village • R1 General Residential • R2 Low Density Residential • R5 Large Lot Residential • B1 Neighbourhood Centre • B2 Local Centre • B3 Commercial Core • B4 Mixed Use • B6 Enterprise Corridor • IN1 General Industrial • IN2 Light Industrial The land use table should be amended so that <i>home-based child care</i> requires development consent. This will require the lodgement of a development application for home based child care only on bush fire prone land enabling a merit based assessment of bush fire risk for this land use. The development of <i>home-based child care</i> can still be undertaken in accordance with the Exempt Development provisions of SEPP (Exempt and Complying Development Codes) 2008. The amendment would require the <i>omission of home-based child care</i> from item 2 (Permitted without consent) for the aforementioned zones and the insertion of this land use in item 3 (Permitted with consent) for the closed zones (RU1, RU2, RU5, R2 and R5).
o) Vehicle repair stations	It has become apparent that demand exists for <i>vehicle repair stations</i> within Zone B3 Commercial Core, Zone B2 Local Centre

Proposed Amendment	Rationale
	and Zone B1 Neighbourhood Centre. <i>Vehicle repair stations</i> are currently permissible with consent in the following zones: RU2 Rural Landscape; RU5 Village; B6 Enterprise Corridor; IN1 General Industrial; and IN2 Light Industrial. <i>Vehicle repair station means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicle or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.</i> Justification for the permissibility of this land use in these zones includes: • <i>Car repair stations</i> under LEP 2000 were permissible with consent in all business zones; • Opportunity exists for this land use in some existing premises in peripheral areas of Zone B3 Commercial Core; • The location of <i>vehicle repair stations</i> in business zones will enable people to drop off their car for mechanical repairs and utilise nearby commercial premises. • <i>Vehicle repair stations</i> are compatible with several other commercial land uses.
Principle Development Standards	
p) Clause 4.2C Erection of dual occupancies (detached) in Zone RU1	LEP Amendment No. 5 was made on 25/10/13 and included, among other things, the new clause 4.2C Erection of rural workers dwellings in Zone RU1. Staff have reviewed clause 4.2C as introduced by Amendment No. 5 and are satisfied that the provisions adequately control the land use. However, minor amendments to the clause objectives are recommended to reinforce the importance of maintaining agricultural potential of the land. This amendment could be achieved by removing the term “primary production potential” from objective b and using the term in an additional standalone objective for supplementary emphasis. The existing clause 4.2C is provided below: <i>4.2C Erection of dual occupancies (detached) in Zone RU1</i> <i>(1) The objectives of this clause are as follows:</i> <i>(a) to provide alternate accommodation for rural families and workers,</i> <i>(b) to ensure development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land.</i> <i>(2) Development consent must not be granted to development for the purpose of a dual occupancy (detached) on land in Zone RU1 Primary Production unless the consent authority is satisfied that:</i> <i>(a) the development will not impair the use of the land for agriculture or rural industries, and</i> <i>(b) each dwelling will use the same vehicular access to and from a public road, and</i> <i>(c) each dwelling will be situated within 100 metres of each other, and</i> <i>(d) the land is physically suitable for the development, and</i> <i>(e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and</i>

Proposed Amendment	Rationale
	<i>(f) the development will not have an adverse impact on the scenic amenity or character of the rural environment.</i> The proposed amendments to the clause are provided below: Existing objective (b) <i>b) to ensure development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land.</i> Recommended amendment <i>(b) to protect the primary production potential of the land</i> <i>(c) to ensure development is of a scale and nature that is compatible with the rural character and environmental capabilities of the land.</i>
q) Clause 4.2D Exceptions to minimum subdivision lot size for lot boundary adjustments in Zone RU1	LEP Amendment No. 4, among other things, introduced clause 4.2D Exceptions to minimum subdivision lot size for boundary adjustments in Zone RU1. Flexibility of the subdivision provisions in rural areas is a significant issue as the majority of rural lots within the Local Government Area (LGA) are below the minimum lot standard. In many instances boundary adjustments have the potential to provide positive planning outcomes. The clause does not allow a boundary adjustment that will result in the creation of an additional lot or dwelling entitlement. A copy of clause 4.2D is provided below: 4.2D Exceptions to minimum subdivision lot size for lot boundary adjustments in Zone RU1 <i>(1) The objective of this clause is to permit lot boundary adjustments in Zone RU1 Primary Production that will provide improved agricultural outcomes without creating additional opportunities for the erection of dwellings.</i> <i>(2) Development consent may be granted for the subdivision of land in Zone RU1 Primary Production to create a lot of a size that is less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land if the consent authority is satisfied that:</i> <i>(a) the subdivision will not result in the creation of an additional lot or the opportunity for additional dwelling entitlements on any of the lots, and</i> <i>(b) the subdivision will not adversely impact on the long-term agricultural production potential of the lots and the surrounding locality.</i> Rural boundary adjustments under LEP 2012 involving one or more undersized lots are only possible if the allotments are contained entirely within Zone RU1 Primary Production. It is generally not possible to adjust boundaries of undersized split zoned rural lots. Nor is it possible to adjust boundaries between undersized Zone RU1 lots and lots within Zones RU2, R5, E2 or E3. The restriction of boundary adjustments for existing undersized lots involving these zones was an unintended consequence when clause 4.2D was originally drafted. Justification for the amendment of the boundary adjustment provisions to include Zones RU2, R5, E2 and E3 are provided below: • Boundary adjustments for existing undersized lots in all zones

Proposed Amendment	Rationale
	was possible under LEP 2000; - Numerous other Standard Instrument LEPs enable boundary adjustments for undersized lots in all zones previously excluded by clause 4.6(6); - There is no rational argument to exclude these zones from a merit based assessment for boundary adjustments; - Zone E2 and E3 are part of a suite of zones included in draft LEP Amendment North Lismore Plateau. Zone E3 is included in the adopted Trinity Drive Precinct planning proposal; - Boundary adjustments for undersized split zoned lots with both Zone RU1 and Zone R5 under LEP 2012 are currently not possible; - The creation of more logical property boundaries; - The diminution of land use conflict; - Provision of more appropriate legal points of access; - Enhanced bushfire safety; - Enhanced ecological outcomes.

Section B – Relationship to Strategic Planning Framework

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

The planning proposal is consistent with the objectives and actions contained within the Far North Coast Regional Strategy.

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

The planning proposal is consistent with the Lismore Growth Management Strategy 2015 – 2035 and Imagine Lismore (Community Strategic Plan) 2013 – 2023.

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

The planning proposal is consistent with the applicable State Environmental Planning Policies. A checklist of the SEPPs is provided at **Attachment 1**.

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

The planning proposal is consistent, or justifiably inconsistent with the applicable s117 Ministerial Directions. A Section 117 checklist for the planning proposal is provided at **Attachment 2**.

Section C – Environmental, Social and Economic Impact

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

The planning proposal is not likely to adversely impact threatened species, populations or ecological communities or their habitats. There is no critical habitat in the Lismore LGA.

The planning proposal consists of general housekeeping amendments to the LEP in order to rectify mapping anomalies, refine existing non-mandatory provisions, and make minor adjustments to the land use table.

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

There are no likely negative environmental effects associated with the planning proposal.

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

A review of Aboriginal and European cultural heritage has been undertaken. None of the sites proposed for changes to zone, minimum lot size or height of buildings were identified in either: the Aboriginal Heritage Management Information System; and an unpublished report entitled "Wiy-abal Aboriginal Clan (Bundjalung Nation) Cultural Heritage & Values Relating to the Lismore City Council Local Government Area" prepared by Collins M and Heron R dated June 2000.

The planning proposal does not involve any negative social or economic impacts. The proposed mapping amendments rectify anomalies and better reflect existing and surrounding developments.

Minor amendments to the land use table are proposed as a response to a periodic review of permissibility and the role of the Codes SEPP with regards to *home-based child care*. The requirement for development consent for *home-based child care* in bush fire prone areas provides for a positive social impact.

Minor amendments to clauses 4.2C and 4.2D serve to address the importance of primary production potential in rural areas as well as providing increased utility with regards to boundary adjustment provisions. These amendments provide for positive social and economic impacts.

Section D – State and Commonwealth Interests

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

The planning proposal will not create additional demand for public infrastructure.

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

Council is required to consult with the NSW Rural Fire Service in accordance with s117 Ministerial Direction 4.4.

Site I is adjacent to the Lismore Airport. The proposal does not introduce any new requirements for building height restrictions. Comprehensive development controls are incorporated in Lismore DCP Chapter 9 Buffer Areas and LEP 2012 clauses 6.5 and 6.6. A minimum lot size of 1500m² is proposed where currently no standard applies. Council will consult with the Civil Aviation Safety Authority if required by the Gateway determination.

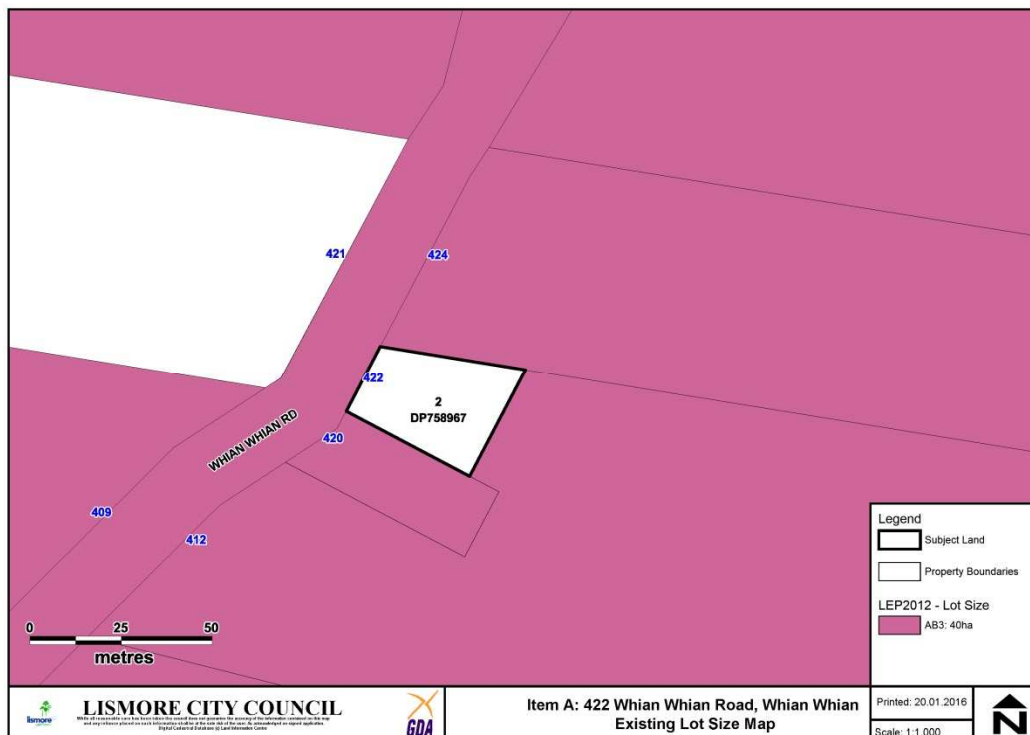
Otherwise, the planning proposal is generally minor in nature and does not warrant further consultation with public authorities.

PART 4 - MAPPING

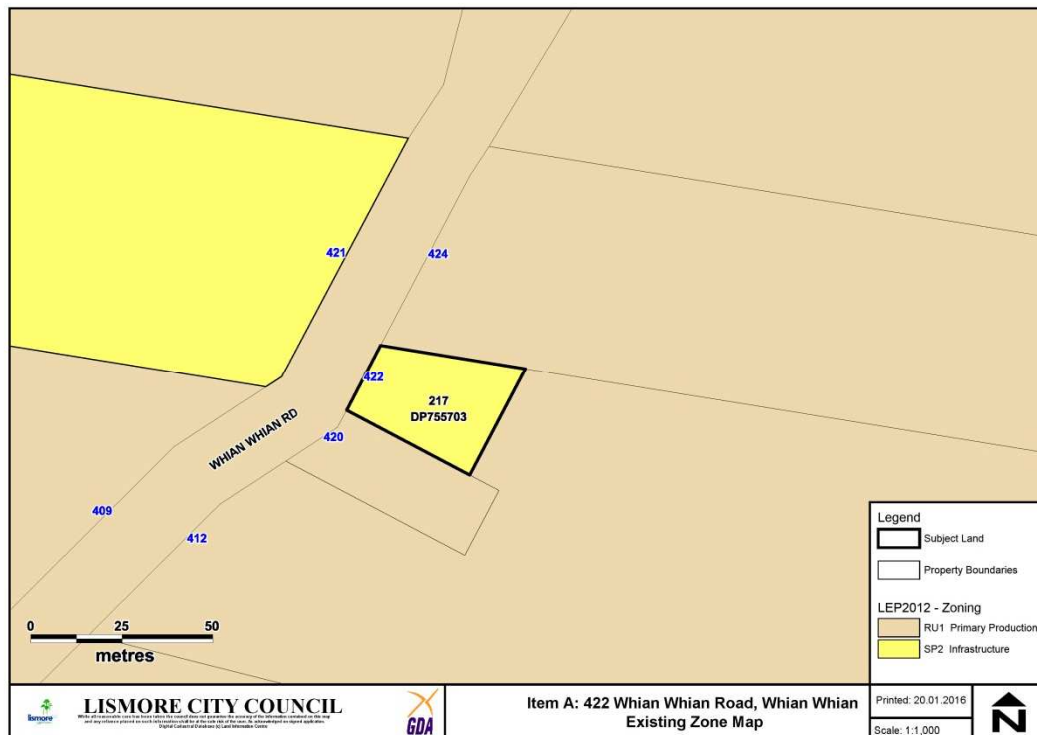
Site A – 422 Whian Whian Road, Whian Whian Location Map



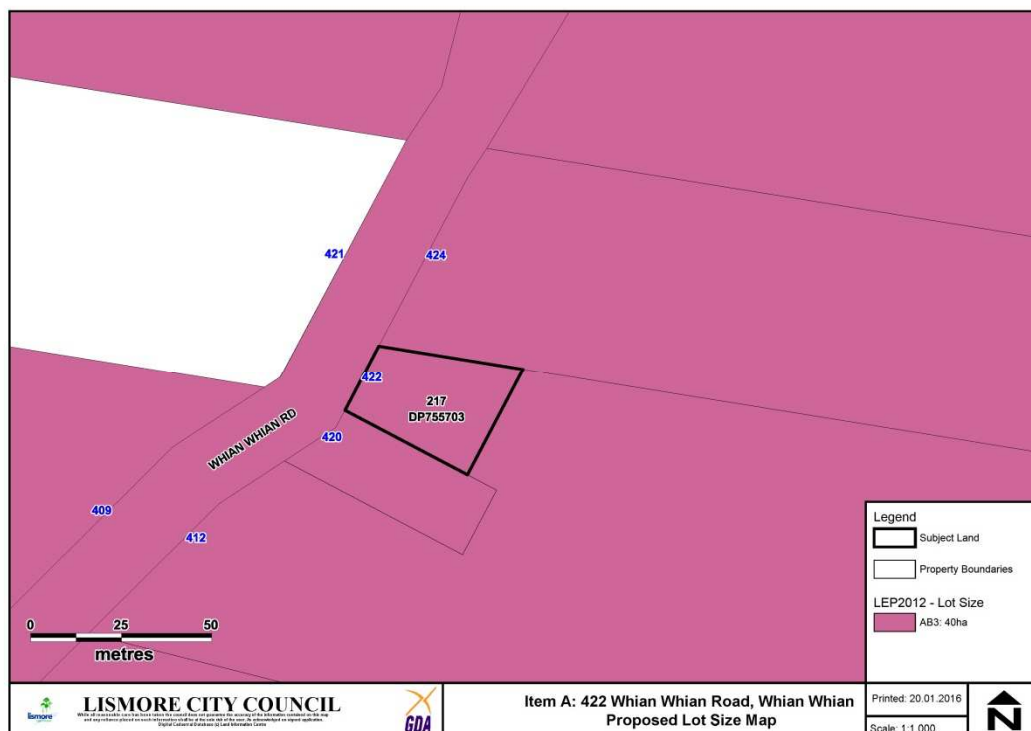
Site A – Existing Lot Size Map



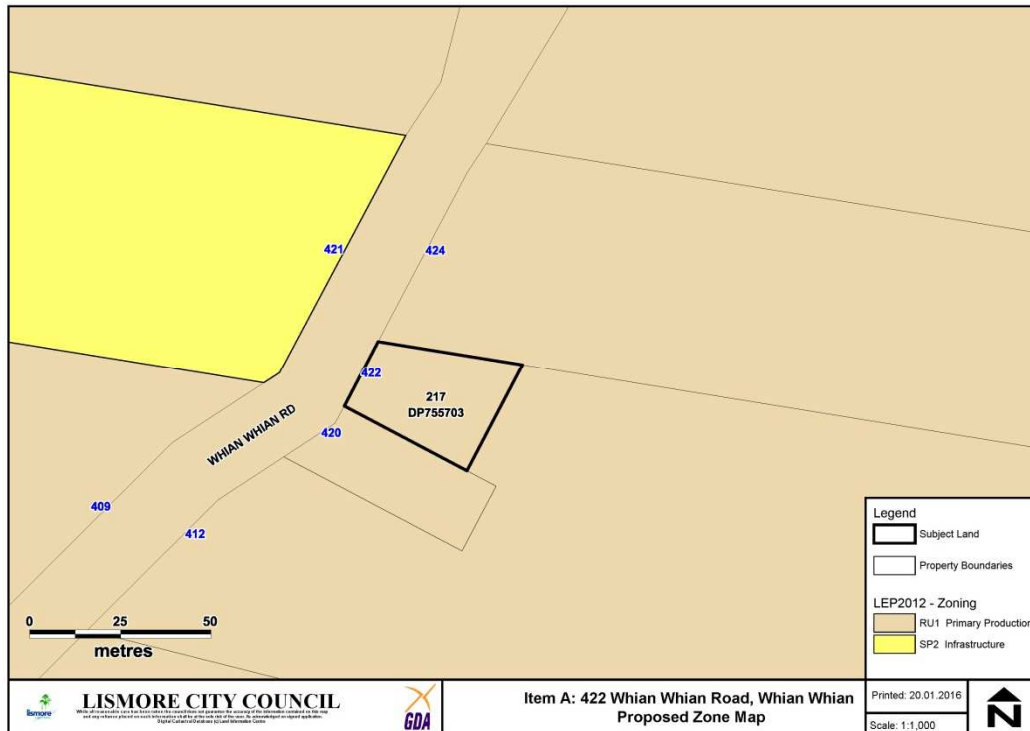
Site A – Existing Zone Map



Site A – Proposed Lot Size Map



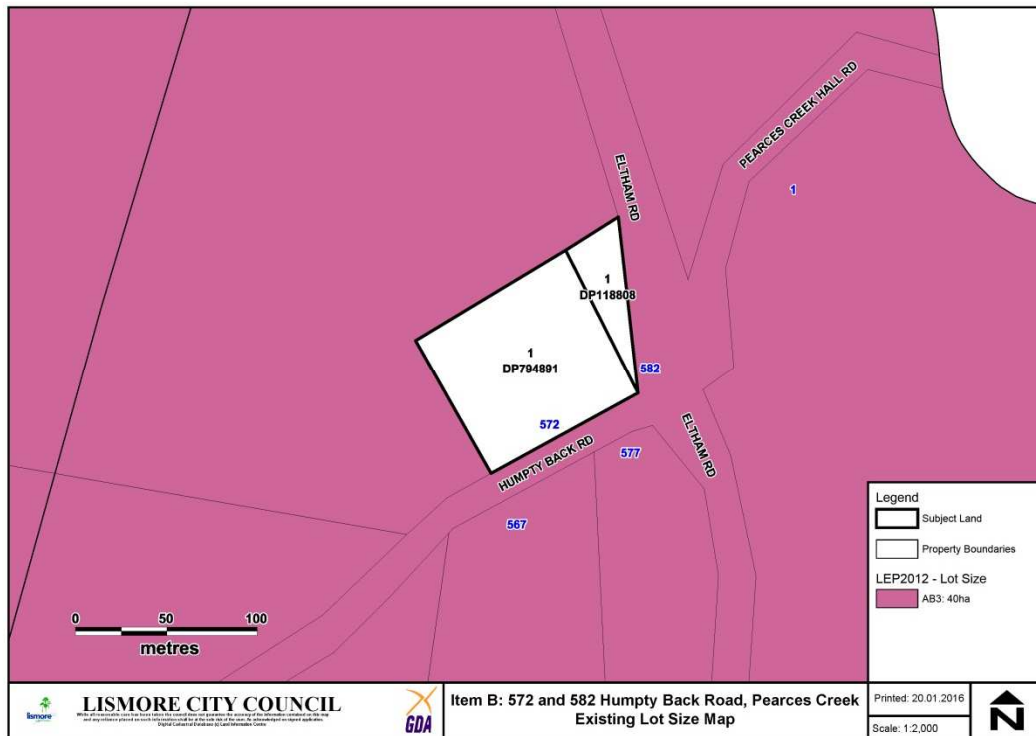
Site A – Proposed Zone Map



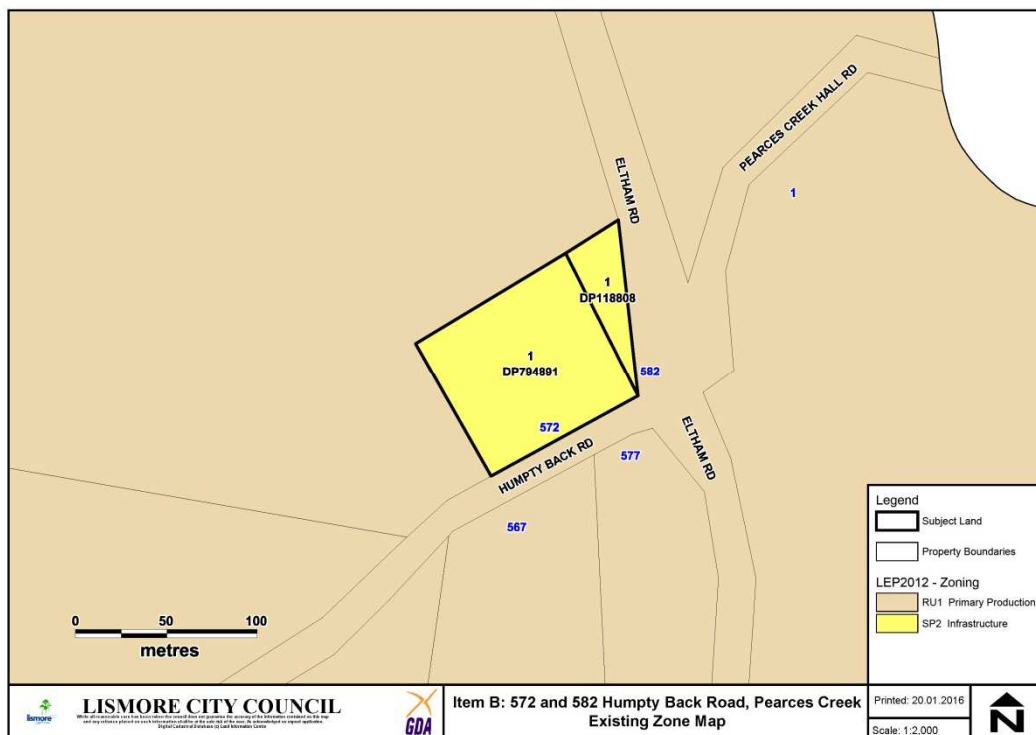
Site B – 572 and 582 Humpty Back Road, Pearces Creek Location Map



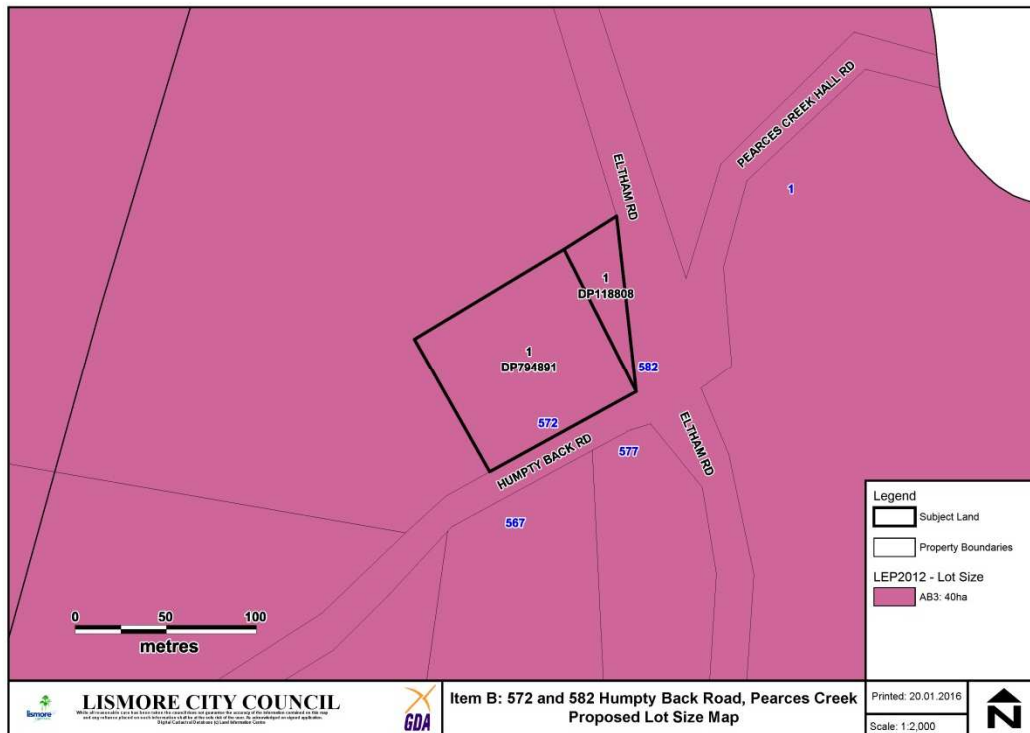
Site B - Existing Lot Size Map



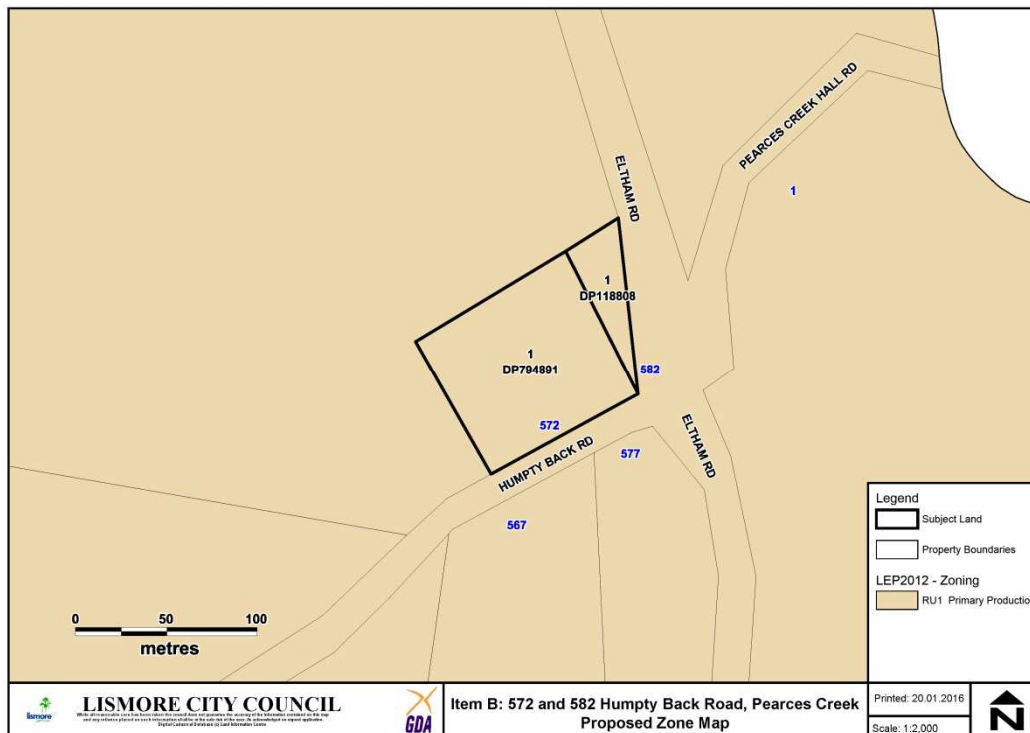
Site B - Existing Zone Map



Site B – Proposed Lot Size Map

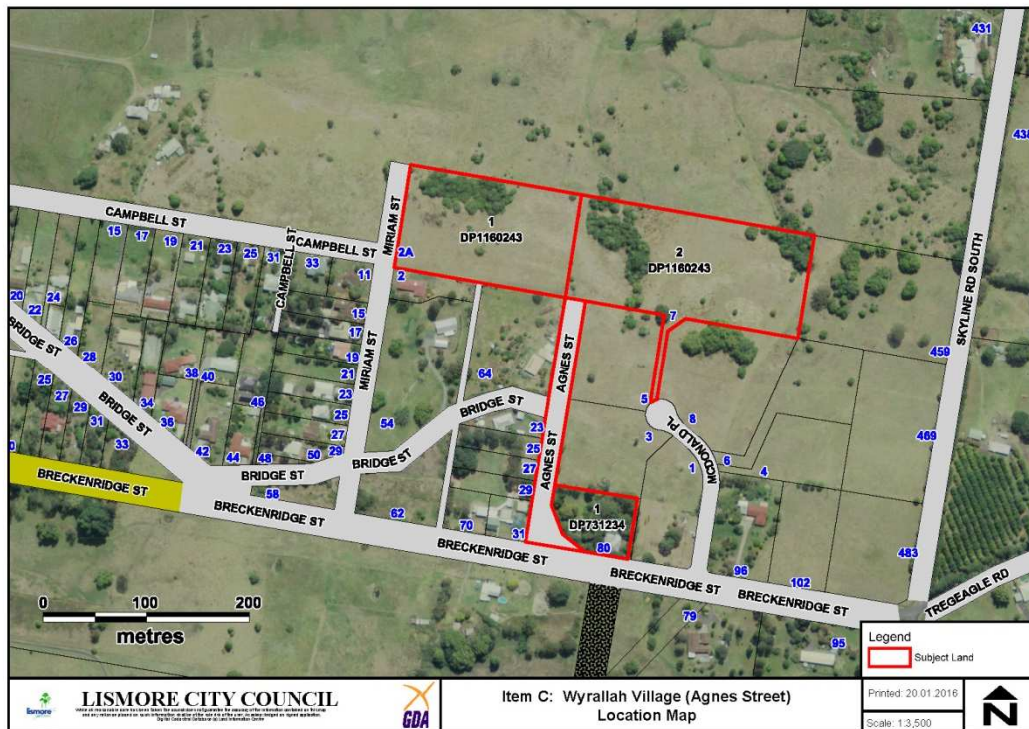


Site B – Proposed Zone Map

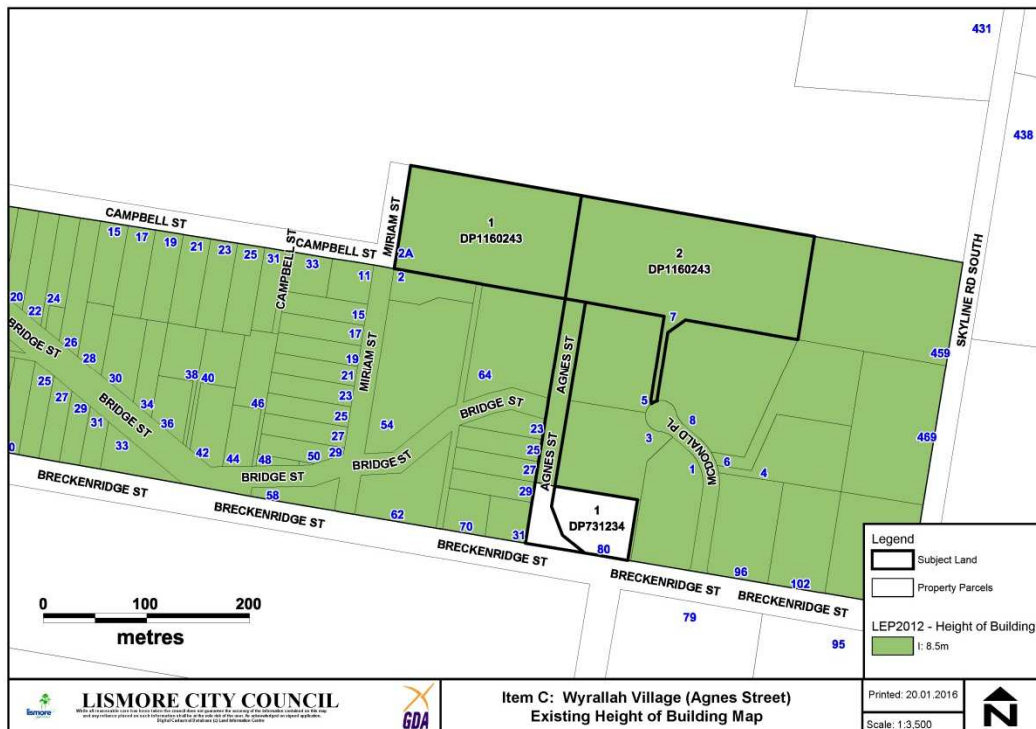


Site C – Wyrallah

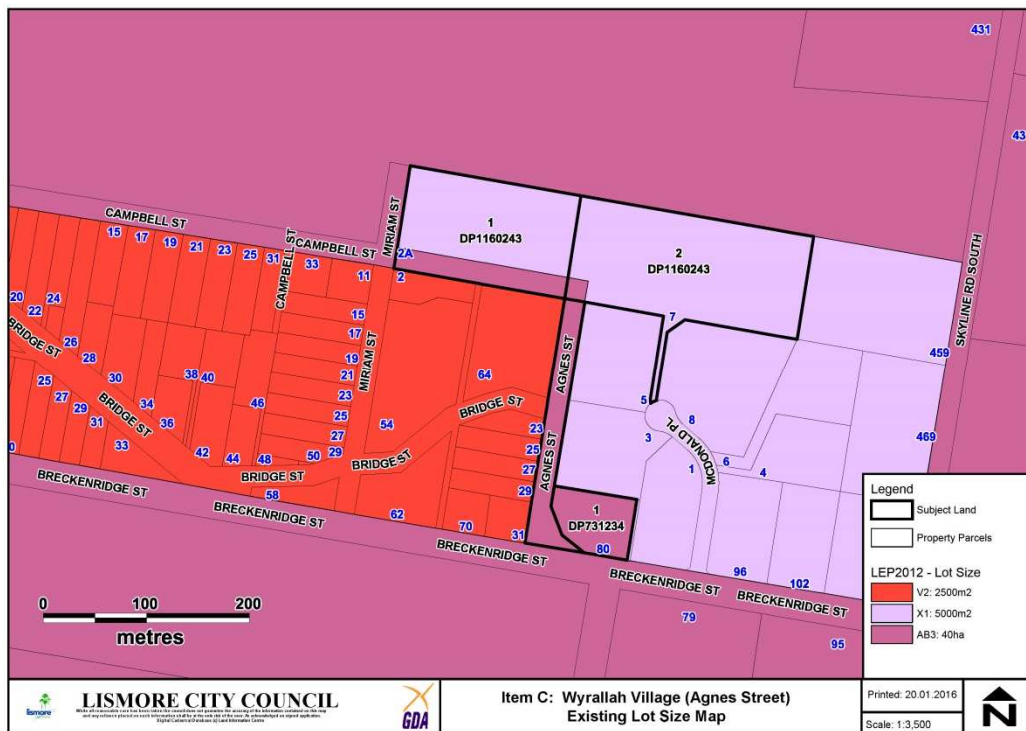
Location Map



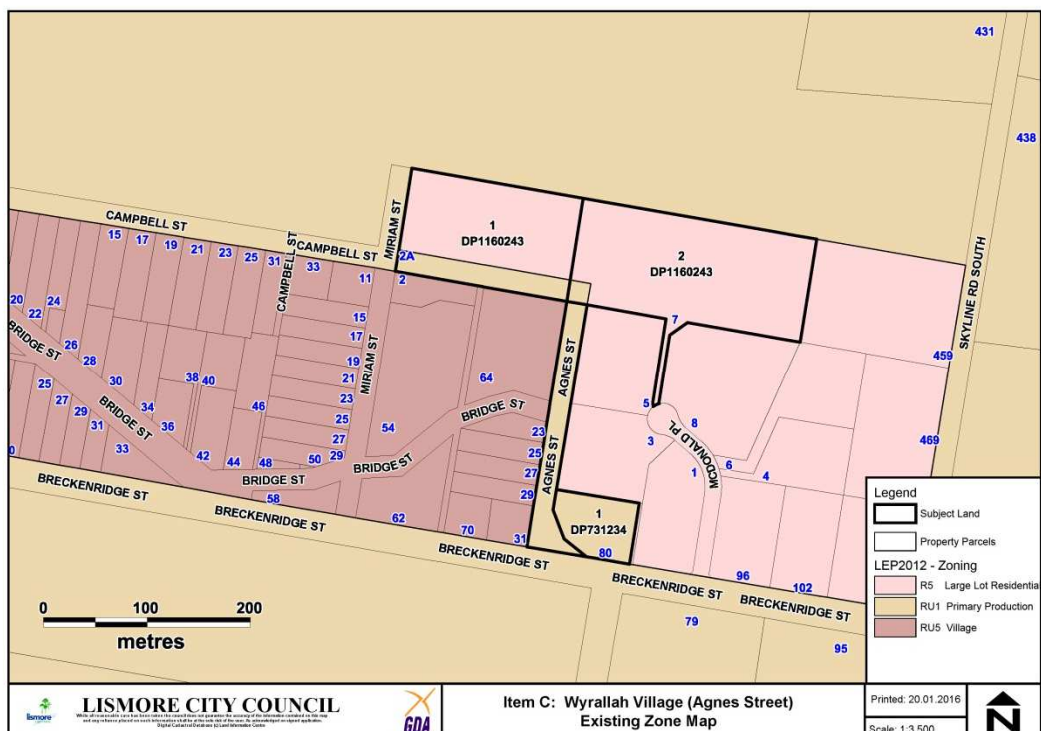
Site C – Existing Height of Buildings Map



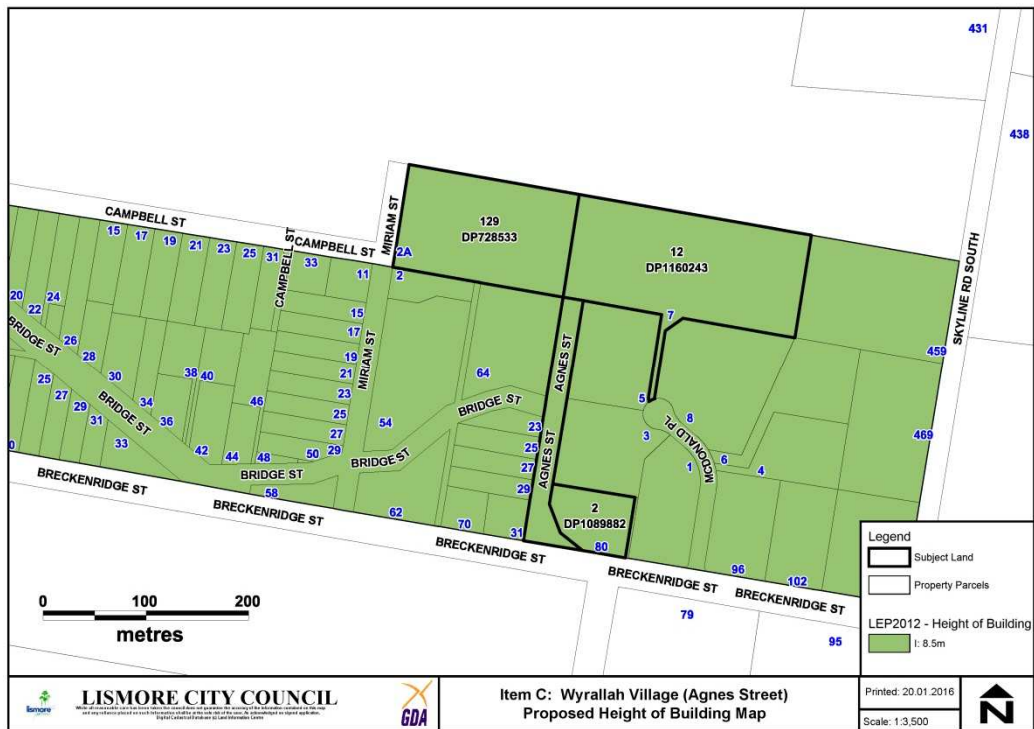
Site C – Existing Lot Size Map



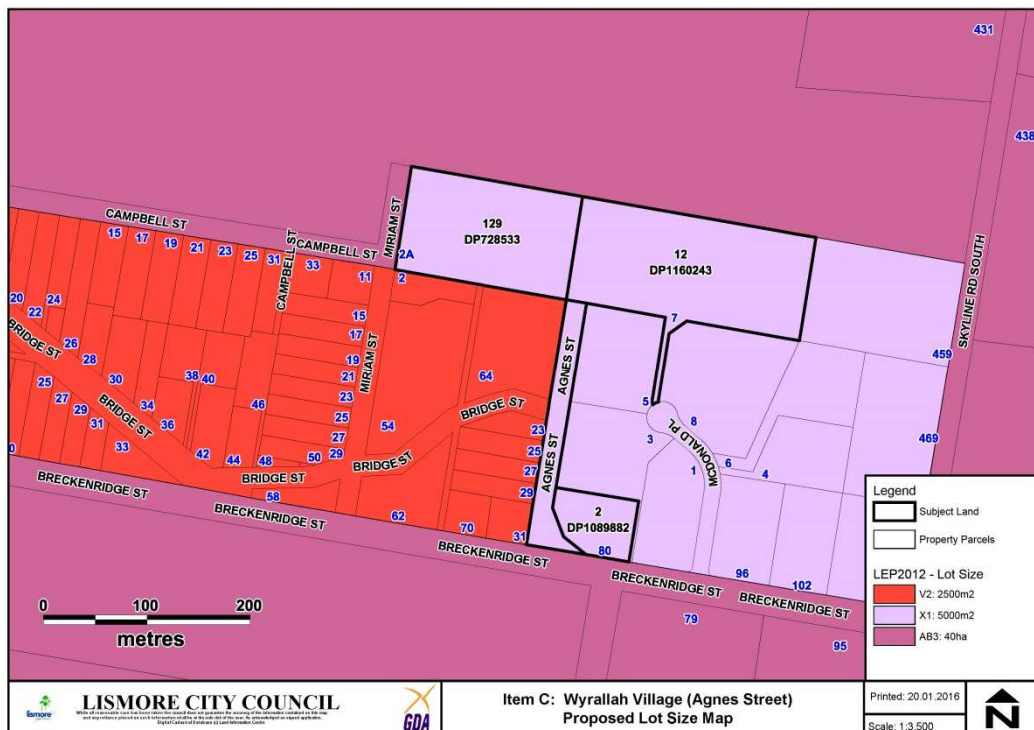
Site C – Existing Zone Map



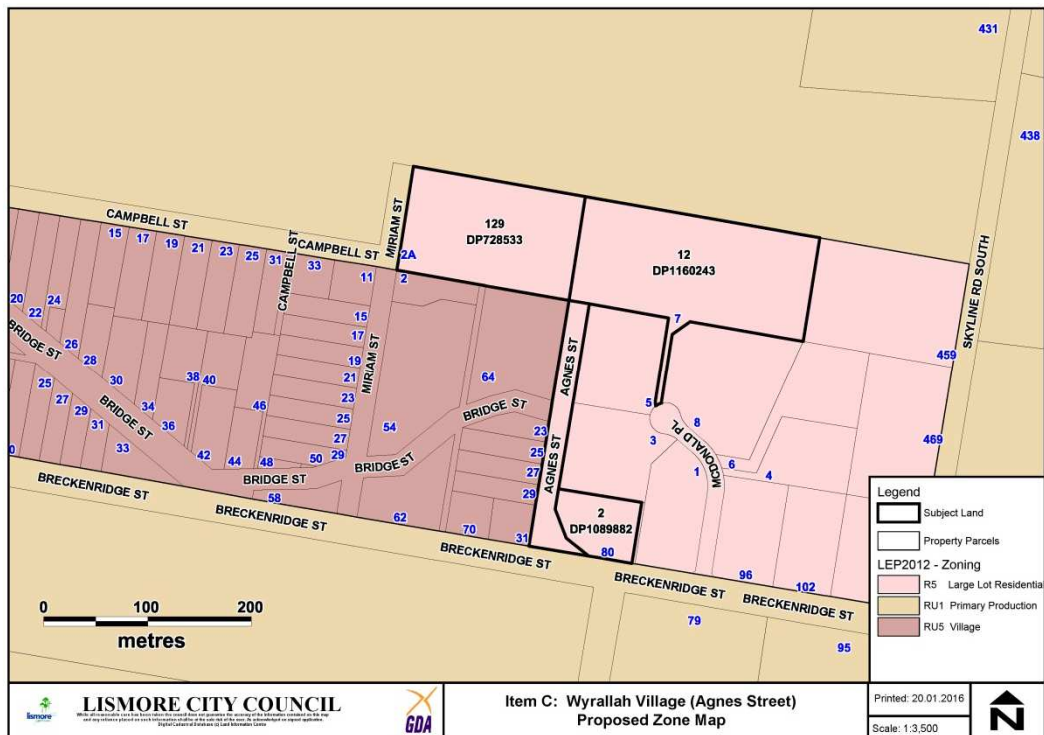
Site C – Proposed Height of Buildings Map



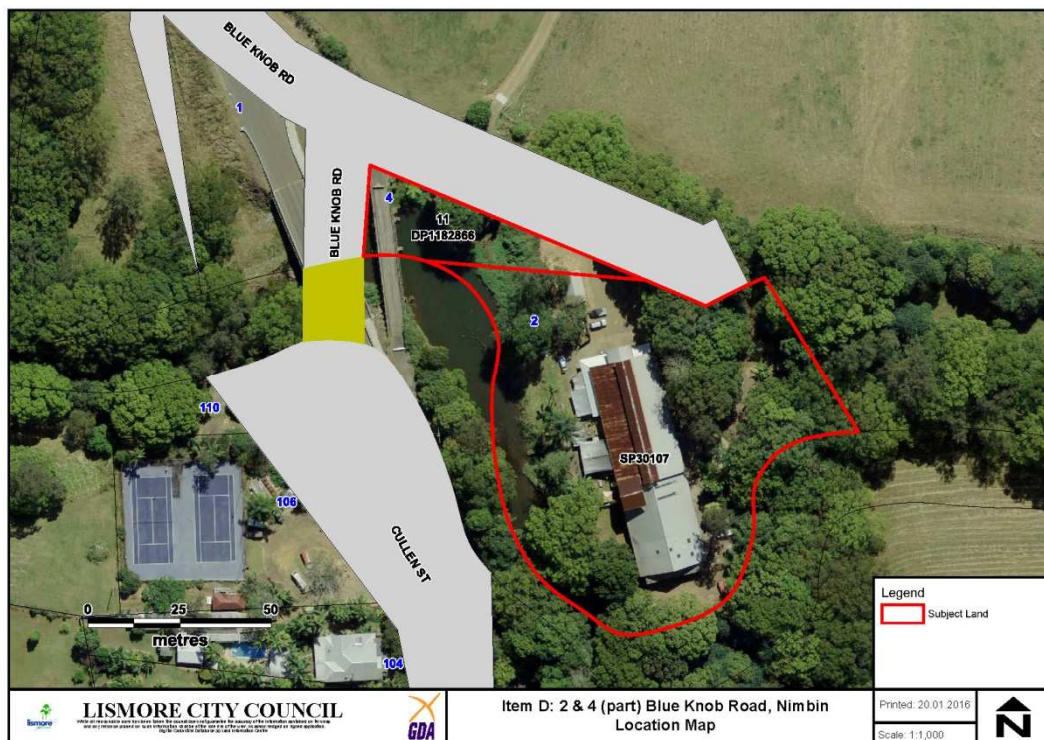
Site C – Proposed Lot Size Map



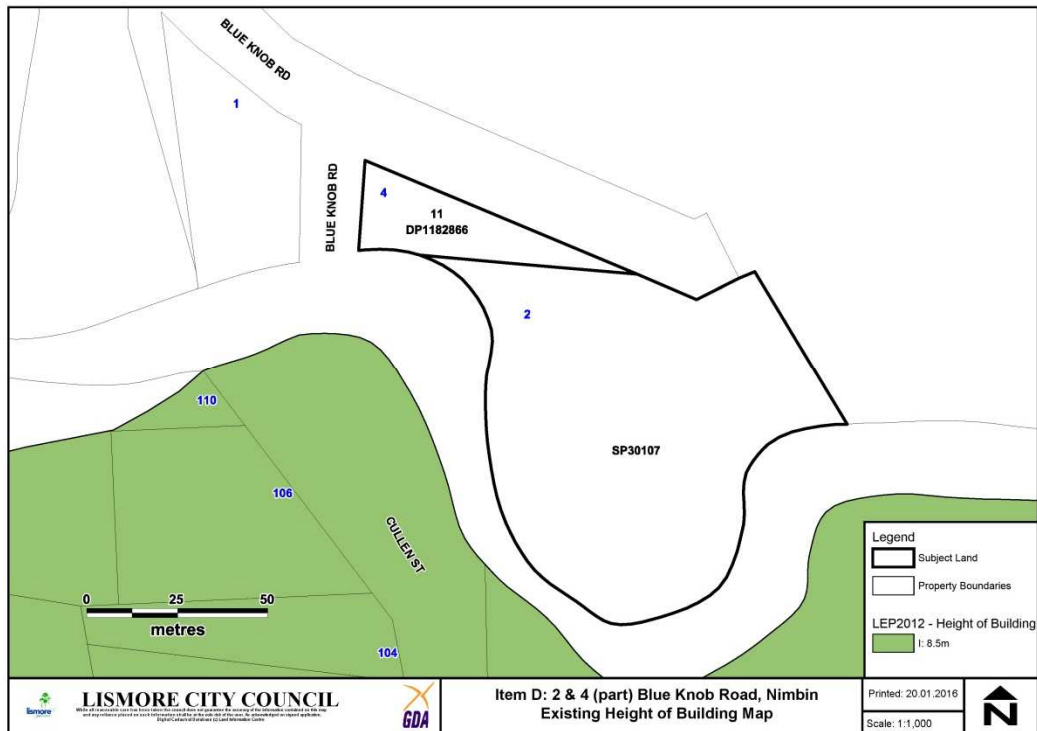
Site C – Proposed Zone Map



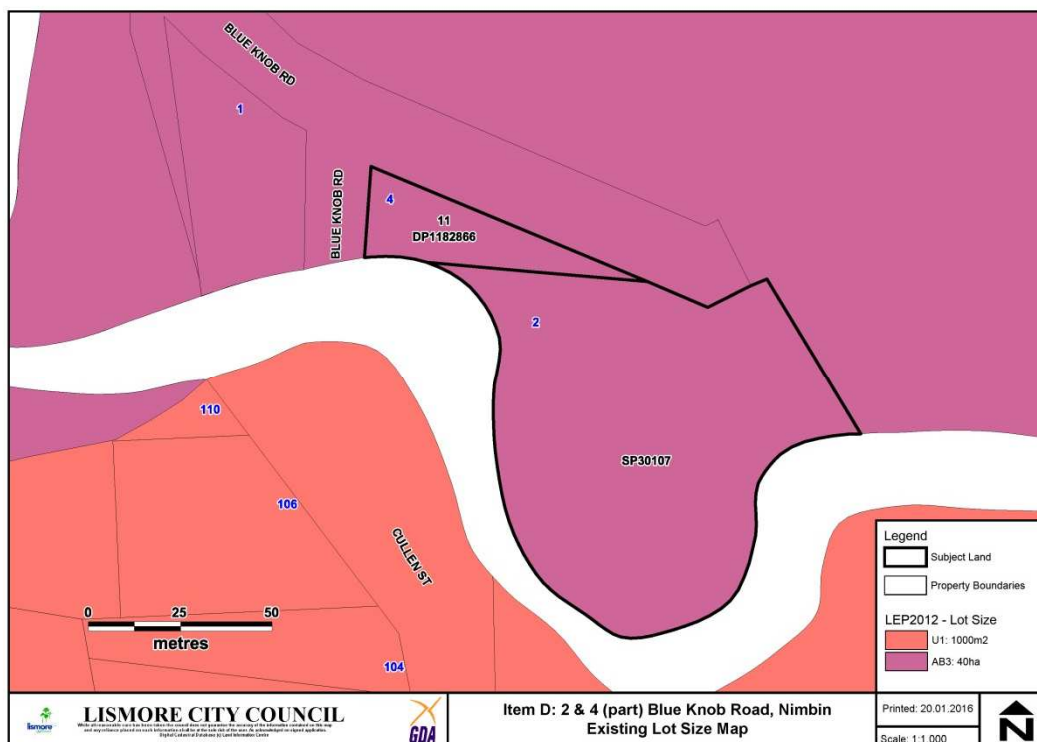
Site D – 2 and 4 Blue Knob Road, Nimbin Location Map



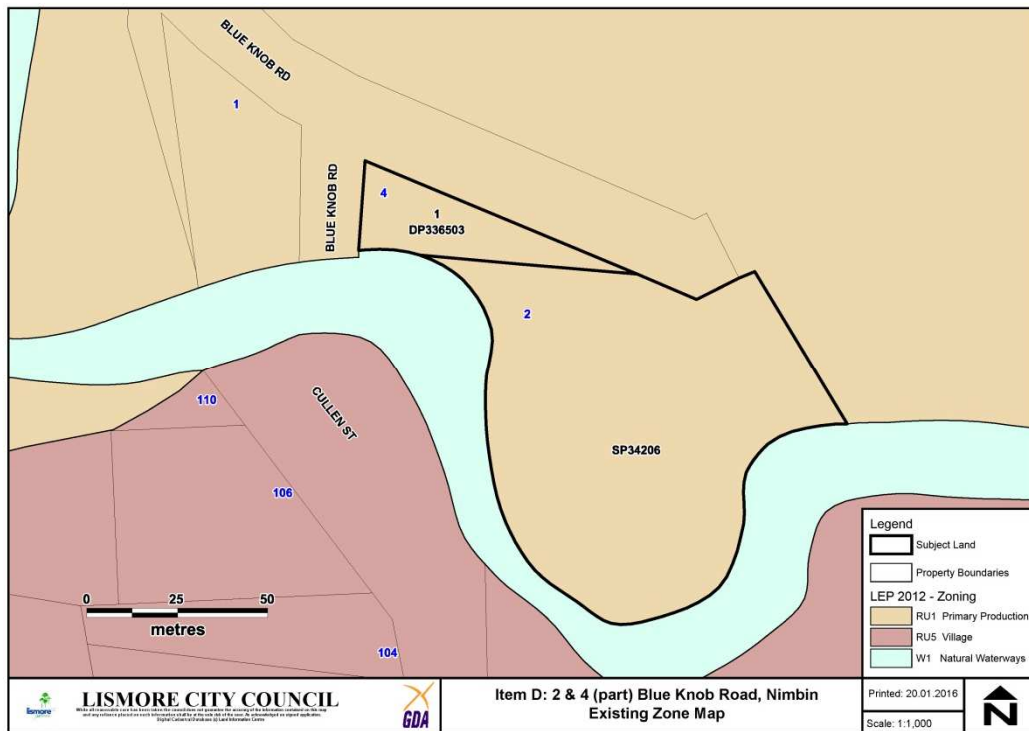
Site D – Existing Height of Buildings Map



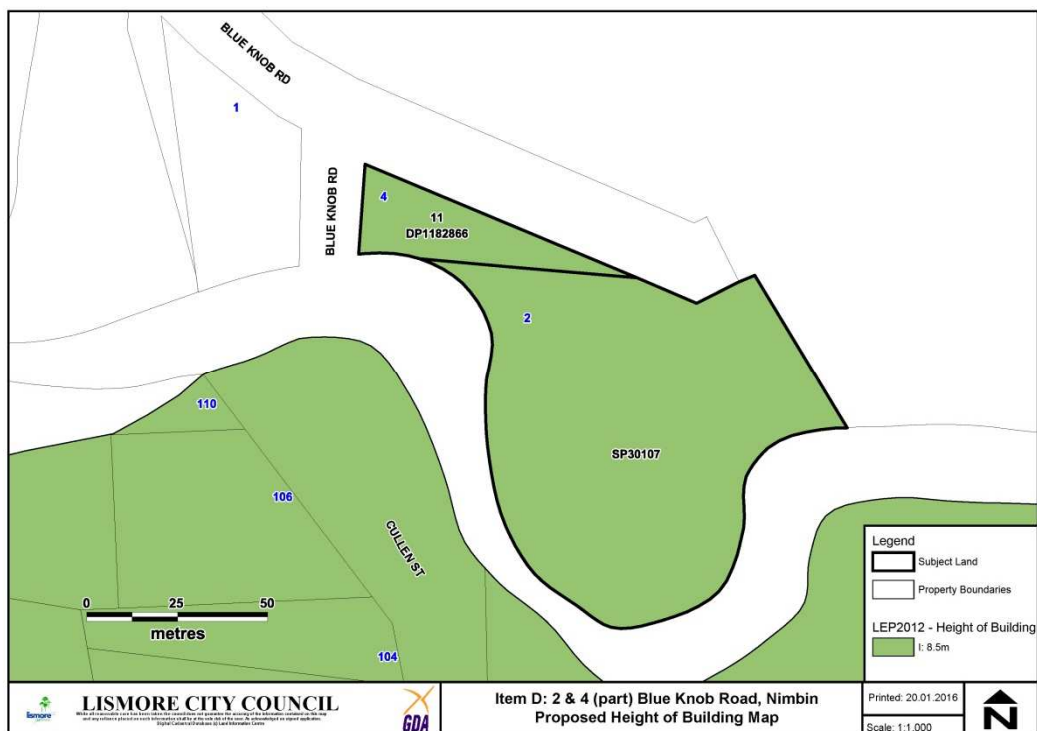
Site D – Existing Lot Size Map



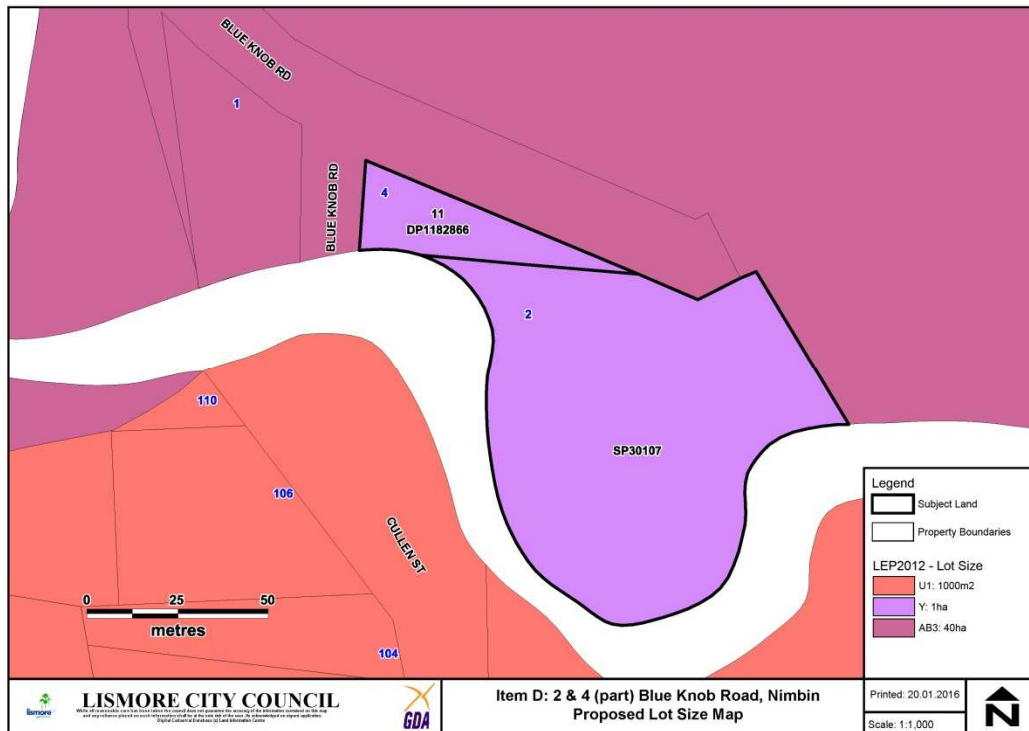
Site D – Existing Zone Map



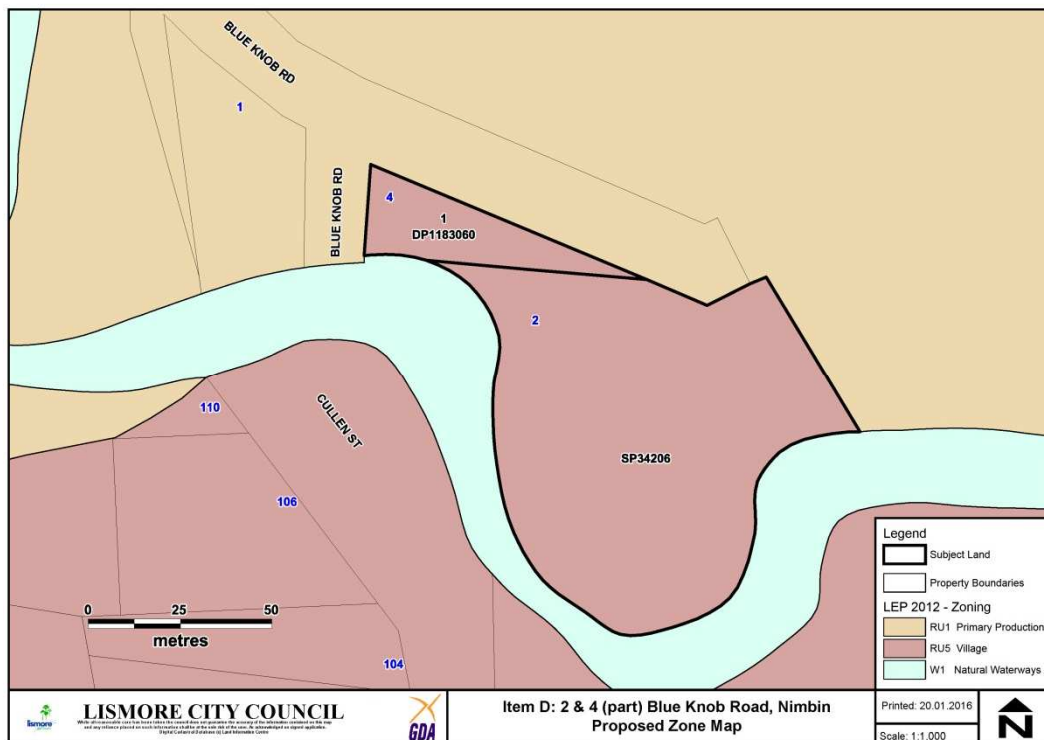
Site D - Proposed Height of Buildings Map



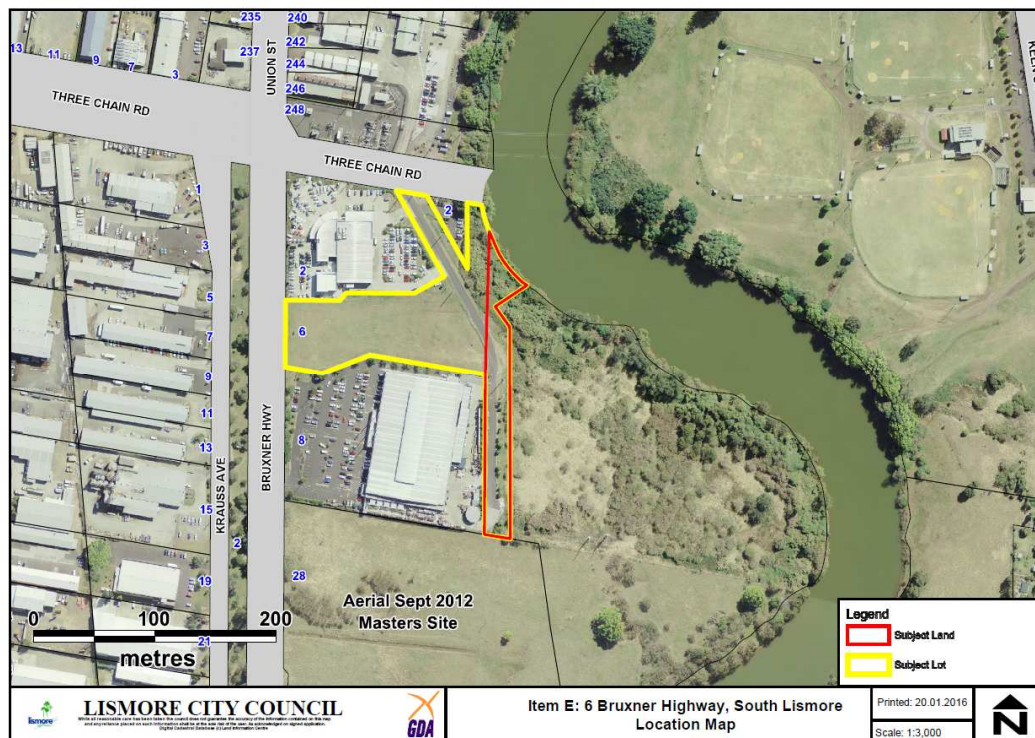
Site D – Proposed Lot Size Map



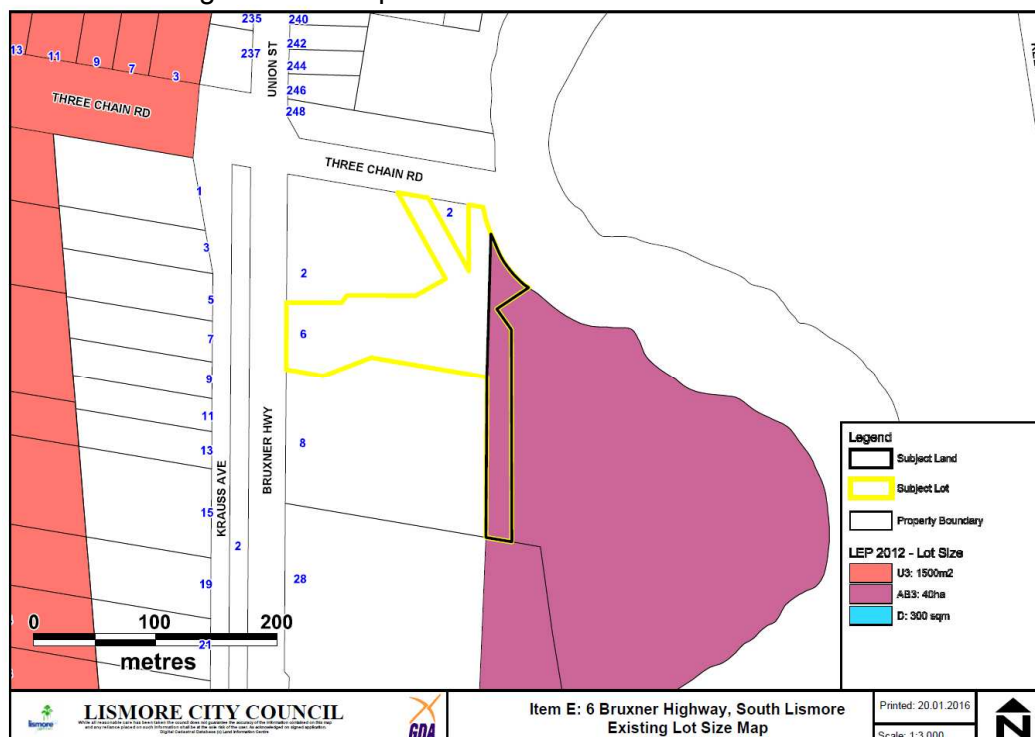
Site D – Proposed Zone Map



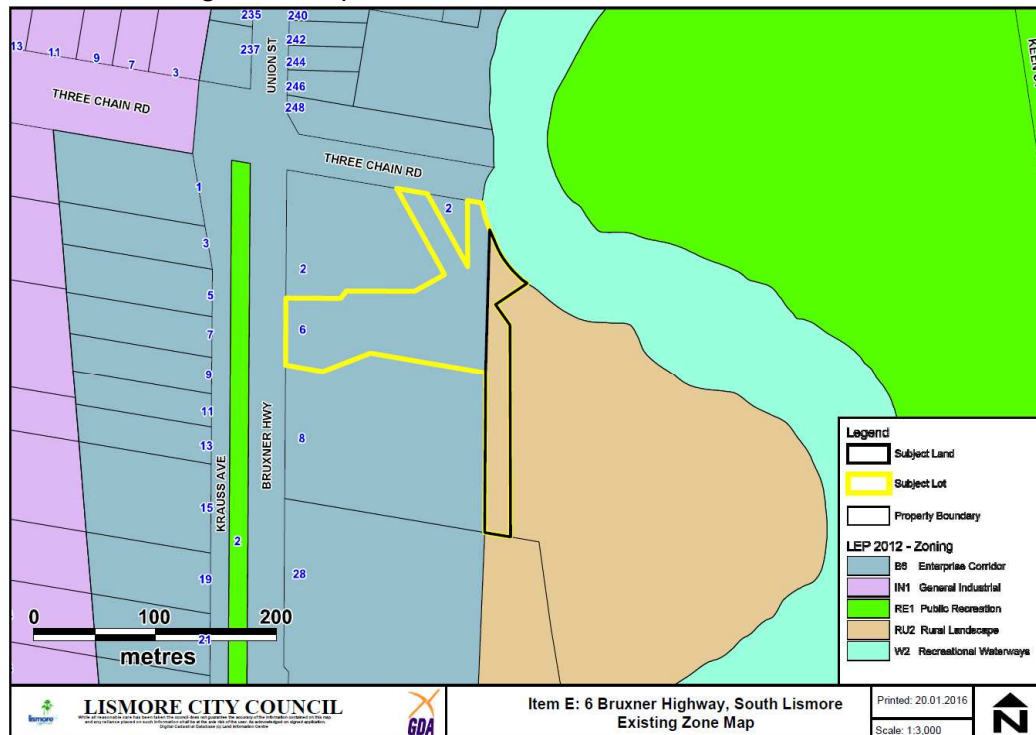
Site E – 6 Bruxner Highway, South Lismore Location Map



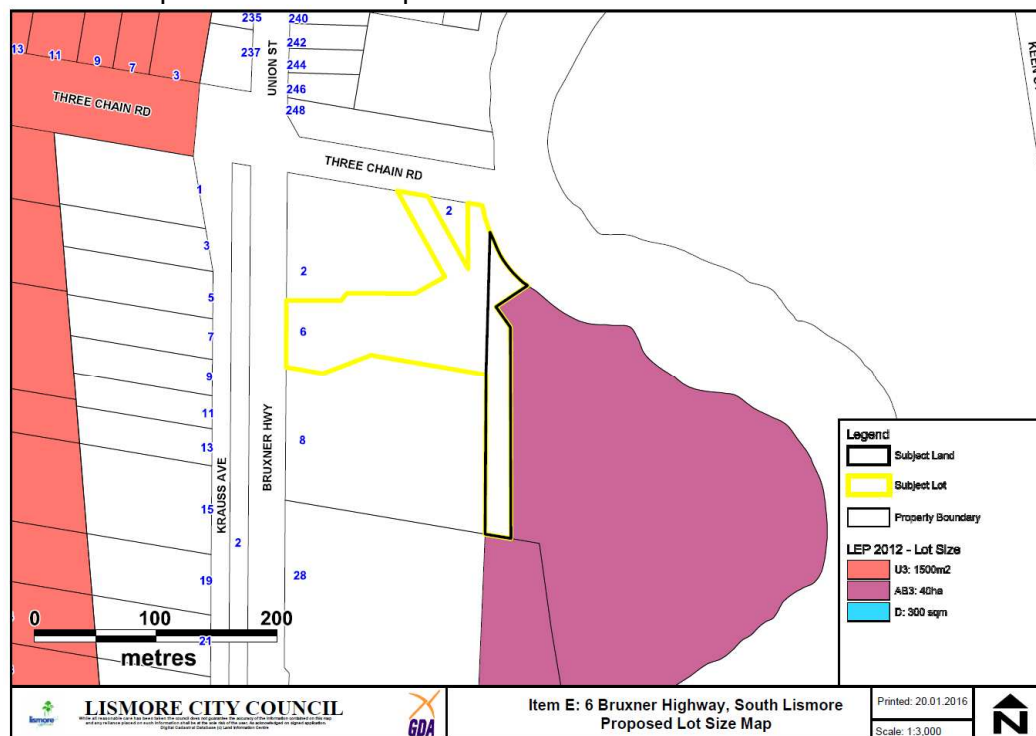
Site E – Existing Lot Size Map



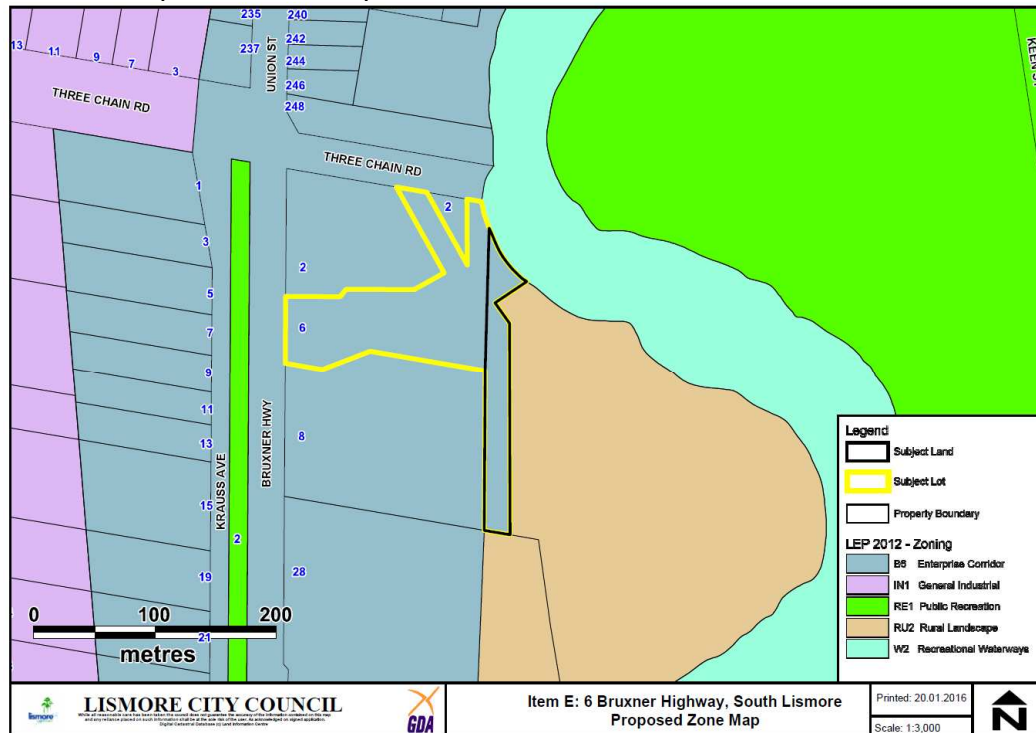
Site E – Existing Zone Map



Site E – Proposed Lot Size Map

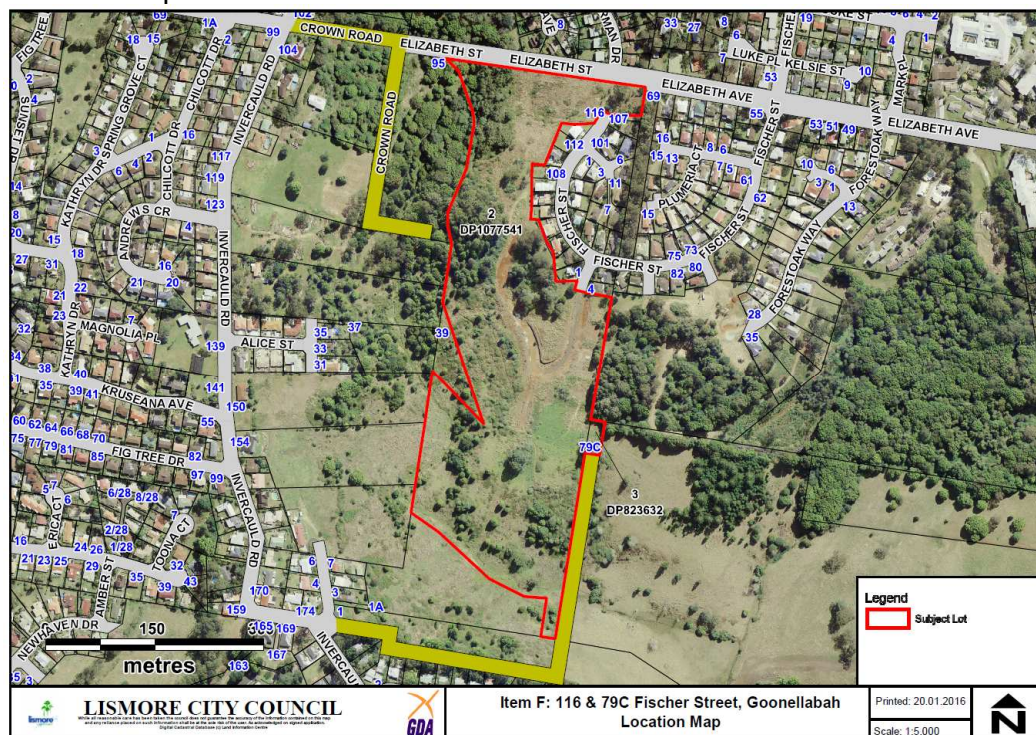


Site E – Proposed Zone Map

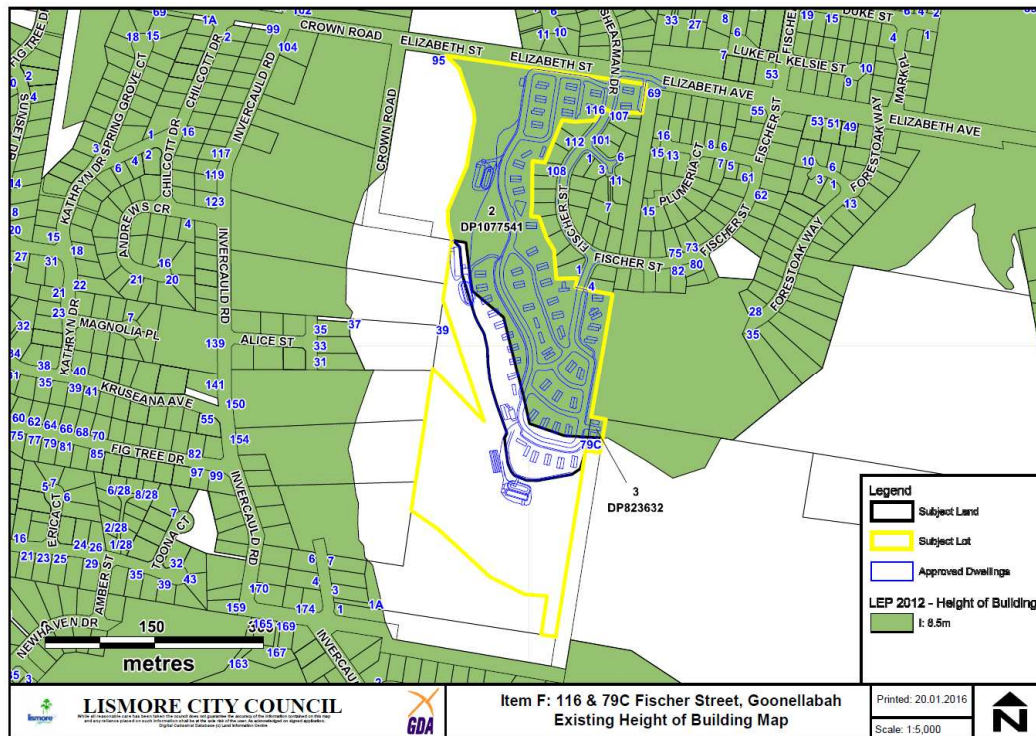


Site F – 116 & 79C Fischer Street, Goonellabah

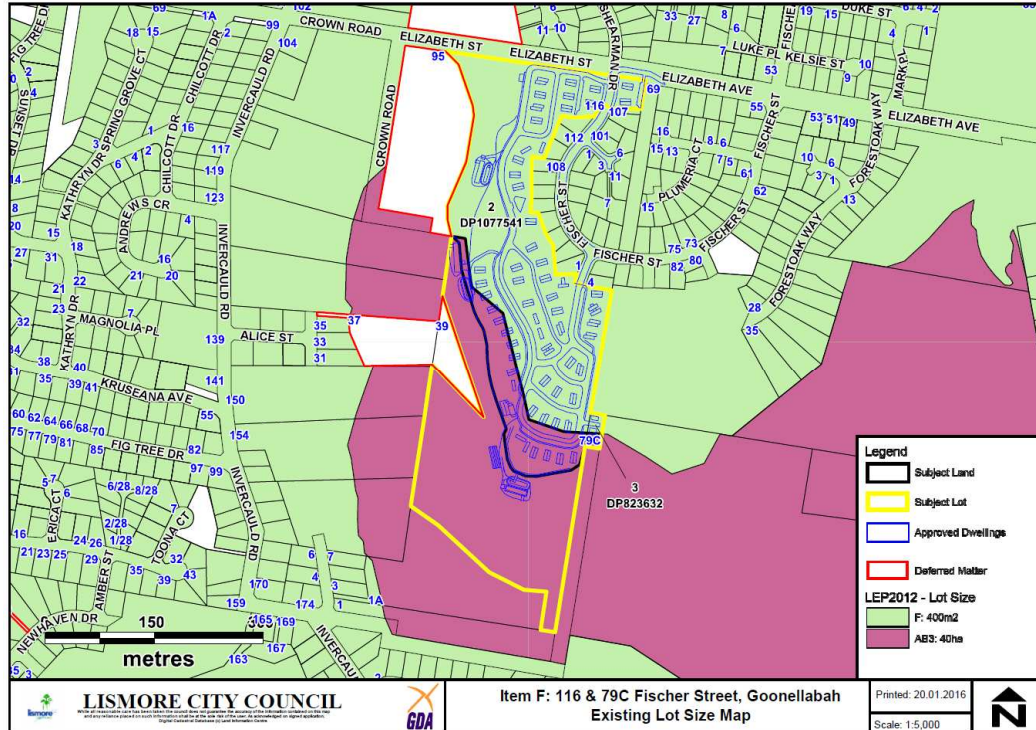
Location Map



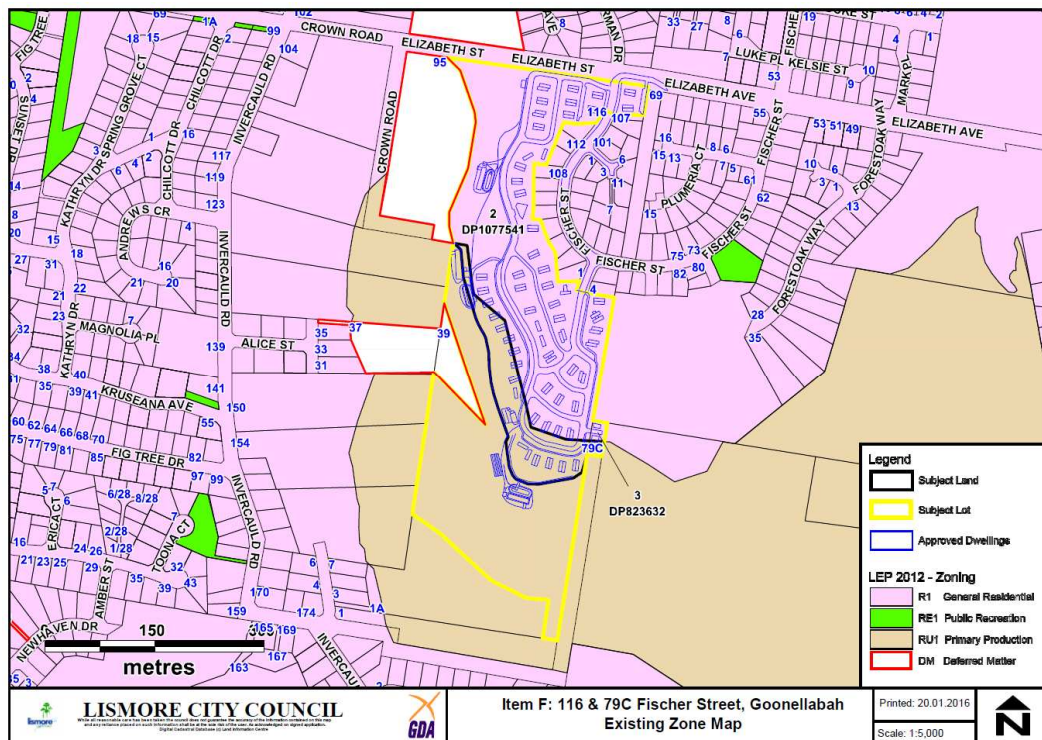
Site F – Existing Height of Buildings Map



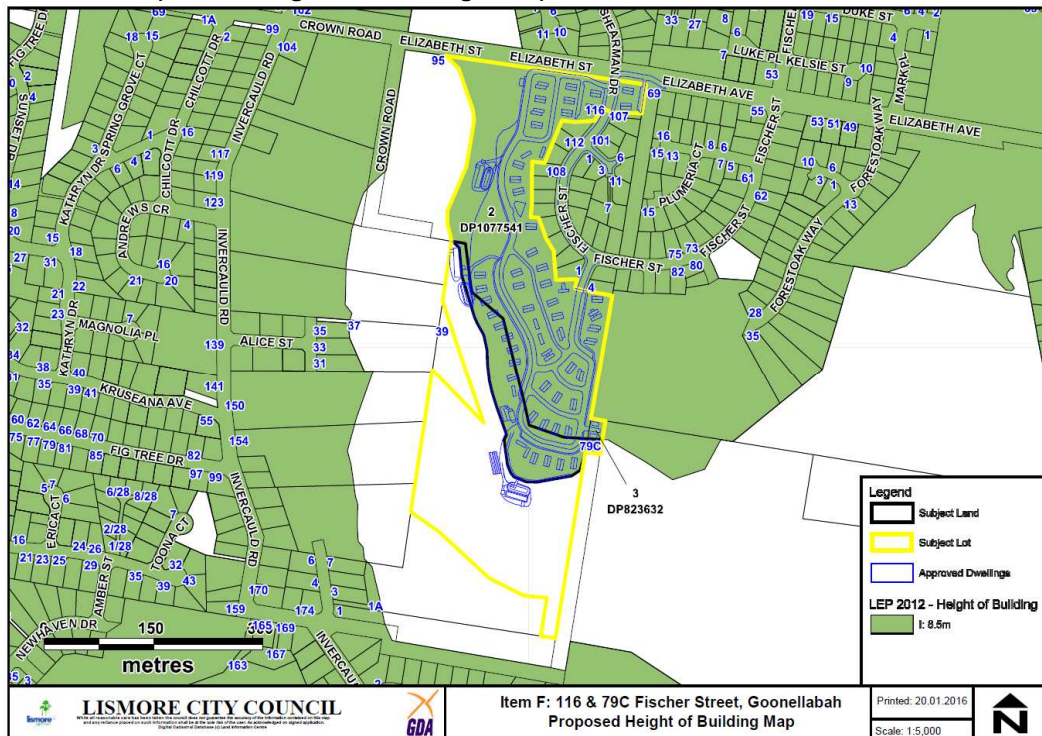
Site F – Existing Lot Size Map



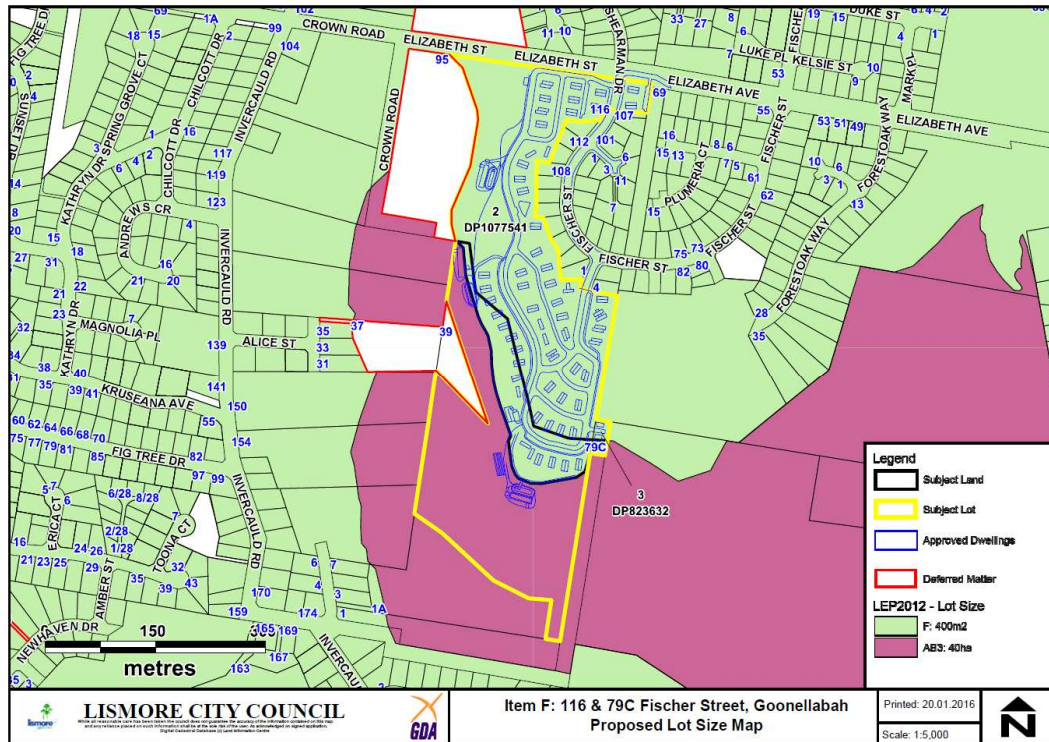
Site F – Existing Zone Map



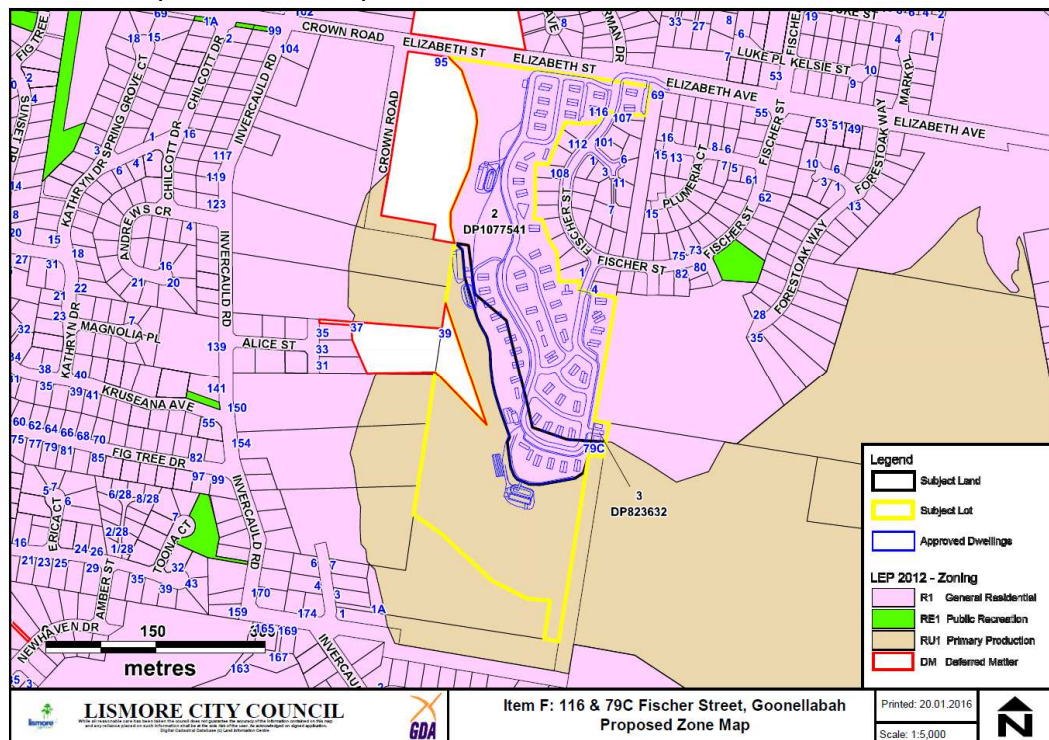
Site F – Proposed Height of Buildings Map



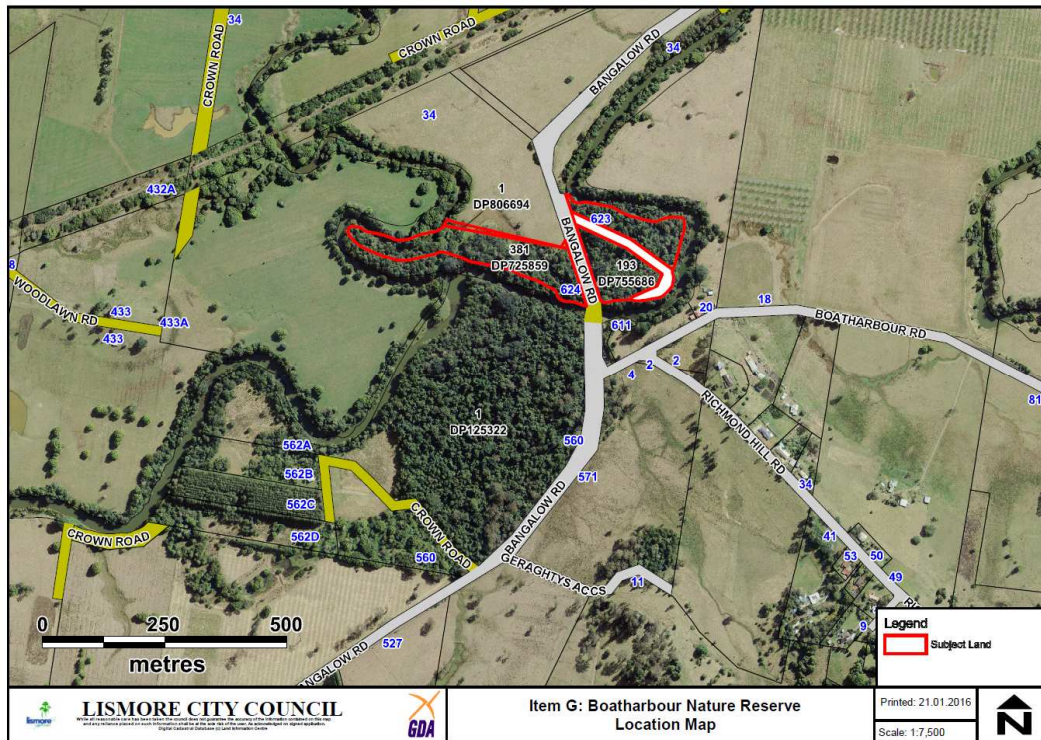
Site F – Proposed Lot Size Map



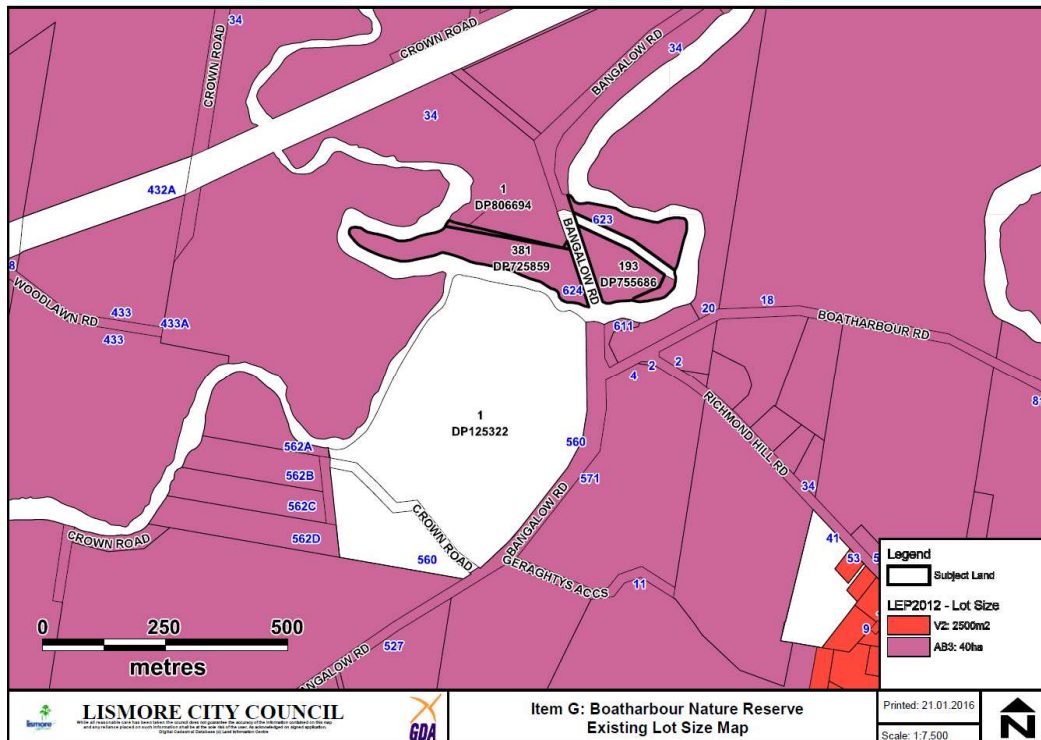
Site F – Proposed Zone Map



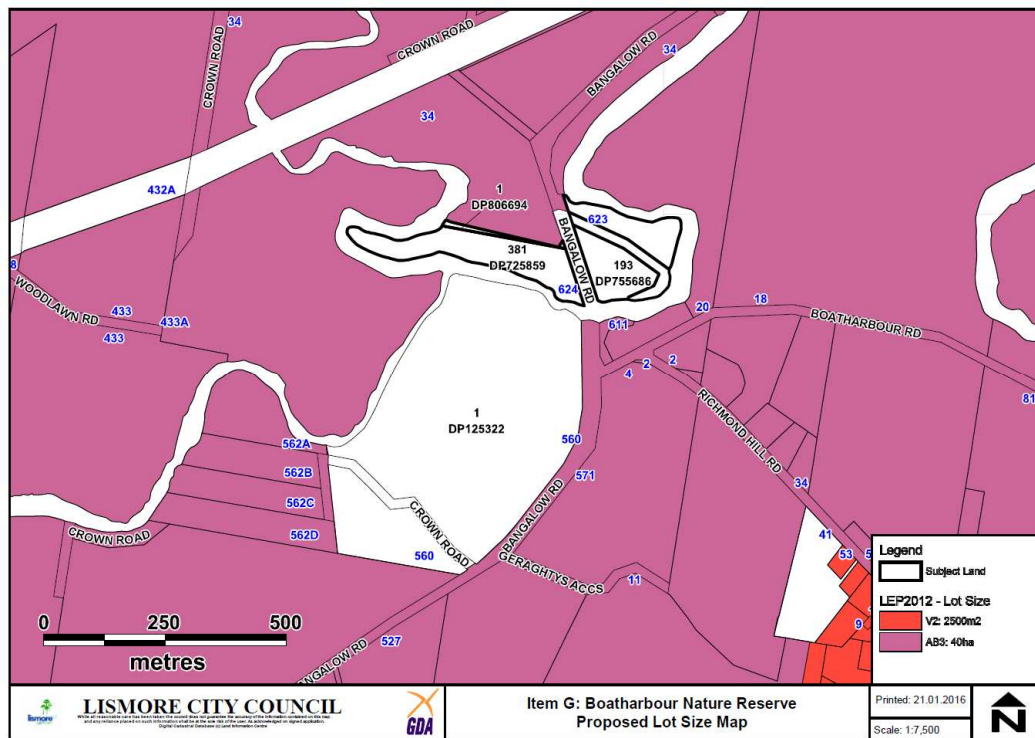
Site G – Boatharbour Nature Reserve Location Map



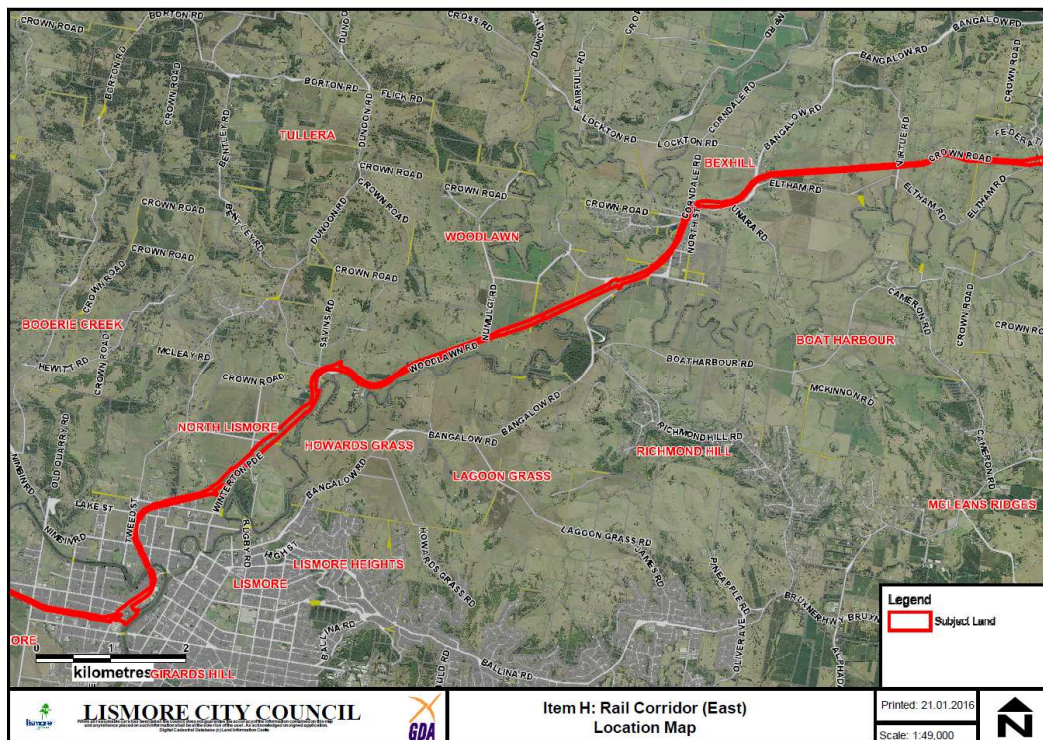
Site G – Existing Lot Size Map



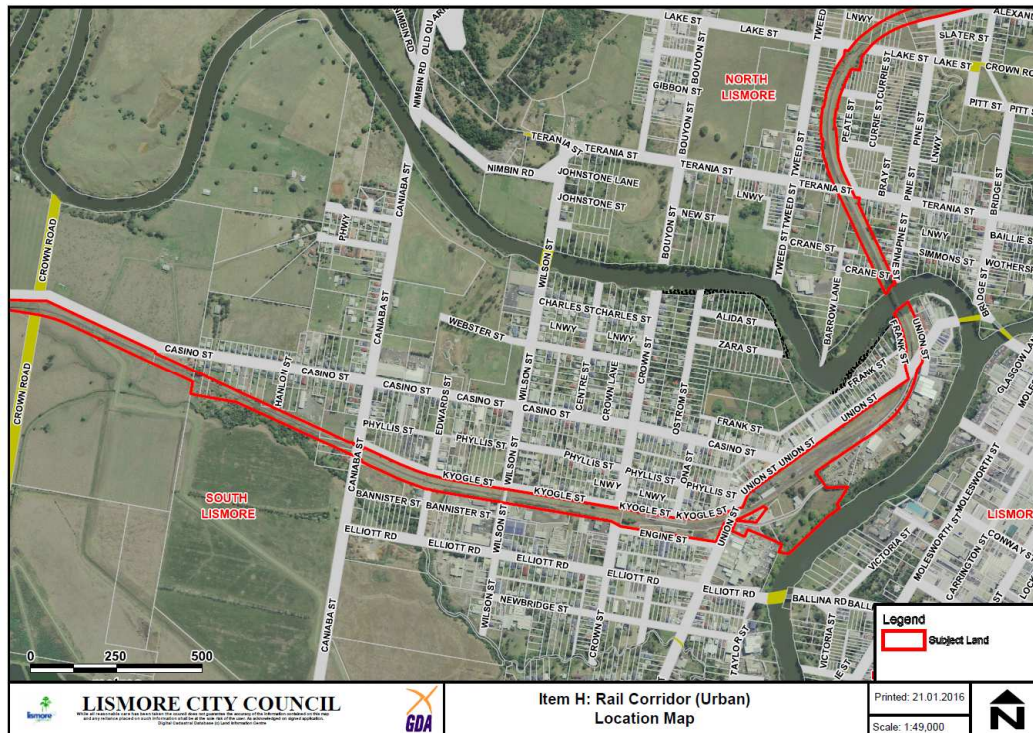
Site G – Proposed Lot Size Map



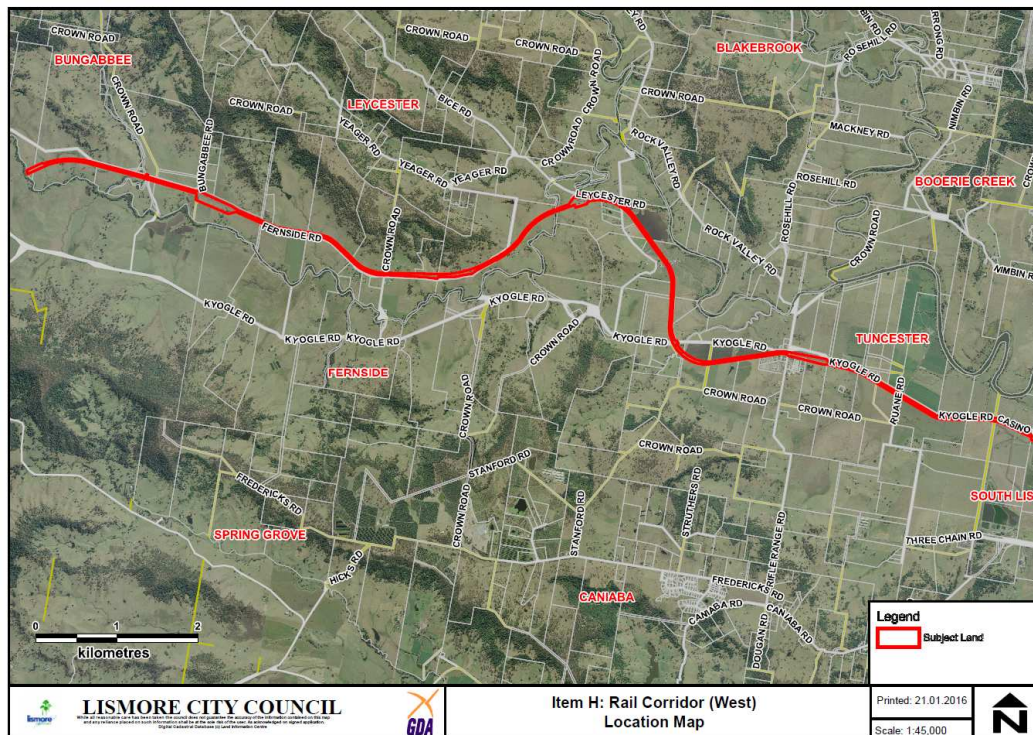
Site H – Rail Corridor Location Map - East



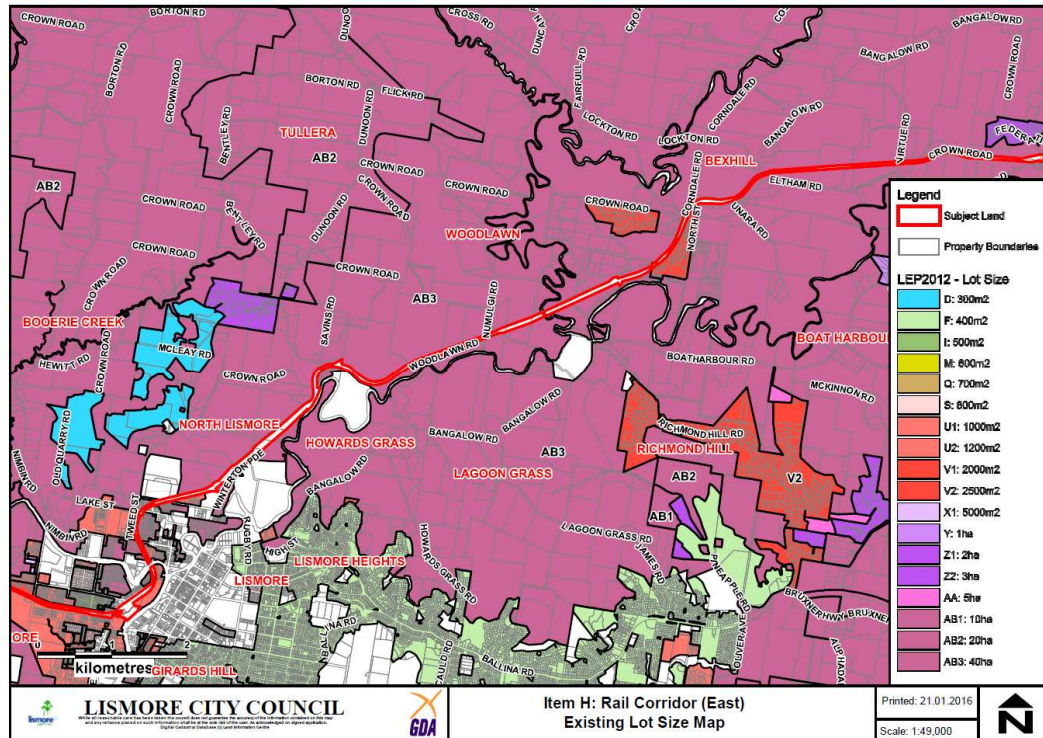
Site H – Location Map - Urban



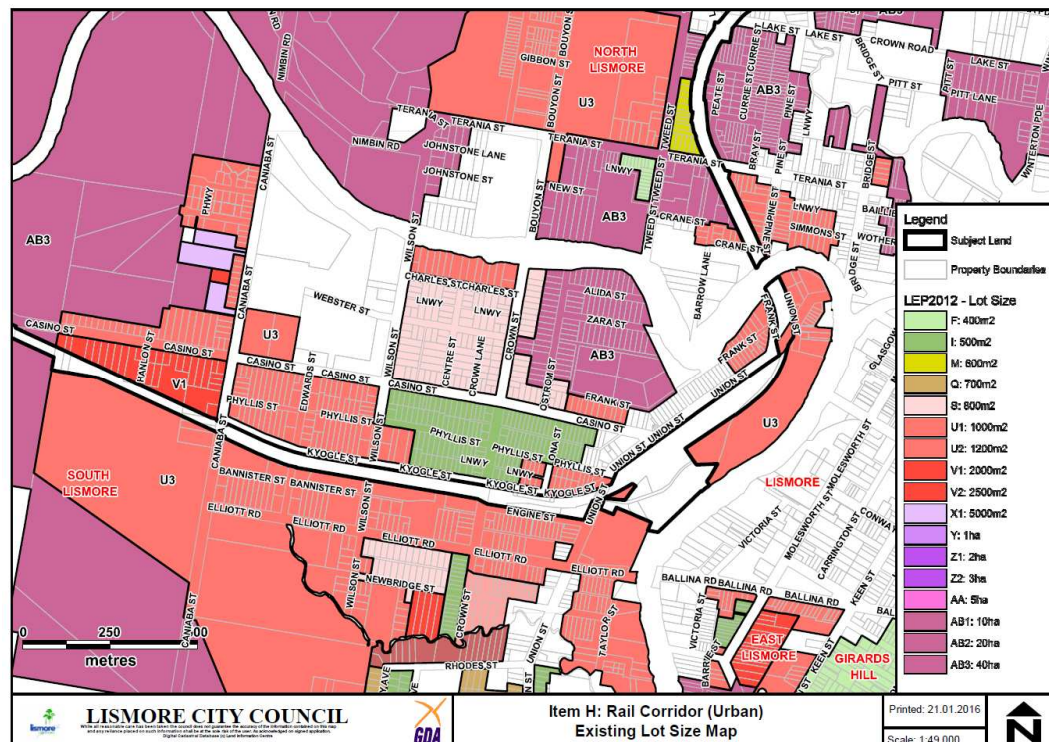
Site H – Location Map – West



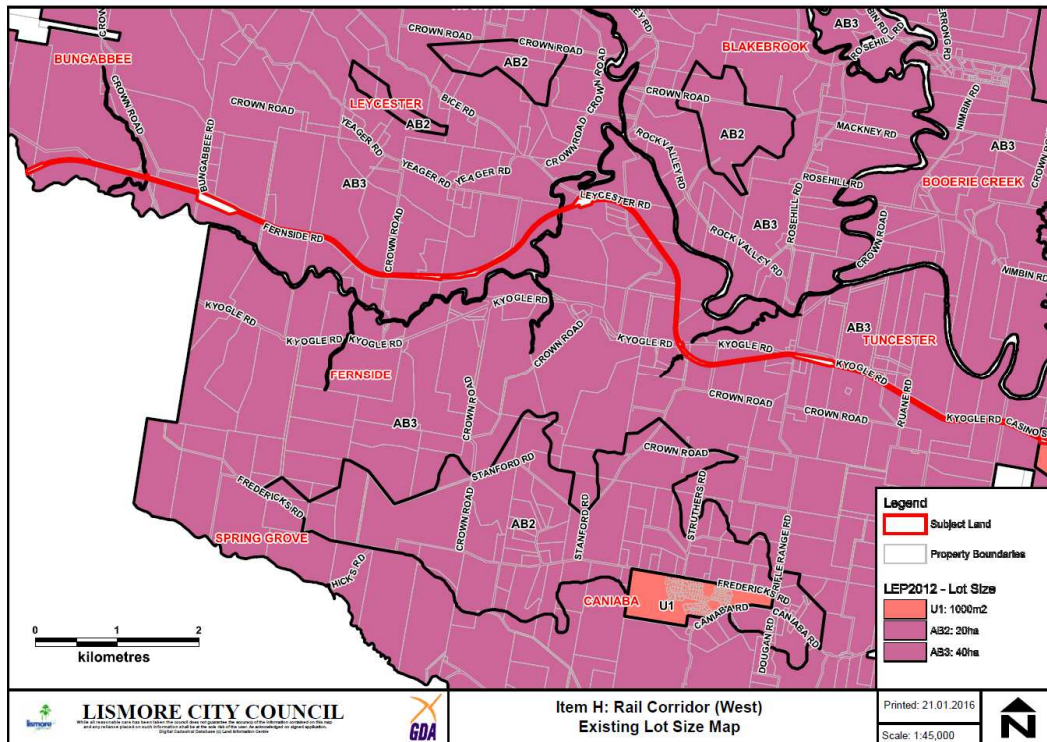
Site H – Existing Lot Size - East



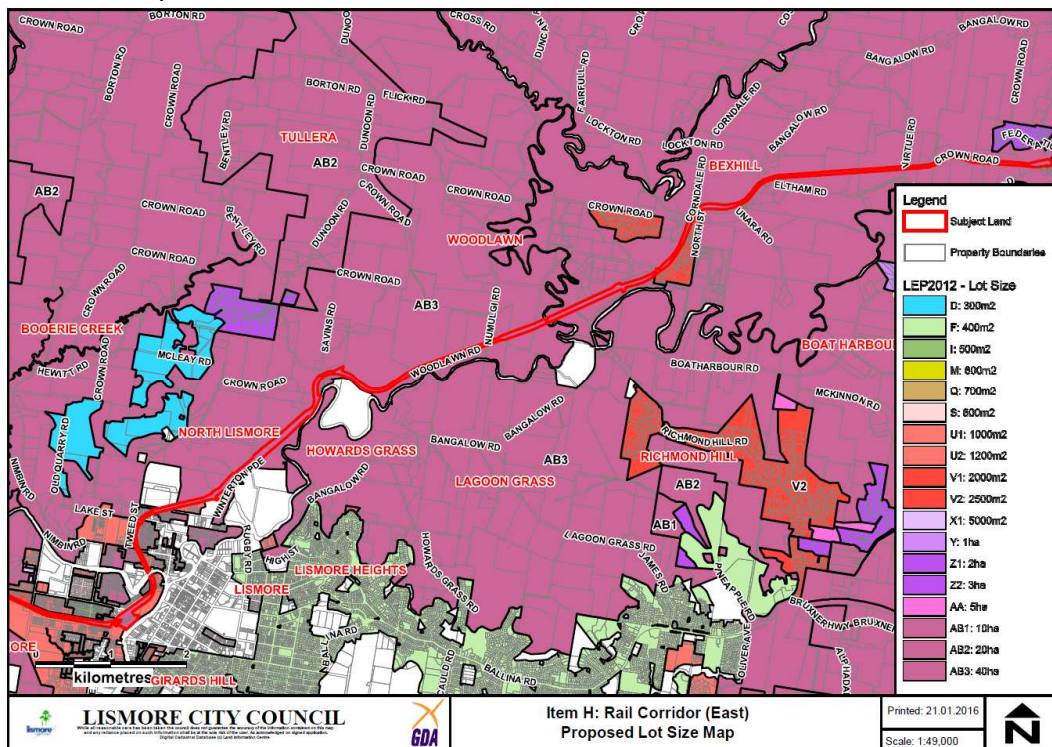
Site H – Existing Lot Size – Urban



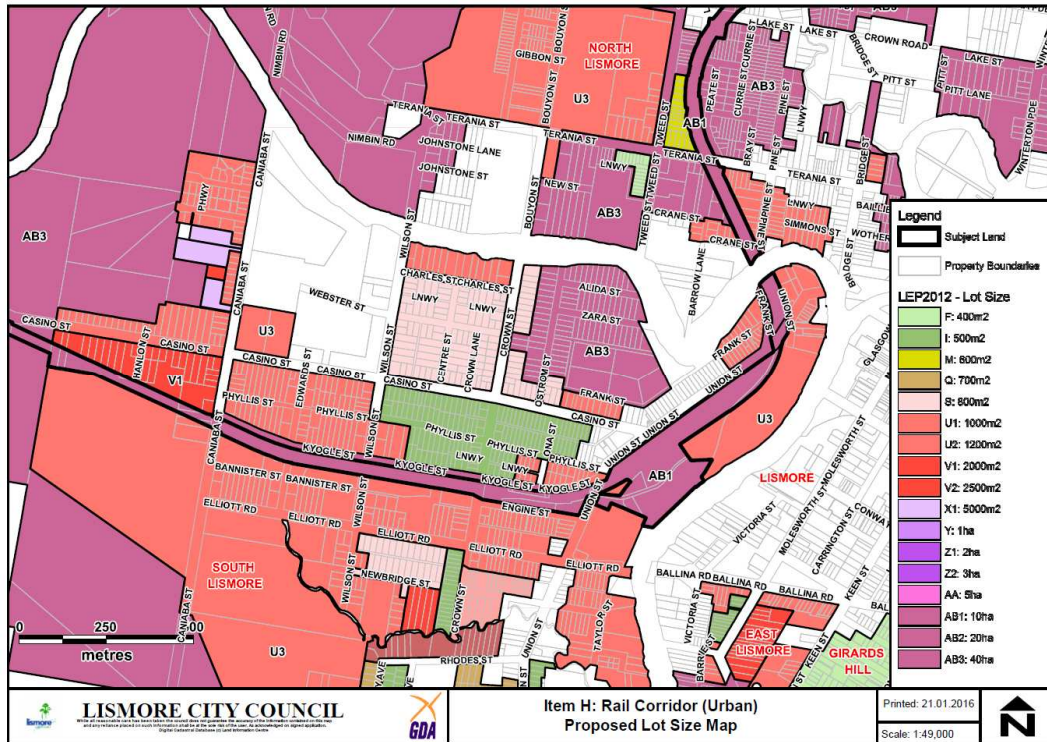
Site H – Existing Lot Size – West



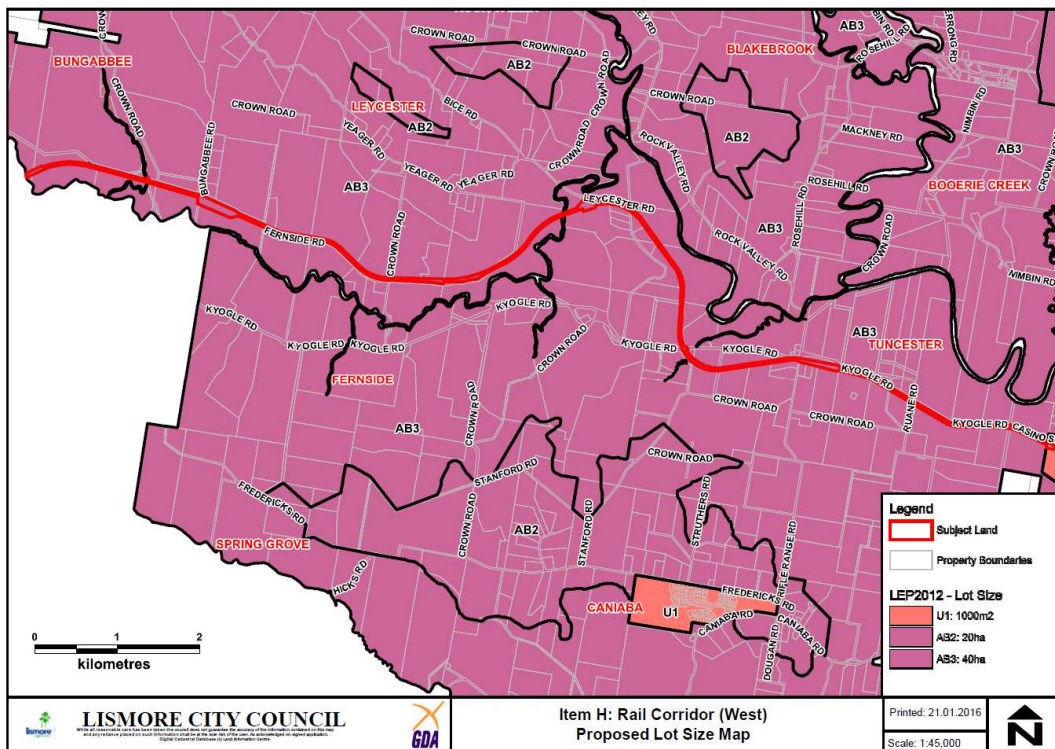
Site H – Proposed Lot Size - East



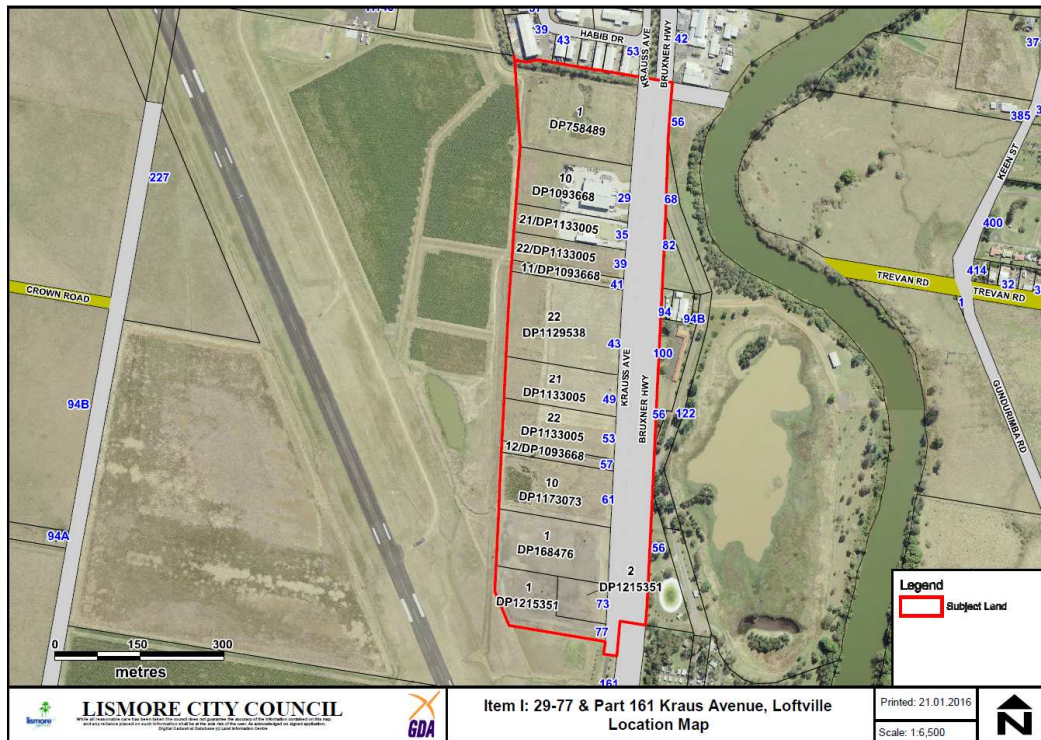
Site H – Proposed Lot Size - Urban



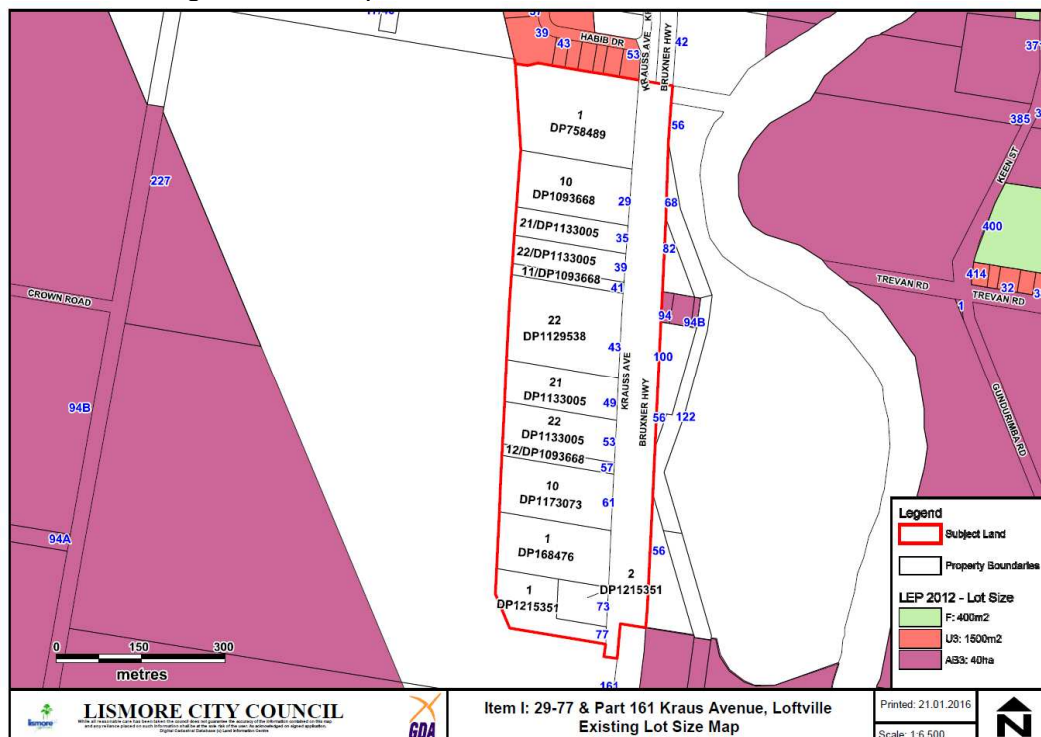
Site H – Proposed Lot Size - West



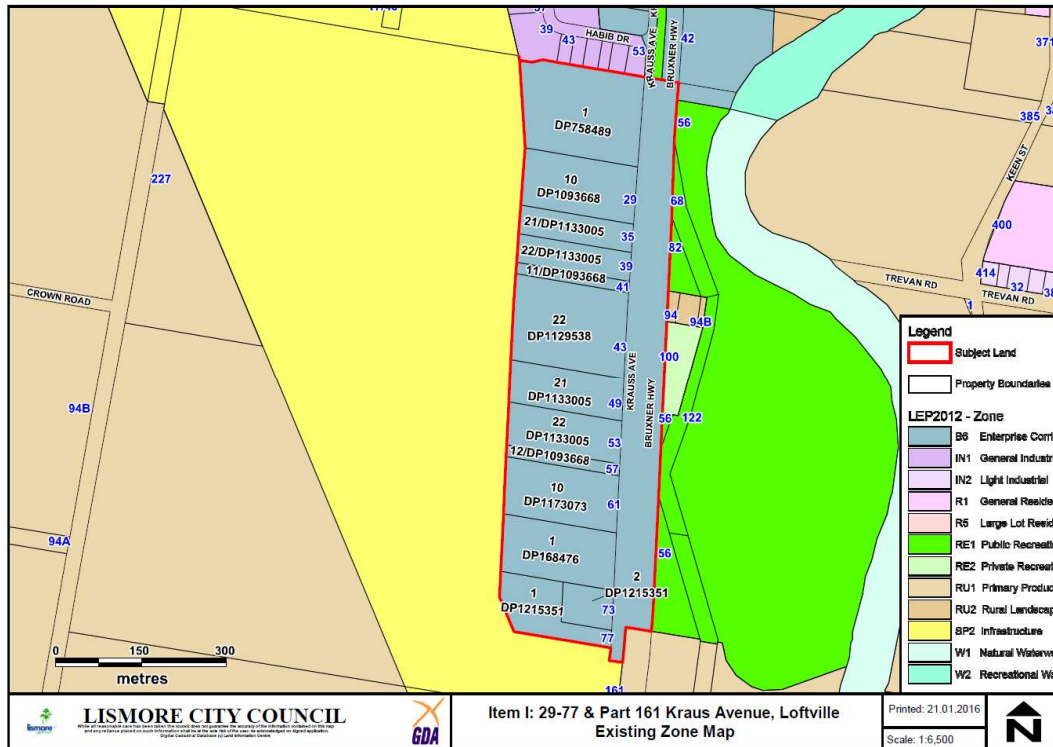
Site I – Part 161 and 29 – 77 Krauss Avenue, Loftville Location Map



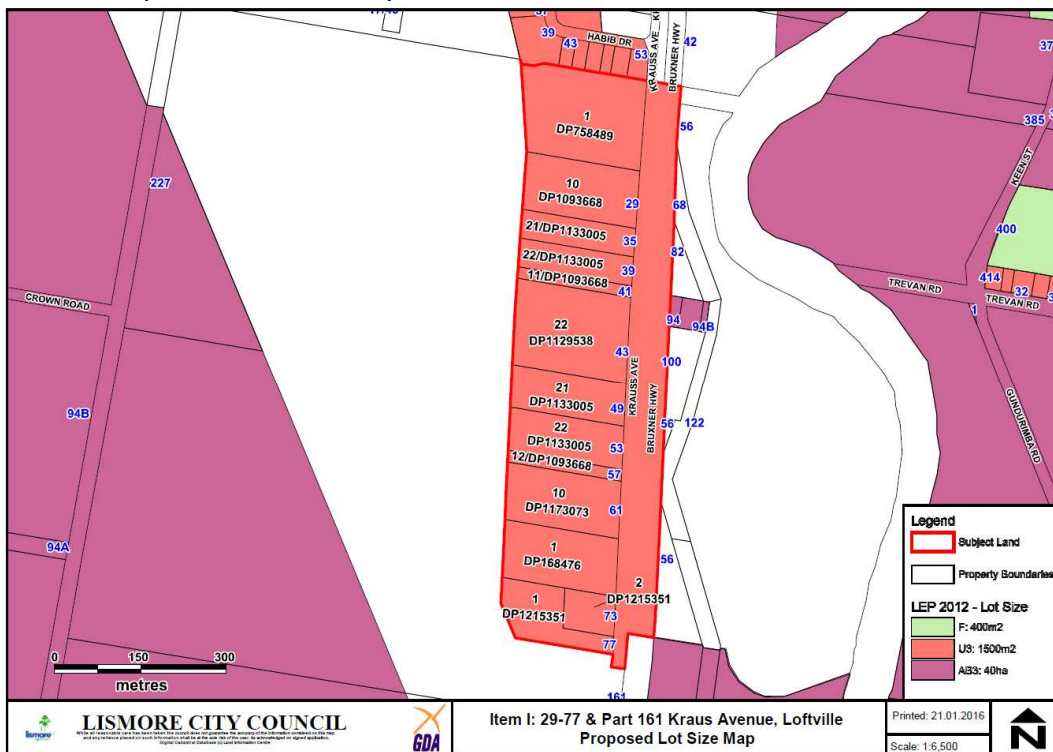
Site I – Existing Lot Size Map



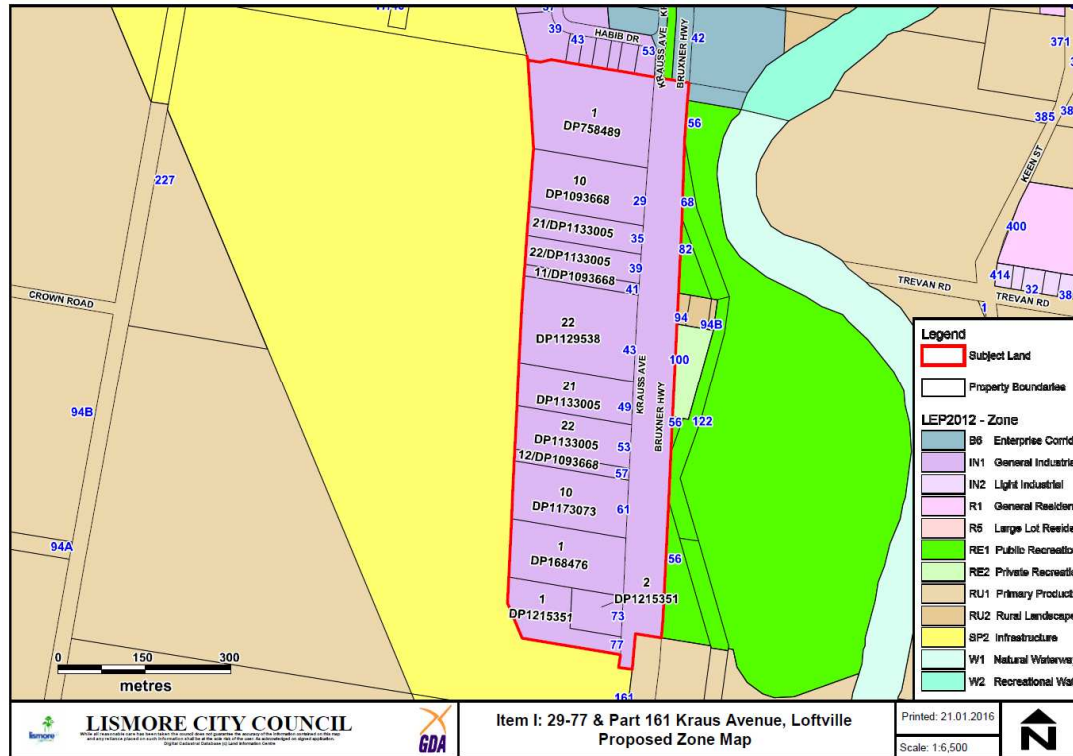
Site I – Existing Zone Map



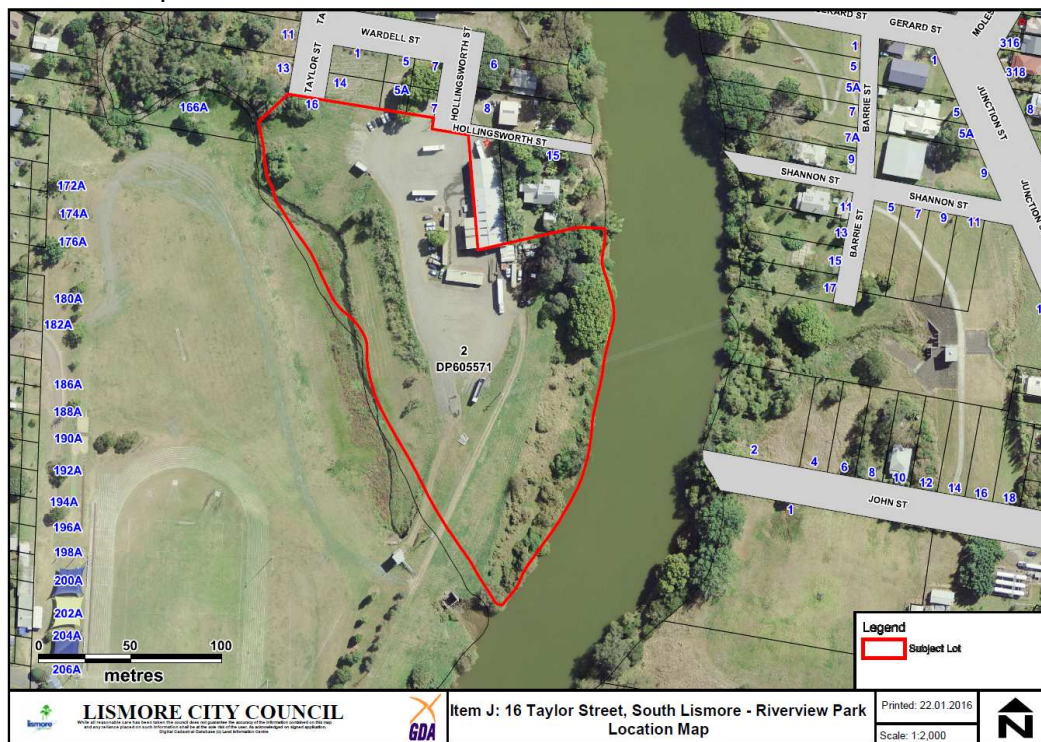
Site I – Proposed Lot Size Map



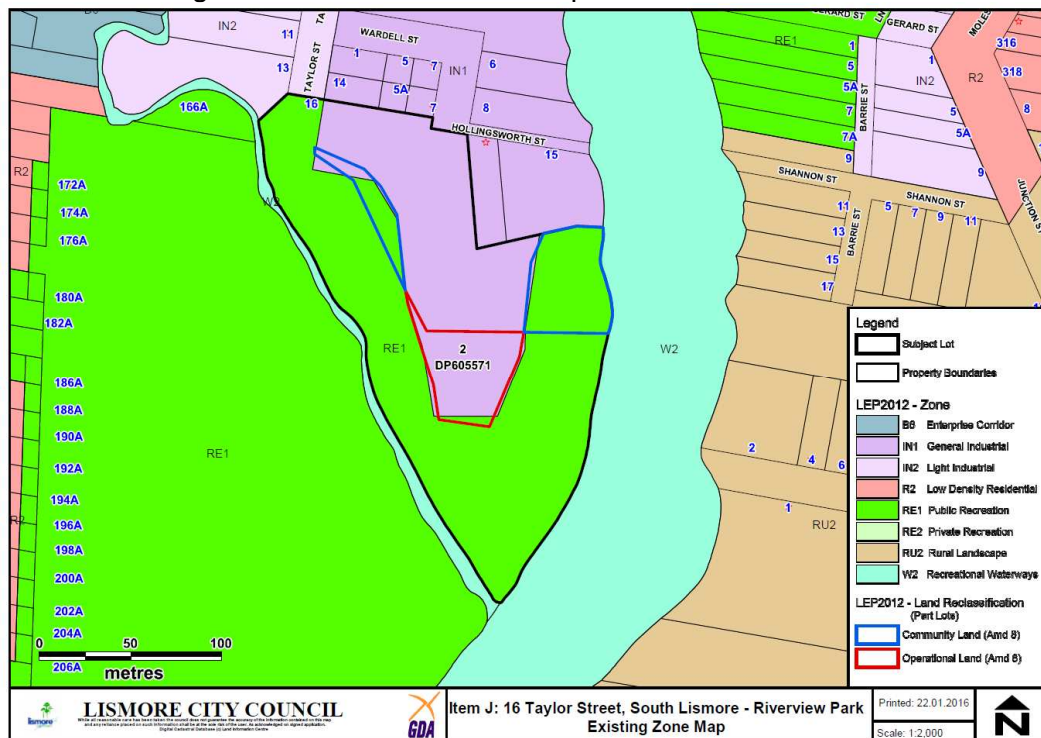
Site I – Proposed Zone Map



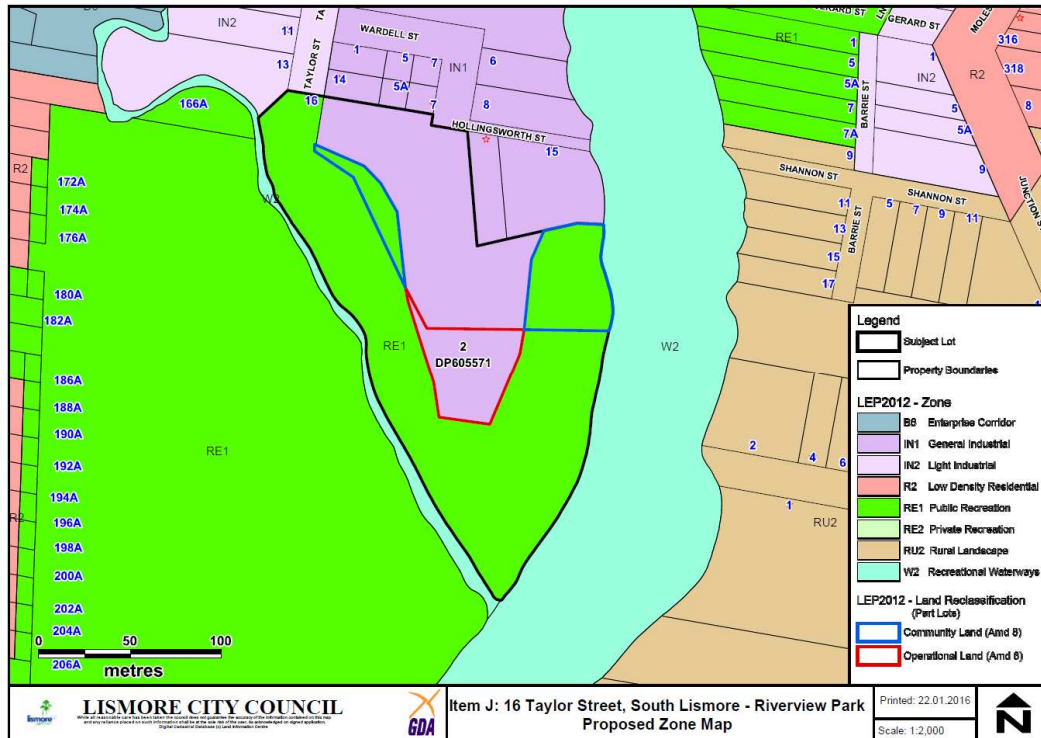
Site J – 16 Taylor Street, South Lismore – Part Riverview Park Location Map



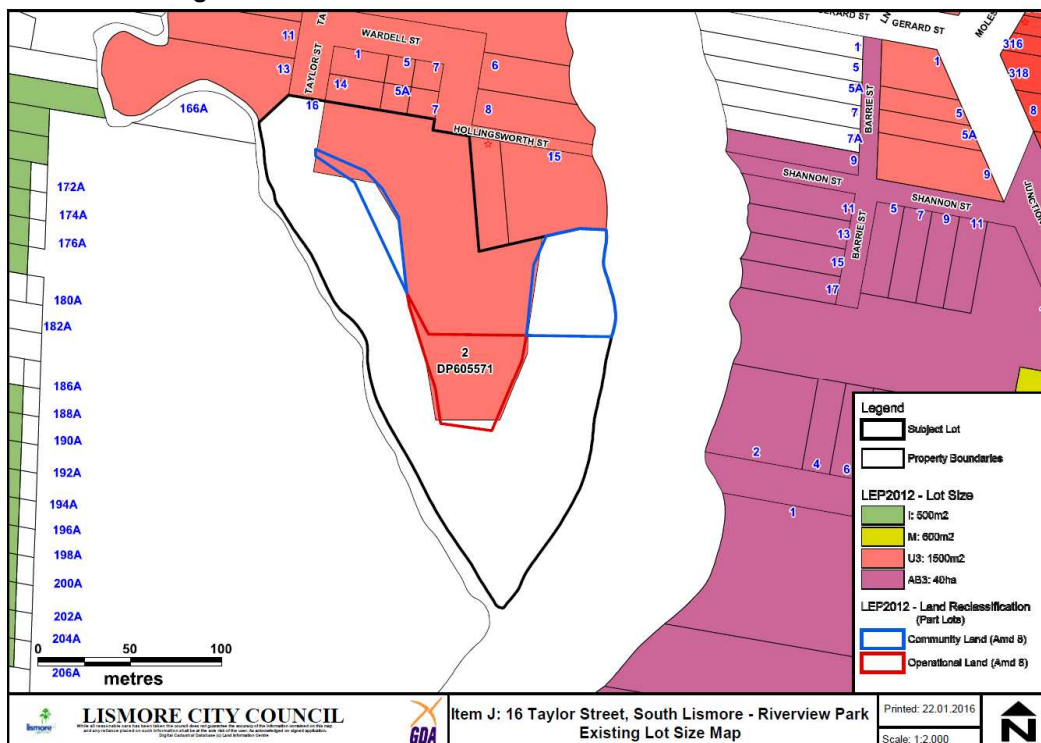
Site J – Existing Zone and Classification Map



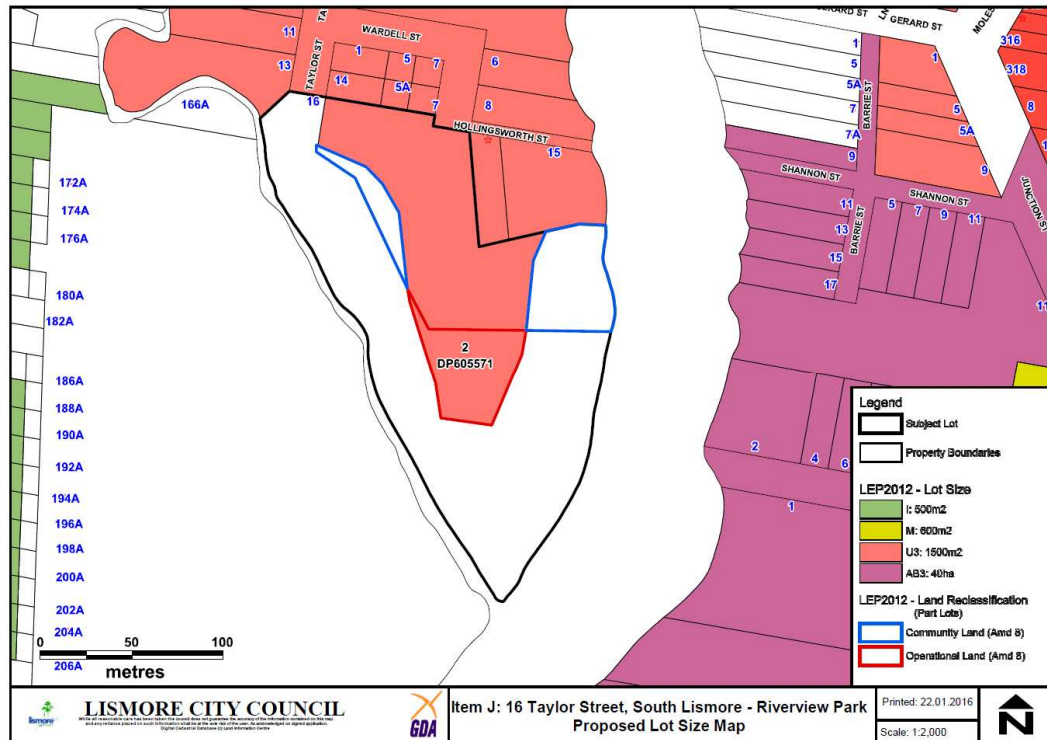
Site J – Proposed Zone Map



Site J – Existing Lot Size



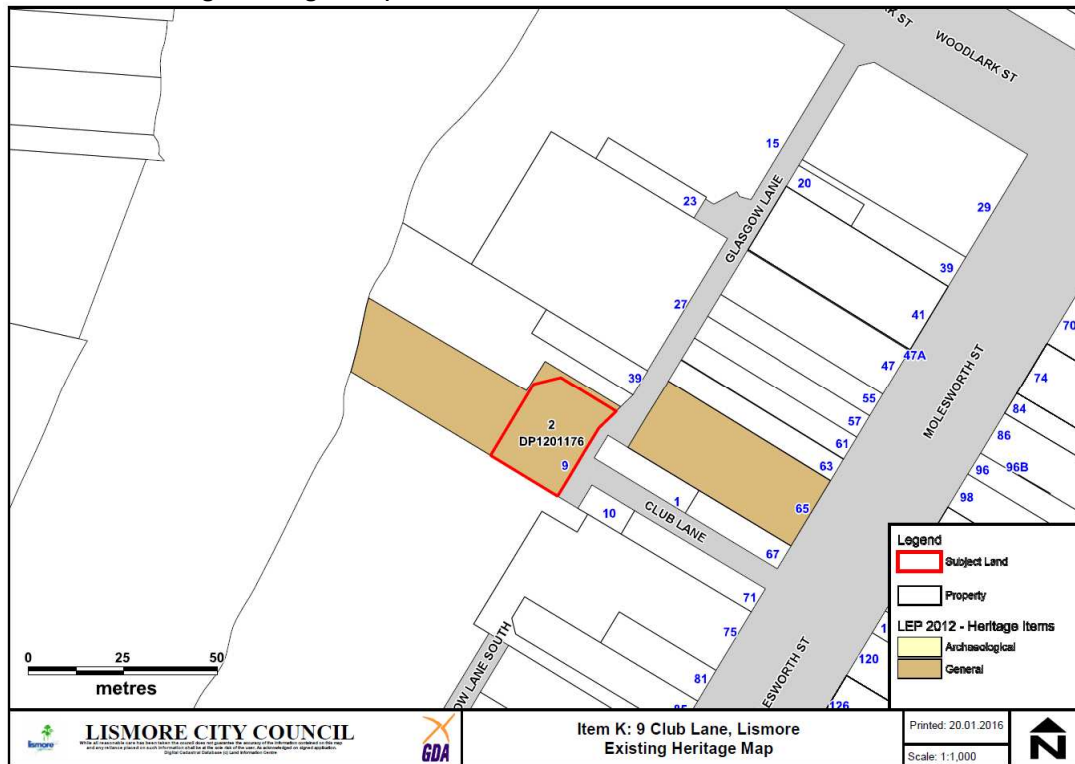
Site J – Proposed Lot Size Map



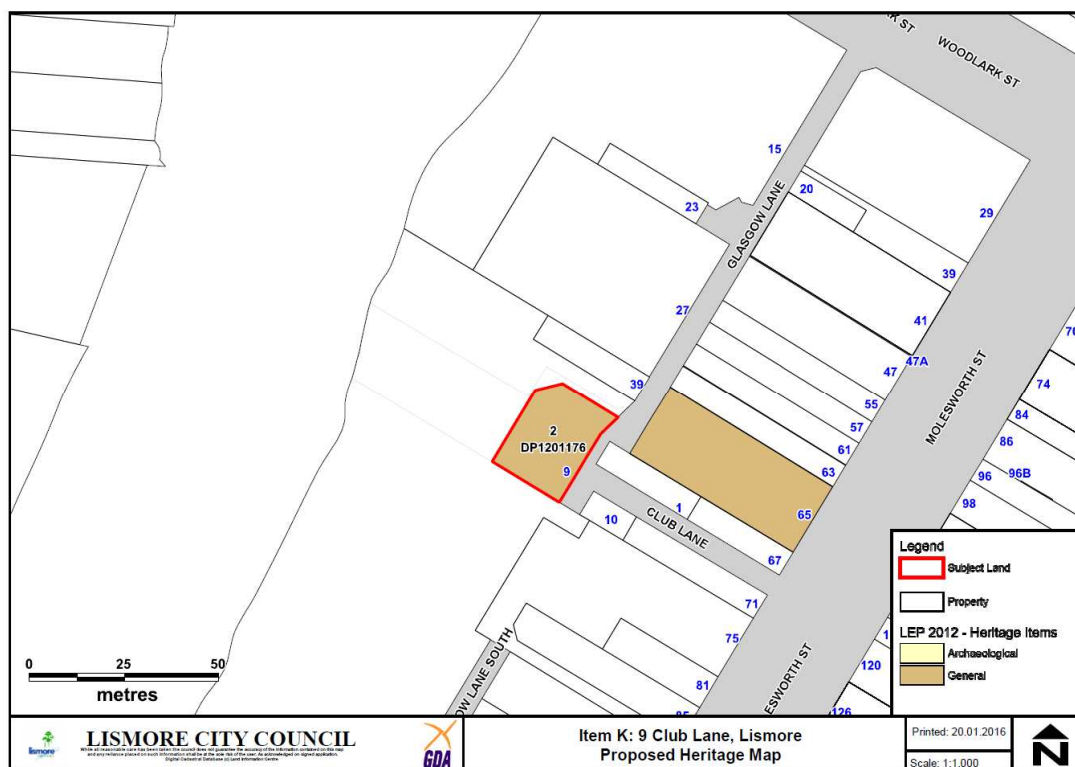
Site K – 9 Club Lane, Lismore Location Map



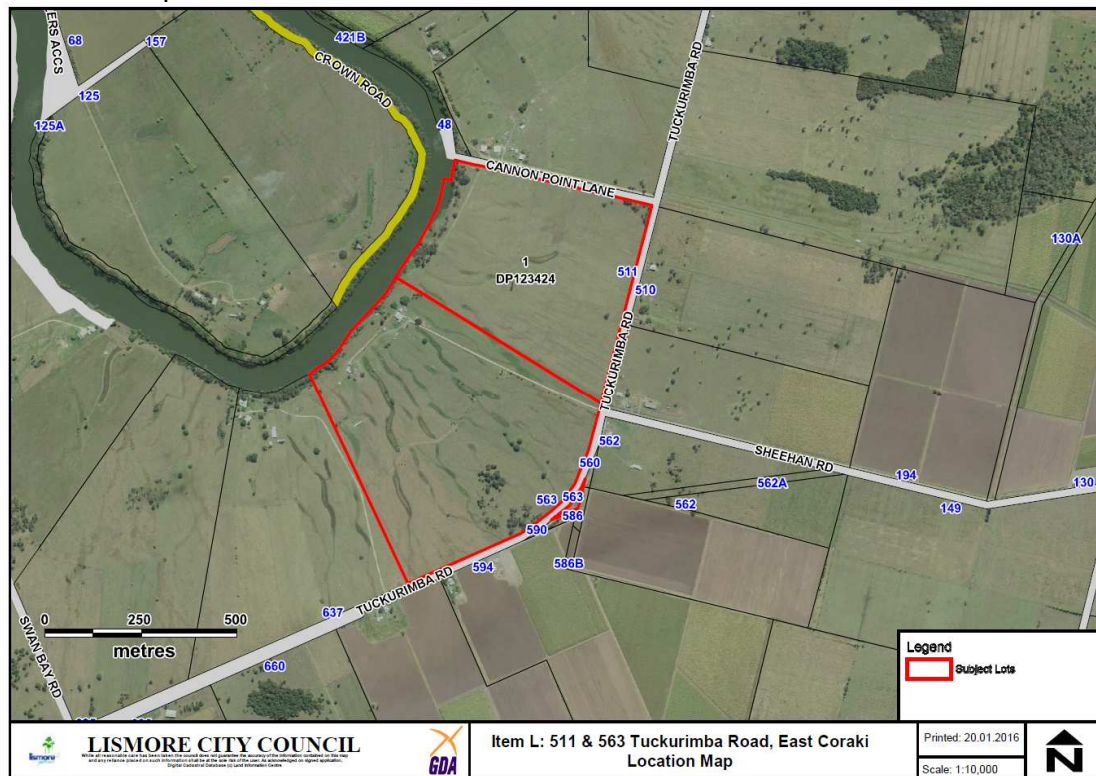
Site K – Existing Heritage Map



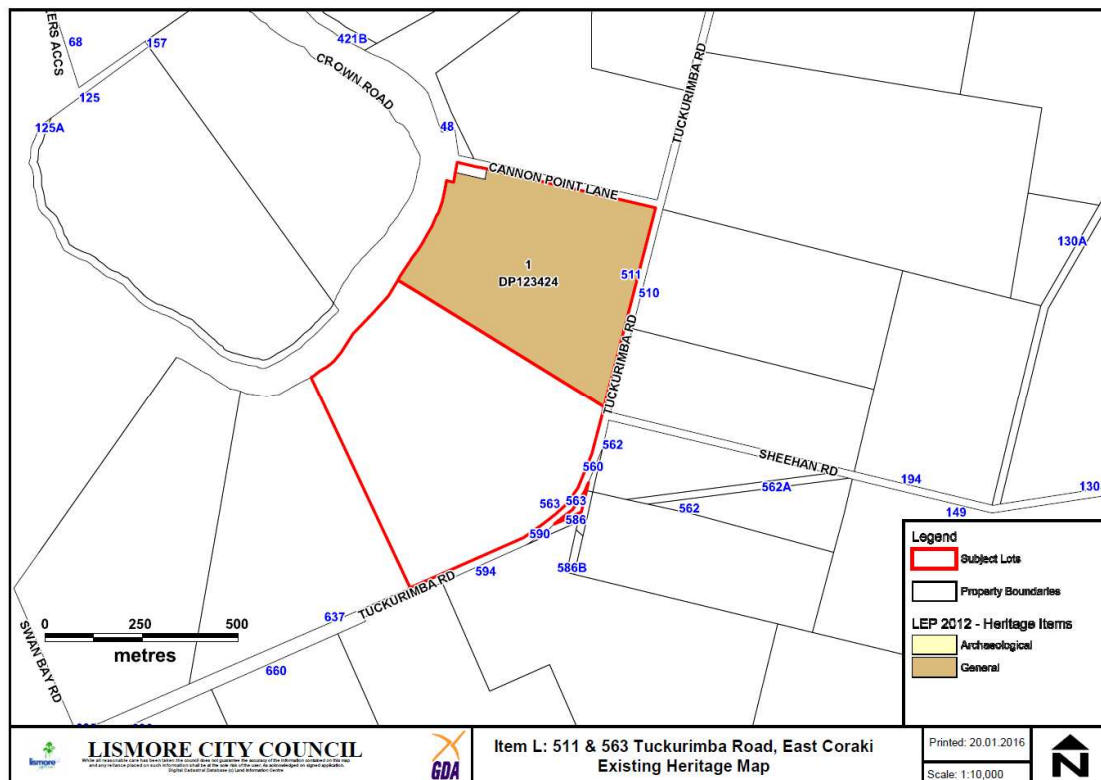
Site K – Proposed Heritage Map



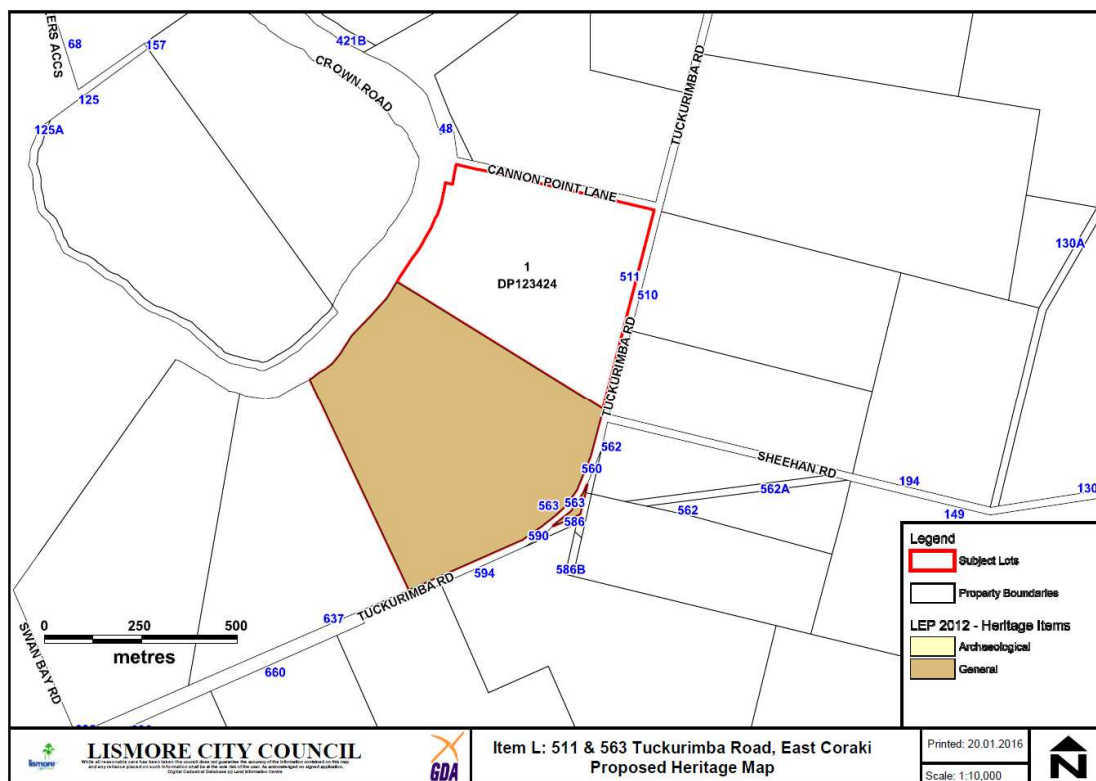
Site L – 511 and 563 Tuckurimba Road, East Coraki Location Map



Site L – Existing Heritage Map



Site L – Proposed Heritage Map



PART 5 – COMMUNITY CONSULTATION

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

Notification of the exhibited planning proposal will include:

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

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.

PART 6 – PROJECT TIMELINE

The proposed timeline for the completion of the planning proposal is as follows:

Estimated Completion	Plan Making Steps
March 2016	Report planning proposal to Council
May 2016	Gateway determination issued by Department of Planning and Environment.
June 2016	Government agency consultation
July 2016	Public consultation
September/October 2016	Analysis of public submissions & public agency comments Preparation of Council report
November 2016	Report to Council
December 2016/January 2017	Opinion sought from Parliamentary Counsel's Office Preparation of LEP Map sheets
February 2017	Making of the LEP Notification of the LEP

PART 7– LEP DELEGATIONS

Council resolved at its Ordinary meeting of 11 December 2012 to accept the delegations which will enable Council to process the final stages of a planning proposal as outlined in Planning Circular PS12-006.

In accordance with the resolution, Council wrote to the Minister of Planning and Infrastructure accepting the delegations under Section 59 of the *Environmental Planning and Assessment Act 1979* and informed the Minister that the function is sub-delegated to the General Manager in accordance with Section 381 of the *Local Government Act 1993*.

The delegations only extend to routine LEPs as listed below:

- Section 73A Amendments (minor errors and anomalies, amending references to documents, etc.);
- Council land reclassifications;
- Some local heritage items;
- Spot re-zonings consistent with endorsed strategies and/or surrounding zones;
- Mapping alterations; and
- Other matters of local significance as determined by the Gateway.

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

APPENDIX 1

STATE ENVIRONMENTAL PLANNING POLICIES COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 6 – Number of Storeys in a Building	Not Applicable	Not Applicable
SEPP No 14 – Coastal Wetlands	Not Applicable	Not Applicable
SEPP No. 21 – Caravan Parks	Not Applicable	Not Applicable
SEPP No. 22 – Shops and Commercial Premises	Not Applicable	Not Applicable
SEPP No. 26 – Littoral Rainforests	Not Applicable	Not Applicable
SEPP No. 30 – Intensive Agriculture	Not Applicable	Not Applicable
SEPP No. 32 – Urban Consolidation (<i>Redevelopment of Urban Land</i>)	Not Applicable	Not Applicable
SEPP No. 33 – Hazardous and Offensive Development	Not Applicable	Not Applicable
SEPP No. 36 – Manufactured Home Estates	Not Applicable	Not Applicable
SEPP No. 44 – Koala Habitat Protection	3 - Aims, Objectives, Etc. (a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat; (b) By encouraging the identification of areas of core koala habitat; and (c) By encouraging the inclusion of areas of core koala habitat in environment protection zones.	Consistent Zone, Min lot size & HOB maps - The zone changes (with the exception of site i) are proposed to reflect the existing or approved and yet to be constructed development on the various sites. Site i is an urban site without koala habitat. - Sites c & f: covered by CKPoM. No koala habitat in site c. Site f subject of development consent that requires compensatory planting under the CKPoM. - Sites g & h: correction of minimum lot size mapping anomalies in a nature reserve and the rail corridor. - Remaining sites a – i: no core koala habitat in accordance with Part 2 of SEPP. - Site j: some koala feed trees located near proposed zone change. These trees remain within Zone RE1 Public Recreation. Heritage Items - Site k: no koala habitat. - Site l: potential koala habitat under SEPP. Proposed heritage listing does not increase development potential.

State Environmental Planning Policy	Requirements	Compliance
		Land Use Table - Items m – o: The proposed changes to permissibility will require development consent for these land uses. This necessitates consideration of SEPP 44 or the CKPoM. Principle Development Standards - Items p & q: The requirements of SEPP 44 or the CKPoM need to be considered for development applications, including those involving LEP clause 4.2C or clause 4.2D.
SEPP No. 50 – Canal Estate Development	Not Applicable	Not Applicable
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable	Not Applicable
SEPP No. 55 – Remediation of Land	6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal	Consistent Zone, Min lot size & HOB maps - Council's Environmental Health Officer has considered whether the land is contaminated. Consideration was given to Council's contaminated land records, previous development consents and associated contaminated land reporting and whether the use has been previously lawfully established. - Sites a and b proposed zone change from SP2 Infrastructure to Zone RU1 Primary Production. The rezoning does not involve a change of use. The existing dwellings have been established for several decades. No technical reporting required at this stage. - Site c, d, e, f, i and k have been the subject of previous development consents. Potential land contamination was addressed in accordance with the relevant legislative requirements at the time of assessment. No technical reporting required. Heritage items - Not applicable Land Use Table - Not applicable Principle Development Standards - Not applicable
SEPP No. 62 – Sustainable Aquaculture	Not Applicable	Not Applicable

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 64 – Advertising and Signage	Not Applicable	Not Applicable
SEPP No. 65 – Design Quality of Residential Flat Development	Not Applicable	Not Applicable
SEPP No 70 – Affordable Housing (<i>Revised Schemes</i>)	Not Applicable	Not Applicable
SEPP No. 71 – Coastal Protection	Not Applicable	Not Applicable
SEPP (Affordable Rental Housing) 2009	Not Applicable	Not Applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not Applicable	Not Applicable
SEPP (Exempt and Complying Development Codes) 2008	1.3 Aims of Policy (a) Provide State-wide exempt and complying development codes, and (b) Identify exempt development codes that are of minimal environmental impact without the need for development consent, and (c) identifying, in the complying development codes carried out in accordance with a complying development certificate as defined in the Act, and (d) enabling the progressive extension of this Policy, and (e) providing transitional arrangements for the introduction of the State-wide codes.	Consistent Land Use Table <i>Home-based child care</i> is Exempt Development under the Codes SEPP if it is not carried out on bush fire prone land. LEP 2012 permits <i>home-based child care</i> without development consent without any requirements regarding bush fire prone land. The proposed requirement for development consent for this land use is consistent with the SEPP. Consent will only be required for the land use when it does not meet the requirements of the SEPP i.e. when the development is proposed on bush fire prone land. Other proposed amendments Not applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable	Not Applicable
SEPP (Infrastructure) 2007	2 Aim of Policy The aim of this policy is to facilitate the effective delivery of infrastructure across the State	Consistent Zone, Min lot size & HOB maps - Sites a & b: The Department of Education has sold these two sites (currently within Zone SP2 Infrastructure) and they are no longer used for the purpose of an educational establishment. The proposed Zone RU1 will regularise the current land use of a dwelling house without reliance on the existing use provisions of the <i>EP&A Act 1979</i>. - Site h: The proposed use of

State Environmental Planning Policy	Requirements	Compliance
		minimum lot sizes for the various zones that apply to the rail corridor do not compromise the use of the land for rail infrastructure facilities. - Other proposed zone and minimum lot size amendments do not compromise the delivery of infrastructure. Heritage items - Minor amendments to correct anomalies. - In accordance with clause 14 of the SEPP consultation is required with councils when infrastructure development may impact on local heritage. Land Use Table - The amendments do not involve infrastructure land uses. Principle Development Standards - Amendments to existing clauses do not affect the delivery of infrastructure.
SEPP (Major Development) 2005	Not Applicable	Not Applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable	Not Applicable
SEPP (Rural Lands) 2008	Consistency with the following: 7 Rural Planning Principles 8 Rural Subdivision Principles	Consistent Zone, Min lot size & HOB maps - Sites a, b, c, d & f are located in rural or rural/urban interface. These zone changes are proposed to reflect existing or approved and yet to be constructed development. There is no increase in land use conflict, no increased fragmentation of rural land and no decrease in agricultural potential. - Sites e, i, j & k are in urban locations. - Sites g & h pertain to a nature reserve and a rail corridor respectively. Heritage items - Not applicable Land Use Table - Not applicable Principle Development Standards - Item p: the amendment is proposed to place greater emphasis on the protection of the

State Environmental Planning Policy	Requirements	Compliance
		primary production potential of the land. Item q: the proposed amended boundary adjustment provisions do not enable the creation of additional lots or dwellings; provides protection for land use conflict; and requires the maintenance of agricultural viability.
SEPP (SEPP 53 Transitional Provisions) 2011	Not Applicable	Not Applicable
SEPP (State and Regional Development) 2011	Not Applicable	Not Applicable
SEPP (Urban Renewal) 2010	Not Applicable	Not Applicable

APPENDIX 2

SECTION 117 MINISTERIAL DIRECTIONS COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	(4) A planning proposal must: - Retain existing business and industrial zones. - Not reduce floor space for employment areas and related public services in business zones. - Not reduce potential floor space for industrial uses in industrial zones. - New employment areas in accordance with strategy approved by Director General DP&E.	Consistent Zone, Min lot size & HOB maps - Sites d, e & j: zone change to facilitate employment uses for established commercial/light industrial development. - Site i: Zone change from B6 Enterprise Corridor to IN1 General Industrial to enable additional employment uses. - Other sites/items not applicable Heritage items - Not applicable Land Use Table - Items m, n & o: minor amendments to land use table to increase opportunities for employment uses. Principle Development Standards - Not applicable
1.2 Rural Zones	(4) A planning proposal must: - Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. - Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	Justifiably Inconsistent Zone, Min lot size & HOB maps - Sites c, d, e & f: proposed change of zone from rural to residential/village/business to more accurately reflect existing or approved and yet to be constructed urban land uses. These zone changes are of minor significance and are all located on the rural/urban interface. - Other sites/items not applicable. Heritage items - Not applicable Land Use Table - Not applicable Principle Development Standards - The proposed amendments to existing clauses 4.2C and 4.2D do not increase the permissible density of land within a rural zone
1.3 Mining Petroleum Production and Extractive Industries	This direction applies when the planning proposal: - Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials; - Restricting the potential of State or regionally significant mineral resources	Consistent Zone, Min lot size & HOB maps The planning proposal does not have the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials. Pursuant to clause 7 SEPP (Mining, Petroleum Production and Extractive industries) 2007, mining, petroleum production and extractive industries can occur where agriculture or industry may be carried out (with or without development consent). Home industries (a form of industry) are permissible in rural and residential, business and industrial zones, therefore a planning proposal to change the zone from rural to urban is consistent with the direction as it maintains the

Ministerial Directions	Requirements	Compliance
		permissibility status quo. - The land does not incorporate mineral resources or extractive materials which are of State or regional significance. Heritage items - Not applicable Land Use Table - Proposed amendments do not affect the operation of the SEPP. Principle Development Standards - Proposed amendments do not affect the operation of the SEPP.
1.4 Oyster Aquaculture	Not Applicable	Not Applicable
1.5 Rural Lands	The Planning Proposal must be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in SEPP (Rural Lands) 2008.	Consistent Zone, Min lot size & HOB maps - Sites a, b, c, d & f are located in rural or rural/urban interface. These zone changes are proposed to reflect existing or approved and yet to be constructed development. There is no increase in land use conflict, no increased fragmentation of rural land and no decrease in agricultural potential. - Sites e, i, j & k are in urban locations. - Sites g & h pertain to a nature reserve and a rail corridor respectively. Heritage items - Not applicable Land Use Table - Not applicable Principle Development Standards - Item p: the amendment is proposed to place greater emphasis on the protection of the primary production potential of the land. - Item q: the proposed amended boundary adjustment provisions do not enable the creation of additional lots or dwellings; provides protection for land use conflict; and requires the maintenance of agricultural viability.
2. Environment and Heritage		
2.1 Environment Protection Zones	Must include provisions that facilitate the protection and conservation of environmentally sensitive areas Must not reduce protection standards for environmental protection zones.	Consistent - The planning proposal does not involve <i>environmentally sensitive areas</i> listed in Clause 3.3 of the LEP 2012. - The planning proposal does not reduce environmental protection standards to the land.
2.2 Coastal Protection	Not Applicable	Not Applicable
2.3 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	Consistent Zone, Min lot size & HOB maps - There are no known items of European or Aboriginal heritage located on land proposed for rezoning. - Site d: The site is located within a heritage conservation area. The proposed zone change does not compromise the operation of LEP heritage provisions.

Ministerial Directions	Requirements	Compliance
		Heritage items - Item kl: The allotment was the subject of a boundary adjustment. The heritage map requires amendment to reflect adjusted boundaries of lot. Heritage schedule requires amendment to reflect new legal description of the land. - Item lm: It has become apparent that the subject house has been erroneously listed on an adjacent allotment. The heritage map and heritage schedule require modification. Land Use Table - Not applicable Principle Development Standards - Not applicable
2.4 Recreation Vehicle Areas	Not Applicable	Not Applicable
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The planning proposal must: - Broaden the choice of housing types and locations. - Make efficient use of existing infrastructure and services. - Reduce consumption of land. - Housing of good design. - Residential development not permitted until land is adequately serviced. - Not contain provisions that will reduce residential density.	Consistent Zone, Min lot size & HOB maps - Minor zone changes proposed more accurately reflect existing or approved and yet to be constructed development. Heritage items - Not applicable Land Use Table - Not applicable Principle Development Standards - Not applicable
3.2 Caravan Parks and Manufactured Home Estates	- Retain provisions that permit development of caravan park. - Appropriate zone for existing caravan parks.	Consistent Zone, Min lot size & HOB maps - The proposed rezonings are minor in nature and the rationale is to a) more accurately reflect existing or approved and yet to be constructed development; b) enhance opportunities for employment uses. - No decrease in potential for the development of caravan parks. Heritage items - Not applicable Land Use Table - No change with regards to permissibility for caravan parks. Principle Development Standards - Not applicable
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	Consistent Zone, Min lot size & HOB maps - Not applicable Heritage items - Not applicable Land Use Table - SEPP (Exempt and Complying Development Codes) 2008 provides for home occupations as Exempt Development. Development consent is not required for home occupations under LEP 2012 in rural, residential, business or industrial zones.

Ministerial Directions	Requirements	Compliance
		Principle Development Standards Not applicable
3.4 Integrating Land Use and Transport	A Planning Proposal must locate zones for urban purposes that give effect to: - Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and - The Right Place for Business and Services – Planning Policy (DUAP 2001)	Consistent Zone, Min lot size & HOB maps - The proposed zone changes involve both urban and rural locations. The zones are proposed to: more accurately reflect existing or approved and yet to be constructed land uses; correct anomalies; or to enable additional land uses within the urban area. - All of the proposed urban zone changes are located adjacent to existing transport networks in close proximity to services. - The proposed urban zone changes are of a small scale. Heritage items - Not applicable Land Use Table - Not applicable Principle Development Standards - Not applicable
3.5 Development Near Licensed Aerodromes	A planning proposal in the vicinity of a licensed aerodrome is to be: - Referred to Civil Aviation Safety Authority and the lessee of the aerodrome. - Take into consideration the Obstacle Limitation Surface (OLS). - Prepare standards such as height if land is affected by OLS. - Obtain permission from CASA where the planning proposal allows, as permissible with consent, development that encroaches above the OLS. Permission must be obtained prior to public exhibition. - Not rezone land for various listed noise sensitive land uses where the ANEF exceeds specified thresholds.	Consistent Zone, Min lot size & HOB maps - Site i (29 – 77 Krauss Avenue, Loftville) is in the vicinity of Lismore Airport. It is proposed to change the zone from B6 Enterprise Corridor to IN1 General Industrial. There is currently no building height standard in this location. Lismore DCP Chapter 11 and Lismore LEP 2012 clause 6.5 and 6.6 provide controls regarding airspace operations, aircraft noise and appropriate buffers. Referral to CASA is required for development that penetrates the OLS. The use of a building height development standard in this location is not warranted as the current controls are adequate. - The OLS in this location ranges from between RL 18m to 54.5m AHD. Several developments have already been approved and constructed in this location without penetration of the OLS. - The site is adjacent to the Lismore Airport. The proposal does not introduce any new requirements for building height restrictions. Comprehensive development controls are incorporated in Lismore DCP Chapter 9 Buffer Areas and LEP 2012 clauses 6.5 and 6.6. A minimum lot size of 1500m² is proposed where currently no standard applies. Council will consult with the Civil Aviation Safety Authority if required by the Gateway determination. airport. Heritage items - Not applicable Land Use Table - Not applicable Principle Development Standards - Not applicable
3.6 Shooting Ranges	Not Applicable	Not Applicable

Ministerial Directions	Requirements	Compliance
4. Hazard and Risk		
4.1 Acid Sulfate Soils	(6) A Council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the Council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.	Consistent Zone, Min lot size & HOB maps - Site c (Wyrallah) is located on the Acid Sulfate Soils Map (Class 5). The proposed zone change from RU1 Primary Production to R5 Large Lot Residential addresses a zoning anomaly. R5 will more accurately reflect the existing rural residential development. - The change in zone will not allow more intensification of land use. - LEP 2012 clause 6.1 Acid Sulfate Soils provides relevant controls. Heritage items - Site h 563 Tuckurimba Road is located on the Acid Sulfate Soils Map (Class 3 & 4). The proposed amendment to the heritage map corrects an error. The map entry is proposed to be relocated from the incorrect adjoining lot to the correct allotment at 563 Tuckurimba Road, East Coraki. - The change will not allow more intensification of land use. - LEP 2012 clause 6.1 Acid Sulfate Soils provides relevant controls. Land Use Table - Not applicable Principle Development Standards - Not applicable
4.2 Mine Subsidence and Unstable Land	- Applies to mine subsidence areas. - Applies to areas identified as unstable.	Consistent Zone, Min lot size & HOB maps - The land proposed for rezoning is not within a mine subsidence area. - Council records indicate that the land proposed for rezoning is not constrained by mass movement or known appreciable erosion events. Heritage items - Not applicable Land Use Table - Not applicable Principle Development Standards - Not applicable
4.3 Flood Prone Land	(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. (6) A draft LEP shall not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties,	Justifiably Inconsistent Zone, Min lot size & HOB maps - The following proposed rezoning sites are located within the LEP flood planning area e (Bruxner Hwy), i (Krauss Ave) & j (Taylor St). - Site e is inconsistent with clause 5, however, in accordance with clause 9(b) of the Direction, the inconsistency is of minor significance. The rezoning from rural to business reflects existing approved development on this part of the site (road). Site f is consistent with clause 6. Flood impacts were assessed at this site as part of a recent development consent for subdivision and a road in accordance with LEP and DCP requirements. - Site j is consistent with clause 5 & 6 of the Direction. The proposed zone change from

Ministerial Directions	Requirements	Compliance
	(c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.	business to industrial will not result in an increase of development for the site nor will it result in increased flood impacts on other properties. The land is within a floodway area, however, the DCP for this site allows selected filling to a 1 in 100 year flood level. - Site jk is inconsistent with clause 5 & 6, however, in accordance with clause 9(a) of this Direction, the inconsistency is of minor significance. The site is located in Floodway. Some existing Zone IN1 is proposed for Zone RE1 and some existing Zone RE1 is proposed for Zone IN1. The proposed zone boundary amendment is to rectify a mapping error that occurred during the LEP Amendment No. 8 that was undertaken to rectify an encroachment of an adjacent industrial development. The zone boundaries did not accurately line up with the part lot reclassification map. Heritage items - Site kt & lm are located in the LEP flood planning area. The proposed amendments to the Heritage Maps are consistent with the Direction. Land Use Table - Not applicable Principle Development Standards - Not applicable
4.4 Planning for Bushfire Protection	A Planning Proposal in bush fire prone land: - Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination prior to community consultation. - Have regard to 'Planning for Bush Fire Protection 2006'. - Restrict inappropriate development from hazardous areas. - Ensure bush fire hazard reduction is not prohibited within the APZ.	Consistent - Council is required under section 117 of the <i>EP&A Act 1979</i>, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and take into account any comments made. - Bush fire hazard reduction authorised under the <i>Rural Fires Act 1997</i> can be carried out on any land without development consent. Zone, Min lot size & HOB maps - The following sites proposed for zone change include bushfire prone land: a (Whian Whian), b (Pearces Creek), d (Nimbin), fg (Fischer Street), and jk (Taylor Street). Sites a, b, d & jk are proposed for a change of zone that is consistent with development on the land that has been established for several decades. A change of zone on these sites does not increase the potential for development in these locations. Site f is proposed for a minor amendment of zone boundary to reflect a recent development consent issued for an integrated multi-dwelling development and strata subdivision. Bush fire safety authority under section 100B of the <i>Rural Fires Act 1997</i> was issued for the development. - Site g (Boatharbour Nature Reserve) and parts of site h (rail corridor) are bush fire prone. The removal of a minimum lot size for Zone E1 National Parks and Nature Reserves is consistent with how Zone E1 has been treated throughout the remainder of the LGA. Moreover, it does not inhibit the bush fire management in these areas. The application of a minimum lot size for the rail corridor is to rectify an anomaly that occurred with the making of LEP 2012. The proposed change does not impact bush management along the rail

Ministerial Directions	Requirements	Compliance
		corridor. Heritage items - Not applicable Land Use Table - Not applicable Principle Development Standards - Not applicable
5. Regional Planning		
5.1 Regional Strategies	The Planning Proposal must be consistent with the Far North Coast Regional Strategy.	Consistent The Planning Proposal is consistent with the Far North Coast Regional Strategy.
5.2 Sydney Drinking Water Catchments	Not Applicable	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	The Planning Proposal must not re-zone land mapped as State or regionally significant farmland for urban or rural residential purposes.	Justified Inconsistency Zone, Min lot size & HOB maps - The following sites or part sites are identified as regionally significant farmland: a (Whian Whian), b (Pearces Creek), and e (Bruxner Highway, South Lismore) - Zone changes for these sites are proposed to reflect existing development. - Sites a and b were formerly owned by the Department of Education and are currently within Zone SP2 Infrastructure. It is proposed to rezone both of these sites to Zone RU1 Primary Production to regularise the current land use of a dwelling house. Both of the sites contain an existing teacher's dwelling, now used as a private residence. - Site e was the subject of a recent development consent for subdivision. The narrow strip of regionally significant farmland proposed to change from Zone RU2 to Zone B6 is a sealed access road that services both Bunnings Warehouse and Masters Home Improvements. Heritage items - Not applicable Land Use Table - Not applicable Principle Development Standards - Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable	Not Applicable
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable	Not Applicable
5.9 North West Rail Link Corridor	Not Applicable	Not Applicable

Ministerial Directions	Requirements	Compliance
Strategy		
6. Local Plan Making		
6.1 Approval and Referral Requirements	- A planning proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning & Environment. - Not identify development as designated development unless justified.	Consistent There are no referral or concurrence requirements in the planning proposal. The proposal does not identify development as designated development.
6.2 Reserving Land for Public Purposes	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DP&E.	Consistent Zone, Min lot size & HOB maps - Site j (Taylor Street) was recently the subject of a partial rezoning and reclassification (Lismore LEP Amendment No 8). Land reclassified as operational was to be zoned IN1 General Industrial and land reclassified as community was to be zoned RE1 Public Recreation. It has become apparent that a minor mapping error was not detected prior to the finalisation of the plan making. The new zone boundaries do match entirely with the reclassification area. The proposed partial rezoning of this allotment will rectify the mapping error. Heritage items - Not applicable Land Use Table - Not applicable Principle Development Standards - Not applicable
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.	Not applicable
7. Metropolitan Planning		
7.1 Metropolitan Strategy	Not Applicable	Not Applicable