

Planning Proposal

Large Lot Residential Expansion 55 Palmers Road, McLeans Ridges

April 2017



TABLE OF CONTENTS

Part 1 – Objectives or Intended Outcomes	2
Site description and context	2
Part 2 – Explanation of Provisions	5
Part 3 – Justification	6
Section A – Need for the Planning Proposal	6
Section B – Relationship to Strategic Planning Framework	7
Section C – Environmental, Social and Economic Impact	8
Section D – State and Commonwealth Interests	9
Part 4 – Mapping	10
Part 5 – Community Consultation	10
Part 6 – Project Timeline	11
Conclusion	11

APPENDICES

Appendix 1: Planning Proposal Maps

Appendix 2: Assessment of compliance with Section 117 Directions

Appendix 3: Assessment of compliance with State Environmental Planning Policies

Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to enable large lot rural residential development on part of Lot 28 DP 1130169 55 Palmers Road, McLeans Ridges. It will also remove a small strip of land zoned for large lot rural residential development that is not able to be used for that purpose.

This objective will be achieved through an amendment to Lismore LEP 2012, specifically the maps for land use zones, minimum lot size and height of buildings. The proposed new LEP maps are included in Appendix 1.

Site description and context

The planning Proposal applies to Lot 28 DP 1130169 Palmers Road, McLeans Ridges. It is a 34.99 hectare lot with frontage to Palmers Road and Baldock Drive. The land is mostly open grassland with scattered shade trees. It contains a steep gully that begins on 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 other three sides (Figure 1). Open grazing land is located to the north of the subject land.

The subject land is currently zoned mostly RU1 Primary Production with a small strip of R5 Large Lot Residential at its southern boundary (Figure 2). It contains a single dwelling. There is currently no Height of Building control that applies to RU1 zoned land. The R5 land has a Height of Building limit of 8.5 metres (Figure 3). The current Minimum Lot Size for RU1 land is 40 hectares. The current Minimum Lot Size for R5 land is 2 hectares (Figure 4).

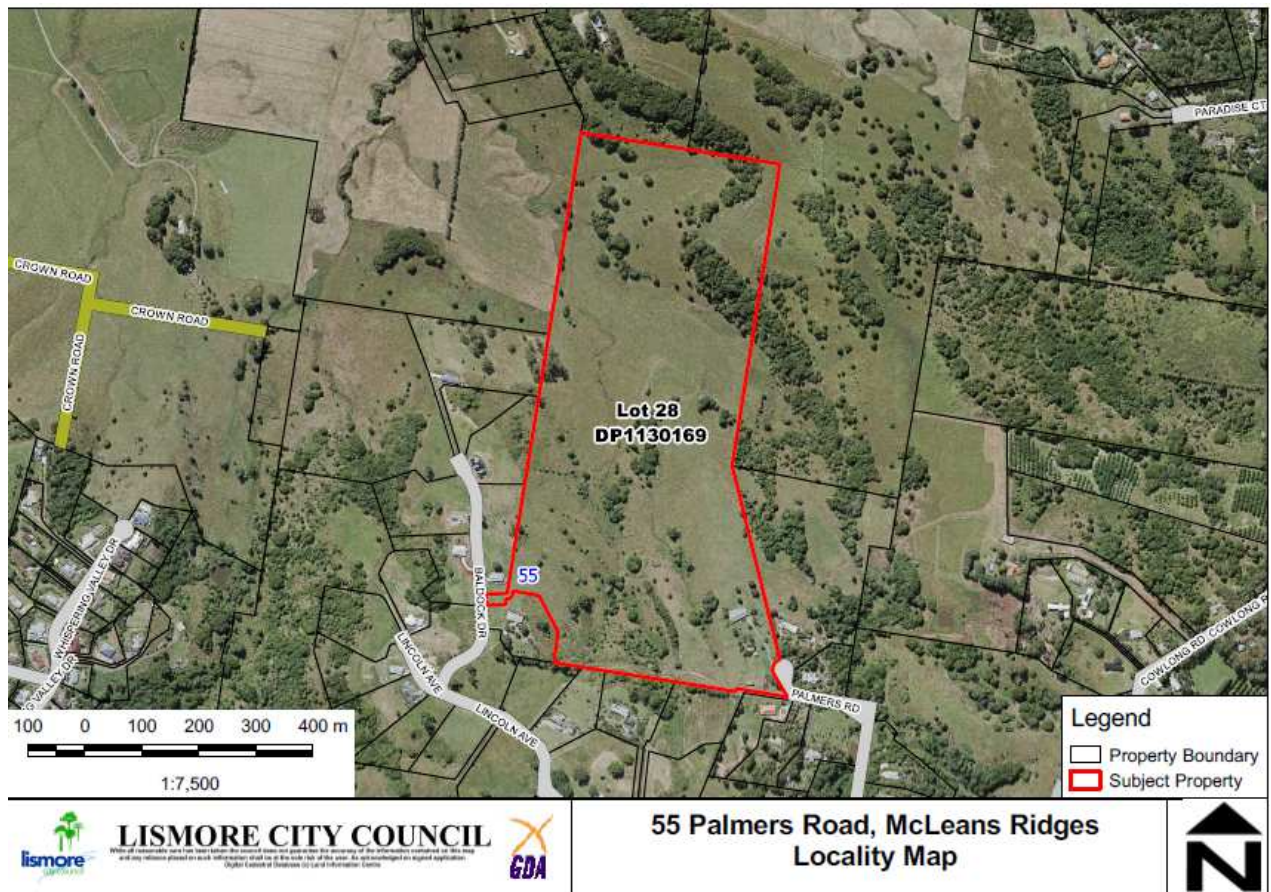


Figure 1: 55 Palmers Road (Lot 28 DP 1130169), McLeans Ridges

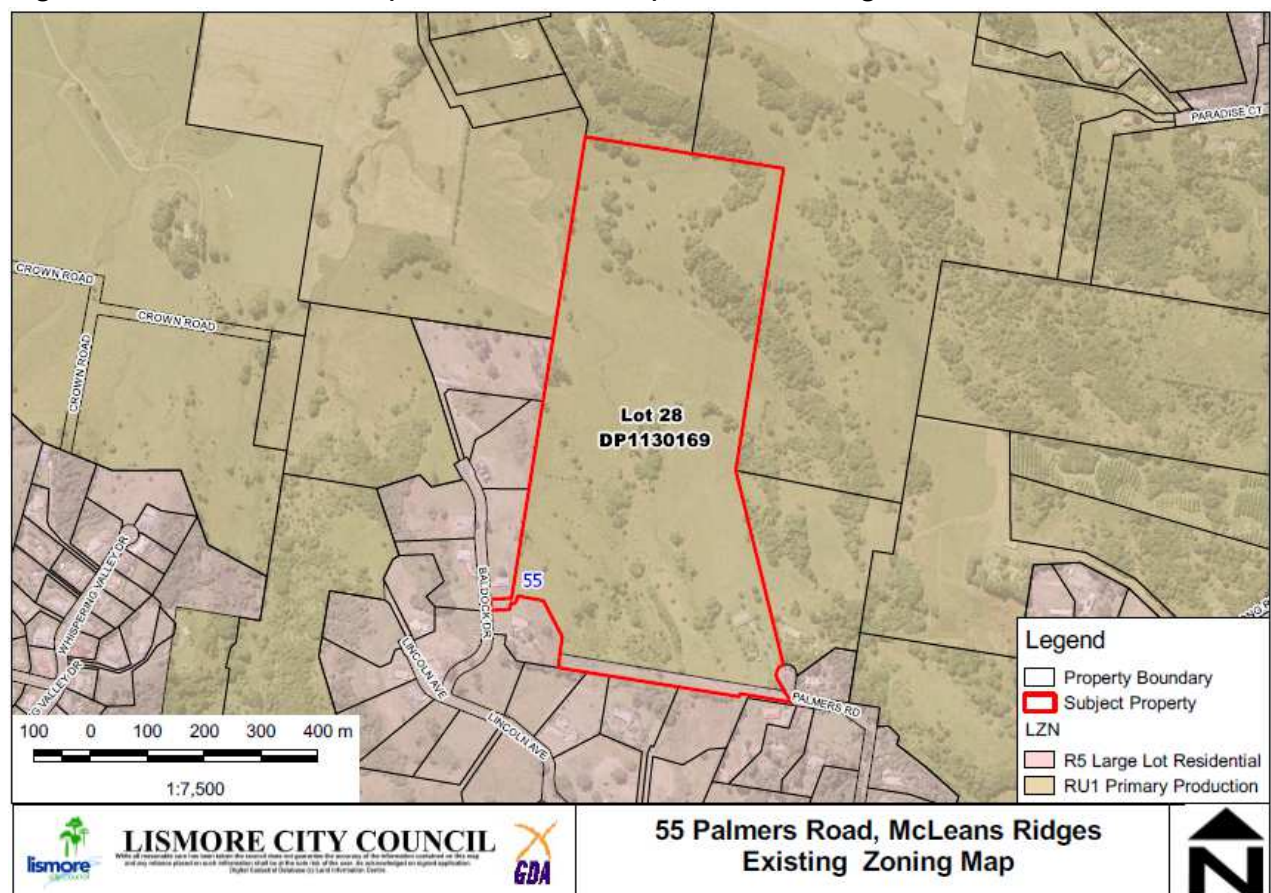


Figure 2: Lismore LEP 2012 Zone Map

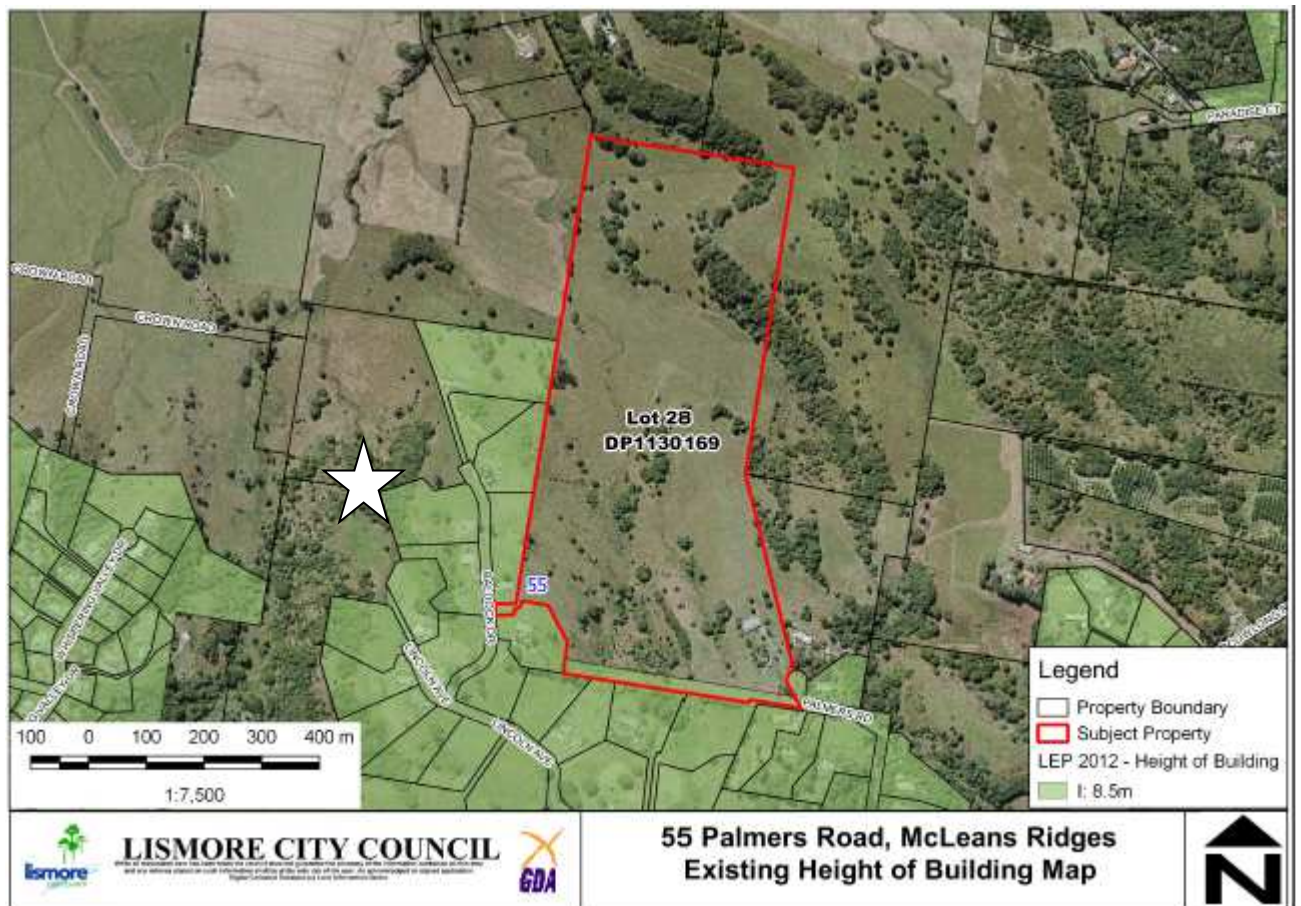


Figure 3: Lismore LEP 2012 – Height of Building Map

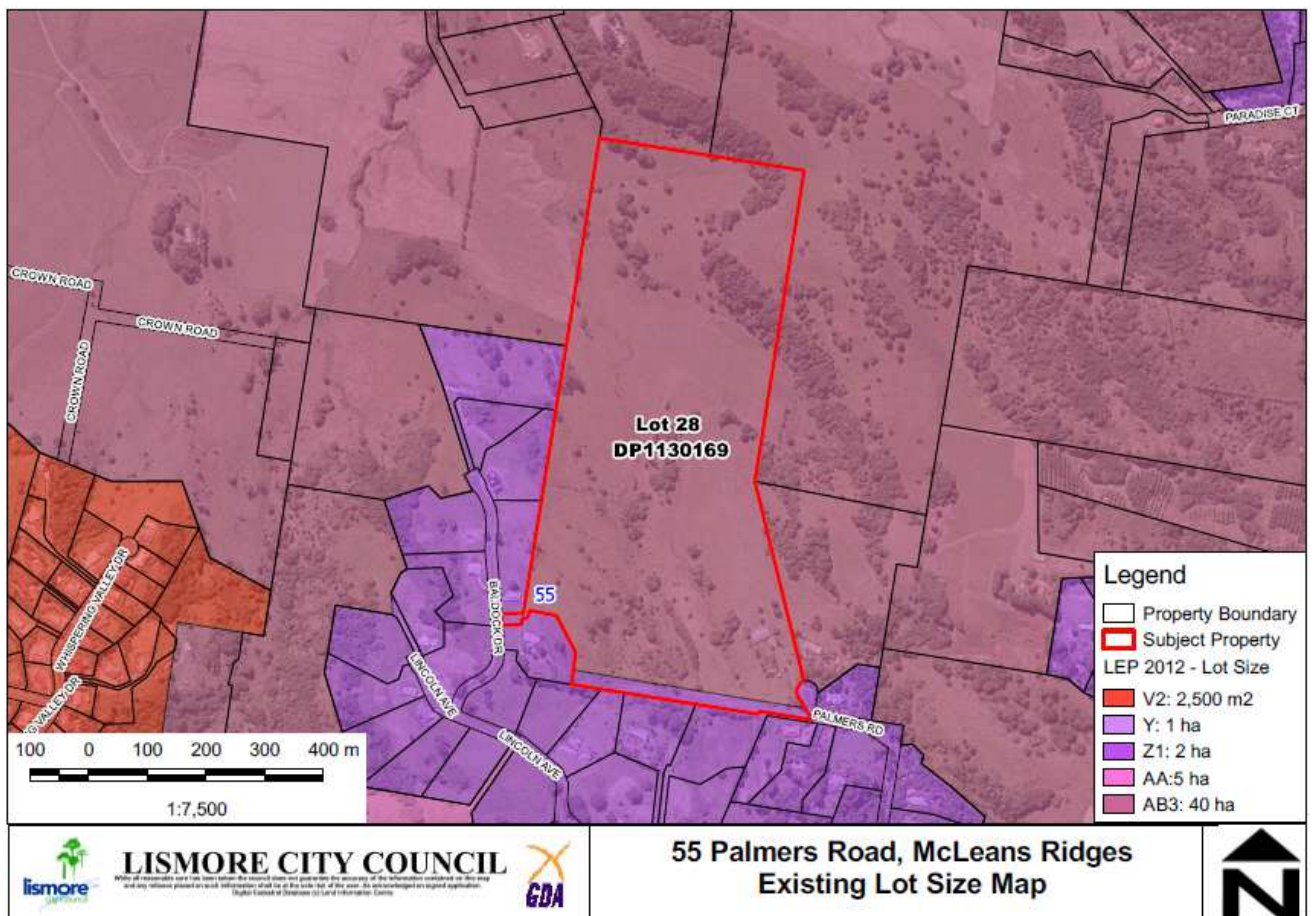


Figure 4: Lismore LEP 2012 - Lot Size Map

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 part of the subject land from R5 Large Lot Residential to RU1 Primary Production;
- Amend the Minimum Lot Size Map to change part of the subject land from 40 hectares to 1 hectare;
- Amend the Minimum Lot Size Map to change part of the subject land from 2 hectares to 40 hectares;
- 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.
- Amend the Height of Building map to change part of the subject land from a building height of 8.5 metres to no maximum building height.

Changing the land use zone to R5 Large Lot Residential in conjunction with reducing the Minimum Lot Size will allow subdivision into two rural residential lots (not less than 1 hectare in size), each of which can be used for a dwelling. The balance of the subject land will contain the existing dwelling and will be zoned RU1 Primary Production. The residue lot will be approximately 31.5 hectares. The steep gully located in the centre of the southern boundary of the subject land is not suitable for large lot residential development and will remain as part of the RU1 Primary Production land and part of the residue lot. The proposed LEP maps are shown in Appendix 1.

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 does not identify the subject land on Map 26 “McLeans Ridges – Potential Large Lot Residential” (Figure 5). The Lismore Growth Management Strategy 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. It replaces the Lismore Urban Strategy 2003 (as amended), Village Development Strategy 1997 and Rural Housing Strategy 2002.

It is noted that a strip (about 20 metres wide) on the southern edge of the subject land is mapped as an existing R5 large lot residential area.

The planning proposal is an unsolicited request from the landowner.

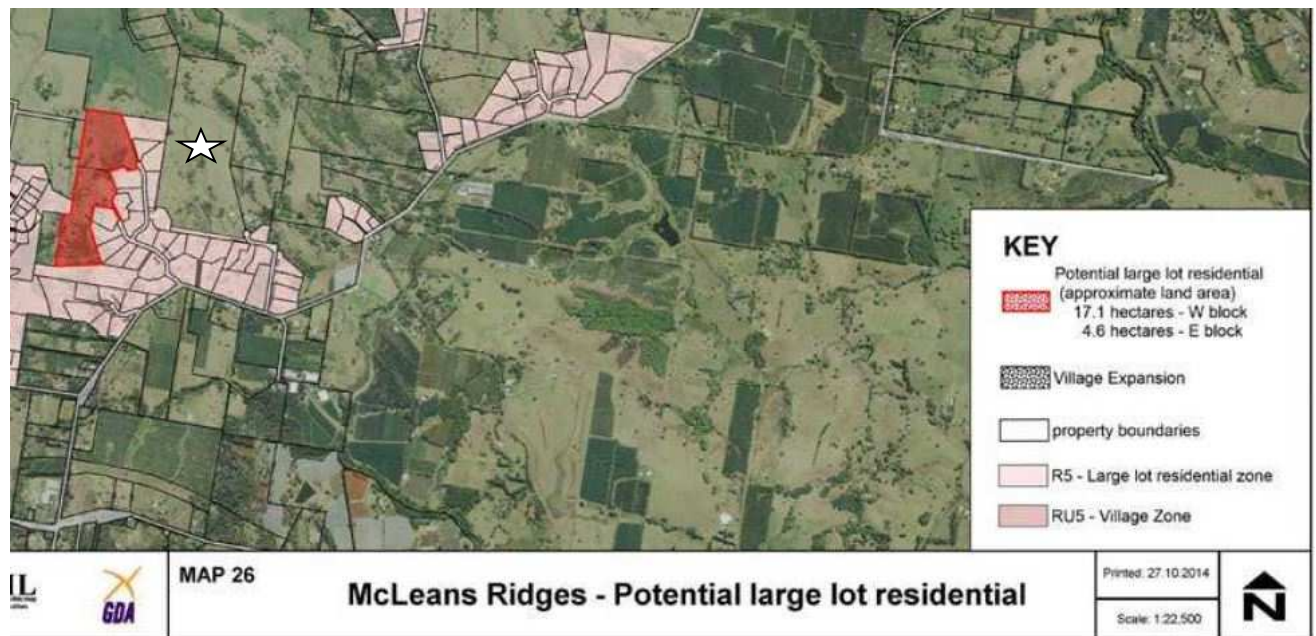


Figure 5: Lismore Growth Management Strategy 2015-2035 (Map 26)

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 landowner initiated planning proposals. A planning proposal is the only way to do 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 the protection of agricultural land, the NCRP states at Action 11.1 that the plan is to enable the growth of the agricultural sector by directing urban and rural residential development away from important farmland (page 40). No regionally significant agricultural land (identified under the Farmland Mapping Project) is involved in this rezoning. The planning proposal is consistent with this aspect of the NCRP.

In relation to rural settlement in non-coastal areas (all of Lismore LGA), the NCRP states at Action 24.1 the delivery of well-planned rural residential housing will be facilitated by identifying new rural residential area 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. 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 4km away in Goonellabah. It will function as a minor extension to an existing rural residential areas.

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

The Lismore Growth Management Strategy 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 local growth management strategy due to its size (only two lots will be created) and the presence of a small area of R5 zoned land already on the subject site.

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

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs) other than SEPP 55 Remediation of Land. Should the Gateway determination be successful it should be conditional on a contaminated land assessment being undertaken. Refer to the checklist against these SEPPs provided in Appendix 2.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

The Planning Proposal is consistent with most Section 117 Directions. Where inconsistencies occur, they can be justified. A commentary of compliance of the planning proposal with these Ministerial Directions is provided at Appendix 3.

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 by the landowner's consultant. This assessment found that the forest vegetation on the site is predominantly camphor laurel regrowth with minimal ecological value. No threatened flora or fauna were found. Two mature Tallowoods that contains tree hollows are located on the subject land, but they are in a gully location where they are unlikely to be affected by future development. The mature Tallowoods will be retained in the RU1 zone.

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

The other likely environmental effects are minimal. A bushfire hazard assessment has been prepared and the predicted additional dwellings can be constructed to comply with Planning for Bushfire Protection provisions.

Only one small part of the site is identified as regionally significant agricultural land under the Farmland Mapping Project and it is not involved in the rezoning.

A land use conflict risk assessment (LUCRA) has not yet been undertaken for this planning proposal. The addition of two (2) more small lots does create further opportunity for land use conflict with the surrounding grazing land. NSW DPI recommends a minimum 50 metre buffer between rural housing and grazing land. The eastern most proposed lot will be accessed via a driveway that passes moveable stockyards located near Palmers Road. NSW DPI recommend a minimum 200 metre buffer between rural housing and stock yards. Without a thorough LUCRA it is not possible to be clear that risks are acceptable or can be ameliorated. Council requires that it be prepared as a condition of any Gateway approval.

The site is not flood prone but is in a drinking water catchment. The addition of two onsite wastewater disposal sites (from two additional dwellings) has been assessed and can be undertaken without impact on water quality. Future dwellings will rely on water tanks for potable water.

Each lot will generate an estimated 4 to 6 motor vehicle trips per day. On the basis of a possible two (2) lot development an estimated additional 6 trips per day is likely on Baldock Drive and 6 trips on Palmers Road. This traffic volume will have a negligible impact on the level of service currently being experienced on Baldock Drive and Palmers Road. Baldock Drive is a better quality road that will more easily handle the extra traffic. The pedestrian attractors are located remote from the site. No constructed pathways are required for a large lot residential development. For large lot residential development the traffic volumes are usually low and safe to share with for cyclist as per Council DCP. No cycleways are required.

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. WSD chapter of the DCP may apply. If only one or two additional lots are to be created, the development would be considered minor.

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

Lismore Council has used its Lismore Growth Management Strategy 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 adverse social or economic impacts are predicted as a result of this Planning Proposal.

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the subject allotment (and a 1km buffer) on 1 February 2016. 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 LEP 2012. Further assessment is required of European and Aboriginal cultural heritage in order to demonstrate consistency with Section 117 of the *EP&A Act 1979*, Ministerial Direction 2.3 – Heritage Conservation. In this regard, it is recommended that a cultural heritage assessment is undertaken for the site post Gateway determination.

Section D – State and Commonwealth Interests

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

The subject land has two road frontages. The placement of proposed lots indicates that one additional dwelling will be accessed off Palmers Road and one off Baldock Drive. Palmers Road has a basic 3.5 metre seal. Baldock Drive has a 5 metre seal. It is possible that Palmers Road may need to be upgraded as part of any future subdivision but this can be dealt with in a future development application (if required). Reticulated water is not available to the site. An on-site wastewater management assessment has identified that the site has capacity to deal with the wastewater from two additional dwellings while still meeting Council requirements for setbacks from waterways and providing for a spare disposal field.

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

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

Commonwealth public authorities have not been formally involved in this particular planning proposal as it is yet to receive a Gateway determination. At this early stage it appears unlikely that there will be any issues of interest to Commonwealth authorities. The subject land is not in proximity to the Lismore airport.

State authorities were consulted in the preparation of the Lismore Growth Management Strategy 2015-2035, and their views taken into account. They have not been formally involved in this particular planning proposal as it is yet to receive a Gateway determination.

It is proposed that the authorities listed below are consulted in relation to this planning proposal, and that this consultation is undertaken concurrent with the public exhibition of the planning proposal:

- Roads and Maritime Services,
- Rural Fire Service,
- Department of Primary Industries,
- Office of Environment and Heritage.

Part 4 – Mapping

It is proposed to rezone part of the subject land to R5 Large Lot Residential with the balance remaining as RU1 Primary Production. A small area will be rezoned from R5 Large Lot Residential to RU1 Primary Production. The R5 area will be subject to a Minimum Lot Size of 1 hectare and a maximum building height of 8.5 metres. The RU1 area will have a Minimum Lot Size of 40 hectares and no maximum building height.

This will be achieved by amending map sheets:

LZN_005

LSZ_005

HOB_005

Appendix 1 contains the proposed LEP Maps.

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 web site of Lismore City Council and the Department of Planning and Environment,
- Letter to adjoining land holders,
- Letter to the Ngulingah LALC.

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,
- All studies relevant to the site and the planning proposal.

The Gateway determination will confirm the public consultation requirements.

Part 6 – Project Timeline

- Report to Council – **11 April 2017**
- Gateway determination issued **June 2017**
- Timeframe for additional studies (potential land contamination, land use conflict risk assessment and European and Aboriginal heritage) that will be required to be submitted by the applicant – **September 2017**
- Timeframe for government agency consultation and public consultation – **November 2017**
- Timeframe for consideration of submissions – **December 2017**
- Timeframe for consideration of the Planning Proposal, post-exhibition, by Council – **February 2018**
- Date of submission to the Department to finalise the LEP – **March 2018**
- Anticipated date for plan making – **May 2018**

Conclusion

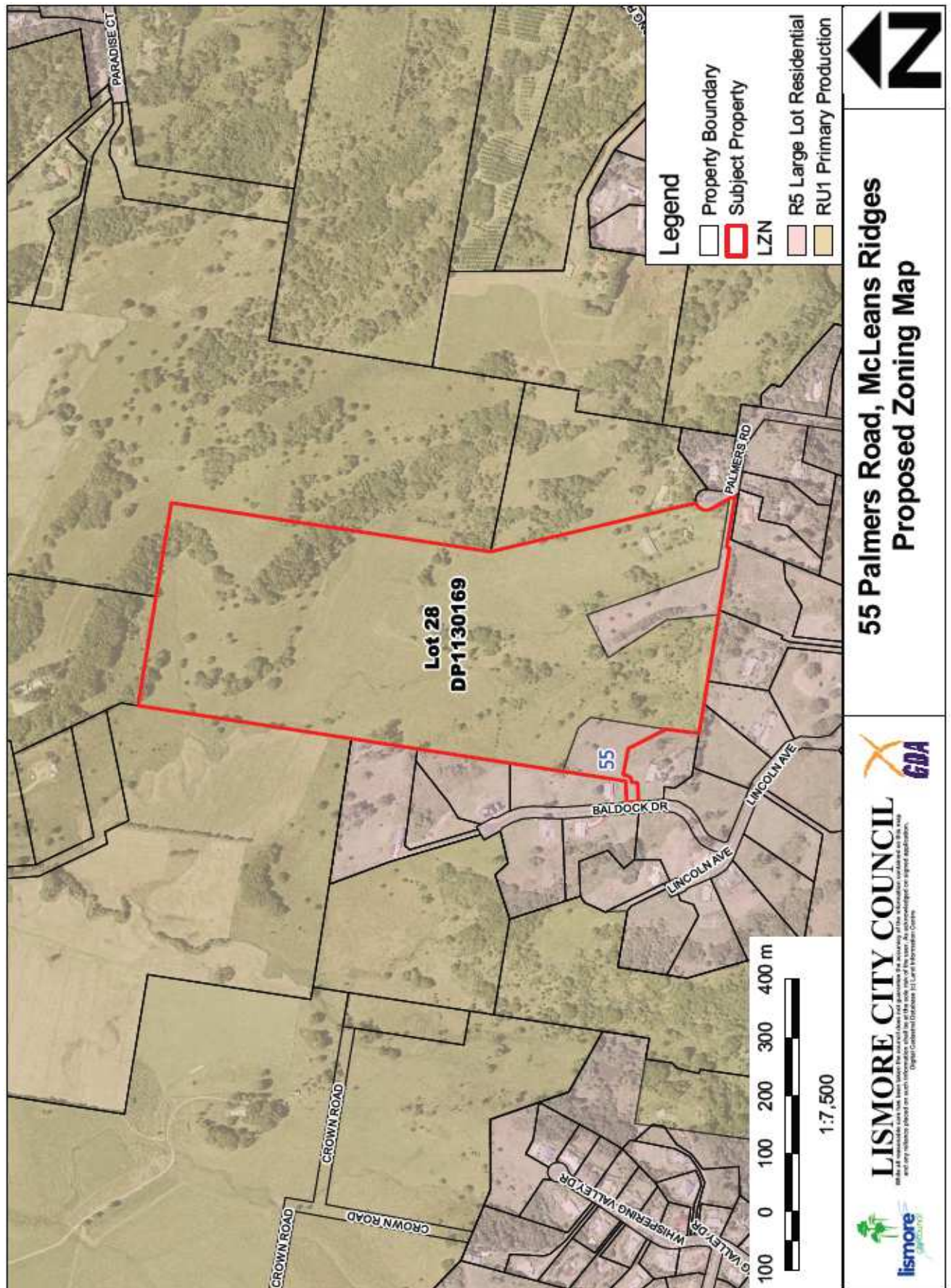
This planning proposal seeks to amend Lismore LEP 2012 to permit rural residential subdivision of part of Lot 28 DP 1130169 Palmers Road, McLeans Ridges. The preferred method to achieve this will be to amend the zone map to apply a R5 Large Lot Residential zone to part of the subject land. The proposed R5 land will also be subject to a Minimum Lot Size of 1 hectare and a maximum building height of 8.5 metres. A small area of R5 (about 0.3 hectares) will also be zoned to RU1 with commensurate changes to Minimum Lot Size and Height of Buildings.

The planning proposal is a result of a landowner request and is not consistent with Lismore Growth Management Strategy. It is supported because of its size (there will only be a potential for two lots) and the presence of an area of R5 zoned land already on the subject site. The applicant has undertaken site-specific studies on ecology, bushfire hazard, and on-site wastewater disposal. Further studies are required to address potential land contamination, land use conflict risk assessment and European and Aboriginal heritage.

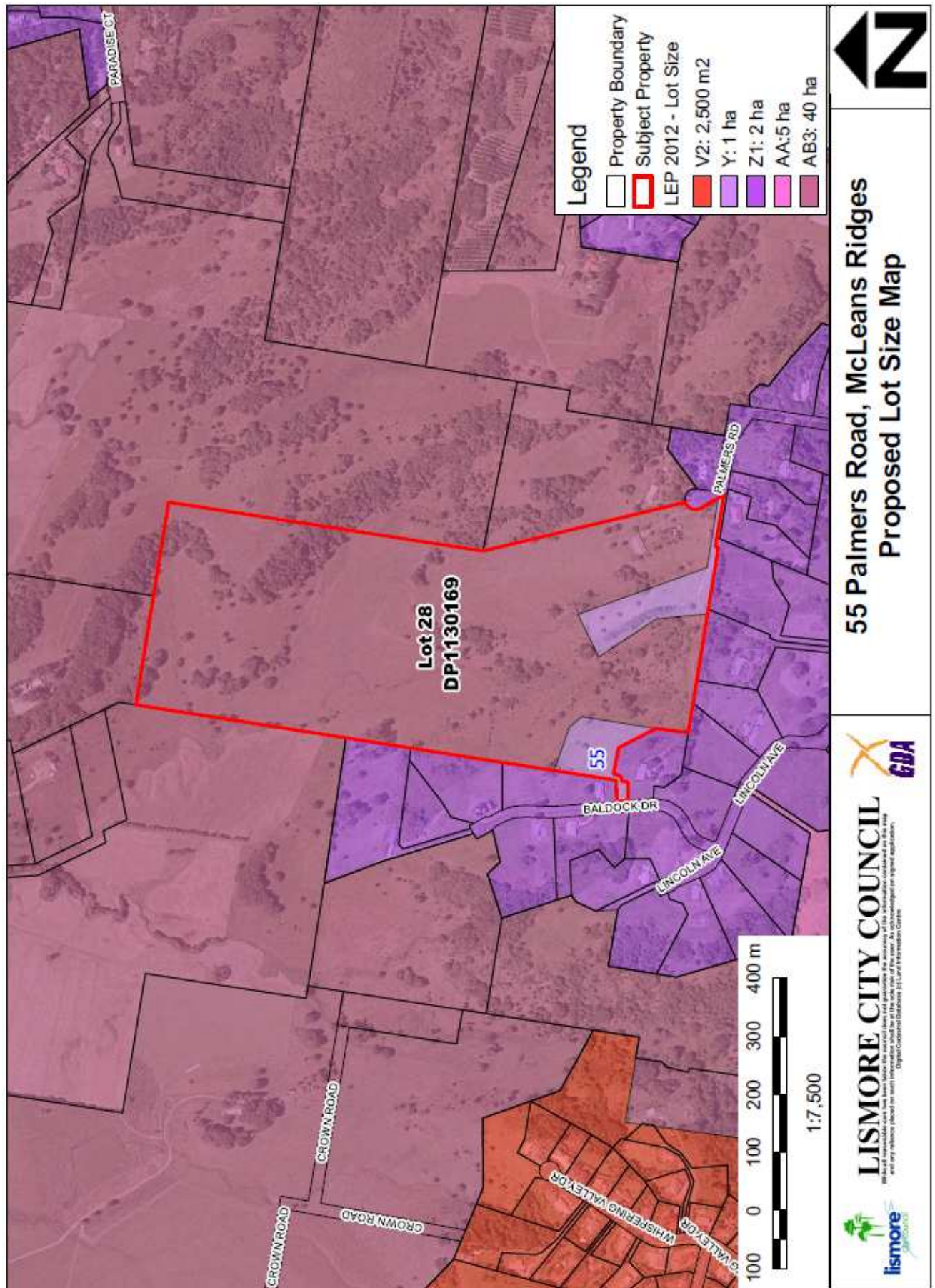
An assessment of the planning proposal indicates that it is consistent with relevant SEPPs except for SEPP 55. This inconsistency will need to be justified by an assessment to be undertaken prior to public exhibition. It is consistent with most of the relevant s117 Directions and where inconsistencies occur they can be justified. It is inconsistent with the North Coast Regional Plan 2036 in that it is not identified in the Lismore LGMS. It is supported because of its size (there will only be a potential for two lots), the merit of the site and the presence of an area of R5 zoned land already on the subject site.

There is sufficient information to enable Council to support the planning proposal and forward it to the Department of Planning and Environment for its consideration and Gateway determination.

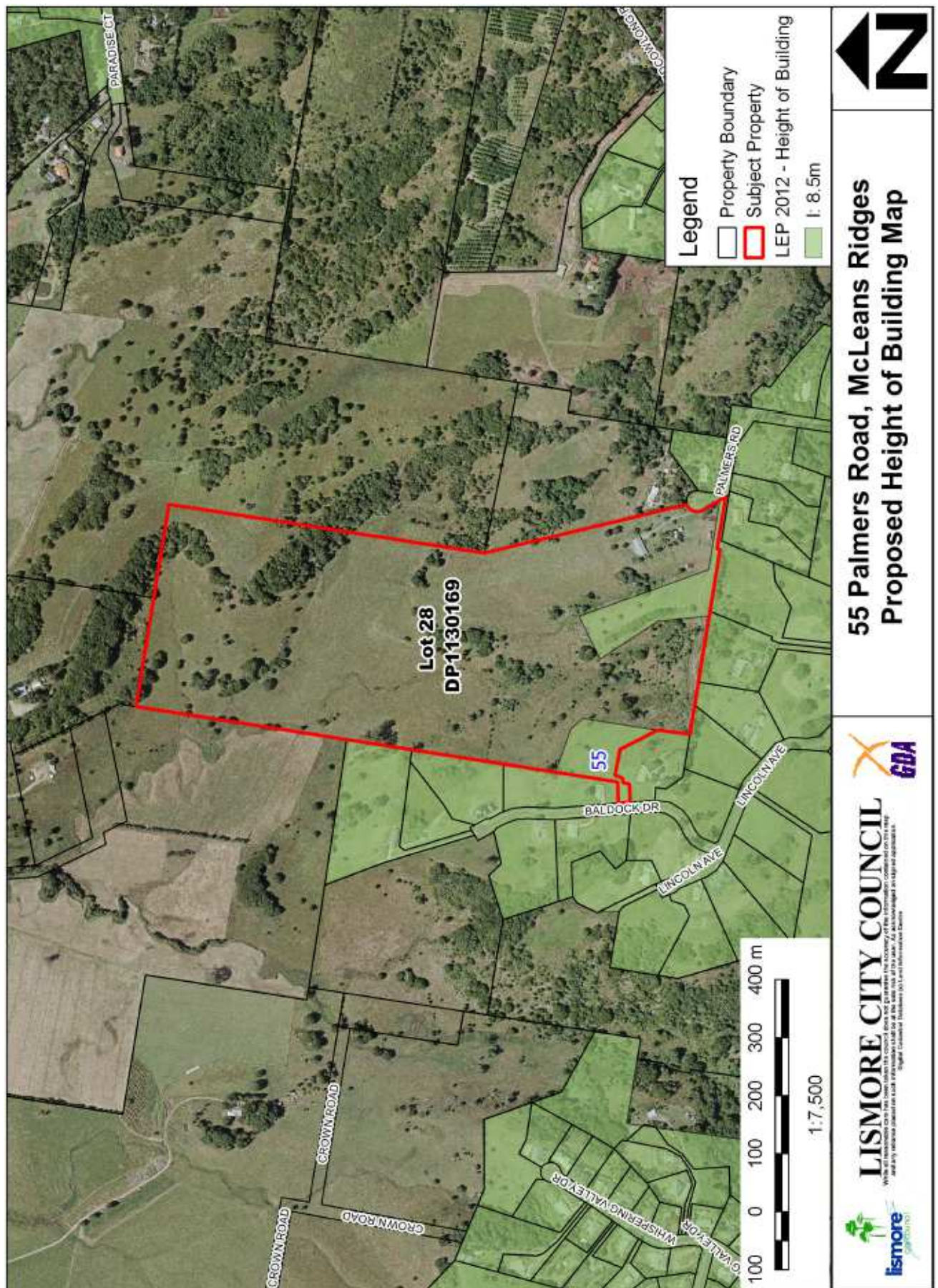
APPENDIX 1: PROPOSED LEP MAPS



Proposed Zone Map – 55 Palmers Road, McLeans Ridges



Proposed Lot Size Map – 55 Palmers Road, McLeans Ridges



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

APPENDIX 2: COMPLIANCE WITH STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Requirements	Compliance
SEPP 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, and (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. 16 Preparation of local environmental studies The Director General may require that potential or core koala habitat not proposed for environmental protection zoning is the subject of an environmental study.	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 do not constitute potential or core Koala habitat. There is no evidence that Koalas use these trees. The draft planning proposal is consistent with the aims and objectives of SEPP 44.
SEPP 55 – Remediation of Land	6 Contamination and remediation to be considered in zoning or rezoning proposal Council is required to consider whether the land is contaminated when rezoning for residential development.	Inconsistent. A preliminary contaminated land assessment has not yet been undertaken. Although the site has no history of land contamination from past uses it is still not consistent with SEPP 55. Any Gateway determination Council requires sufficient information to prove the site has no contamination or if it does it can be rehabilitated to an appropriate standard. This information will be required before the public exhibition takes place.
SEPP (Affordable Rental Housing) 2009	No specific requirement regarding rezoning land.	Consistent.
SEPP (Housing for Seniors or People with a Disability) 2004	No specific requirement regarding rezoning land.	Consistent.
SEPP (Infrastructure) 2007	No specific requirement regarding rezoning land.	Consistent.
SEPP (Rural Lands) 2008	2 Aims of Policy The aims of this Policy are as follows: (a) orderly and economic use and development of rural lands, (b) regard to Rural Planning Principles and the Rural Subdivision Principles, (c) to implement measures designed to reduce land use conflicts, (d) to identify State significant agricultural land, (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural	Consistent. No state or regionally significant agricultural land occurs in the vicinity of the land to be rezoned. The site has shallow, rocky soils and is currently used for cattle grazing. Agriculture in the locality is limited to grazing, not horticulture. With existing rural residential lots on three sides it is unlikely additional rural residential dwellings will have a significant impact on rural land or exacerbate the likelihood of conflict due to the topography of the subject land and the infill nature and small scale of the proposal.

State Environmental Planning Policy	Requirements	Compliance
	subdivisions.	The Planning Proposal is consistent with the Rural Planning Principles in clause 7 of the Rural Lands SEPP because: - the proposed use is of benefit to the Lismore LGA economy and is unlikely to reduce significantly the current and potential productive and sustainable economic activities in rural areas, and - it balances the social, economic and environmental interests of the community. The land is not identified in the biophysical strategic agricultural land (BSAL) mapping for Lismore LGA. The planning proposal is consistent with the SEPP. Because there is going to be a rural / rural residential interface on the northern edge of the subject land, a Land Use Conflict Risk Assessment is required as a condition of any Gateway determination to ensure conflict is avoided.

APPENDIX 3: COMPLIANCE WITH SECTION 117 MINISTERIAL DIRECTIONS

Ministerial Directions	Requirements	Compliance
1 Employment and Resources		
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	Consistent. This planning proposal will not affect the boundaries or extent of business or industrial zones.
1.2 Rural Zones	A planning proposal must not rezone land from a rural zone to a residential zone unless it is justified under clause 5 of the Direction. Such justification includes the identification of the land in a strategy (local or regional).	Inconsistent. This planning proposal will rezone part of the subject land from RU1 to R5 Large Lot Residential. This will permit rural residential subdivision of the land down to lot sizes of 1 hectare and allow the creation of two new lots. This land is not identified in the endorsed Lismore Growth Management Strategy 2015-2035 but has a small strip of R5 at its southern boundary already. The proposed R5 land is about 3 hectares in area and forms a logical part of the adjacent rural residential estate. A small area of land zoned R5 Large Lot Residential (approx. 0.3 hectares) is to be back zoned to RU1 to rationalise the zone boundaries. The planning proposal is of minor significance and is justifiable in the circumstances.
1.3 Mining, Petroleum Production and Extractive Industries	This Direction applies when the planning proposal has the effect of: (a) Prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials; (b) Restricting the potential of State or regionally significant mineral resources.	Inconsistent. Mining or extractive industries will not be able to be carried out once the land is zoned R5. However, no State or regional extractive resources (or buffers) affect the subject land. It is a logical expansion / infill to an existing rural residential area, and there is minimal potential conflict with any future extraction sites in nearby land. It is a minor inconsistency and is justifiable as part of an agreed strategy.
1.4 Oyster Aquaculture	Not applicable.	Not applicable.
1.5 Rural Lands	The planning proposal must be consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008 if it impacts on rural zoned land. Rural Planning Principles The Rural Planning Principles are as follows: (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas, (b) recognition of the importance of	Inconsistent. The planning proposal will not reduce the current and potential productive rural activities in the McLeans Ridges locality. It will yield two dwelling sites tucked in against existing small lots. By adding a small area to an existing rural residential estate the planning proposal recognises the need to separate these uses from commercial agriculture. A Land Use Conflict Risk Assessment is required as a condition

Ministerial Directions	Requirements	Compliance
	rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State, (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development, (d) in planning for rural lands, to balance the social, economic and environmental interests of the community, (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land, (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities, (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing, (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	of any Gateway determination to ensure conflict is avoided. Council has identified natural resources, biodiversity, water resources and constrained land in mapping its preferred areas for future rural residential development. This area is not mapped as constrained land. This planning proposal will make use of existing rural residential infrastructure and services, and will fit well with the McLeans Ridges community. The planning proposal will provide a minor opportunity for rural lifestyle in this locality (two lots). It is not consistent with the endorsed Lismore Growth Management Strategy 2015-2035. However, it is a very small addition (two lots) to the rural residential land supply in the locality. It is inconsistent with the North Coast Regional Plan in that it is not in the Lismore LGMS.
2 Environment and Heritage		
2.1 Environment Protection Zones	The planning proposal must include provisions that facilitate protection of environmentally sensitive areas. Must not reduce protection standards for environment protection zones.	Consistent. The planning proposal will not remove any environment protection zones. The subject land does not contain any environmentally sensitive areas that are of sufficient size to be mapped in an LEP.
2.2 Coastal Protection	Not applicable.	Not applicable.
2.3 Heritage Conservation	The planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	Consistent. Lismore LEP 2012 already contains provisions for the protection of European and Aboriginal heritage items or places. An AHIMs search has been undertaken. No European or Aboriginal heritage is known to occur on the subject land. If any Aboriginal items or places are found to occur on this site at a later date, they will be protected by legislation unless the landowners obtain approval through an Aboriginal Heritage Impact Permit. Further assessment is required of European and Aboriginal cultural heritage in order to demonstrate consistency with this Direction. In this regard, it is recommended that a

Ministerial Directions	Requirements	Compliance
		cultural heritage assessment is undertaken for the site post Gateway determination.
2.4 Recreation Vehicle Areas	Not applicable.	Not applicable.
3 Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The planning proposal must: (a) Broaden the choice of housing types and locations. (b) Make efficient use of existing infrastructure and services. (c) Reduce consumption of land. (d) Housing of good design. (e) Residential development not permitted until land is adequately serviced. (f) Not contain provisions that will reduce residential density.	Not applicable.
3.2 Caravan Parks and Manufactured Home Estates	Retain provisions that permit development of caravan parks.	Not applicable.
3.3 Home Occupations	The planning proposal must permit home occupations in dwelling houses without development consent.	Not applicable.
3.4 Integrating Land Use and Transport	The planning proposal must give effect to and be consistent with the aims, objectives and principles of: <i>Improving Transport Choice</i> – Guidelines for planning and development (DUAP 2001), and <i>The Right Place for Business and Services</i> – Planning Policy (DUAP 2001) <i>Improving Transport Choice.</i> This policy aims to better integrate land use and transport planning and development, provide transport choice and manage travel demand to improve the environment, accessibility and livability, reduce growth in the number and length of private car journeys, make walking, cycling and public transport use more attractive. <i>The Right Place for Business and Services</i> This policy aims to encourage a network of vibrant, accessible mixed use centres which are closely aligned with and accessible by public transport, walking and cycling. Objectives include: (a) help reduce reliance on cars and moderate the demand for car travel (b) encourage multi-purpose trips (c) encourage people to travel on public transport, walk or cycle (d) provide people with equitable	Consistent. This site is within a 4 km catchment around the Lismore urban area and this better integrates land use, transport and services. This planning proposal will reinforce the McLeans Ridges rural residential area.

Ministerial Directions	Requirements	Compliance
	and efficient access (e) protect and maximise community investment in centres, and in transport infrastructure and facilities (f) foster growth, competition, innovation and investment confidence in centres.	
3.5 Development Near Licensed Aerodromes	The three objectives of this Direction are to: (a) ensure safe operations of aerodromes; (b) ensure operations are not compromised by development causing obstruction or hazard to flying aircraft; and (c) ensure development for human occupation is not exposed to Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25 unless appropriate noise mitigation is proposed.	Consistent. The planning proposal is beyond the 4 km 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.
3.6 Shooting Ranges	Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range that has the effect of permitting more intensive land uses in the area.	Consistent. 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.
4 Hazard and Risk		
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. 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. 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.
4.2 Mine Subsidence and Unstable Land	Applies to mine subsidence areas. Applies to areas identified as unstable.	Consistent. No steep, unstable or mine subsidence areas are included on the land proposed to be zoned R5. The steep and gully will remain in a RU1 zone. A geotechnical assessment has been undertaken to demonstrate that each proposed lot has an area suitable for a dwelling.
4.3 Flood Prone Land	The objectives of this Direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the	Not applicable. None of the subject land is flood prone.

Ministerial Directions	Requirements	Compliance
	Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	
4.4 Planning for Bushfire Protection	A planning proposal in bushfire 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 bushfire hazard reduction is not prohibited within the APZ.	Inconsistent at this stage pending consultation with RFS. Some of the subject land (near Palmers Road) is within a bushfire buffer. A bushfire hazard assessment has been undertaken for the site. It concluded that the proposed rural house sites can be protected with APZs, and appropriate BAL construction standards can be applied. The subject land has good fire access and egress. Nevertheless, referral to RFS is still required.
5 Regional Planning		
5.1 Implementation of Regional Strategies	The planning proposal must be consistent with the North Coast Regional Plan.	Justifiably inconsistent. 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 Growth Management Strategy 2015-2035, (endorsed by DPE on 11 August 2015). The planning proposal is a minor inconsistency with the LGMS. The main justification for this inconsistency with the NCREP is that the Planning Proposal affects a very small area of land (there will only be a potential for two lots), and part of that land is already zoned R5 Large Lot Residential zone. 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). The site is not State or Regional agricultural land and is not on the coastal strip. The planning proposal is a minor inconsistency with the NCREP.
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 three objectives of this Direction are: to ensure the best agricultural land will be available for agriculture; to provide for certainty on the status of land and thereby assist with strategic planning; and to reduce conflict caused by urban	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.

Ministerial Directions	Requirements	Compliance
	encroachment into farming areas. The planning proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project. Justification for an inconsistency includes consistency with the Far North Coast Regional Strategy 2006 and identification of the land in a council strategy.	
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.
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 DPE. In addition, it should identify development as designated development unless justified.	Consistent. No such provisions are proposed.
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 DPE.	Not applicable.
6.3 Site Specific Provisions	The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. A planning proposal to allow a particular land use must rezone the site to an existing zone that allows the land use, without additional development standards to those already in use in that zone.	Consistent. The Planning Proposal will include that part of the subject land that can be developed in a R5 Large Lot Residential zone.
7 Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Not applicable.	Not applicable.