

Planning Proposal

North Lismore Plateau

1 July 2015



TABLE OF CONTENTS

Part 1 – Objectives or Intended Outcomes	2
Part 2 – Explanation of Provisions	5
Part 3 – Justification	7
Section A – Need for the Planning Proposal	7
Section B – Relationship to Strategic Planning Framework	9
Section C – Environmental, Social and Economic Impact	10
Section D – State and Commonwealth Interests	15
Part 4 - Mapping.....	20
Part 5 – Community Consultation	23
Part 6 – Project Timeline	24

TABLES

Table 1: Assessment of Planning Proposal's Compliance with State Environmental Planning Policies

Table 2: Assessment of Planning Proposal's Compliance with Section 117 Directions

ATTACHMENTS

Attachment 1: Map showing proposed LEP for NLP

Attachment 2: Proposed land use tables for zones E2 and E3

Attachment 3: Sustainability Criteria Report for NLP

Part 1 Objectives or Intended Outcomes

The objective of the planning proposal is to enable the subject land at North Lismore Plateau to be developed for residential and neighbourhood business uses, incorporating open space and recreation, environment protection and restoration and protection of Aboriginal cultural heritage sites.

This objective will be achieved through an amendment to Lismore LEP 2012. The proposed distribution of zones is included in Attachment 1. The planning proposal will enable a new urban area to be established. Council has already adopted a Development Control Plan, an Infrastructure Delivery Plan Development Servicing Plan, and a S.94 Contributions Plan for the North Lismore Plateau.

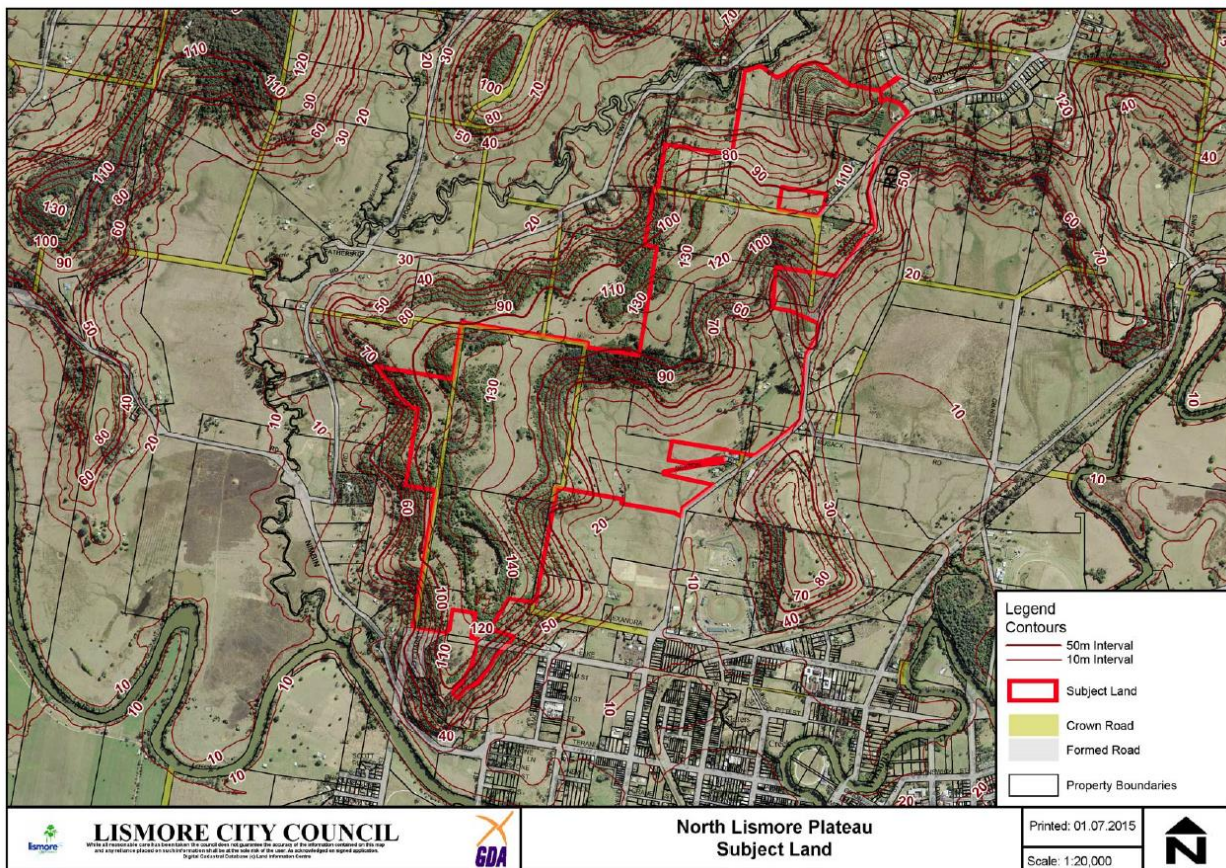
The planning proposal is required to enable the development of the land that was subject to Amendment No. 3 to Lismore LEP 2012. Amendment No. 3 was declared invalid and of no effect on 5th June 2015 by the Land and Environment Court case described as *Ryan v The Minister for Planning [2015] NSWLEC 88*.

Site context and setting

The site known as North Lismore Plateau comprises an elevated plateau west of Dunoon Road in North Lismore and approximately 1.5 kilometres north-west of the Lismore CBD. The land is generally located above the 70 metre contour (although some lower areas are included for access and drainage) and is approximately 255 ha in area. Vegetation is mainly cleared pasture with pockets of rainforest regrowth and Camphor Laurel. Much of the area enjoys views over the Lismore CBD and surrounding area. A disused Council owned hard rock quarry is located at the southern end of the plateau. The locality is well placed in relation to employment lands, schools, active open space, services and facilities in North Lismore and the Lismore CBD. It is an area that can provide a balance to the pressure for residential development east of Lismore.

The Winten Property Group and The Plateau Group (TPG), representing a range of landowners in the North Lismore Plateau, sought an amendment to Lismore Local Environmental Plan 2012 to enable residential development, neighbourhood business uses and environment protection. The land covered by the North Lismore Plateau study area (at its southern extent) also includes an area of Lismore City Council land. Figure 1 provides an aerial photograph (with cadastre) identifying the subject land.

Figure 1 – The Subject Land



Council Landholdings

Lismore City Council is a landholder in the NLP study area. Council land in the NLP area is shown in Figure 2. Only four lots are within the subject land and therefore affected directly by this planning proposal. These are:

Lot 12 DP 844585 (126,800 sq m) – Classified Operational Land.

This lot includes the disused quarry in the southern part of the site. It is proposed for a mix of residential, environment conservation and management and public recreation.

Lot 1 DP 772627 (186,700 sq m) – Classified Operational Land.

This lot includes most of the land immediately surrounding the disused quarry. It is proposed for a mix of residential, environment conservation and management and public recreation.

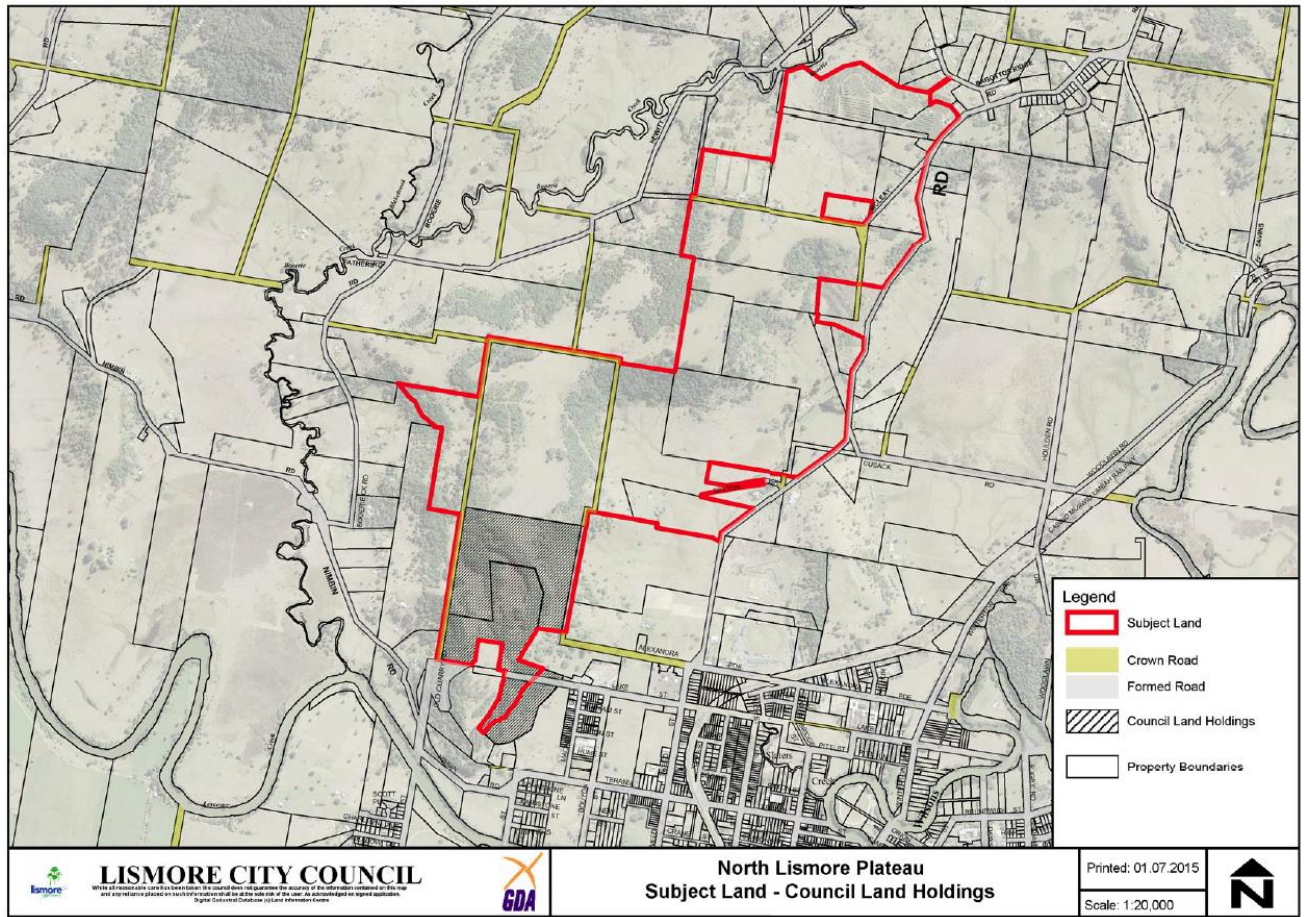
Lot 1 DP 118556 (9,641 sq m) - Classified Operational Land.

This lot is a narrow strip of land that would have been a road reserve and is immediately adjoining the eastern boundary of Lot 1 DP 772627. It is not proposed for residential development. It is all recommended for environment conservation and management.

Part Lot 3 DP 1037282 (53,660 sq m) - Classified Community Land.

This lot is only partly within the study area and is located in the south eastern corner. It is quite steep and vegetated. None of this land is proposed for residential development. It is all recommended for environment conservation and management and will remain in Council ownership. Therefore, it is not necessary to change the Community classification of this land.

Figure 2 – Lismore City Council Landholdings at North Lismore Plateau



The disused Council quarry may need to be benched for safety reasons. An initial assessment has found no evidence of land contamination as a result of past land use and the geology of the location is not associated with heavy metals. Any works in or around the quarry will need to reflect the registered Aboriginal sites in this locality.

A single small horizontal mine shaft has been located in the south east corner of Council's land in a heavily vegetated area. This area is remote from proposed residential development, difficult to access and is not part of the subject land. It is likely that Council will fence the old shaft off to prevent access and note the presence of the shaft on signage on the fence.

The land that is recommended in this planning proposal as residential land is classified as Operational Land under the *Local Government Act 1993*. It can be rezoned for residential, environment protection or open space purposes and sold by Council if it chooses to do this.

Part 2 Explanation of Provisions

It is proposed that Lismore Local Environmental Plan 2012 be amended by applying a range of zones, along with minimum lot size and building height limits that reflect the existing characteristics, environmental and cultural heritage features and desired future use of the subject land. These zones are:

R1 General Residential – to apply to areas elevated out of the floodplain that are largely constraint free and may be suitable for residential development at various densities compatible with surrounding land uses. A primary school is permissible in this zone. Small neighbourhood shops and community uses such as halls, shared paths and parks are also permissible uses.

B1 Neighbourhood Centre – to apply to two small areas close to Dunoon Road. One is within the 1 in 100 year ARI flood affected area but would still be suitable for local neighbourhood business uses that will be required in time to service the residential population of the area. The other is located next to the second entrance to the NLP off Dunoon Road and is above the 1 in 100 year ARI flood plain. Two areas are nominated to promote competition between the major landholders. It may be that only one area proceeds.

RE1 Public Recreation – to apply to an area already owned by Council (part of the old quarry site) that is likely to be required for passive or active open space as the urban area grows. It is a heavily disturbed area that is not known to contain Aboriginal sites.

E2 Environmental Conservation - to apply to significant areas of native vegetation, such as dry rainforest remnants (endangered ecological communities) and some areas that contain threatened species. These areas mainly occur in the southern and middle sections of the plateau. It will also apply to some of the sites of Aboriginal cultural heritage significance along with a reasonable buffer. This zone will need to be added to Lismore LEP 2012. The proposed land use table for this zone is included in Attachment 2.

E3 Environmental Management - to apply mainly to steep areas that may be heavily weed infested and that need to be rehabilitated back to native vegetation communities. These areas will be important for wildlife habitat and/or wildlife corridors after they are rehabilitated. This zone will need to be added to Lismore LEP 2012. The proposed land use table for this zone is included in Attachment 2.

Note with respect to use of E zones

The use of the E2 and E3 zone on this site is consistent with the principles espoused in the Parsons Brinckerhoff E zone review report of May 2014 and the Department's response to that report. The E zones proposed for the NLP are based on a validated data set, will not impact on agriculture or rural activities and are fully supported by all landowners.

The land use tables that are proposed for the E2 and E3 zones are those adopted by Council following the public exhibition of Lismore LEP 2012 in May 2012. It is noted that the preliminary review of the E zones and the DP&E's response proposed different land use tables, notably with respect to *extensive agriculture*.

In addition to land use zone maps, amendments of minimum lot size and building height limit LEP Maps will be required as follows:

Minimum Lot Size – A 300 sq m MLS is proposed for the R1 General Residential zone, which will encourage affordable and alternative housing in the form of integrated housing development. It is expected the average lot size will be closer to double this given site topography and the need for lot size diversity. No MLS is proposed for the B1 Neighbourhood Centre land or RE1 Public Recreation, which is comparable to these zones elsewhere in the City wide LEP. A 40 hectare MLS is proposed for the E2 Environmental Conservation and E3 Environmental Management zones.

Building Height – A maximum building height of 8.5 m is proposed for the R1 General Residential and B1 Neighbourhood Centre. This is the same for comparable zones in the City wide LEP. No maximum building height is required for the RE1, E2 or E3 zones.

Lismore LEP 2012 Written Instrument

The written instrument will need to be amended to incorporate land use tables for the E2 and E3 zones, along with a number of provisions/clauses that will be affected by the introduction of the E2 and E3 zones into LEP 2012. The clauses that may also need to be amended include (but may not be limited to) 4.2A, 4.2B, 4.2E and 4.6. The land use tables proposed for the E2 and E3 zones are the ones adopted by Council following the public exhibition of Lismore LEP 2012 in May 2012. These are included as Attachment 2. It is noted that the preliminary review of the E zones and the DP&E's response proposed different land use tables, notably with respect to *extensive agriculture*.

Part 3 Justification

Section A - Need for the Planning Proposal

There is a need for the Planning Proposal to allow the subject land to become a new urban area. The state government projects the Council area will grow by 8,000 dwellings by 2031 (Far North Coast Regional Strategy 2006-31, December 2006) (FNCRS) resulting in a strong demand for additional urban land. The rezoning will assist in meeting this demand for urban land. Council's Growth Management Strategy projects that about 3600 dwellings will be needed between now and 2035 to cater for expected population growth. A large proportion of these dwellings are expected to come from the NLP urban area. The GMS states on page 16: *"The rezoning of land at the North Lismore Plateau, anticipated to accommodate at least 1,500 new lots, should see the City expand in a north-westerly direction."*

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

The North Lismore Plateau (NLP) was first officially identified as a potential location for higher order development under the Lismore Local Environment Plan (1992) when part of the study area was designated as a 1(d) investigation zone. The designation allowed for the site to be considered for uses such as rural residential and residential development. This was followed soon after by the Dunoon Road Planning Study (1994), which was undertaken on behalf of the Lismore City Council to investigate the physical attributes of the NLP prior to rezoning the land. The study concluded that *'urban residential development is the most appropriate future development of the site'*. The area zoned 1(d) was carried into the Lismore LEP 2000 and remained there until the gazettal of LEP 2012. There is no equivalent zone to the Investigation zone in the Standard Instrument and it was therefore zoned mainly RU1 Primary Production with a small area of R5 Large Lot Residential at its northern end.

In 2003 the Lismore Urban Strategy (LUS) identified the North Lismore Plateau as a greenfield investigation site. The updated LUS suggested that the area may yield up to 1500 residential lots subject to resolution of issues such as speedway noise, servicing and access.

The Lismore Growth Management Strategy (2015 – 2035) recently replaced the Lismore Urban Strategy. As the NLP was a zoned urban area (it was rezoned by Amendment 3 to Lismore LEP in 2014) it is identified in the GMS as existing urban rather than future urban. The NLP being an urban area is a fundamental part of the GMS if Council is to supply sufficient land to meet the projected demand for new dwellings till 2035.

Benefits from proceeding with residential development at NLP include:

- refocusing urban growth back on Lismore CBD supporting its revitalisation;
- supporting the revitalisation of North Lismore facilities and infrastructure;
- providing an additional land supply source to those east of the CBD; and
- taking pressure off the Ballina Road corridor.

Numerous reports and studies have been undertaken since 2010, as seen in the list below. These detailed studies form the basis for the planning proposal and continue to reflect the site constraints and opportunities. These studies and reports will be made available on Council's web site to support the planning proposal. No additional studies are required.

The area to be rezoned is substantially identified in the FNCRS as a 'Proposed Future Urban Release Area.'

Site investigation studies for North Lismore Plateau:

- Bushfire Constraint Report BCA Check, 2012
- Fauna & Flora Greenloaning Biostudies, 2012
- Fauna & Flora Supplementary Greenloaning Biostudies, 2012
- Infrastructure & Servicing Assessment TGM Group Pty Ltd, 2012
- Environmental Noise Impact Report CRG Acoustic Consultants, 2012
- Traffic & Transport Planning Assessment CRG Traffic and Transport Engineering Consultants, 2012
- Social Impacts and Economic Development Assessment RPS Australia, 2012
- Road Network Suitability Assessment TGM Group Pty Ltd, 2012
- Cultural Heritage Assessment, Converge Heritage and Community, Version2, 2012
- Preliminary Environmental Site Assessment Coffey Geotechnics Version 2, 2012
- Geotechnical Constraints Assessment Coffey Geotechnics Version 2, 2012
- NLP Landscape Masterplan, Alderson & Associates Landscape Architects Pty Ltd Version 2, 2012
- Stormwater Management Plan TGM Group Pty Ltd Version 2, 2012
- NLP Biobanking Preliminary Report, Peter Parker, 2012
- NLP Biobanking Additional Report, Peter Parker, 2013
- NLP Biocertification Report, Peter Parker, 2013
- NLP Biocertification Additional Report, Peter Parker, 2013
- Geotechnical Review for North Lismore Quarry Report (2), Groundwork plus, 2012
- North Lismore Quarry Contaminated Land Assessment, Groundwork plus, 2011
- North Lismore Quarry Rehabilitation Plan, Groundwork plus, 2012
- North Lismore Quarry Quarry End Use Plan, Groundwork plus, 2012
- North Lismore Quarry Environmental Site Audit, Groundwork plus, 2012
- Archaeological Heritage Research Design, REMNANT Archaeology, 2014

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

The current RU1 Primary Production zone only allows dwelling houses if each is on an allotment of at least 40 hectares, which provides minimal potential for residential development to occur on the site. The R1 General Residential zone will enable urban residential subdivision and development. The B1 Neighbourhood Centre zone is needed to encourage local services for the new community. The E2 and E3 zones are proposed to identify and protect important natural and cultural features on the site. The RE1 Public Recreation zone reflects Council's long term views on the use of part of the old quarry site.

The planning proposal is consistent with Council strategic policy and therefore is considered to be the most appropriate means of enabling the development of the land as a new urban area including environment protection.

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

Most of the subject land is identified in the Far North Coast Regional Strategy (2006) Town and Village Growth Boundary Map as a proposed future urban release area. The subject site is larger than the area identified in the FNCRS and Council has informed the DP&E in the past that the FNCRS, when reviewed, should be amended to reflect Council's amended Lismore Urban Strategy (and now its Growth Management Strategy). It is anticipated that the proposed Regional Growth, Environment and Infrastructure Plan for the North Coast will incorporate the wider NLP area as recommended by Council several years ago.

The planning proposal will assist in achieving the aims of the FNCRS as follows:

- Residential development in the NLP will only occur outside of flood affected land or excessively steep land and will be located to avoid visual impacts;
- With a potential yield of up to 1541 dwellings and a likely long term population of about 3700 people the NLP will be a significant contributor to catering for the region's expected 26% population increase;
- Lismore is one of three identified major regional centres and needs to cater for its share of the 35% of expected regional growth (about 7000 people over 25 years); and
- Promoting the NLP is consistent with the FNCRS aim to encourage population growth west of the Pacific Highway and alleviate pressure on the coast.

As the subject site contains land that is outside the Town and Village Growth Boundary (TVGB) identified in the FNCRS, the FNCRS provides that an analysis against the Sustainability Criteria (in the FNCRS) can be prepared. This assessment has been undertaken and included as Attachment 3 to this Planning Proposal. It concludes that inclusion of the land outside the TVGB map meets the Sustainability Criteria and development of the additional area and the extension of the NLP release area is appropriate. Map 1 in Attachment 3 shows the subject site and the NLP area included in the Far North Coast Regional Strategy.

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

The Lismore Urban Strategy (LUS) identified the North Lismore Plateau as a greenfield investigation site on map 11. The LUS suggested that the area may yield up to 1500 residential lots subject to resolution of issues such as speedway noise, Aboriginal heritage, servicing and access. The Lismore Growth Management Strategy (2015 – 2035) recently replaced the Lismore Urban Strategy. As the NLP was a zoned urban area at the time the GMS was adopted on 12 May 2015, (it was rezoned by Amendment 3 to Lismore LEP in 2014) it is identified in the GMS as existing urban rather than future urban. The GMS is available on Council's web site.

The planning proposal is consistent with the vision of a Vibrant CBD and providing more Affordable Housing as identified in Council's *Imagine Lismore -10 Year Community Strategic Plan 2013-2026*, which is available on Council's web site. In relation to North Lismore Plateau the plan states:

'Community Vision: Affordable housing

Through the implementation of the Lismore Housing Strategy and the Growth Management Strategy we will ensure that Lismore provides housing options that are affordable, appropriate and accessible to the different economic and social needs of the community. Ensure that growth is centred in the urban area and existing villages and that there is higher density housing in and around the CBD. In addition we will open up for development an area north of the CBD called the North Lismore Plateau. There is potential here for around 1500 lots. This will widen the housing choice and take considerable stress off Lismore's housing supply.'

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

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

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

The proposal is consistent with most Section 117 Directions. Where inconsistencies occur they can be justified. Refer to the checklist against these Directions provided as Table 2.

Section C – Environmental, social and economic impact

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

A number of ecological assessments have been undertaken for the site, which identify some small areas of regenerating lowland sub-tropical and dry rainforest that have ecological value. These areas are also most likely to be habitat for any threatened fauna that use the site (e.g. rainforest pigeons, microbats). All these areas are proposed to be included in E2 Environmental Conservation zones. Other parts of the site contain threatened native plant species of high conservation value (Thorny Pea and Hairy Joint Grass) that are located in areas that have relatively low ecological value (i.e. open grazing land). Some of the locations where these species are found are proposed to be included in E2 Environmental Conservation zones. However, some areas are proposed to be zoned R1 General Residential and part of the populations will be cleared when these areas are developed. The landowners have undertaken both BioBanking and Biodiversity Certification assessments to determine how much (if any) of the threatened plant species can be removed and the on/offsite offset requirement. An area of Hairy-joint Grass on the eastern edge of the site in precinct one will be included in an E2 zone. A larger area at the western edge of the site that contains both Hairy-joint Grass and Thorny Pea will be included in the R1 zone and be subject to biodiversity offsets. Council proposes to have the subject land conferred with Biodiversity Certification to ensure that the offsets are appropriately secured. The ecological assessment did not locate any koalas on the site, but a small area of forest red gum at the southern tip of the site has been included in an E2 zone in any case.

The use of environment protection and management zones in conjunction with biodiversity offsets should ensure there is minimal likelihood of adverse effects on threatened species, populations or ecological communities from this proposal.

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

A list of the studies that have been prepared in relation to North Lismore Plateau is included on page 8 of this Planning Proposal. All studies are available at Council's Corporate Centre and its website and will be provided to the Department of Planning and Environment with the Planning Proposal. The following issues have been investigated.

Water Quality and Stormwater Management

Stormwater quality and quantity will be an important environmental issue to manage as this largely rural catchment becomes urbanised over time. This issue is being considered from the outset with inclusion of areas suitable for stormwater retention and treatment systems in the NLP study area. More detailed information is included in a specialist consultant report. Parts of this report have been included in the Infrastructure Delivery Plan for North Lismore Plateau adopted by Council on 13 August 2013 and available on its web site. The issue is also addressed in the adopted DCP for the site.

The Disused Quarry and Abandoned Mine

A specific study of the North Lismore Quarry was commissioned by LCC to address the issues relating to the quarry and in particular its stability, land contamination issues and rehabilitation and future use options. In summary, the quarry has further resource potential (as a basalt quarry) but this is not an option as it is surrounded by Endangered Ecological Community (EEC) areas and is in proximity to sensitive Aboriginal sites. It is not likely to be contaminated as it has not been used as dumping ground and the rock itself is not affected by heavy metals. The basalt resource was not covered by a thick layer of overburden and so the site is not heavily affected by unconsolidated fill or top soil stockpiles. The small areas that are located to the south of the quarry and in its base can be easily removed. The areas where fill has been stockpiled are not proposed for residential development. It will need its sheer rock face stabilised or benched in due course and this will be a LCC responsibility. The proposed RE1 Public Recreation zone applies only to Council owned land and will not affect any areas of Aboriginal cultural significance.

A very small abandoned coal mine was located on the far south eastern corner of the LCC land on the edge of the plateau area. It is a single shaft with a small opening (less than 2 m in diameter) that appears to be collapsed. It is in very dense weed growth and is located more than 300 m from the nearest proposed residential area. It is not of such size that it could be linked to mine subsidence issues. It will need to be fenced and signposted to ensure that it does not become a hazard. Council may consider blocking its entrance permanently with large rocks when it is undertaking quarry rehabilitation works. It is in an area proposed to be zoned E3 Environmental Management.

Natural Hazards

Natural hazards affecting the site include land slip, bushfire and flooding. The map that compiles the key constraints for the site identifies land that is over 18 degrees slope and most likely to be affected by the risk of land slip. None of this land is proposed for residential purposes. Steeper lands not suitable for residential use will generally be zoned E3 Environmental Management. Some roads have to pass through these steep lands to obtain access from Dunoon Road and care will need to be taken to avoid problems.

Bushfire hazards affecting the site are documented. The topography on the site is a rolling plateau with steep down slopes on all sides falling to a floodplain at its eastern edge. Bushfire Asset

Protection Zone (APZ's) will vary from 29 m to 86 m depending on prevailing slopes and the type of forest/ rainforest or remnant vegetation generating the hazard. A 10 to 20 m APZ will be required to unmanaged grassland. It is accepted that APZ's cannot be established on land steeper than 18 degrees. The public road network will need to be designed to promote the effectiveness of fire fighting crews and the Structure Plan for that is in the DCP site shows that perimeter roads can be used as part of the APZ system to great effect in most locations. An all weather fire trail suitable for large vehicles can be maintained along the alignment of the existing quarry access at the southern end of the NLP. This could be used in fire emergencies. The potential need for an APZ has not been used as a determining factor to the placement of residential zones. However it is recognised that housing will not be able to be constructed in identified APZ's.

Flooding (the 1 in 100 year ARI event) is confined to a small area of 'flood fringe' in the eastern edge of the site near the Lismore showgrounds. No residential development is proposed for this area. A small part of it (0.9 ha) is proposed for a B1 Neighbourhood Centre zone as it is located near to the main road entrance to the site. The balance of this area may be appropriate for open space uses or stormwater retention. This area is proposed to remain in the RU1 Primary Production zone consistent with adjacent flood prone farmland. The proposed uses for this area are consistent with the Lismore Floodplain Risk Management Plan 2014.

Regionally Significant Farmland

A large part of the site is mapped as regionally significant farm land, but all except approximately 45 ha of this is identified in the FNCRS as a future urban growth area. The 45 ha that is not within the FNCRS, but is subject to this planning proposal and is located at the northern end of the site near McLeay Road. Part of this farmland area is zoned R5 Large Lot Residential in LEP 2012. Excluding it from this planning proposal would not ensure its viability for agriculture as it would be adjacent to a new urban area as well as a rural residential area. Council has requested all of the NLP study area be included in any future revision of the FNCRS to avoid further confusion about its future use. It is not proposed to retain any of the regionally significant farmland in a RU1 Primary production zone other than the small area of flood prone land adjacent to Dunoon Road at the eastern edge of the site.

Site Contamination

Coffey undertook an environmental site assessment to identify potentially contaminating past and present activities at the site and recommend further assessment. The initial work involved a site history, review of past air photos, interviews with owners and Council staff and a site walkover. Several areas of environmental concern (AEC's) were identified. These AEC's relate to past and present horticultural areas (pesticides and heavy metals), dwellings (that may be associated asbestos, lead paint and termite pesticides), and the North Lismore quarry structures and crushing plant (explosives, detonators, hydrocarbons, termite pesticides). All of the areas marked on the AEC map in the Coffey report as past or current horticulture areas or structures (mostly dwellings) built prior to the 1980's are proposed for the R1 General Residential zone. These areas have now been tested with an intrusive sampling program. Based on this information Council can conclude that there is little or no contamination on the site, it is suitable for future residential development and the planning proposal is consistent with SEPP 55 - Remediation of Land.

With respect to the NLP quarry site it is useful to refer to the current site plan in the Groundworks report on the quarry. From this it can be seen that the old crusher and sheds and the explosive storage areas are proposed for the E3 Environmental Management zones and will not be used for residential purposes. Part of the old quarry floor is proposed to be R1 General Residential, but it

has not been identified as a possible contamination area. Rather it has been identified as being associated with the past use of explosives and detonators. This issue has been discussed with Groundworks and no specific tests can be done to find any material given the length of time since the quarry was used and the overgrown state of the site. The chance of explosives or detonators being present is extremely low given that material was not stored on the quarry floor.

Noise Impacts and the Lismore Showground

The Lismore showground is known to emit loud noise when it hosts events such as the Lismore Speedway. Noise is also emitted from the kart track periodically and from the industrial area south of the NLP. A noise assessment was undertaken and it is available on Council's web site.

Rezoning land for residential purposes that is blighted by noise to the extent that the residents cannot enjoy the use of their own home or yard without suffering offensive noise is not good planning practice. The 'tools' that will be required to manage the matter of noise emissions from the showground and potential land use conflict include:

- built design (structures and landscaping)
- buffers (separation of uses to allow sound to dissipate)
- management (formal regulatory notices, noise management plan and community consultation/ information).

The kart club track was assessed and the noise emitted shows that the 55 dB(A) contour would not affect any land proposed to be zoned for residential purposes.

Nearby industrial activity was assessed and the noise emitted shows that the 50 dB(A) contour (the relevant standard for industry and commercial noise) would not affect any land proposed to be zoned for residential purposes.

Road noise from Dunoon Road and proposed major roads within the new urban area was modelled and it is possible that some of the proposed residential land will be noise affected. However, Dunoon Road is to be resurfaced and the proposed internal road can be designed to achieve minimal noise impacts.

The land likely to be affected by noise from Lismore Showground is suitable to be zoned for residential purposes. Council has identified acoustic treatment requirements on the affected land through its adopted DCP.

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

The intended development of a new urban community on the North Lismore Plateau is anticipated to have a positive effect on the local community and economy. The planning proposal estimates that up to 1541 residential dwellings will be located on the North Lismore Plateau, which will generate significant employment over the construction phase of the development. It is generally accepted that for every \$1 million in construction expenditure, twenty seven jobs are created throughout the broader economy.

The new community will have a significant resident population which will enhance the current role and function of the Lismore CBD. The NLP community will generate demand for schools and tertiary education facilities as well as increased usage of sporting and recreation facilities and infrastructure. NLP will balance Lismore's growth, which has spread consistently east towards Ballina. North

Lismore has some sporting and recreational facilities and a High School in Alexandra Parade. A primary school site has not been requested by the State Government but is a permitted use in the R1 General Residential zone if it is required. Aged housing is permitted in the R1 General Residential zone and is likely to be part of the housing mix provided.

Affordable housing is a key issue for Lismore City Council and will be addressed in this planning proposal through allowing a wide variety of residential dwellings in the R1 General Residential zone and a lot size down to 300 m² (as part of integrated housing). The release of up to 1541 dwellings on NLP will be a major boost to housing supply. The NLP provides competition for other areas proposed for rezoning and this will also keep land prices lower, increasing affordability. The NLP will provide affordable housing opportunities from the first stage with 124 lots being linked to the Federal BBRC funding that will result in a direct subsidy to eligible purchasers.

A Cultural Heritage Assessment was undertaken by the proponents in 2012 based on the four stage consultation process outlined in the DECCW publication “Aboriginal cultural heritage consultation requirements for proponents 2010”. All local Aboriginal community members were invited to register interest in response to public notices and at community meetings. 12 individuals plus Ngulingah Local Aboriginal Land Council (LALC) registered for the consultation process and were involved. Four Aboriginal representatives were chosen to assist with field survey work. Five (5) sites have been identified on the Plateau and formally registered on the Office of Environment and Heritage (OEH) AHIMS. Four (4) of these sites are within the current planning proposal area.

It is proposed that three (3) of the sites of cultural significance to the registered Aboriginal stakeholders as identified in the Assessment will be included in E2 Environmental Conservation zones along with a sufficient buffer area to provide protection from encroachment by residential development (not less than 50 m). The fourth site is subject to further investigation and discussion with Aboriginal stakeholders to determine the significance of the item and for this reason is in the proposed R1 General Residential zone.

The Cultural Heritage Assessment contains recommendations for ongoing consultation with the Aboriginal community, buffer zones that are not to be developed, linking of sites by an undeveloped network of land and site management protocols and development of a Cultural Heritage Management Plan. There were 11 recommendations in total, seven of which specifically address the Aboriginal cultural heritage. The Cultural Heritage Assessment and any subsequent inspection reports will be exhibited with the draft planning proposal. Consultation with the Aboriginal stakeholders has been ongoing and continues to this day through the Regional Aboriginal Parties group. A Cultural Heritage Management Plan will be prepared to ensure that sites that are known are managed appropriately. The adopted DCP for the NLP identifies locations where more archaeological work is required and this work is underway. If additional work finds sites of Aboriginal significance they will be protected under legislation regardless of the zone in which they are located.

Some dry stone walls were also identified as having potential heritage significance and may be worthy of protection. Further assessment is required to establish whether these items should be listed in Schedule 5 of LEP 2012, shown on the Heritage Map of LEP 2012 and linked to standard heritage protection clauses in the LEP. A further amendment to the LEP 2012 will be required if this is established. If a development application is submitted prior to any heritage listing, an assessment of impact on their significance can be made pursuant to section 79C of the EP&A Act 1979 and the Development Control Plan.

It is not proposed to list Aboriginal heritage items or places in a schedule or mapped on the City wide LEP Heritage Map; however, this can be considered following consultation with the Aboriginal community. The items or places have already been included on the Aboriginal Heritage Information Management System (AHIMS) register. They will be subject to a cultural heritage management plan as required by Council's adopted DCP.

The cultural heritage assessment is part of the supporting information for the planning proposal.

Overall, no adverse social or economic impacts are predicted as a result of this planning proposal.

Section D – State and Commonwealth interests

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

With augmentation, there is adequate public infrastructure to service the North Lismore Plateau and the subject land. An Infrastructure Delivery Plan (IDP) was prepared, exhibited and adopted by Council on 13 August 2013 and is available at Council's Corporate Centre and on Council's web site. A summary of the key aspects of the IDP are as follows:

Infrastructure Delivery Plan

The purpose of the IDP is to consolidate and clarify the infrastructure requirements, commitments and expectations that relate to future development of the North Lismore Plateau (NLP). Council prepared this IDP to ensure appropriate urban infrastructure and facilities are available to NLP or can be provided to the NLP in a manner which does not create an unreasonable or uneconomic demand, or both, for the provision or extension of such services.

This IDP includes consideration of roads, water, sewerage and stormwater infrastructure as well as open space and community facilities. The management of passive open space areas that might be dedicated to Council is also discussed. Identifying who will pay for infrastructure items is addressed in the adopted NLP specific Section 94 Contribution Plan. Council's Strategic Business Plan for Water Supply and Wastewater Services, and its Development Servicing Plans (DSP's) also apply to the NLP site.

Options for Delivery of Infrastructure

Items of infrastructure included in the Development Servicing Plans (DSP's) and Section 94 Contribution Plans may be provided by Council, with developers contributing through payment of development contributions.

Alternatively, subject to agreement with Council, developers could construct items of infrastructure and receive credits on development contributions otherwise payable. In this circumstance the works would be detailed in a Project Brief including a detailed cost estimate of the works that would otherwise be subject to contributions. Council will oversee the design and construction of such works. Typically Council will condition the levying of contributions and where the developer wishes to construct the works they would approach Council, outlining their proposal to do so.

Roads

Council's urban design goal for NLP is to provide a permeable road network through a system of multiple collector streets and connections to the external road network. The development is proposed to have three entry roads from Dunoon Road consisting of southern, mid and northern connections. The southern and northern connections provide the primary accesses to the NLP area. They are intended to form a spine road along the ridge line of the NLP in a southwest to north

easterly orientation. The spine road will service the upper western and eastern portions of the development. The mid connection which is proposed for local access only is intended to service the lower eastern portion of the plateau which will be required for the initial stage of the development. No road connections (other than a fire trail) are proposed to the Nimbin Road due to landform constraints at the southwest corner of the site.

The primary external roads proposed to service the NLP development include:

- Dunoon Road / Tweed Street;
- Alexandria Parade;
- Winterton Parade;
- Orion Street;
- Terania Street; and
- Bridge Street.

There are no road network issues that are of such magnitude as to prevent the planning proposal from being submitted for Gateway determination. The road layout proposed for NLP is considered achievable.

Water Supply

Bulk water for the Lismore Local Government Area is supplied by Rous Water from Rocky Creek Dam and the Wilson's River Source. Water is initially pumped to the Nightcap Water Treatment Plant and then transferred by a network of gravity trunk mains to Council's various water service reservoirs and reticulation networks. Rous Water has two separate bulk supply systems that operate from the Nightcap Water Treatment Plant:

- Dunoon / Modanville System; and
- Tullera System.

The Tullera Reservoir has a theoretical capacity of 1.0ML and currently services approximately 100ET to the north of NLP equal to a demand of 0.25 ML. This leaves a theoretical available capacity of 0.75 ML. The early stages of development on the eastern side of the NLP (Precinct 1) are estimated to yield approximately 457 ET (equating to a demand of approximately 1.14 ML); therefore the Tullera Reservoir has insufficient storage capacity to service Precinct 1. The maximum yield that can be serviced from Tullera is predicted to be 300 ET. Development beyond the first 300 ET will need to be serviced by an augmented water supply system.

A new trunk main will be required from the Tullera Reservoir to the NLP, a distance of approximately 2000m. The trunk main would be sized to ensure that flow rates required for peak instantaneous demand at ultimate development could be achieved (375mm).

The ultimate development will require a new storage of sufficient capacity and elevation to provide gravity flow to all areas within the development. The Modanville site located approximately 7km north of NLP contains an existing decommissioned 0.3ML reservoir. The site, with a potential top water level of 190m RL, would be suitable but other sites could also be investigated. The site would require acquisition as it is no longer owned by LCC. There are other possible sites located between Modanville and Tullera that would have sufficient elevation and are located closer to the NLP, which would reduce the length of rising and feeder mains required. It is estimated that a 4.5 ML water reservoir would need to be connected by a 5.25 km (375mm diameter) gravity main from Modanville to the northern end of the development site. The storage and gravity trunk main would become a LCC asset post construction.

The technical reports demonstrate that there are suitable water supply options available for the supply of reticulated water to the initial and ultimate stages of the NLP development. There are no water supply issues which are of such magnitude as to prevent the Planning Proposal from being submitted to the DP&E for Gateway Determination. However, the following matters will need to be addressed prior to the actual development proceeding:

- A suitable reservoir site needs to be further investigated, a final site selected and land acquisition negotiated, if necessary;
- The network needs to be modelled and the source infrastructure agreed with Rous Water; and
- The pipe alignments and easements (where required) need to be determined and agreed in principle.

Sewerage

A sewer servicing strategy for NLP states that sewage is progressively directed southeast by a series of sewage pump stations, rising mains and gravity mains; ultimately discharging to a major new pump station proposed to be located at the site of the existing North Lismore SPS. The replacement North Lismore SPS would then pump the existing 480 ET sewer load plus the proposed 2079 ET contribution from the ultimate NLP to the South Lismore Sewage Treatment Plant (SLSTP) via a new dedicated rising main. The adoption of such a strategy favours a progressive release of land from the east towards the west of the NLP. It also allows Council to replace (and enlarge) an ageing asset (North Lismore SPS) while sharing the cost with NLP land developers.

The technical reports demonstrate that there are suitable options available for the provision of reticulated sewerage services to the NLP development. There are no sewerage issues which are of such magnitude as to prevent the proposed NLP being submitted to the DP&E for Gateway Determination. However, the following matters are required to be addressed prior to the actual development proceeding:

- The SLSTP upgrade methodology and funding arrangements need to be determined and confirmed with Council;
- The upgrade of the existing North Lismore SPS needs to be confirmed as viable, such that a stand-alone NLP SPS is not required initially;
- The pipe alignments and easements (where required) need to be determined and agreed in principle.

Stormwater

Stormwater controls will be detailed in the subdivision design staging to be included with any development application (DA). As the stormwater controls are only required for the subject development and controls outside of the site are not proposed, it is recommended that the developer fund the works that may otherwise be regarded as trunk infrastructure e.g. terminal basins on the eastern periphery of the site, in conjunction with the reticulation works for each stage of the development. Trunk stormwater infrastructure may be imposed as a condition of consent in any future approvals.

The proposed primary stormwater detention basins are likely to be adjacent to the local centre on the eastern side of the development. This land is low lying and within the 1 in 100 year ARI flood extent. The design of basins in this location must ensure that the basin outlets do not become submerged during a 1 in 100 year ARI flood and that such flood water does not infiltrate the basin and compromise its ability to cater for stormwater runoff from the NLP catchment. In addition, as the basins will displace a portion of storage volume within the floodplain, Council may consider

requesting a flood impact assessment that considers potential impacts of the development on the displacement of flood waters.

Due to the high initial infrastructure cost of providing the storage and irrigation system as well as the higher long term operation and maintenance costs, the re-use of water by storm water harvesting systems is generally not adopted. Should council wish to investigate storm water harvesting options in more detail, further investigation and feasibility assessments of the systems can be undertaken during the DA process.

As Council does not have an urban dual reticulation strategy for NLP, it is recommended that rain water tanks and on-site stormwater detention be considered for individual allotments. This would provide an at source control and reuse opportunity and would assist to reduce the size of sub-catchment detention structures.

Open Space and Community Facilities

Alderson and Associates Landscape Architects Pty Ltd prepared the North Lismore Plateau Landscape Master Plan Report, Parks Open Space and Streetscapes in June 2012. The report was developed in response to the environmental context of the site including its key landscape characteristics, values and features, together with the local community requirements for open space provision. The report remains relevant to this planning proposal.

Council's desired outcomes for NLP are the provision of:

- 1 Local parks scattered throughout the NLP to provide Passive Open Space (POS) facilities, such as children's play opportunities and informal kick-a-ball space, within 500 metres of every lot. The level of embellishment for POS is defined in the North Lismore DCP and the North Lismore Contributions Plan; and
- 2 A network of pathways for recreational walking and cycling. This type of POS facility is identified as being in high demand but currently undersupplied across the Local Government Area (LGA), in the *Lismore City Council, 2012, Sport and Recreation Plan 2011 – 2021*.

Ordinarily Council would require Active Open Space (AOS) in new greenfield developments, for example the provision of a Village Sports Park. However LCC has an abundance of AOS in proximity to NLP and there is no desire to take on more maintenance responsibility when existing facilities are not currently used to capacity.

Large areas of land being set aside for environmental/bush regeneration, bushfire buffers and stormwater drainage etc. are referred to as undevelopable land. Dedications of areas of undevelopable land (including steep land), are not recognised for inclusion within the dedication of land for open space. Due to the potential cumulative maintenance burden imposed on Council where such land is accepted, some qualifications and condition guidelines are presented herein:

- Undevelopable land will be kept in large contiguous areas to ensure there is a consistent maintenance regime to improve environmental outcomes.
- Environmental areas will be rehabilitated.
- An applicant will provide details on how undevelopable land will be maintained in perpetuity and who will be responsible for the management (This may be in the form of an Environmental Management Plan (EMP), Bushfire Management Plan (BMP), Stormwater Management Plan etc.).
- Demonstrated appropriate levels of rehabilitation, development and embellishment to minimise maintenance.

- Council will only accept the dedication of undevelopable land where it can be demonstrated that the public benefit outweighs the on-going maintenance burden. The provision of public access will be an important consideration in making this judgement.

There is also the need to ensure that undevelopable lands are appropriately managed irrespective of whether Council becomes the management authority.

Community facilities included in local parks should include sheltered BBQ sites, look out facilities where views are available, park furniture (bike racks, seating, bollards, drinking bubblers), toilets, lighting, pathways, artworks that are in built, signage, landscaping and car parking. Precise locations and details are to be agreed with Council and will be further documented in a contributions plan and the North Lismore DCP. No community halls or built facilities are expected to be provided on the NLP. Council is currently focussing on existing facilities and has no capacity to take on new buildings. The NLP is in proximity to a range of facilities including those located in the Lismore Central Business District (CBD).

- It needs to be clearly demonstrated how the desired standard of service for active and passive open space can be achieved within the development;
- Proposed community facilities to be dedicated need to be discussed and agreed with Council; and
- Council needs to work with landowners to determine the most appropriate management proposal for undevelopable land.

Infrastructure Funding Options

A Section 94 contributions plan for the NLP was adopted by Council on 10 December 2013 and is available on its web site. Council has already discussed deeds of agreement with landowners in relation to the timing and funding of infrastructure. A revised Section 64 Development Servicing Plans (DSP's) for water and sewerage that accounts for NLP has also been adopted.

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

The previous planning proposal (that led to Lismore LEP 2012 Amendment No. 3) for NLP was distributed widely to State and Commonwealth authorities for comment. Submissions were received from John Holland Rail, Rural Fire Service, Department of Education and Communities, Office of Environment and Heritage, Roads and Maritime Services, Department of Primary Industries, NSW Trade and Investment, and the Civil Aviation Safety Authority. All comments were considered and changes made to the previous planning proposal as a result. It is recommended that the same authorities, listed below, are consulted in relation to this planning proposal, and that it is undertaken concurrent with the public exhibition of the planning proposal.

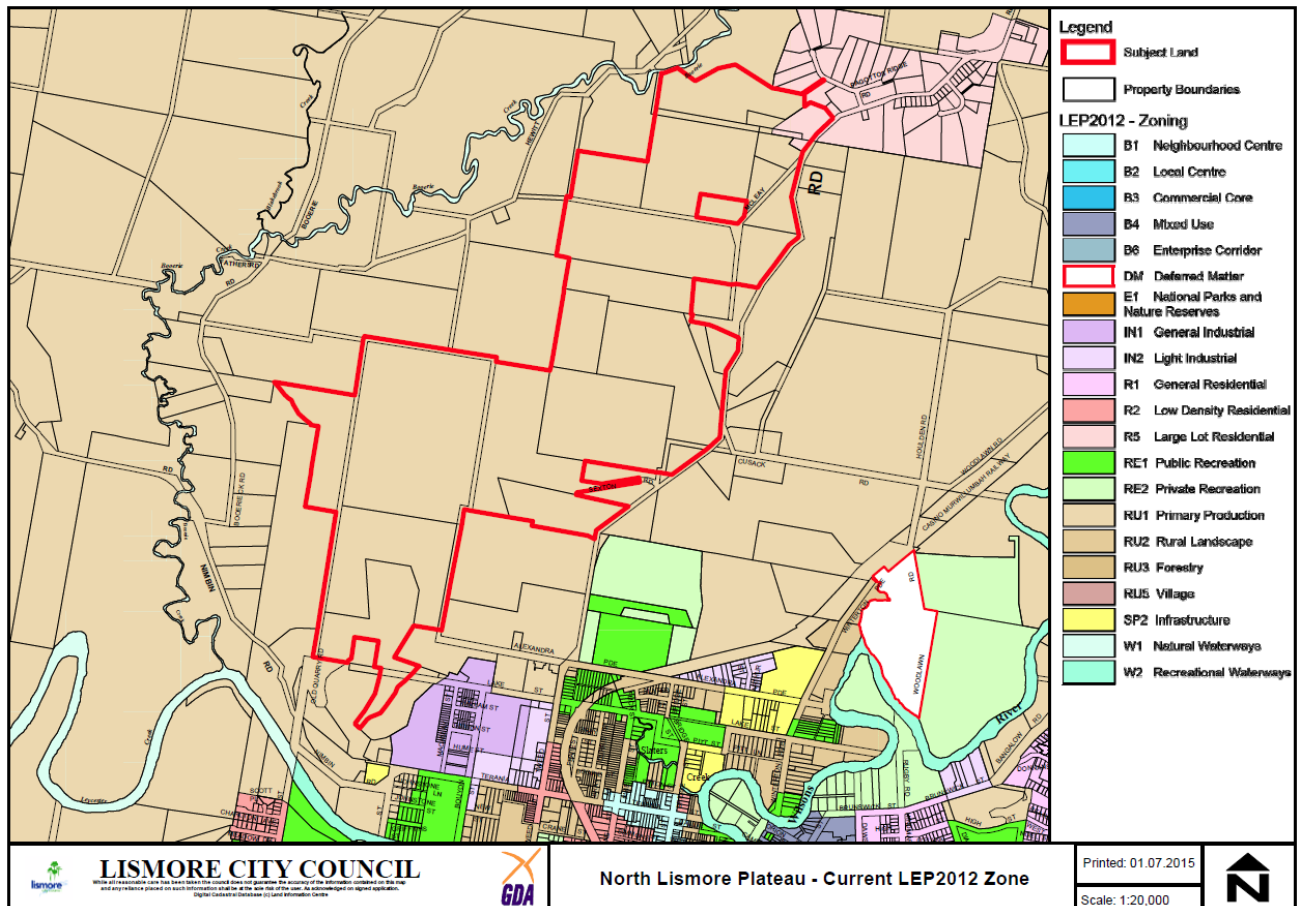
- Roads and Maritime Services,
- John Holland Rail,
- Department of Education and Communities,
- Rural Fire Service,
- Department of Primary Industries,
- Office of Environment and Heritage,
- NSW Trade and Investment, and
- Civil Aviation Safety Authority

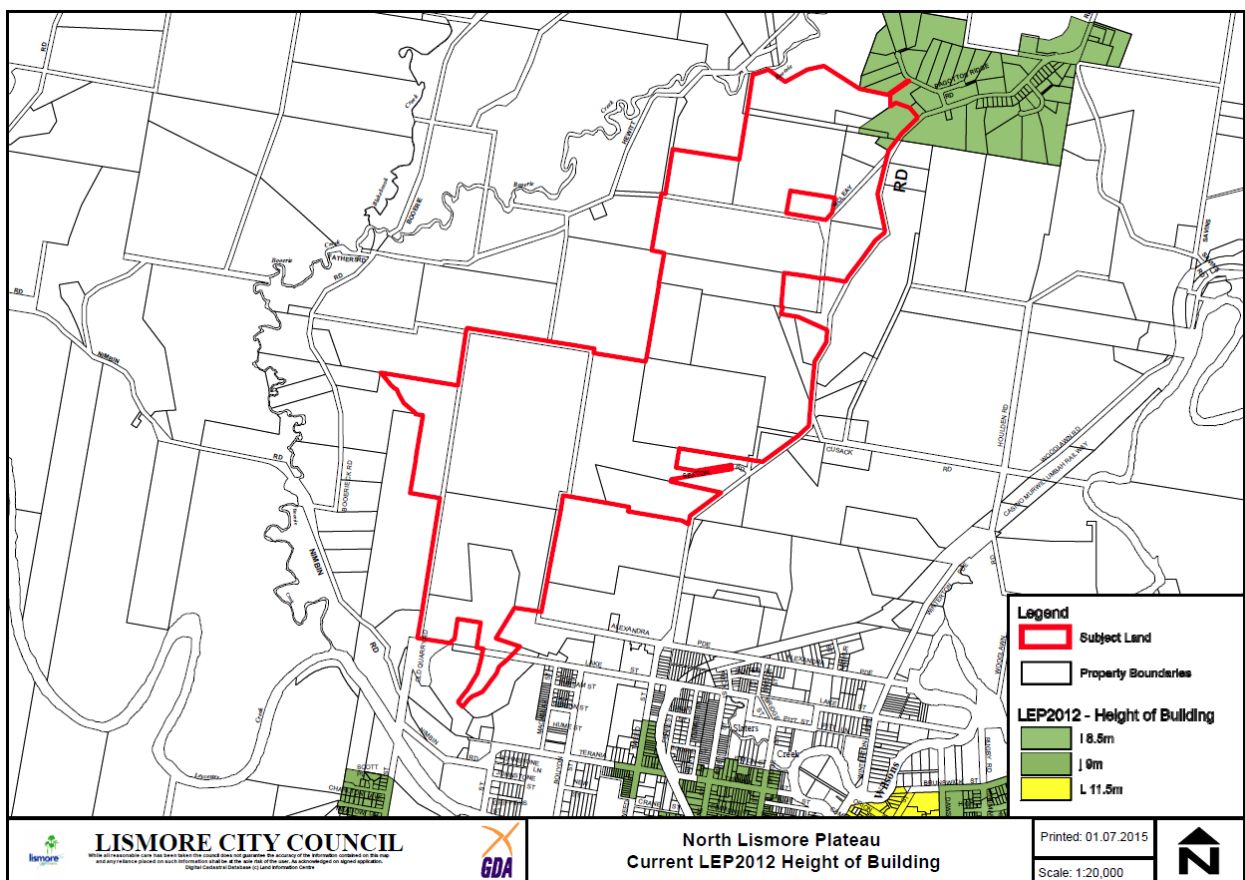
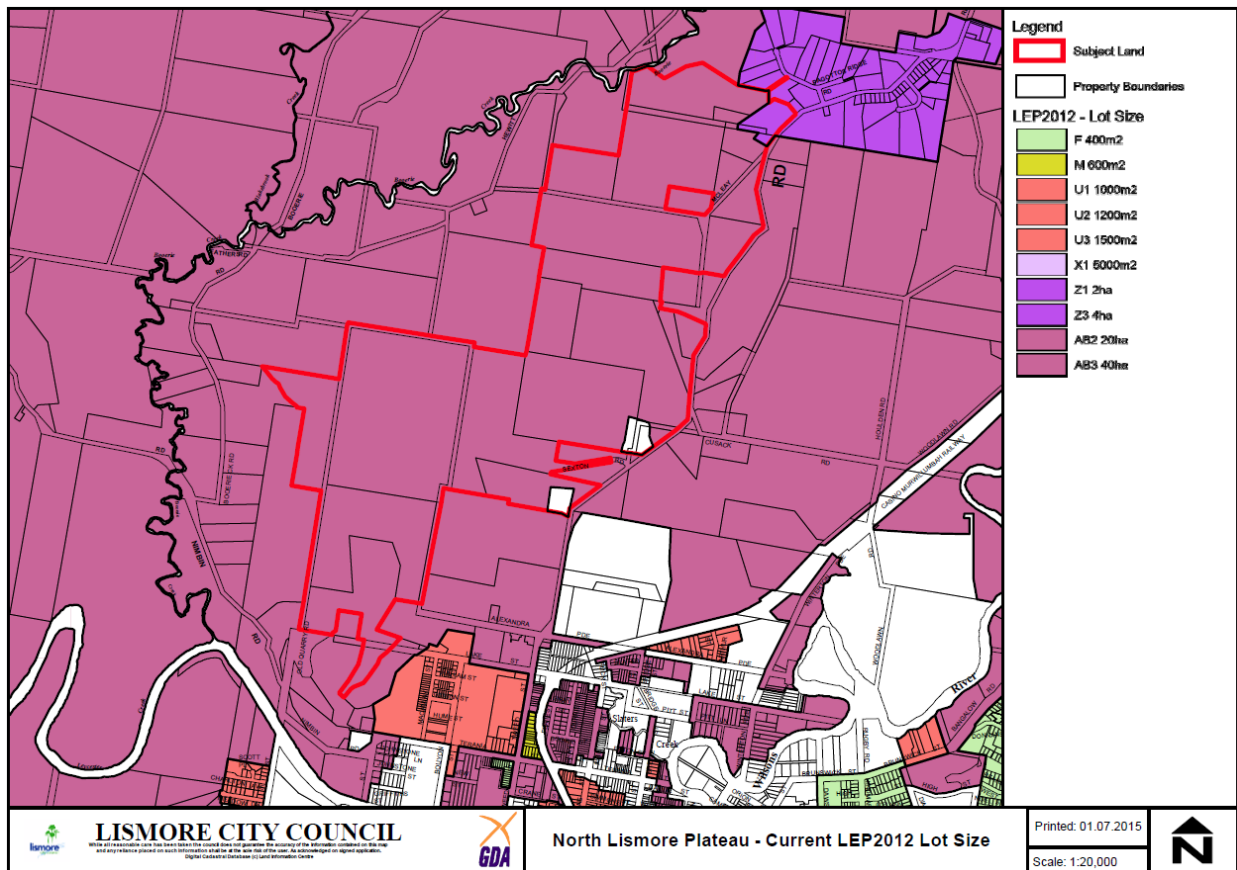
PART 4 MAPPING

Current zoning

The land is currently zoned RU1 Primary Production (mainly) and partly R5 Large Lot Residential under the provisions of Lismore Local Environmental Plan 2012. The land is also mapped on the Lot Size Map with a minimum lot size of 40 hectares (RU1) and 2 hectares (R5). The RU1 land is not subject to a Building Height map. The R5 land has a building height limit of 8.5 metres.

Extracts of the existing relevant Lismore LEP 2012 maps are shown below.





Proposed LEP Maps

It is proposed to rezone the subject land to R1 General Residential with two small areas of B1 Neighbourhood Centre and one small area (of Council land) to RE1 Public Recreation. There are also large areas of land proposed to be zoned E2 Environmental Conservation and E3 Environmental Management zone.

The following table summarises the changes proposed for Minimum Lot Size, Floor Space Ratio and Height of Buildings:

Zone	Minimum Lot Size	Height of Buildings
R1	300 m ²	8.5 m
B1	None	9.0 m
RE1	None	None
E2	40 ha	None
E3	40 ha	None

This will be achieved by amending map sheets:

LZN_005A

LZN_005AA

LSZ_005

LSZ_005AA

HOB_005

HOB_005AA

Attachment 1 to the Planning Proposal contains the proposed LEP Maps.

PART 5 COMMUNITY CONSULTATION

Aboriginal Stakeholder Consultation

Council established a NLP Aboriginal stakeholder group (Registered Aboriginal Parties) as part of the previous planning proposal and this group has never been disbanded. The group has been assisting Council with additional Aboriginal heritage assessments of the NLP area. It is proposed to continue to meet with this group as part of the Aboriginal stakeholder consultation required for this planning proposal. This group includes the Ngulingah LALC.

Public Consultation Post Gateway

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 adjoining landholders.
- Letter to the Aboriginal stakeholder members (including 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 **14 July 2015**
- Gateway determination issued **July 2015**
- Anticipate that no additional studies will be required as there have been extensive technical investigations of all relevant matters.
- Timeframe for government agency consultation and public consultation **July 2015 to August 2015**
- timeframe for consideration of submissions **September 2015**
- timeframe for the consideration of a proposal post exhibition by Council **October 2015**
- date of submission to the Department to finalise the LEP **November 2015**
- anticipated date for plan making **December 2015**

Conclusion

The subject land has been identified in the FNCRS (2006) and Council's various strategies as a future urban area (or existing urban area). It is ideally suited for this purpose. Council has an adopted Development Control Plan, an adopted Infrastructure Delivery Plan, an adopted S.94 Plan and amended S64 Development Servicing Plans that all make provision for a new urban area on the North Lismore Plateau.

The subject land has been extensively studied and these studies and reports remain current and relevant to the planning proposal. No further studies are required.

This planning proposal has been previously referred to various state and Commonwealth agencies and further consultation is planned as part of the general public exhibition.

An assessment of the planning proposal indicates that it is consistent with relevant SEPP's. It is consistent with most of the relevant s117 Directions and where inconsistencies occur they can be justified. An assessment against the Far North Coast Regional Strategy Sustainability Criteria concluded that the extension to the NLP release area is appropriate.

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.

TABLE 1 - 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 extensive flora and fauna assessment of the site has recorded a single Koala scat, but no evidence of regular occupation of any of the forest areas on the site. No Koalas were observed. It is noted that the site is not within the planning area for Lismore City Council's Koala Plan of Management and is not mapped as primary of secondary habitat. It is not recognized as a movement corridor for Koalas. There are two small areas of Forest Red Gum (<i>E. teriticornis</i>) on the site neither of which meet the criteria for being core Koala habitat. The most significant of the two areas is located at the far southern tip of the study area and is proposed for inclusion in an E2 Environmental conservation zone. It is adjacent to an area to be zoned E3 and this could be used to expand and enhance the Forest Red Gum habitat. The other area is located in the central western part of the study area and is proposed for inclusion in a R1 General Residential zone. The draft planning proposal is consistent with the aims and objectives of SEPP 44 and notwithstanding that no core Koala habitat was found, environment protection zones are being proposed on the areas that may be rehabilitated and be available for use by Koalas in the future.
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.	Consistent. An environmental site assessment was undertaken to identify potentially contaminating past and present activities at the site and recommend further assessment (the Coffey report). This involved a site history, review of past air photos, interviews with owners and Council staff and a site walkover. Several areas of environmental concern (AEC's) were identified. These AEC's relate to past and present horticultural areas (pesticides and heavy metals), dwellings (that may be associated asbestos, lead paint and termite pesticides), and the North Lismore quarry structures and crushing plant (explosives, detonators, hydrocarbons, termite pesticides). All of the areas marked on the AEC map in the Coffey report as past or current horticulture areas or structures (mostly dwellings) built prior to the 1980's are proposed for the R1 General Residential

State Environmental Planning Policy	Requirements	Compliance
		zone. These areas were tested with an intrusive sampling program. Based on this information Council can conclude that there is little or no contamination on the site and it is suitable for future residential development. This information allows Council to conclude that this planning proposal is consistent with SEPP 55 - Remediation of Land. In relation to the NLP quarry site, the old crusher and sheds and the explosive storage areas are proposed for the E3 Environmental Management zones and will not be used for residential purposes.
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 subdivisions.	Consistent. No state significant agricultural land occurs on the subject land. The planning proposal intends to create a new urban area rather than promote a change in rural lot size or rural dwelling permissibility. It will not have a significant impact on surrounding rural land.

TABLE 2 - COMPLIANCE TABLE 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. No business or industrial zones will be lost and two small areas of B1 Neighbourhood Centre are proposed in proximity to Dunoon Road. Two areas are proposed to ensure some level of competition between the two main landowners groups. This will likely stimulate at least one of the centres to proceed and this will be good for creating a new community hub for a new urban area.
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. However, the consistency is justified because the subject land has been included in local strategies since 2003 and is in the current Lismore Growth Management Strategy as an existing urban area. It has been identified in the FNCRS since 2006.
1.3 Mining Petroleum Production and Extractive Industries	This direction applies when the Planning Proposal: a) Has the effect of 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. However, the extractive resources located within the planning proposal area have largely been exploited and there is limited commercial material that remains. Environmental and archaeological constraints would restrict severely the amount of material that could be extracted (if any). No state or regional resources are identified.
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 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	Inconsistent. However, the consistency is justified because the subject land has been included in local strategies since 2003 and is in the current Lismore Growth Management Strategy as an existing urban area. It has been identified in the FNCRS since 2006. Master planning through a site specific DCP will ensure that buffers to productive agricultural areas can be implemented. Important environmental and cultural sites will be protected with environmental zones and biobanking offsets.

Ministerial Directions	Requirements	Compliance
	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.	
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 environmental protection zones.	Consistent. The planning proposal is not removing any environment protection zones and will result in remnant EEC areas being included in E2 Environmental Conservation zones plus extensive areas of E3 Environmental Management zones.
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. The planning proposal will protect Aboriginal heritage sites that are located within the study area (including a buffer area) with the use of E2 Environmental Conservation zones for three of the items. The fourth item requires further investigation and consultation with Aboriginal stakeholders. Old stone walls that have been identified will be protected through DCP controls and the development application process. Any future sites identified through ongoing heritage work will be assessed on their merits for

Ministerial Directions	Requirements	Compliance
		protection.
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.	Consistent. A range of housing types and densities will be permitted in the planning proposal area. A minimum lot size of 300 m ² will enable flexibility in freehold lot size in the R1 zone. Council's Infrastructure Delivery Plan in combination with S94 Contributions plan and Development Servicing Plan will ensure the efficient use and delivery of services and infrastructure in a timely manner.
3.2 Caravan Parks and Manufactured Home Estates	Retain provisions that permit development of caravan park. appropriate zone for existing caravan parks.	Consistent. There is a low probability that the residential component of the subject land will be used for a caravan park or manufactured home estate.
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	Consistent. Home occupations will be permitted in residential areas.
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,	Consistent. The subject land is of sufficient size to warrant a public bus service for new residents and is well placed to access schools, sports grounds, shops and employment lands including the Lismore CBD. Road layouts are already established in a structure plan that has been adopted as part of the NLP DCP. Walking and cycling routes are also nominated in the NLP structure plan and are part of the Infrastructure Delivery Plan and S94 plan. They include a shared path linking the NLP to the Richmond River High School and Lismore CBD.

Ministerial Directions	Requirements	Compliance
	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 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. Given the prevailing height of the natural ground level it is unlikely that one and two story buildings of urban infrastructure such as electricity poles will cause obstructions or hazards for aircraft approaching Lismore Airport. However the planning proposal will be referred to CASA. In a previous referral, CASA did not object. The Lismore airport manager advised that maintenance of the Low Intensity Obstruction Light at NLP would be adequate. The 20 and 25 or above ANEF contours (also contained in DCP 11) do not affect the study area and therefore the residential development proposed in this planning proposal is consistent with this aspect of the Direction.
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Not applicable	Not applicable
4.2 Mine Subsidence and Unstable Land	Applies to mine subsidence areas. Applies to areas identified as unstable	Consistent. The subject land is not in an identified mine subsidence area. There is no evidence of instability in relation to the small abandoned mine shaft located south east of the quarry. No land is proposed for residential development in proximity to this shaft.
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	Inconsistent. However, the consistency is justified because no residential development will be located on flood affected land. The flood affected land is limited to a small area of 'flood fringe' land adjacent to Dunoon Road. A small area of B1 Neighbourhood Centre is

Ministerial Directions	Requirements	Compliance
	principles of the 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.	proposed for this 'flood fringe' area which is consistent with the Lismore Floodplain Risk Management Plan. The Plan was prepared in accordance with the Floodplain Development Manual. The inconsistency is also minor.
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. Parts of the subject land will be affected by bushfire hazards and asset protection zones have been assessed based on slope and existing and proposed vegetation areas. Perimeter roads, fuel controlled buffer areas and a southern fire trail will all be used to ensure the future urban area meets planning standards for bushfire protection contained in Planning For Bushfire Protection 2006. A detailed hazard assessment has been undertaken and provided to RFS previously. The referral will be undertaken again in accordance with this Direction. The draft planning proposal is consistent with this Direction.
5. Regional Planning		
5.1 Implementation of Regional Strategies	The Planning Proposal must be consistent with the Far North Coast Regional Strategy.	Consistent. The subject land includes all of the land nominated in the FNCRS as a Town and Village Growth Area. It has been expanded to include additional lands at its northern end and it is recommended that the FNCRS be amended to include this land. The FNCRS also allows for land to be assessed against Sustainability Criteria. This assessment has been undertaken in a separate report that is included as Attachment 3 to this Planning Proposal. This report concludes that the development of the additional area as an extension of the NLP release area is appropriate.
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 encroachment into	Inconsistent. However, the consistency is justified as follows: The subject land is not identified as State significant farm land. A large part of the site is Regionally significant farm land, but all of this (except approximately 45 ha) is identified in the FNCRS as a future urban growth area. All of the study

Ministerial Directions	Requirements	Compliance
	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.	area meets the Sustainability Criteria of the FNCRS and all of it meets the key recommendations of the Northern Rivers Farmland Protection Project – Final Recommendations, February 2005. An assessment against the seven recommendations is attached below this table.
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. Not identify development as designated development unless justified.	Consistent.
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.	Consistent. A small area of land is proposed for RE1 Public Recreation in proximity to the disused quarry. This land is already owned by LCC and acquisition is not required. No other land reservations are proposed at this stage.
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 facilitate the establishment of a new urban area at NLP and is not intended to allow a particular development to occur. The urban development will occur on land proposed to be zoned R1 and B1. No site specific controls will be inserted into LEP 2012 to enable this to occur. The use of the E2 and E3 zones on land in accordance with detailed information is consistent with good planning practice undertaken in most LGA's in NSW. These zones are available in the Standard LEP and are appropriate for this site.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	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;
- provide for certainty on the status of land and thereby assist with strategic planning; and
- reduce conflict caused by urban encroachment into farming areas.

All of these objectives can be achieved with this planning proposal.

This Direction applies because part of the NLP is classified as regionally significant farmland. Most of the area described as regionally significant farmland is proposed to be either R1 General Residential or E3 Environmental Management. A small area will be zoned RU1 Primary Production and E2 Environmental Conservation. No land is proposed under this planning proposal for rural residential development.

The inconsistency with this Direction is justified. In this case the land identified as regionally significant is predominantly (all except 45 ha) located within an area identified in the FNCRS as a future urban area. It is similar to the area identified in the 2003 LUS and in Lismore LEP 2000 as 1(d) investigation. The latest version of the LUS (April 2011) contains all of the land subject to this planning proposal. The Lismore GMS (2015) identifies all of the subject land as zoned residential land. An assessment against the Sustainability Criteria in the FNCRS was undertaken previously and submitted to the DOPI (then) in April 2011. The DOPI advised that this was adequate. It is therefore reasonable to regard all of this planning proposal area as being consistent with the FNCRS.

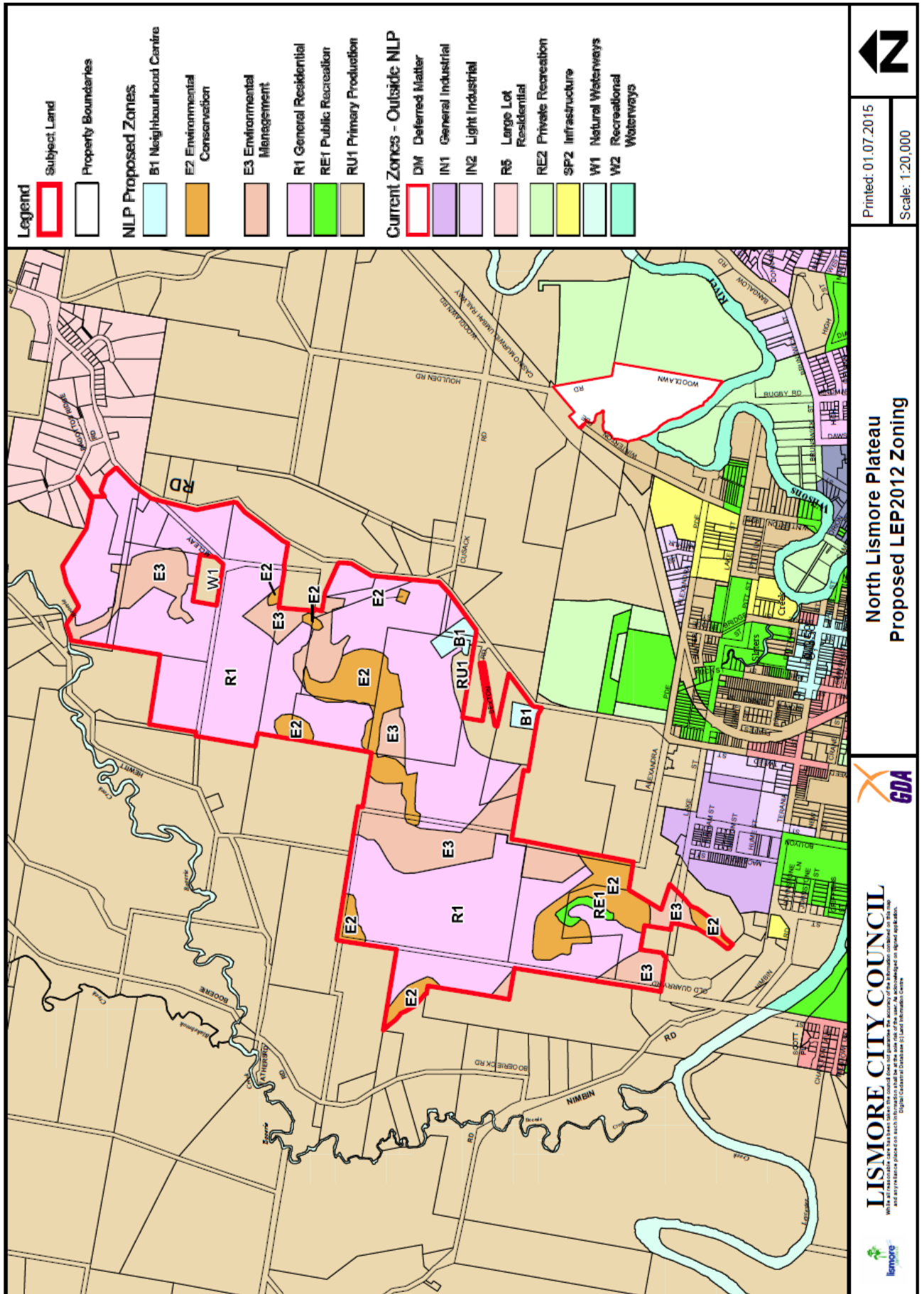
The second basis for justifying the inconsistency is by assessing the planning proposal against the Northern Rivers Farmland Protection Project – Final Recommendations, February 2005. The final recommendations state that urban development could be considered on regionally significant farmland if all seven of the following criteria apply.

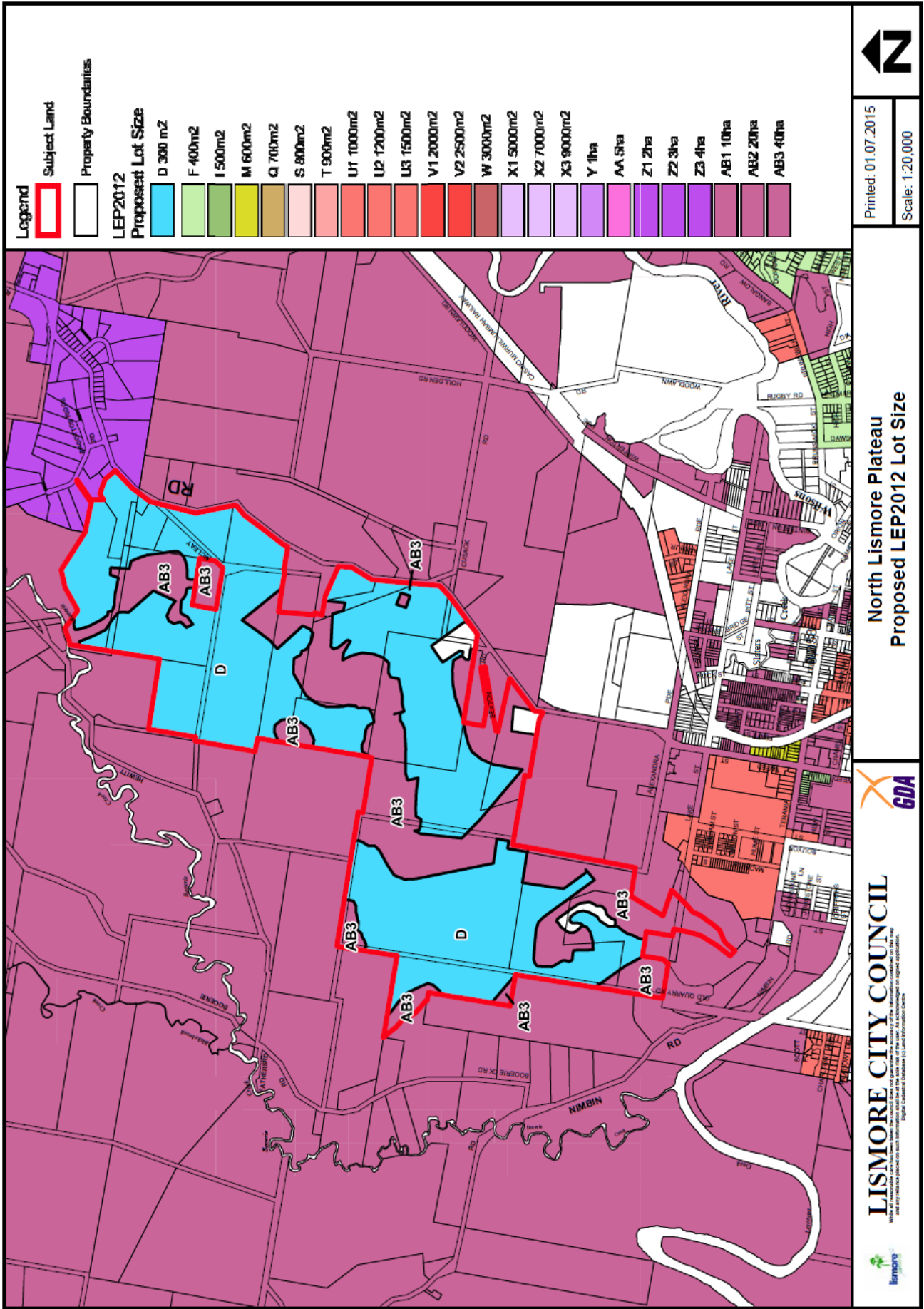
1. The proposed new urban area would form part of the urban fabric of Lismore and would not be a disjointed suburb. Lismore City Council has viewed the NLP as a logical flood free expansion to the existing North Lismore. It is part of a number of areas being promoted by Council for urban use, but is the only one that is west of the Lismore CBD and will bring life and population back to Lismore's traditional centre. With all other smaller areas located east of Lismore towards Ballina, there is a need to bring balance back to the Lismore urban area. There is no viable alternative to NLP that could achieve this.
2. The NLP urban area is located approximately 400m from the employment lands at North Lismore and 200m from the recreation and showground facilities along Dunoon Road. It is clearly close to the existing urban areas of Lismore and will be within an easy bicycle ride for children attending the Richmond River high school or district sports grounds along Alexandra Parade.
3. It will not be a wedge into regionally significant farmland because the nearest farmland is west of NLP at Boorie Creek and east of NLP along Cusack Road. Both these areas are physically separated from the new urban area by roads and creeks as well as the escarpment that defines the plateau area itself. Allowing urban development on the NLP will not disrupt the use of other farmland.

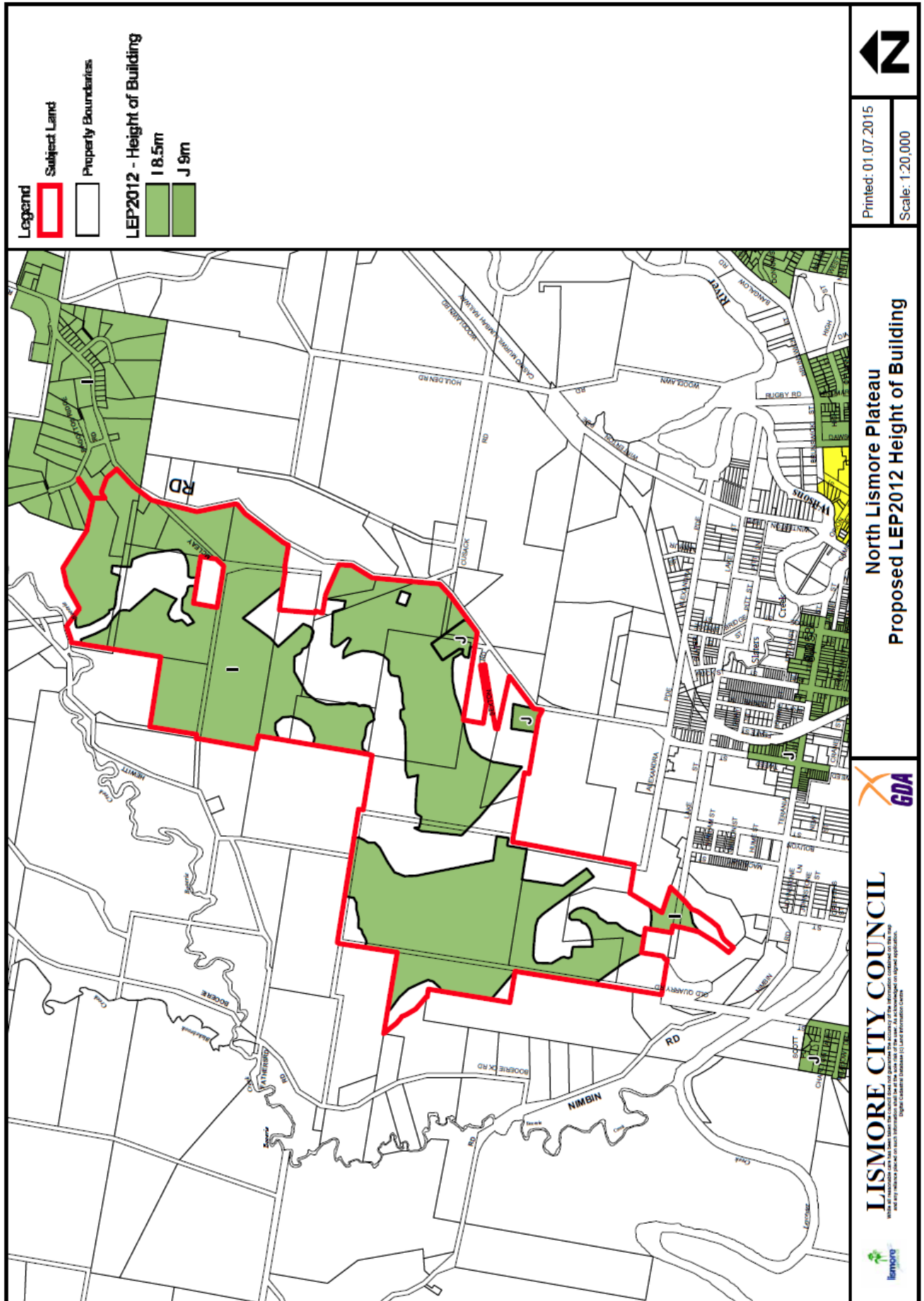
4. Local agriculture is dominated by beef cattle grazing, dairy cattle farms and horticulture such as Macadamia tree crops. Some horticulture will be displaced at the northern end of the NLP and some beef cattle grazing will cease. However, none of these areas are critical to the viability of any of these industries. No agricultural infrastructure or transport routes will be affected by the new urban area. Key road transport links such as Dunoon Road and Nimbin Road will either remain as they are or be improved.
5. No impacts arising from the new urban area will compromise the horticulture or grazing being carried out on other significant farmland. The escarpment that creates the plateau is a natural buffer to surrounding rural lands and at its northern edge, existing rural residential will be the neighboring use.
6. The land surrounding the NLP is not subject to existing land use conflicts relating to agriculture. Location of residential development will not exacerbate any known agricultural conflicts.
7. Approximately 0.9 ha of land is identified for commercial use as a neighborhood centre near Dunoon Road. It is located in a 1 in 100 year flood fringe area. The filling of this area is permitted under the Lismore Flood Plain Management Plan 2002, subject to certain provisions.

In this case, all seven of the criteria can be met by the NLP planning proposal.

ATTACHMENT 1: LEP MAPS FOR NORTH LISMORE PLANNING PLATEAU







ATTACHMENT 2: LAND USE TABLES FOR THE E2 AND E3 ZONES

Note: The land use tables below are as adopted by Lismore City Council on 31 May 2012 with the Shire wide LEP 2012, following public exhibition. It is acknowledged that these may differ slightly to the recommendations for the E zone review by Parsons Brinkerhoff and the Department of Planning & Environment's preliminary response to the review, notably with respect to the permissibility of extensive agriculture. The red font denotes items not in the Standard Instrument.

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To retain areas of unique natural vegetation, particularly rainforest remnants and ecologically endangered communities.

2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works

3 Permitted with consent

Boat launching ramps; Environmental facilities; Flood mitigation works; Jetties; Research stations; Roads; Water recreation structures

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To encourage the retention of wildlife habitats and associated vegetation and wildlife corridors.

2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat launching ramps; Camping grounds; Caravan parks; Cellar door premises; Community facilities; Dairies (pasture based); Dwelling-houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Home businesses; Home industries; Information and education facilities; Jetties; Kiosks; Neighbourhood shops; Recreation areas; Research stations; Roads; Roadside stalls; Water recreation structures

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

ATTACHMENT 3: FNCRS SUSTAINABILITY CRITERIA ASSESSMENT

1 INTRODUCTION

The Far North Coast Regional Strategy (FNCRS) specifically provides that innovative development proposals can be considered even if they affect land located outside of the Town and Village Growth Boundary maps.

It requires that the land be located outside of the coastal area (it must be located west of the Pacific Highway) and it must demonstrate that it satisfies the Sustainability Criteria listed in Appendix 1 to the FNCRS.

The FNCRS identifies an area of approximately 160 hectares that is based on the shape originally nominated in the Lismore Urban Strategy. The current NLP planning proposal applies to 255 hectares of land that includes all of the FNCRS land plus an area of land to the north that adjoins an existing rural residential enclave and some less elevated land to the east along Dunoon Road that is needed for access, stormwater controls, neighbourhood centres and an initial residential land release.

This planning proposal for the North Lismore Plateau applies to land that is wholly within an investigation area endorsed by Lismore City Council and reported to the (then) Department of Planning and Infrastructure in June 2011. The Sustainability Criteria report at that time was agreed to by the Department (letter of 23 June 2011) as being an adequate assessment against the Sustainability Criteria. The planning proposal was able to proceed beyond Gateway Determination to exhibition and gazettal. Since 2011, studies (or investigations or assessments) have been undertaken on

- infrastructure (including water, sewerage, electricity, telecommunications and school sites)
- traffic and transport
- housing and social issues
- water quality and stormwater management
- flora and fauna
- European and Aboriginal heritage
- The Disused quarry and abandoned mine shaft
- Natural hazards
- Farmland
- Noise
- Site contamination

These studies have been used to prepare this Sustainability Criteria report to reflect what is now known about the NLP.

A full set of studies is attached separately for the Department to consider.

Bushfire Constraint Report BCA Check, 2012
Fauna & Flora Greenloaning Biostudies, 2012
Fauna & Flora Supplementary
Greenloaning Biostudies, 2012
Infrastructure & Servicing Assessment
TGM Group Pty Ltd, 2012
Environmental Noise Impact Report
CRG Acoustic Consultants, 2012
Traffic & Transport Planning Assessment
CRG Traffic and Transport Engineering Consultants, 2012
Social Impacts and Economic Development Assessment RPS Australia, 2012
Road Network Suitability Assessment
TGM Group Pty Ltd, 2012
Cultural Heritage Assessment,
Converge Heritage and Community, Version 2, 2012
Preliminary Environmental Site Assessment
Coffey Geotechnics Version 2, 2012
Geotechnical Constraints Assessment
Coffey Geotechnics Version 2, 2012
NLP Landscape Masterplan,
Alderson & Associates Landscape Architects
Pty Ltd Version 2, 2012
Stormwater Management Plan Ver 2
TGM Group Pty Ltd Version 2, 2012
NLP Biobanking Preliminary Report, Peter Parker, 2012
NLP Biobanking Additional Report, Peter Parker, 2013
NLP Biocertification Report, Peter Parker, 2013
NLP Biocertification Additional Report, Peter Parker, 2013
NLP Quarry Report (2), Groundworks, 2012
Archaeological Heritage Research Design - Field Methodology for Exploratory Test Pitting On North Lismore Plateau 12-11-2014
Dr Graham Knuckey Remnant Archaeology

2 INFRASTRUCTURE PROVISION

Mechanisms in place to ensure utilities, transport, open space and communications are provided in a timely and efficient manner.

- Development consistent with FNCRS and S.117 Directions
- Provision of infrastructure is costed and economically feasible
- Preparedness to enter into a development agreement

The North Lismore Plateau (NLP) planning proposal is consistent with the FNCRS because rather than undermining the FNCRS it will ensure that it is implemented. The intent of the FNCRS is that Lismore is a major regional centre that needs to be able to supply about 8000 new dwellings to the regional land market by 2031. The FNCRS clearly intends that there will be a new urban area located at the NLP. This planning proposal encompasses all that land in the FNCRS, but goes beyond that to logically “round out” the study area predominantly on its eastern side to include access opportunities and areas suitable for open space and stormwater controls. It also extends it to the north to meet up with existing zoned rural residential land, rather than leave a piece of farm land straddled by residential to the south and rural residential to the north resulting in a rural urban conflict at the interface. Map 1, at the end of this document shows the subject land in the context of the FNCRS TVGB.

Although the nominated NLP planning proposal area is approximately 95 hectares more than the FNCRS area it will yield perhaps only an additional 10% more residential land. The majority of the additional land is likely to be used for open space, environment protection and restoration, buffers to other land uses, access and infrastructure.

The NLP planning proposal will clearly implement the vision in the FNCRS by providing a master planned residential community above flood areas in a location well back from the sensitive NSW coast line and with sufficient space to maintain clean waterways and restore natural areas for the betterment of the community. Its size will enable both ecologically and economically sustainable development that can yield a range of housing for different life styles and affordable well serviced residential land that is in close mutually beneficial proximity to established regional infrastructure, facilities and services.

In terms of utility infrastructure large amounts of work has been undertaken to support the planning proposal. This is outlined in the following sections.

Water Supply

Bulk water for the Lismore City Council is supplied by Rous Water from Rocky Creek Dam and the Wilson's River Source. Water is initially pumped to the Nightcap Water Treatment Plant and then transferred by a network of gravity trunk mains to Council's various water service reservoirs and reticulation networks. Rous Water has two separate bulk supply systems that operate from the Nightcap Water Treatment Plant:

- Dunoon / Modanville System; and
- Tullera System.

The Tullera Reservoir has a theoretical capacity of 1.0ML and currently services approximately 100ET to the north of NLP equal to a demand of 0.25 ML. This leaves a theoretical available capacity of 0.75 ML. The early stages of development on the eastern side of the NLP (Precinct 1) are estimated to yield approximately 457 ET (equating to a demand of approximately 1.14 ML), therefore the Tullera Reservoir has insufficient storage capacity to service Precinct 1. The maximum yield that can be serviced from Tullera is predicted to be 300 ET. Development beyond the first 300 ET will need to be serviced by an augmented water supply system.

A new trunk main will be required from the Tullera Reservoir to the NLP, a distance of approximately 2000m. The trunk main would be sized to ensure that flow rates required for peak instantaneous demand at ultimate development could be achieved (375mm).

The ultimate development will require a new storage of sufficient capacity and elevation to provide gravity flow to all areas within the development. The Modanville site located approximately 7km north of NLP contains an existing decommissioned 0.3ML reservoir. The site, with a potential top water level of 190m RL, would be suitable but other sites could also be investigated. The site would require acquisition as it is no longer owned by LCC. There are other possible sites located between Modanville and Tullera that would have sufficient elevation and are located closer to the NLP, which would reduce the length of rising and feeder mains required. It is estimated that a 4.5 ML water reservoir would need to be connected by a 5.25 km (375mm diameter) gravity main from Modanville to the northern end of the development site. The storage and gravity trunk main would become an LCC asset post construction.

To supply the new reservoir a new lift pump station would be required at the Howards Grass Junction which

would draw water from the existing 600mm diameter Rous Water main and pump the water via a new (augmented) rising main to the new reservoir site (i.e. Modanville or other suitable site). It is estimated that the rising main would need to be 250mm in diameter and approximately 3400m in length (to the Tullera Junction). The pump station and rising main would become a Rous Water asset post construction.

The technical reports demonstrate that there are suitable water supply options available for the supply of reticulated water to the initial and ultimate stages of the NLP development. There are no water supply issues which are of such magnitude as to prevent the NLP planning proposal from proceeding. However, the following matters will need to be addressed prior to the actual development proceeding:

- A suitable reservoir site needs to be further investigated, a final site selected and land acquisition negotiated, if necessary;
- The network needs to be modelled and the source infrastructure agreed with Rous Water; and
- The pipe alignments and easements (where required) need to be determined and agreed in principle.

Sewerage

A sewer servicing strategy for NLP states that sewage is progressively directed southeast by a series of sewage pump stations, rising mains and gravity mains; ultimately discharging to a major new pump station proposed to be located at the site of the existing North Lismore SPS. The replacement North Lismore SPS would then pump the existing 480 ET sewer load plus the proposed 2079 ET contribution from the ultimate NLP to the South Lismore Sewage Treatment Plant (SLSTP) via a new dedicated rising main. The adoption of such a strategy favours a progressive release of land from the east towards the west of the NLP. It also allows Council to replace (and enlarge) an ageing asset (North Lismore SPS) while sharing the cost with NLP land developers.

The SLSTP is located on Three Chain Road, approximately 5 km SSW of the NLP and treats sewage from several catchments within Lismore. In early 2012 Council commissioned consultants MWH to prepare a condition and augmentation planning assessment of the SLSTP to determine the existing capacity of the plant and the works required to cater for future growth. MWH estimate the limiting capacity of the existing plant is 12,000 EP, and therefore spare capacity is in the order of 1500 EP (400 ET based on 3.75 EP per ET) (MWH LCC presentation, June 2012), which would be sufficient to cater for the majority of precinct one of the NLP development (estimated to be 457 ET).

The technical reports demonstrate that there are suitable options available for the provision of reticulated sewerage services to the NLP development. There are no sewerage issues which are of such magnitude as to prevent the NLP planning proposal from proceeding to Gateway determination.

The pipe alignments and easements (where required) need to be determined and agreed in principle.

Stormwater

Stormwater controls will be detailed in the subdivision design staging to be included with the development application (DA). As the stormwater controls are only required for the subject development and controls outside of the site are not proposed, it is recommended that the developer fund the works that may otherwise be regarded as trunk infrastructure e.g. terminal basins on the eastern periphery of the site, in conjunction with the reticulation works for each stage of the development. Trunk stormwater infrastructure may be imposed as a condition of consent in any future approvals.

The proposed primary stormwater detention basins are likely to be adjacent to the local centre on the eastern side of the development. This land is low lying and within the 1 in 100 year ARI flood extent. The design of basins in this location must ensure that the basin outlets do not become submerged during a 1 in 100 year ARI flood and that such flood water does not infiltrate the basin and compromise its ability to cater for stormwater runoff from the NLP catchment. In addition, as the basins will displace a portion of storage volume within the floodplain, Council may consider requesting a flooding assessment that considers potential impacts of the development on the displacement of flood waters.

Due to the high initial infrastructure cost of providing the storage and irrigation system as well as the higher long term operation and maintenance costs, the re-use of water by storm water harvesting systems is generally not adopted. Should council wish to investigate storm water harvesting options in more detail, further investigation and feasibility assessments of the systems can be undertaken during the DA process.

As Council does not have an urban dual reticulation strategy for NLP, it is recommended that rain water tanks and on-site stormwater detention be considered for individual allotments. This would provide an at source control and reuse opportunity and would assist to reduce the size of sub-catchment detention structures.

Open Space and Community Facilities

Alderson and Associates Landscape Architects Pty Ltd prepared the North Lismore Plateau Landscape Master Plan Report, Parks Open Space and Streetscapes in

June 2012. The report was developed in response to the environmental context of the site including its key landscape characteristics, values and features, together with the local community requirements for open space provision. Key aspects of the master plan in relation to open space and infrastructure have been included in the DCP Structure Plan.

Council's desired outcomes for NLP are the provision of:

1. Local parks scattered throughout the NLP to provide Passive Open Space (POS) facilities, such as children's play opportunities and informal kick-a-ball space, within 500 metres of every lot. The level of embellishment for POS is defined in the adopted North Lismore DCP and the North Lismore S.94 Contributions Plan; and
2. A network of pathways for recreational walking and cycling. This type of POS facility is identified as being in high demand but currently undersupplied across the Local Government Area (LGA), in the *Lismore City Council, 2012, Sport and Recreation Plan 2011 – 2021*.

Ordinarily Council would require Active Open Space (AOS) in new greenfield developments, for example the provision of a Village Sports Park. However LCC has an abundance of AOS in proximity to NLP and there is no desire to take on more maintenance responsibility when existing facilities are not currently used to capacity.

Large areas of land being set aside for environmental/bush regeneration, bushfire buffers and stormwater drainage etc. are referred to as undevelopable land. Dedications of areas of undevelopable land (including steep land), are not recognised for inclusion within the dedication of land for open space.

Due to the potential cumulative maintenance burden imposed on Council where such land is accepted, some qualifications and condition guidelines are presented herein:

- Undevelopable land will be kept in large contiguous areas to ensure there is a consistent maintenance regime to improve environmental outcomes.
- Environmental protection areas will be rehabilitated.
- An applicant will provide details on how undevelopable land will be maintained in perpetuity and who will be responsible for the management (This may be in the form of an Environmental Management Plan (EMP), Bushfire Management Plan (BMP), Stormwater Management Plan etc.).
 - Demonstrated appropriate levels of rehabilitation, development and embellishment to minimise maintenance.

- Council will only accept the dedication of undevelopable land where it can be demonstrated that the public benefit outweighs the on-going maintenance burden. The provision of public access will be an important consideration in making this judgement.

There is also the need to ensure that undevelopable lands are appropriately managed irrespective of whether Council becomes the management authority.

Community facilities included in local parks should include sheltered BBQ sites, look out facilities where views are available, park furniture (bike racks, seating, bollards, drinking bubblers), toilets, lighting, pathways, artworks that are in built, signage, landscaping and car parking. Precise locations and details are documented in the North Lismore DCP. No community halls or built facilities are expected to be provided on the NLP. Council is currently focussing on existing facilities and has no capacity to take on new buildings. The NLP is in proximity to a range of facilities including those located in the Lismore Central Business District (CBD).

There are no issues that are of such magnitude as to prevent the NLP planning proposal from being finalised. However, the following matters are required to be addressed prior to the actual development proceeding:

- It needs to be clearly demonstrated how the desired standard of service for active and passive open space can be achieved within the development;
- Proposed community facilities to be dedicated need to be discussed and agreed with Council; and
- Council needs to work with landowners to determine the most appropriate management options for undevelopable land.

Roads

Council's urban design goal for NLP is to provide a permeable road network through a system of multiple collector streets and connections to the external road network. The development is proposed to have three entry roads from Dunoon Road consisting of southern, mid and northern connections. The southern and northern connections provide the primary accesses to the NLP area. They are intended to form a spine road along the ridge line of the NLP in a southwest to north easterly orientation. The spine road will service the upper western and eastern portions of the development. The mid connection which is proposed for local access only is intended to service the lower eastern portion of the plateau which will be required for the initial stage of the development. No road connections (other than a fire

trail) are proposed to the Nimbin Road due to landform constraints at the southwest corner of the site.

The primary external roads proposed to service the NLP development include:

- Dunoon Road / Tweed Street;
- Alexandria Parade;
- Winterton Parade;
- Orion Street;
- Terania Street; and
- Bridge Street.

There are no road network issues that are of such magnitude as to prevent the NLP planning proposal from proceeding to Gateway. The road layout proposed for NLP is considered achievable.

The Council adopted an Infrastructure Delivery Plan for NLP on 13 August 2013. A copy is provided separately to this report.

A section 94 Contributions plan was adopted for NLP on 10 December 2013. A copy is provided separately to this report.

A Development Servicing Plan was adopted that included NLP in April 2014. A copy is provided separately to this report.

A Development Control Plan specifically for the NLP was adopted on 10 December 2013. A copy is provided separately to this report.

Section 117 Directions

The development of the NLP as a new urban area is compliant with most Section 117 Directions. For those where there is an inconsistency it can be justified. An assessment of S.117 Directions is enclosed at the end of this Sustainability Criteria report.

3 ACCESS

Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided

- Accessibility by road and/or public transport including network, location, land use, and catchments
- No net negative impact on performance of road, bus, rail and freight networks.

Existing public transport is limited to the school bus network as the subject site is predominantly rural land with some rural residential development to the north.

However the size of the North Lismore Plateau will make it ideally suited to a road layout that allows access for a public transport system based on buses. The Development Control Plan adopted by Council on 10 December 2013 nominates a major spine road that links into Dunoon Road in three locations (north, south and central). There are three existing bridge crossings linking back into Lismore CBD that can be used. Proposed external road changes will lead traffic to favour the least used of these (Winterton Parade). However there are also schools, sporting facilities, the showground and employment lands all in the North Lismore area that can be linked by public transport to the North Lismore Plateau.

If the Lismore to Murwillumbah rail line was to be re-opened as a sub-regional commuter link between Casino and Murwillumbah via Byron Bay then residents of the North Lismore Plateau would be well placed to access this network via the existing station in Lismore which is located about 1.5km south of the subject land. If the rail corridor becomes a rail trail then it will also be used by NLP residents.

NLP residents will be linked via a shared path (pedestrian and cycle) to the Richmond River High School and the Lismore CBD.

Lismore airport with daily services to Sydney is located approximately 4km south of the NLP and provides access to locations beyond the region. The Bruxner Highway runs through the Lismore CBD and this provides the major east west road link between Lismore, the coast and the New England district.

Urbanisation of the NLP will have no negative impacts on existing sub regional road, bus, rail or freight networks and on balance is likely to have positive impacts as the population reaches density thresholds that can support public transport services.

4 HOUSING DIVERSITY

Provide a range of housing choices to ensure a broad population can be housed.

- Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.

Residential development in the NLP will only occur outside of flood affected land or excessively steep land and will be located to avoid visual impacts. The NLP has a potential yield of 1541 dwellings and a likely long term population of about 3700 people.

The NLP will be a significant contributor to catering for the region's expected 26% population increase. Lismore is one of three identified major regional centres and needs to cater for its share of the 35% of expected regional growth in the Far North Coast region (about 8000 people over 25 years). Promoting the NLP is consistent with the FNCRS aim to encourage population growth west of the Pacific Highway and alleviate pressure on the coast.

The adopted DCP for NLP states, *"A key outcome that Council is seeking from development of the North Lismore Plateau, is the provision of innovative and different housing forms.. to meet identified community need and increasing market demand for more affordable housing options in Lismore."* To enable this, Council is nominating a Minimum Lot Size of 300m² for the R1 General Residential zone. The R1 zone also permits Residential Accommodation in all its forms including dual occupancy, multi dwelling housing, residential flat buildings.

It is anticipated that housing will include standard residential (low density) and medium density residential in proximity to neighbourhood facilities and infrastructure such as commercial and child care facilities. Affordable housing and aged care residential development is also endorsed as the precinct matures and facilities are located to support these groups. All housing diversity issues are addressed in the adopted DCP for the site.

The NLP will provide a choice for the market and will assist to keep residential land prices affordable.

Council has shown its support for affordable housing opportunities at NLP from the first stage with 124 lots being linked to the Federal BBRC funding that will result in a direct subsidy to eligible purchasers. This opportunity for affordable housing will be lost if the NLP does not proceed.

5 EMPLOYMENT LANDS

Provide regional/local employment opportunities to support the Far North Coast's expanding role in the wider regional and NSW economies

- Maintain or improve the existing level of sub-regional employment self-containment
- Meet sub-regional employment projections. Employment lands in appropriately zoned areas

Only local employment lands such as a neighbourhood retail /commercial centre are likely to occur within the NLP. To the south of the precinct Council has identified approximately 10 ha of zoned industrial land that is vacant, serviced and available for employment generation. This area is an excellent match with the residential development proposed on the NLP as it is close to the future work force that the NLP will provide. The industrial area is sufficiently separated from proposed residential development that a 400m buffer can be achieved.

The intended development of a new urban community on the North Lismore Plateau is anticipated to have a positive effect on the local community and economy. The planning proposal estimates that 1541 residential dwellings will be located on the North Lismore Plateau, which will generate significant employment over the construction phase of the development. It is generally accepted that for every \$1 million in construction expenditure, twenty seven jobs are created throughout the broader economy.

Strategically the NLP is needed to rejuvenate the old North Lismore business area as well as the traditional Lismore CBD. Lismore has grown consistently east towards Ballina and the coast over the last two decades and the NLP will balance that growth and make better use of existing infrastructure such as schools and open space that exist in the north and west of the CBD. Refocusing Lismore on its traditional CBD will assist in maintaining its employment opportunities and encourage new ones.

6 AVOIDANCE OF RISK

Land use conflicts and risk to human health and life avoided.

- No residential development in the 1:100 floodplain
- Avoid physically constrained land – steep slopes or erodible land
- Avoid land use conflicts
- Provide for safe evacuation routes from flood or bushfire.

Some of the land proposed for inclusion in the NLP is within the 1:100 floodplain. However it is **not** proposed for residential development. It is included as an area that is below the main plateau and will be required for open space and stormwater controls, to ensure surface water coming from the urbanised NLP will be good quality. A small part of it (less than 1 hectare) will be zoned B1 Neighbourhood Centre. However, if residential development is to occur in this zone it will be restricted to shop top housing (a compulsory land use in the B1 zone) with floor levels well above flood heights. In a major flood the NLP will be cut off by floodwater from the Lismore CBD and east Lismore. However isolation would be for short periods and it does have access from the north via Dunoon Road.

Some areas of steeper slopes (greater than 18 degrees) occur in the NLP precinct, however they are **not** proposed for residential development. Typically they will be used for environmental protection or restoration.

A specific study of the North Lismore Quarry was commissioned by Council to address the issues relating to the quarry and in particular its stability, land contamination issues and rehabilitation and future use options. In summary, the quarry has further resource potential (as a basalt quarry) but this is not an option as it is surrounded by Endangered Ecological Community (EEC) areas and is in proximity to sensitive Aboriginal sites. It is not likely to be contaminated as it has not been used as dumping ground and the rock itself is not affected by heavy metals. The basalt resource was not covered by a thick layer of overburden and so the site is not heavily affected by unconsolidated fill or top soil stockpiles. The small areas that are located to the south of the quarry and in its base can be easily removed. The areas where fill has been stockpiled are not proposed for residential development. It will need its sheer rock face stabilised or benched in due course and this will be a LCC responsibility. The proposed RE1 Public Recreation zone applies only to Council owned land and will not affect any areas of Aboriginal cultural significance.

A very small abandoned coal mine shaft was located on the far south eastern corner of the LCC land on the edge of the plateau area. It is a single shaft with a small opening (less than 2 m in diameter) that appears to be collapsed. It is in very dense weed growth and is located more than 300 m from the nearest proposed residential area. It is not of such size that it could be linked to mine subsidence issues. It will need to be fenced and signposted to ensure that it does not become a hazard. Council may consider blocking its entrance permanently with large rocks when it is undertaking quarry rehabilitation works. It is in an area proposed to be zoned E3 Environmental Management.

Coffey undertook an environmental site assessment to identify potentially contaminating past and present activities at the site and recommend further assessment. The initial work involved a site history, review of past air photos, interviews with owners and Council staff and a site walkover. Several areas of environmental concern (AEC's) were identified. These AEC's relate to past and present horticultural areas (pesticides and heavy metals), dwellings (that may be associated asbestos, lead paint and termite pesticides), and the North Lismore quarry structures and crushing plant (explosives, detonators, hydrocarbons, termite pesticides). All of the areas marked on the AEC map in the Coffey report as past or current horticulture areas or structures (mostly dwellings) built prior to the 1980's are proposed for the R1 General Residential zone. These areas have been tested with an intrusive sampling program. Based on this information Council can conclude that there is little or no contamination on the site and it is suitable for future residential development. This information also allows Council to conclude that this planning proposal is consistent with SEPP 55 - Remediation of Land.

With respect to the NLP quarry site, the old crusher and sheds and the explosive storage areas are proposed for the E3 Environmental Management zones and will not be used for residential purposes. Part of the old quarry floor is proposed to be R1 General Residential, but it has not been identified as a possible contamination area. Rather it has been identified as being associated with the past use of explosives and detonators. There are no specific tests that can be done to find any material given the length of time since the quarry was used and the overgrown state of the site. The chance of explosives or detonators being present is extremely low given that material was not stored on the quarry floor.

A bushfire hazard assessment has been undertaken for the site. The topography on the site is a rolling plateau with steep down slopes on all sides falling to a floodplain at its eastern edge. Bushfire Asset Protection Zone

(APZ's) will vary from 29 m to 86 m depending on prevailing slopes and the type of forest/ rainforest or remnant vegetation generating the hazard. A 10 to 20 m APZ will be required to unmanaged grassland. It is accepted that APZ's cannot be established on land steeper than 18 degrees. The public road network will need to be designed to promote the effectiveness of the fire fighting crews and a draft structure plan for the site shows that perimeter roads can be used as part of the APZ system to great effect in most locations. An all weather fire trail suitable for large vehicles will be maintained along the alignment of the existing quarry access at the southern end of the NLP. This could be used in fire emergencies as an alternative safe evacuation route.

The topography of the NLP ensures that it will not have major issues with land use conflicts with agriculture at its edges.

Other uses that could generate conflicts are noise from the Lismore showground (events such as the Lismore Speedway), the Lismore kart club and from the industrial area south of the NLP. A noise assessment was undertaken and it is available on Council's web site. The 'tools' that will be used to manage the matter of noise emissions from the showground and potential land use conflict include:

- built design (structures and landscaping)
- buffers (separation of uses to allow sound to dissipate)
- management (formal regulatory notices, noise management plan and community consultation/ information).

The kart club track was assessed and the noise emitted shows that the 55 dB(A) contour would not affect any land proposed to be zoned for residential purposes.

Nearby industrial activity was assessed and the noise emitted shows that the 50 dB(A) contour (the relevant standard for industry and commercial noise) would not affect any land proposed to be zoned for residential purposes.

Road noise from Dunoon Road and proposed major roads within the new urban area was modelled and it is possible that some of the proposed residential land will be noise affected. However, Dunoon Road is to be resurfaced and the proposed internal road can be designed to achieve minimal noise impacts.

Land likely to be affected by noise from Lismore Showground can be zoned for residential purposes. Council has identified acoustic treatment requirements on the affected land through its adopted DCP.

7 NATURAL RESOURCES

Natural resource limits not exceeded/environmental footprint minimised

- Demand for water does not impact on environmental flows
- Avoids significant agricultural land
- Avoids other resource lands
- Does not exceed energy supply capacity of infrastructure.

Bulk water for the Lismore City Council is supplied by Rous Water from Rocky Creek Dam and the Wilson's River Source. Rous has indicated that it has the capacity to supply water to the NLP. It is not expected to impact on environmental flows.

A large part of the site is regionally significant farm land, but all except approximately 45 ha of this is already identified in the FNCRS as a future urban growth area. The 45 ha that is not within the FNCRS, but is subject to this planning proposal is located at the northern end of the site near McLeay Road. Part of this farmland area is zoned R5 Large Lot Residential in LEP 2012. Excluding it from this planning proposal would not ensure its viability for agriculture as it would be adjacent to a new urban area as well as a rural residential area. Council has requested all of the NLP study area be included in any future revision of the FNCRS to avoid further confusion about its future use. It is not proposed to retain any of the regionally significant farmland in a RU1 Primary production zone other than the small area of flood prone land adjacent to Dunoon Road at the eastern edge of the site.

The North Lismore quarry has been assessed and it was found that it does have further resource potential (as a basalt quarry) but this is not an option as it is surrounded by Endangered Ecological Community (EEC) areas and is in proximity to sensitive Aboriginal sites.

Essential Energy has been contacted in relation to electricity and it advised that a new substation will be required within the NLP development area. The location, timing and size will depend on the rate and density of development and this can be negotiated over time. Power lines already access the site along its western boundary and at several locations off Dunoon Road.

8 ENVIRONMENTAL PROTECTION

Protect and enhance biodiversity, air quality, heritage, and waterway health

- Consistent with Regional Conservation Plan
- Maintains or improves areas of regionally significant biodiversity
- Maintain or improve air quality and water quality
- Protect areas of Aboriginal cultural heritage

The regional mapping undertaken to support the FNCRS does not identify the site as containing biodiversity areas of state or regional significance.

The Far North Coast Regional Conservation Plan (2010) does not identify any state or regional biodiversity assets in the NLP area. The nearest corridor and habitat network is a moist forest corridor that is located to the west of the NLP and does not affect it. The NLP is not identified as being in a regional conservation priority area.

A number of ecological assessments have been undertaken for the site, which identify some small areas of regenerating lowland sub-tropical and dry rainforest that have ecological value. These areas are also most likely to be habitat for any threatened fauna that use the site (e.g. rainforest pigeons, microbats). All these areas are proposed to be included in E2 Environmental Conservation zones. Other parts of the site contain threatened native plant species of high conservation value (Thorny Pea and Hairy Joint Grass) that are located in areas that have relatively low ecological value (i.e. open grazing land). Some of the locations where these species are found are proposed to be included in E2 Environmental Conservation zones. However, some areas are proposed to be zoned R1 General Residential and part of the populations will be cleared when these areas are developed. The landowners have undertaken both BioBanking and Biodiversity Certification assessments to determine how much (if any) of the threatened plant species can be removed and the on/offsite offset requirement. An area of Hairy-joint Grass on the eastern edge of the site in precinct one will be included in an E2 zone. A larger area at the western edge of the site that contains both Hairy-joint Grass and Thorny Pea will be included in R1 and be subject to biodiversity offsets. Council proposes to have the subject land conferred with Biodiversity Certification to ensure that the offsets are appropriately secured. The ecological assessment did not locate any koalas on the

site, but a small area of forest red gum at the southern tip of the site has been included in an E2 zone in any case.

The E3 zone has been used to identify areas that have no potential for residential development and are not suited to agriculture. They are often steep land and may be affected by weed infestation such as camphor laurel or privet. The rehabilitation, management and ownership of these areas will be an important issue that needs to be resolved between the landowners and Lismore City Council as the development progresses. They are visually prominent areas that ideally should be rehabilitated back to native forest to ensure that the slopes remain stable and the biodiversity values of the NLP are enhanced over time.

The use of environment protection and management zones in conjunction with biodiversity offsets should ensure that threatened species, populations or ecological communities are maintained or improved as result of this proposal.

Stormwater quality and quantity will be an important environmental issue to manage as this largely rural catchment becomes urbanised over time. This issue is being considered from the outset with inclusion of areas suitable for stormwater retention and treatment systems in the NLP study area. Stormwater has been included in the Infrastructure Delivery Plan for North Lismore Plateau adopted by Council on 13 August 2013 and available on its web site. The issue is also addressed in the NLP DCP adopted on 10 December 2013 with water sensitive urban design provisions.

Air quality is not a significant issue in the vicinity of the NLP given the absence of major polluting industry and the exposed topography of the location. Although urbanisation of this area will generate pollution from private motor vehicles and emissions generally from energy use in the residential context, it is more an issue of minimisation of impact. Carbon emissions minimisation should be a goal of all new urban areas from master planning through to building construction. A Cultural Heritage Assessment was undertaken by the proponents in 2012 based on the four stage consultation process outlined in the DECCW publication "Aboriginal cultural heritage consultation requirements for proponents 2010". All local Aboriginal community members were invited to register interest in response to public notices and at community meetings. 12 individuals plus Ngulingah Local Aboriginal Land Council (LALC) registered for the consultation process and were involved. Four Aboriginal representatives were chosen to assist with field

survey work. Five (5) sites have been identified on the Plateau and formally registered on the Office of Environment and Heritage (OEH) AHIMS. Four (4) of these sites are within the planning proposal area.

It is proposed that three (3) of the sites of cultural significance to the registered Aboriginal stakeholders as identified in the Assessment will be included in E2 Environmental Conservation zones along with a sufficient buffer area to provide protection from encroachment by residential development (not less than 50 m). The fourth site is subject to further investigation and discussion with Aboriginal stakeholders to determine the significance of the item and for this reason is in the proposed R1 General Residential zone.

The Cultural Heritage Assessment contains recommendations for ongoing consultation with the Aboriginal community, buffer zones that are not to be developed, linking of sites by an undeveloped network of land and site management protocols and development of a Cultural Heritage Management Plan. There were 11 recommendations in total, seven of which specifically address the Aboriginal cultural heritage. The Cultural Heritage Assessment and any subsequent inspection reports will be exhibited with the draft planning proposal. Consultation with the Aboriginal stakeholders has been ongoing and continues to this day through the Regional Aboriginal Parties group. A Cultural Heritage Management Plan will be prepared to ensure that sites that are known are managed appropriately. The adopted DCP for the NLP identifies locations where more archaeological work is required and this work is underway. If additional work finds sites of Aboriginal significance they will be protected under legislation regardless of the zone in which they are located.

Some dry stone walls were also identified as having potential heritage significance and may be worthy of protection. Further assessment is required to establish whether these items should be listed in Schedule 5 of LEP 2012, shown on the Heritage Map of LEP 2012 and linked to standard heritage protection clauses in the LEP. A further amendment to the LEP 2012 will be required if this is established. If a development application is submitted prior to any heritage listing, an assessment of impact on their significance can be made pursuant to section 79C of the EP&A Act 1979.

It is not proposed to list Aboriginal heritage items or places in a schedule or mapped on the City wide LEP Heritage Map; however, this can be considered following consultation with the Aboriginal community. The items or places have already been included on the AHIMS register. They will be subject to a cultural heritage management plan as required by Council's adopted DCP.

9 QUALITY AND EQUITY IN SERVICES

Quality health, education, legal, recreational, cultural and community development, and other government services are accessible

- What social services exist and is there any capacity
- Has government planned for service provision
- What developer funding is available

NLP's location is of strategic importance to the rejuvenation of the Lismore CBD, the expansion of North and South Lismore industrial and commercial areas and the growing health and allied services sector, which is underpinned by the State government's significant investment in the upgrade of the Base Hospital. NLP will balance Lismore's growth, which has spread consistently east towards Ballina and the coast, and make better use of infrastructure such as schools and open space that exist to the north and west of the CBD.

A school site had been mooted for a location near Dunoon Road in the middle of the site. It will be zoned R1 General Residential in accordance with DP&E guidelines. The NSW Department of Education and Communities has not expressed interest in the site but further consultation will occur as part of this Planning Proposal.

Community facilities proposed for NLP include local parks with sheltered BBQ sites, look out facilities where views are available, park furniture (bike racks, seating, bollards, drinking bubblers), toilets, lighting, pathways, artworks that are in built, signage, landscaping and car parking. No community halls or built facilities are expected to be provided on the NLP. Council is currently focussing on existing facilities and has no capacity to take on new buildings. The NLP is in proximity to a range of facilities including those located in the Lismore Central Business District (CBD).

Council adopted a S.94 Contributions plan for NLP on 10 December 2013 which identifies the funding and timing of key public infrastructure relative to the logical progression of the NLP. Development Servicing Plans have also been adopted Council.

State government agencies are fully aware of the NLP and have been aware of Council's commitment to it for the last five years.

10 CONCLUSION

The NLP is substantially within the FNCRS Town and Village Growth Boundary but studies that have been undertaken show that it is suitable as a new urban area even though it encompasses some land beyond the Town and Village Growth Boundary. The Department was advised that it should amend the FNCRS to include all of the NLP study area in 2011.

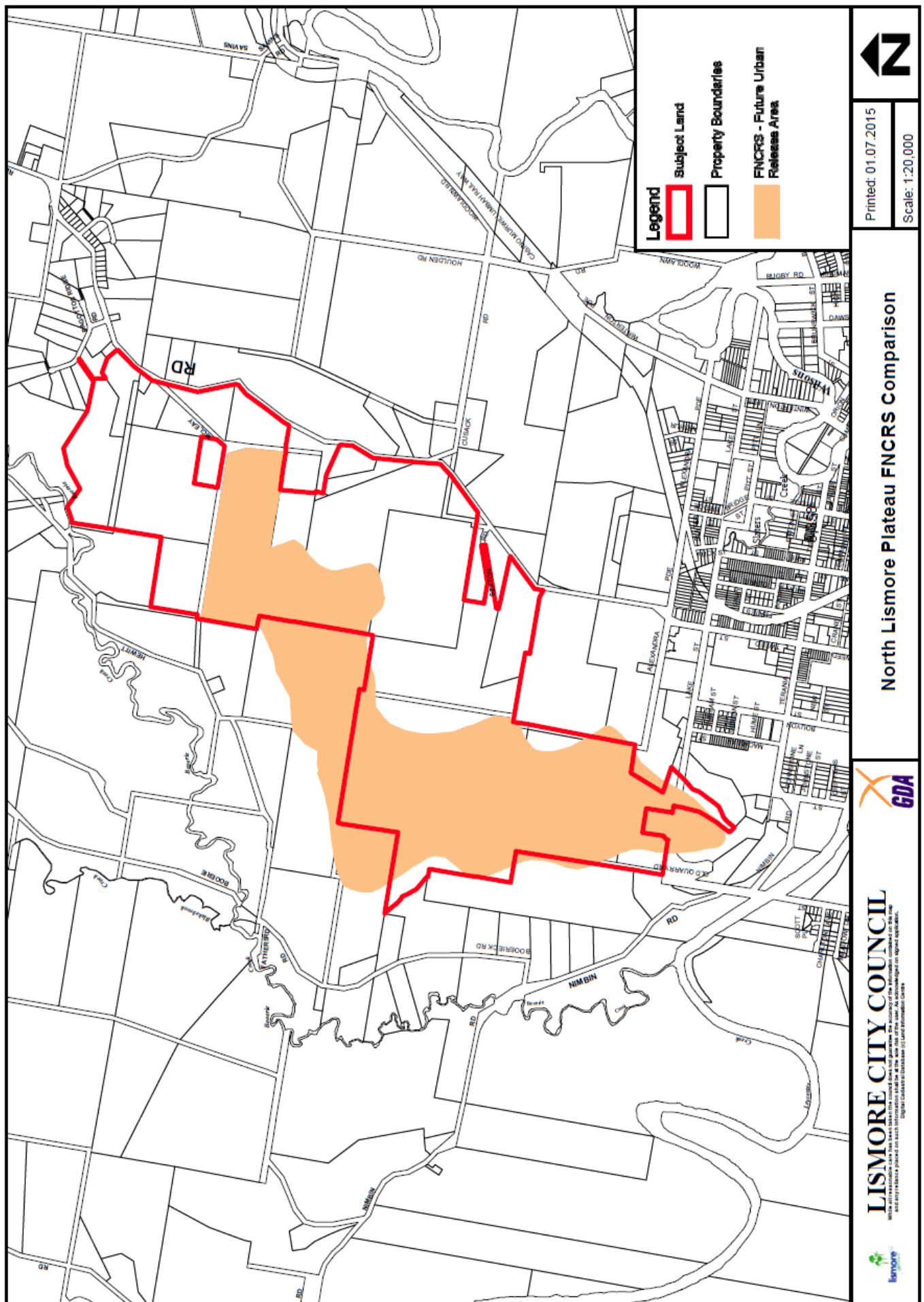
The suggested suite of zones that will apply to NLP through this planning proposal will ensure that important ecological and cultural areas are protected while innovative and diverse housing can still take place. It is an area that can be economically serviced with urban infrastructure. It is a fundamental part of Council's recently adopted Growth Management Strategy.

The NLP is the single largest urban release area in the Lismore LGA and its establishment is fundamental to Lismore achieving its housing targets over the next two decades. It will provide 170 hectares of residential zoned and serviced land that will yield around 1541 new dwellings and house over 3700 people. It will provide affordable housing opportunities from the first stage with 124 lots being linked to the Federal BBRC funding that will result in a direct subsidy to eligible purchasers.

Strategically the NLP will rejuvenate the old North Lismore business area as well as the traditional Lismore CBD. Lismore has grown consistently east towards Ballina and the coast and the NLP will balance that growth and make better use of existing infrastructure such as schools and open space that exist in the north and west of the CBD.

The NLP satisfies the Sustainability Criteria and should be supported by the Department of Planning and Environment. Once it has Gateway Determination it will go through the normal public consultation process.

Map 1 – NLP Subject Land and Far North Coast Regional Strategy



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. No business or industrial zones will be lost and two small areas of B1 Neighbourhood Centre are proposed in proximity to Dunoon Road. Two areas are proposed to ensure some level of competition between the two main landowners groups. This will likely stimulate at least one of the centres to proceed and this will be good for creating a new community hub for a new urban area.
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. However, the consistency is justified because the subject land has been included in local strategies since 2003 and is in the current Lismore Growth Management Strategy as an existing urban area. It has been identified in the FNCRS since 2006.
1.3 Mining Petroleum Production and Extractive Industries	This direction applies when the Planning Proposal: c) Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials; d) Restricting the potential of State or regionally significant mineral resources	Inconsistent. However, the extractive resources located within the planning proposal area have largely been exploited and there is limited commercial material that remains. Environmental and archaeological constraints would restrict severely the amount of material that could be extracted (if any). No state or regional resources are identified.
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 rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area,	Inconsistent. However, the consistency is justified because the subject land has been included in local strategies since 2003 and is in the current Lismore Growth Management Strategy as an existing urban area. It has been identified in the FNCRS since 2006. Master planning through a site specific DCP will ensure that buffers to productive agricultural areas can be implemented. Important environmental and cultural sites will be protected with environmental zones and biobanking offsets.

Ministerial Directions	Requirements	Compliance
	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.	
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 environmental protection zones.	Consistent. The planning proposal is not removing any environment protection zones and will result in remnant EEC areas being included in E2 Environmental Conservation zones plus extensive areas of E3 Environmental Management zones.
2.2 Coastal Protection	Not applicable	Not applicable
2.3 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage	Consistent. The planning proposal will protect Aboriginal heritage sites that are located within the study area (including a buffer area) with the use of E2

Ministerial Directions	Requirements	Compliance
	items or places.	Environmental Conservation zones for three of the items. The fourth item requires further investigation and consultation with Aboriginal stakeholders. Old stone walls that have been identified will be protected through DCP controls and the development application process. Any future sites identified through ongoing heritage work will be assessed on their merits for protection.
2.4 Recreation Vehicle Areas	Not applicable	Not applicable
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The Planning Proposal must: g) Broaden the choice of housing types and locations. h) Make efficient use of existing infrastructure and services. i) Reduce consumption of land. j) Housing of good design. k) Residential development not permitted until land is adequately serviced. l) Not contain provisions that will reduce residential density.	Consistent. A range of housing types and densities will be permitted in the planning proposal area. A minimum lot size of 300 m² will enable flexibility in freehold lot size in the R1 zone. Council's Infrastructure Delivery Plan in combination with S94 Contributions plan and Development Servicing Plan will ensure the efficient use and delivery of services and infrastructure in a timely manner.
3.2 Caravan Parks and Manufactured Home Estates	Retain provisions that permit development of caravan park. Appropriate zone for existing caravan parks.	Consistent. There is a low probability that the residential component of the subject land will be used for a caravan park or manufactured home estate.
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	Consistent. Home occupations will be permitted in residential areas.
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	Consistent. The subject land is of sufficient size to warrant a public bus service for new residents and is well placed to access schools, sports grounds, shops and employment lands including the Lismore CBD. Road layouts are already established in a structure plan that has been adopted as part of the NLP DCP. Walking and cycling routes are also nominated in the NLP structure plan and are part of the Infrastructure Delivery Plan and S94 plan. They include a shared path linking the NLP to the Richmond River High School and Lismore CBD.

Ministerial Directions	Requirements	Compliance
	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: g) help reduce reliance on cars and moderate the demand for car travel h) encourage multi-purpose trips i) encourage people to travel on public transport, walk or cycle j) provide people with equitable and efficient access k) protect and maximise community investment in centres, and in transport infrastructure and facilities l) foster growth, competition, innovation and investment confidence in centres	
3.5 Development Near Licensed Aerodromes	The three objectives of this Direction are to: d) ensure safe operations of aerodromes; e) ensure operations are not compromised by development causing obstruction or hazard to flying aircraft; and f) ensure development for human occupation is not exposed to	Consistent. Given the prevailing height of the natural ground level it is unlikely that one and two story buildings of urban infrastructure such as electricity poles will cause obstructions or hazards for aircraft approaching Lismore Airport. However the planning proposal will be referred to CASA. In a previous referral, CASA did not object. The Lismore airport manager advised that maintenance of the Low Intensity Obstruction Light at NLP would be

Ministerial Directions	Requirements	Compliance
	Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25 unless appropriate noise mitigation is proposed.	adequate. The 20 and 25 or above ANEF contours (also contained in DCP 11) do not affect the study area and therefore the residential development proposed in this planning proposal is consistent with this aspect of the Direction.
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Not applicable	Not applicable
4.2 Mine Subsidence and Unstable Land	Applies to mine subsidence areas. Applies to areas identified as unstable	Consistent. The subject land is not in an identified mine subsidence area. There is no evidence of instability in relation to the small abandoned mine shaft located south east of the quarry. No land is proposed for residential development in proximity to this shaft.
4.3 Flood Prone Land	The objectives of this direction are: (c) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (d) 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.	Inconsistent. However, the consistency is justified because no residential development will be located on flood affected land. The flood affected land is limited to a small area of 'flood fringe' land adjacent to Dunoon Road. A small area of B1 Neighbourhood Centre is proposed for this 'flood fringe' area which is consistent with the Lismore Floodplain Risk Management Plan. The Plan was prepared in accordance with the Floodplain Development Manual. The inconsistency is also minor.
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. Parts of the subject land will be affected by bushfire hazards and asset protection zones have been assessed based on slope and existing and proposed vegetation areas. Perimeter roads, fuel controlled buffer areas and a southern fire trail will all be used to ensure the future urban area meets planning standards for bushfire protection contained in Planning For Bushfire Protection 2006. A detailed hazard assessment has been undertaken and provided to RFS previously. The referral will be undertaken again in accordance with this Direction. The draft planning proposal is consistent with this Direction.

Ministerial Directions	Requirements	Compliance
5. Regional Planning		
5.1 Implementation of Regional Strategies	The Planning Proposal must be consistent with the Far North Coast Regional Strategy.	Consistent. The subject land includes all of the land nominated in the FNCRS as a Town and Village Growth Area. It has been expanded to include additional lands at its northern end and it is recommended that the FNCRS be amended to include this land. The FNCRS also allows for land to be assessed against Sustainability Criteria. This assessment has been undertaken in a separate report that is included as Attachment 3 to this Planning Proposal. This report concludes that the development of the additional area as an extension of the NLP release area is appropriate.
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 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.	Inconsistent. However, the consistency is justified as follows: The subject land is not identified as State significant farm land. A large part of the site is Regionally significant farm land, but all of this (except approximately 45 ha) is identified in the FNCRS as a future urban growth area. All of the study area meets the Sustainability Criteria of the FNCRS and all of it meets the key recommendations of the Northern Rivers Farmland Protection Project – Final Recommendations, February 2005. An assessment against the seven recommendations is attached below this table.
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	Consistent.

Ministerial Directions	Requirements	Compliance
	relevant Minister or public authority; and the Director General of DPE. Not identify development as designated development unless justified.	
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.	Consistent. A small area of land is proposed for RE1 Public Recreation in proximity to the disused quarry. This land is already owned by LCC and acquisition is not required. No other land reservations are proposed at this stage.
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 facilitate the establishment of a new urban area at NLP and is not intended to allow a particular development to occur. The urban development will occur on land proposed to be zoned R1 and B1. No site specific controls will be inserted into LEP 2012 to enable this to occur. The use of the E2 and E3 zones on land in accordance with detailed information is consistent with good planning practice undertaken in most LGA's in NSW. These zones are available in the Standard LEP and are appropriate for this site.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Not applicable	Not applicable