

# Planning Proposal

## **REZONING land at 65 James Gibson Road, CLUNES**

October 2018



## TABLE OF CONTENTS

Part 1 – Objectives or Intended Outcomes .....	2
Part 2 – Explanation of Provisions .....	3
Part 3 – Justification .....	4
Section A – Need for the Planning Proposal .....	4
Section B – Relationship to Strategic Planning Framework .....	5
Section C – Environmental, Social and Economic Impact .....	6
Section D – State and Commonwealth Interests .....	10
Part 4 - Mapping.....	12
Part 5 – Community Consultation.....	16
Part 6 – Project Timeline .....	16

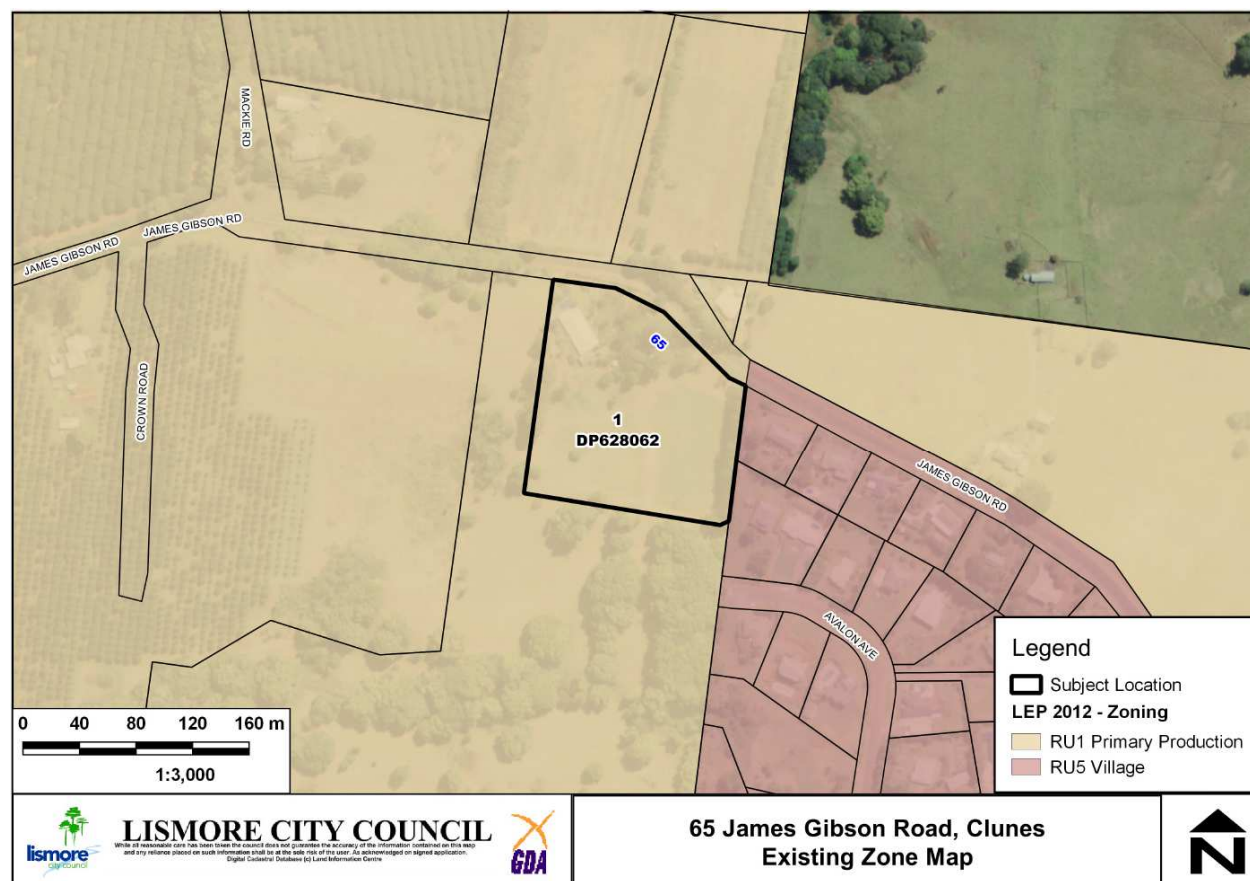
## APPENDICES

Appendix 1- Assessment against State Environmental Planning Policies

Appendix 2 - Assessment against Section 117 Directions

## Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to enable village expansion at 65 James Gibson Road, Clunes, (Lot 1 DP 594309) to create approximately 3 additional village allotments. This objective will be achieved through an amendment to the Lismore Local Environmental Plan 2012 (LEP 2012), specifically the maps for land use zones, lot size and height of buildings. The site is presently in the RU1 Primary Production zone in the Lismore Local Environmental Plan 2012 as shown on Figure 1 below with a minimum lot size of 40ha.



Map 1: Current zone Lismore LEP 2012

### Site description and setting

The subject land is located on the western boundary of the village of Clunes, adjacent to village zoned land that has been developed for residential purposes.

The site has frontage to James Gibson Road and has been developed with a dwelling, swimming pool and shed. The site contains a dense patch of landscaped vegetation surrounding the dwelling adjacent to the road and boundary plantings of Hoop and exotic Pines along the eastern boundary.

The subject site totals 2 hectares in area with the southern half of the site comprising maintained grassland and Camphor Laurel at the southern boundary.

A prominent gully runs roughly through the middle of the site in a north/south trajectory.



**Map 2: Aerial photo of 65 James Gibson Road, Clunes**

## Part 2 - Explanation of Provisions

The objective of the proposal will be achieved by amending the Lismore Local Environmental Plan 2012 to rezone the land from the RU1 Primary Production zone to RU5 Village zone. The following map sheets are proposed for amendment. The proposed LEP maps are included in Part 4 of this planning proposal:

- Land Zoning Map – [Sheet LZN\_005] to apply Zone RU5 Village.
- Lot Size Map – [Sheet LSZ\_005] to apply a 2,500m<sup>2</sup> minimum lot size to the site.
- Height of Buildings Map – [Sheet HOB\_005] to apply an 8.5m maximum building height to the site.



## Part 3 - Justification

### Section A - Need for the Planning Proposal

There is a need for the Planning Proposal to allow for the rezoning of the site from RU1 Primary Production to RU5 Village zone. The North Coast Regional Plan (March 2016) states that an extra 4,200-5,000 dwellings will be needed in the Lismore City Council Local Government Area by 2036. The proposed rezoning will assist in meeting this demand for residential land.

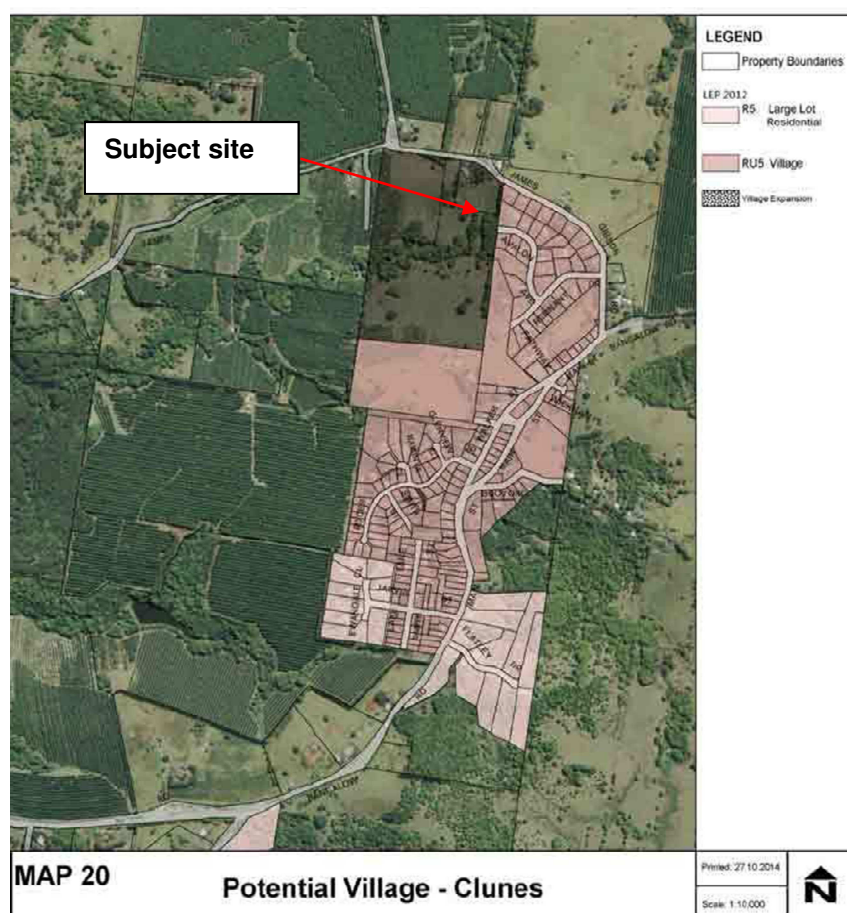
#### Q1. Is the planning proposal a result of any strategic study or report?

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

The subject site is specifically identified in Map 20 of the GMS as being appropriate for 'village expansion'.

The GMS states that the subject site, along with land surrounding the site to the south and west is identified for village expansion and may yield 60-70 lots based on a 2,500m<sup>2</sup> lot size and 30% discount for roads, drainage, topography and buffers to surrounding macadamia farms.

The GMS was conditionally approved by the Department of Planning and Environment on 11 August 2015.



Map 3: 65 James Gibson Road, Clunes in GMS 2015-2035

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

A planning proposal to rezone the land to RU5 Village and an associated amendment of the lot size and building height map is the best way to enable village subdivision.

Clause 4.2B(3) of the Lismore LEP 2012 allows for the erection of a dwelling house in RU1 Primary Production zone on land that is at least the minimum lot size applying to the land. The current minimum lot size applying to the land is 40ha which precludes subdivision and the development of an additional dwelling. Therefore, a change to the zoning and minimum lot size is necessary to achieve the objectives and intended outcomes and the planning proposal is the only means to achieve this.

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

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

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

The North Coast Regional Plan (NCRP) (March 2017) is the current overarching State Government framework to sustainably manage growth for the Far North Coast and allocate further development of land for residential and employment purposes in appropriate locations.

The NCRP states that 'local growth management strategies will be prepared by councils to reflect the directions and actions contained in this Plan.' The planning proposal is consistent with the Goals and Actions of the NCRP with regard to locating new housing in and around existing towns where essential services and road infrastructure has been established.

The NCRP also states that local growth management strategies 'will be developed prior to preparing a local environmental plan to zone land for residential, rural residential, commercial and industrial land uses'. This proposal is consistent with the intent of the NCRP as the future subdivision and development of the site is compatible with Council's GMS that the State Government has approved.

The Urban Growth Area map for the Lismore Local Government Area in this document shows the subject land as 'Investigation area – Urban Land' so the Planning Proposal is consistent with this document.

This Planning Proposal is substantially consistent with the GMS agreed to by DPE in August 2015. The GMS is consistent with the *Settlement Planning Guidelines* (2007). Accordingly, this Planning Proposal is consistent with the draft North Coast Regional Plan.

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

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

- Imagine Lismore (Community Strategic Plan 2017-2027)
- Lismore Growth Management Strategy 2015-2035 (GMS)

## **Imagine Lismore (Community Strategic Plan) 2017-2027**

Imagine Lismore 2017-2027 was developed and endorsed by Council in accordance with the *Local Government Act 1993*. The plan identifies the main priorities and aspirations for the future of the local government area for a period of at least 10 years.

The planning proposal is consistent with the following Imagine Lismore objective:

- Our land-use planning caters for all sectors of the community and

And the following strategies:

- Ensure land is available and serviced to meet population growth in locations that are accessible, close to services and employment, and suitable for development
- Ensure a diverse range of land use and development opportunities are available

## **Lismore Growth Management Strategy (GMS) 2015-2035**

The subject site is identified on Map 21 of the GMS as having potential for village expansion as shown in Figure 3. The GMS states that the subject site and surrounding land that is also identified for village expansion on the north western side of the village could yield 60-70 lots assuming a lot size of 2,500m and a 30% discount for roads, drainage, topography and buffers to adjoining macadamia farms.

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

The Planning Proposal is consistent with the requirements of the applicable State Environmental Planning Policies (SEPPs) or any inconsistency can be adequately justified. An assessment against relevant SEPPs is provided at **Appendix 1**.

### **Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The proposal is consistent with applicable Section 9.1 Directions or any inconsistency can be justified. An assessment against the Ministerial Directions is provided at **Appendix 2**.

## **Section C – Environmental, social and economic impact**

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

The site is not mapped as comprising koala habitat although there is a small strip of Primary Koala Habitat approximately 50m north west of the site as shown in Map 4. A preliminary assessment by Council's Ecologist did not reveal any significant vegetation or habitat and the vegetation surrounding the existing dwelling is planted. Council's GIS does not record any threatened species or native vegetation types or wildlife corridors mapped on this land.

The boundary planting on the eastern border comprises both Hoop and exotic Pines.

It is recommended that the applicant supplies an Ecological assessment following a Gateway Determination being issued.



**Map 4: Koala habitat in the vicinity of 65 James Gibson Road, Clunes**

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

#### **Land Contamination**

The Walkers Cattle dip site is located approximately 30 m from the south east property boundary. This dip site has been decommissioned but not remediated. A preliminary contaminated land assessment has been prepared because Council's DCP Chapter 11 'Buffers' requires any development within 200m of a dip site to be supported by a detailed investigation.

The preliminary assessment has been reviewed and does not identify any chemicals of concern above Health investigation levels. Council's Environmental Health Officer (EHO) has advised there is no negative impact from the dip site on the proposed rezoning.

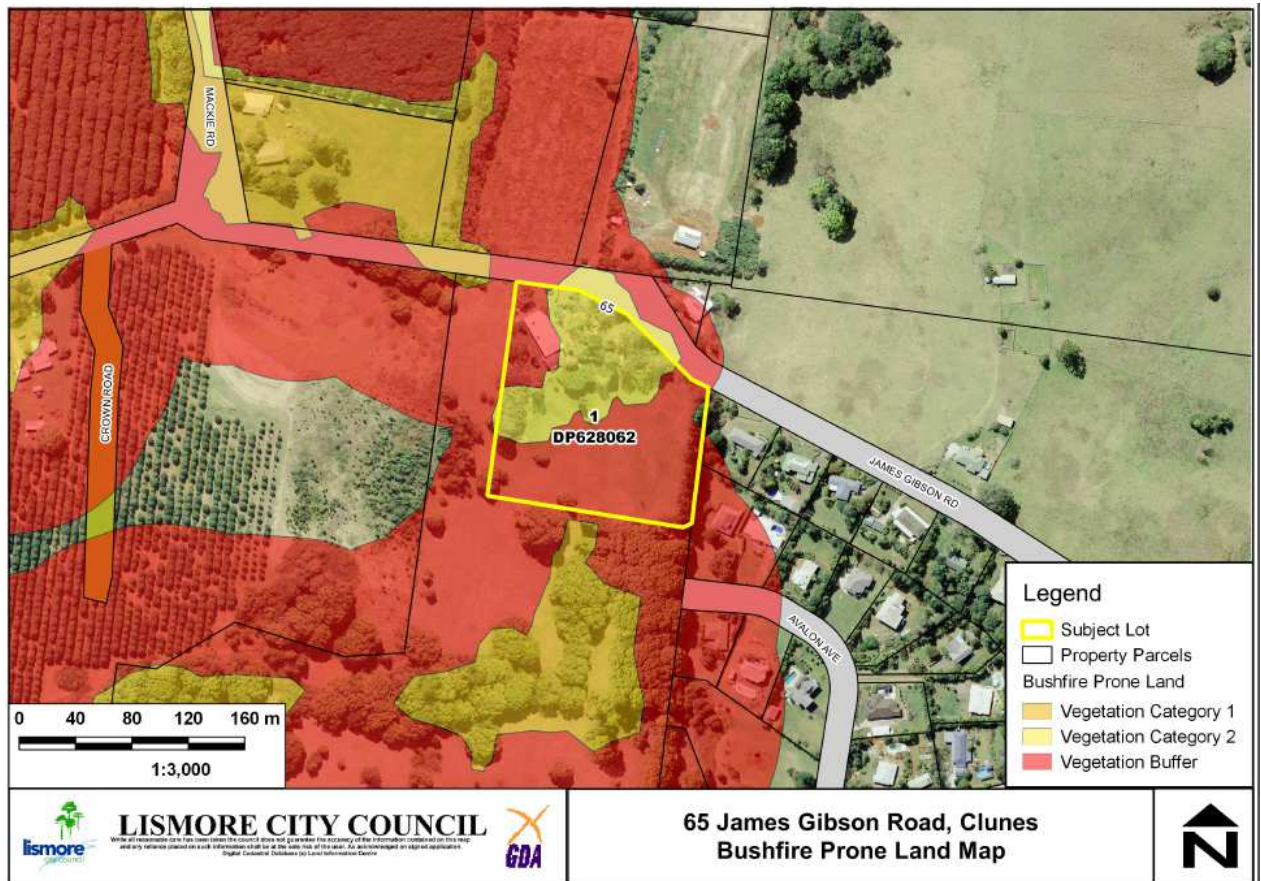
**No further technical reporting is required.**

#### **Bush Fire**

The whole site is mapped as bushfire prone land, mainly in the Vegetation Buffer category and a small portion in Vegetation 'Category 2' as shown in Map 5. A Bushfire Threat Assessment has been submitted as part of this proposal which indicates that the proposed development will comply with Planning for Bushfire Protection 2006. Measures such as public road access, Asset Protection Zones and utilities are capable of complying with Planning for Bushfire and will be assessed in greater detail at the subdivision stage.

The planning proposal will require referral to the NSW Rural Fire Service due to the land being identified as bushfire prone.





**Map 5: Bushfire prone land 65 James Gibson Road, Clunes**



**Map 6: Regionally Significant land at 65 James Gibson Road, Clunes**

### **Regionally Significant Farmland**

The whole site is defined as 'Regionally Significant Farmland' according to the Northern Rivers Farmland Protection Project 2005 (NRFPP) as shown in Map 6.

The NRFPP outlines planning principles to be applied in instances when regionally significant farmland may be included in an urban settlement strategy. These principles were applied in justifying this site for inclusion in the GMS for 'village expansion'. Moreover, this planning proposal is consistent with these principles for the following reasons:

- the land has previously been fragmented from contiguous horticultural uses into a 2ha allotment and subsequently developed with a dwelling.
- the subject site is adjacent to the existing village zoned residential area so is a logical expansion of the village
- the land is an adequate distance to be buffered from intensive agriculture (macadamia orchards) that is located to the north and west (the buffer in this case would be 150m)
- the future development of the site for village residential allotments is not expected to compromise the agricultural use of nearby regionally significant land
- land to the south and west is also identified in the Lismore GMS as having potential for 'village expansion' so may be rezoned to Zone RU5 Village in the future

### **Land use conflict**

The planning proposal will result in an interface between existing rural and village (residential) development that could potentially result in land use conflict. Land directly located to the south and west of the subject site is used for cattle grazing. However, this land is also identified in the Lismore GMS as having potential for 'village expansion' in the future. Therefore it is expected that this land may eventually be rezoned to Zone RU5 Village and developed for village (residential) allotments. Council's EHO has recommended that the 30m buffer to cattle grazing stipulated in Council's DCP Chapter 11 on Buffers is not necessary due to this anticipated village expansion.

The land to the west is also used for horticulture, however the plantings are over 150m from the subject site which satisfies Council's DCP buffer distance to extensive horticulture.

### **Flooding**

The subject site is not in the Flood Planning Area of the Lismore Local Environmental Plan 2012.

### **Storm Water Management/Quality**

Council's Strategic Engineer has advised that at the subdivision stage, the applicant will need to provide a buffer treatment area for dispersing storm water as a consequence of the new development.

**No further technical reporting on storm water is required.**

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

#### **Economic Impacts**

It is expected that this planning proposal and its resultant residential development is likely to have a minimal but positive economic impact by generating additional economic activity from construction works.

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

The site is not mapped in the LEP as containing any features or values in relation to Aboriginal or European cultural heritage. A search of the NSW Office of Environment and Heritage Aboriginal

Heritage Information Management System (AIHMS) shows no records of Aboriginal sites or places on the site.

Council's Environmental and Cultural Heritage Contractor advised that the site adjoins existing residential development and appears to be highly disturbed from past agricultural uses. On this basis it appears unlikely that the site could contain items of Aboriginal or European cultural heritage significance.

It is recommended that the Planning Proposal be referred to the Ngulingah Local Aboriginal Land Council (LALC) during the public exhibition period.

### **Social Impacts**

Due to the minor nature and scale of the proposal there are not expected to be any adverse social impacts or the need for a Social Impact Assessment as the rezoning will not result in a significant change in land use (ie. over 20 lots). The provision of approximately 3 additional allotments for residential development will result in a slight increase to housing supply and choice in Clunes.

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

Clunes has a wide range of services and facilities including a Cricket club, General Store and Service Station, Café, Community Hall, Primary school, Butcher, Community Centre, Hairdresser, a Bush Fire Brigade and mobile library service.

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

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

#### **Water supply**

The subject site is not currently serviced by reticulated water and is unable to be serviced in the future. Therefore it is recommended that water be obtained through roof collection and stored in domestic rainwater tanks.

#### **Management of effluent**

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

Following a number of requests for additional information on land capability for onsite wastewater disposal, the applicant provided an amended Land Capability Assessment that meets Council's On-site Sewage and Wastewater Management Strategy.

Due to the slope of the gully transecting the site, the applicant has demonstrated that each indicative allotment has sufficient unconstrained land to cater for primary and reserve effluent disposal areas that are set back adequately from indicative lot boundaries and located on land that has a slope of less than 15%.

#### **Road network**

The applicant has supplied an indicative lot layout that indicates a new access to James Gibson Road located on the eastern side of the site that gives battle axe driveway access to the two southern lots. Council's Strategic Engineer has deemed that this access arrangement is satisfactory as well as the intersection site distance shown.

It is expected that the lot yield resulting from this Planning Proposal of approximately 3 lots will create an additional 21 vehicle movements per day which can be easily accommodated on James Gibson Road which is defined as a local collector road.

Staff have considered how pedestrian connectivity may be achieved to maximise opportunities for future residents to access the Clunes village. One option considered was requesting the landowner contribute towards the establishment of a footpath along James Gibson Road linking the site to Main Street, however this was not deemed reasonable or viable in the absence of a Council strategy to ensure its construction within a specified timeframe. Another option investigated to provide both road and pedestrian access to the site was from its southern boundary by extending Avalon Avenue, however, this would not be possible as the land required to achieve this outcome is in a different ownership.

A section 94 contributions plan for Lismore LGA was adopted by Council in 2014 which outlines contributions for public infrastructure that apply to new rural dwellings and rural lots.

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

It is recommended that the following authorities are consulted following the Gateway determination and in accordance with any s117 directions and conditions of the determination:

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



## **Part 4 - Mapping**

### **Current zoning**

The land is currently in the RU1 Primary Production zone under the provisions of the Lismore Local Environmental Plan 2012. The land is also mapped on the Lot Size Map with a minimum lot size of 40ha. There is no maximum height of buildings that applies to the land. Extracts of the relevant Lismore LEP 2012 maps are included below at Figures 9-14.

### **Proposed land zoning, lot size and height of buildings**

It is proposed to rezone the land from Zone RU1 Primary Production to Zone RU5 Village and apply a new minimum lot size of 2,500m<sup>2</sup> and building height limit of 8.5m. The change to the zoning map will require corresponding changes to the following as shown in Figures 9-14 below:

- a. Land Zoning Map – RU5 Village
- b. Height of Buildings Map – 8.5 metres maximum
- c. Lot Size Map – minimum 2,500m<sup>2</sup>

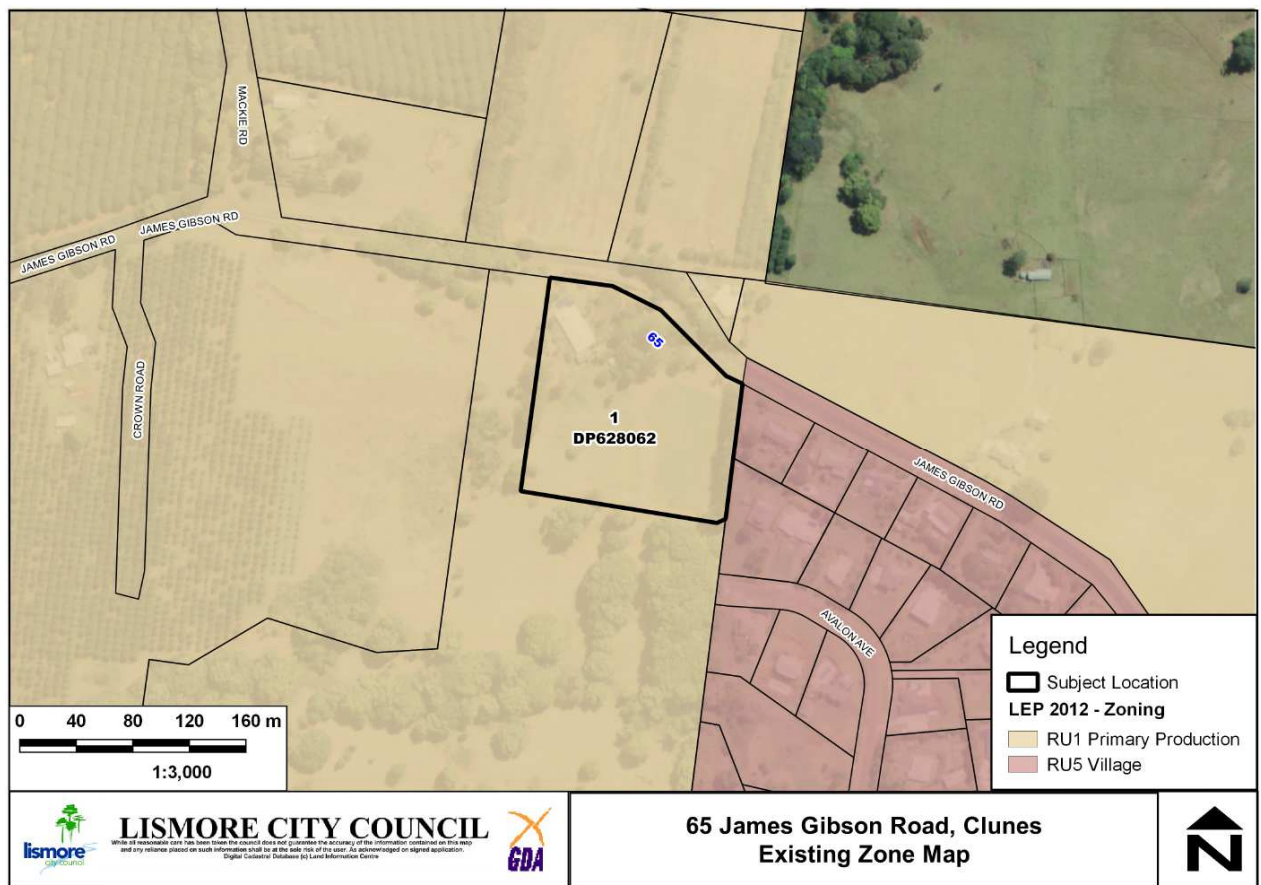
This will be achieved by amending map sheets:

LZN\_005

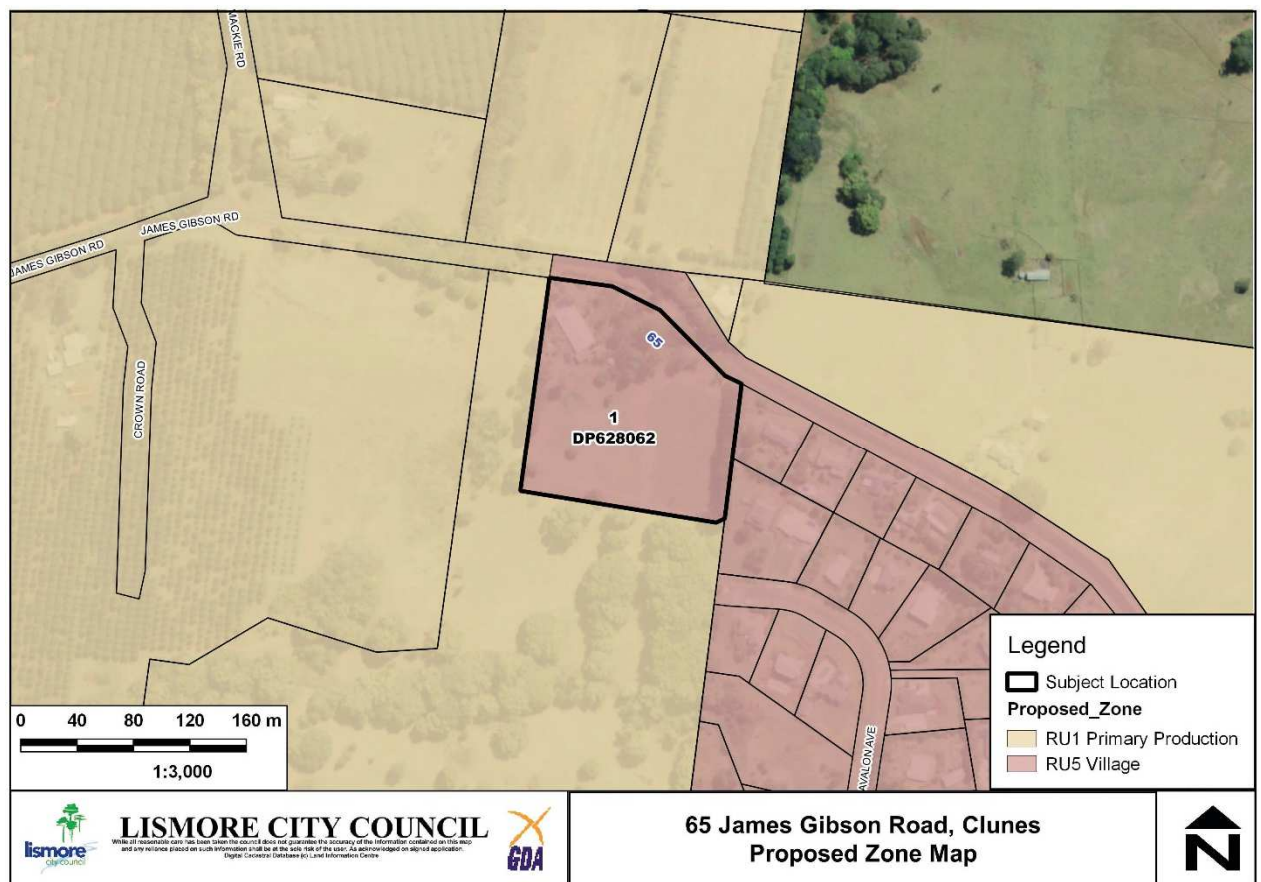
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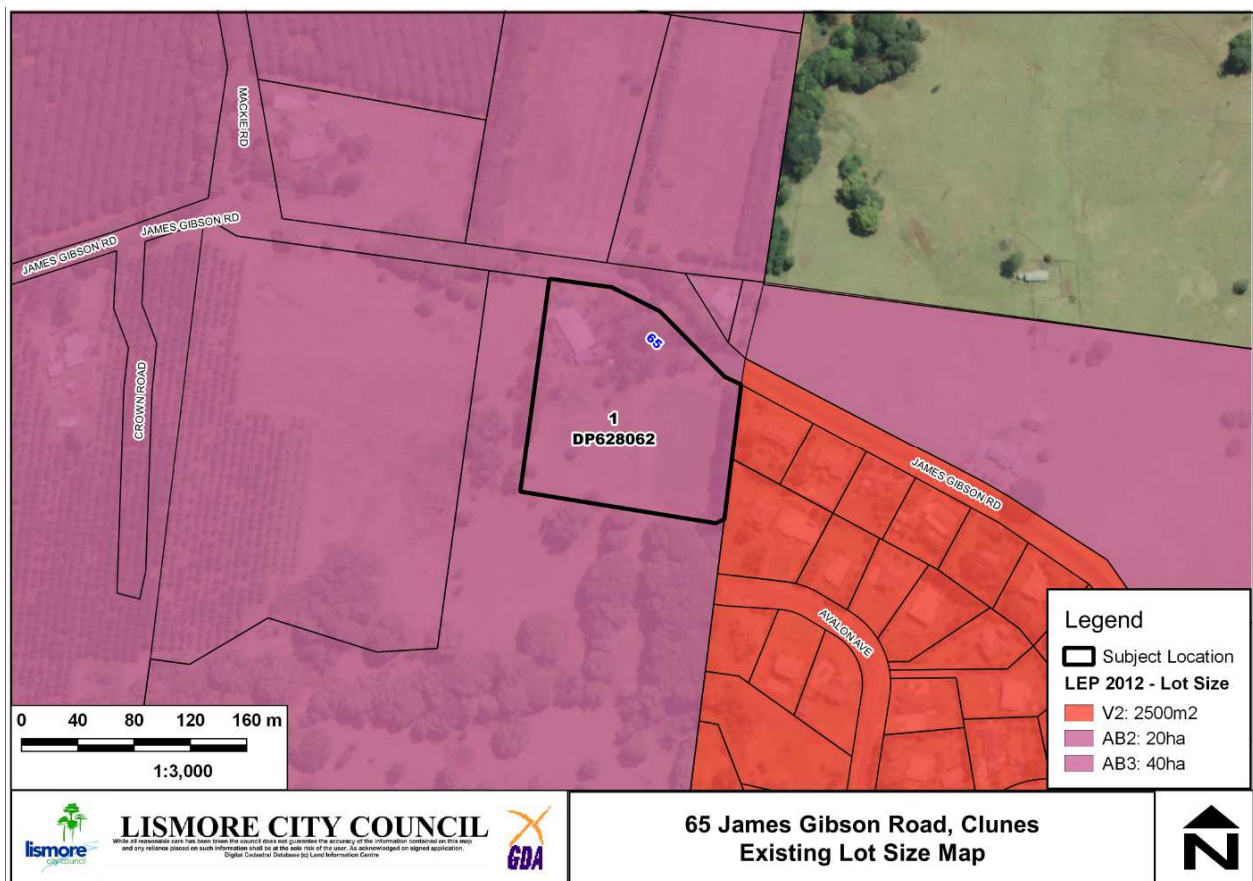
No changes are required to the Lismore LEP 2012 written instrument.



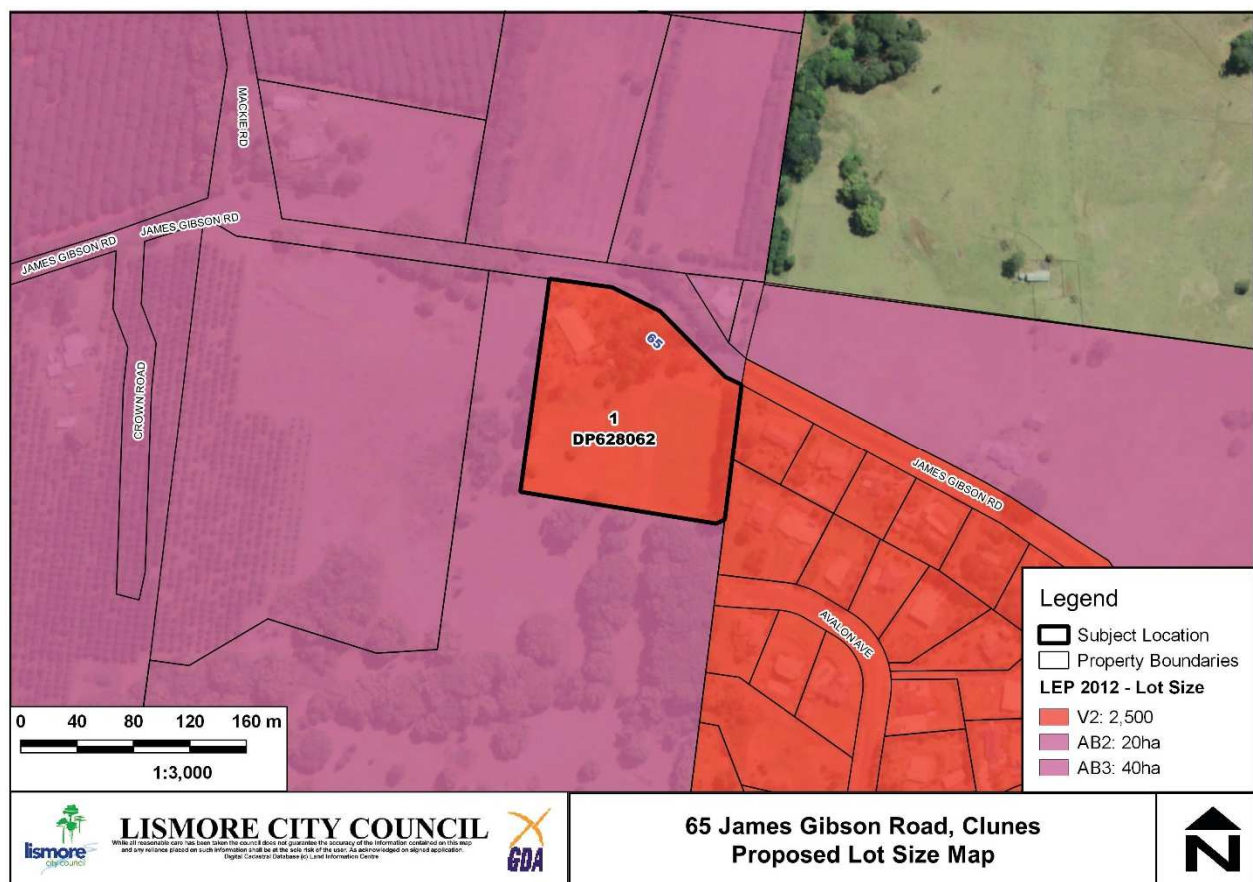
**Map 9: Existing Zone – 65 James Gibson Road, Clunes**



**Map 10: Proposed Zone - 65 James Gibson Road, Clunes**



**Map 11: Existing Lot Size - 65 James Gibson Road, Clunes**



**Map 12: Proposed Lot Size - 65 James Gibson Road, Clunes**





**Map 13: Existing Height of Buildings - 65 James Gibson Road, Clunes**



**Map 14: Proposed Height of Buildings - 65 James Gibson Road, Clunes**



## Part 5 - Community Consultation

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

Notification of the exhibited Planning Proposal will include:

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

The written notice will:

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

Exhibition Material:

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

The Gateway Determination will confirm the public consultation requirements.

## Part 6 - Project Timeline

It is anticipated that the planning proposal will be completed within the indicative timeline shown below:

- Report to Council – **November 2018**
- Gateway determination issued - **December 2018/January 2019**
- Agency and public consultation - **February 2019**
- Consideration of submissions – **March 2019**
- Council consideration of the proposal post exhibition - **April 2019**
- Anticipated date of submission to the Department for notification of the making of the LEP - **May 2019**
- Anticipated date for plan making – **June 2019**

## Conclusion

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

## APPENDIX 1 Compliance with applicable State Environmental Planning Policies

State Environmental Planning Policy	Requirements	Compliance
<b>SEPP 44 – Koala Habitat Protection</b>	<p><b>3 Aims, objectives etc.</b>            (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, 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.</p> <p><b>16 Preparation of local environmental studies</b>            The Director General may require that potential or core koala habitat not proposed for environmental protection zoning is the subject of an environmental study.</p>	<p><b>Consistent.</b>            Council's GIS mapping does not identify the site as containing Koala habitat. The nearest Primary Koala Habitat to the site is a small strip planting approximately 50m north of the site.</p> <p>Although the site is greater than 1ha in area, it does not meet the definition of core or potential koala habitat. Therefore the planning proposal is consistent with the provisions of SEPP 44.</p>
<b>SEPP 55 – Remediation of Land</b>	<p><b>6 Contamination and remediation to be considered in zoning or rezoning proposal</b></p> <p>Council is required to consider whether the land is contaminated when rezoning for residential development.</p>	<p><b>Consistent.</b>            A preliminary contaminated land assessment has been prepared. Council's EHO has reviewed this assessment and advises that no chemicals of concern were identified above health investigation levels. No negative impacts from the Walkers Cattle Dip site are expected on the proposed rezoning.</p>
<b>SEPP (Rural Lands) 2008</b>	<p><b>2 Aims of Policy</b>            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            (e) to amend provisions of other environmental planning instruments relating to concessional</p>	<p><b>Consistent.</b>            The whole site is identified as regionally significant farmland in the Far North Coast Farmland Protection Project. However, its location and size limits future potential for agricultural production and the land is constrained by a prominent gully transecting the site.</p> <p>The planning proposal is consistent with the SEPP because the land is identified in the Lismore Growth Management Strategy 2015-2035 (GMS) as having potential for village expansion. In preparing the GMS Council has had consideration for the Rural Planning Principles within the SEPP. Therefore, the planning proposal is consistent with the SEPP.</p>

State Environmental Planning Policy	Requirements	Compliance
	lots in rural subdivisions.	
SEPP (Coastal Management) 2018	Not applicable	The subject site is not affected by the Coastal Use or Coastal Environment area mapping or the Coastal Wetland and proximity area for coastal wetland mapping.

## APPENDIX 2 – Compliance with Section 9.1 Ministerial Directions

Ministerial Directions	Requirements	Compliance
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	Not applicable	Not applicable
1.2 Rural Zones	A Planning Proposal must not rezone land from a rural zone to a residential zone unless it is justified under clause 5 of the direction. Such justification includes the identification of the land in a strategy.	<b>Justified inconsistency.</b> The inconsistency is justified because the subject land is identified in the Lismore Growth Management Strategy 2015-2035 as having potential for village expansion.
1.3 Mining Petroleum Production and Extractive Industries	<p>This direction applies when the Planning Proposal:</p> <p>Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials;</p> <p>Restricting the potential of State or regionally significant mineral resources</p>	<p><b>Not applicable.</b></p> <p>The Planning Proposal does not have the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials. Pursuant to clause 7 <i>SEPP (Mining, Petroleum Production and Extractive industries) 2007</i>, mining, petroleum production and extractive industries can occur where agriculture or industry may be carried out (with or without development consent).</p> <p>The land does not accommodate mineral resources or extractive materials which are of State or regional significance.</p>
1.5 Rural Lands	<p>The Planning Proposal must be consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008.</p> <p><b>Rural Planning Principles</b> The Rural Planning Principles are as follows:</p> <p>(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</p> <p>(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,</p> <p>(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,</p>	<p><b>Consistent.</b></p> <p>This proposal is consistent with this Direction because the subject land is identified in the Lismore Growth Management Strategy 2015-2035 (GMS) as having potential for village expansion. In preparing the GMS, Council has recognised the significance of socio-economic benefits of rural land uses.</p> <p>While the whole site is mapped as regionally significant farmland, its location and size limits future potential for agricultural production and the land is constrained by a prominent gully transecting the site.</p>

Ministerial Directions	Requirements	Compliance
	<p>(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,</p> <p>(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,</p> <p>(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,</p> <p>(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,</p> <p>(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</p>	
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	<p>The Planning Proposal must include provisions that facilitate protection of environmentally sensitive areas. Must not reduce protection standards for environmental protection zones.</p>	<p><b>Consistent.</b></p> <p>A preliminary assessment by Council's Ecologist did not reveal any significant vegetation or habitat and indicated that the vegetation surrounding the existing dwelling is planted. Council's GIS does not record any threatened species or native vegetation types or wildlife corridors mapped on this land.</p> <p>The boundary planting on the eastern border comprises both Hoop and exotic Pines.</p> <p>It is recommended that the applicant supplies an Ecological assessment following a Gateway Determination being issued.</p> <p>The Planning Proposal does not involve existing or proposed environmental protection zones.</p>
2.3 Heritage Conservation	<p>Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.</p>	<p><b>Consistent.</b></p> <p>Preliminary assessment through an AHIMs search and a review of Schedule 5 in the Lismore LEP 2012 indicates no items or places of Aboriginal or European heritage significance.</p> <p>Council's Environmental and Cultural Heritage Contractor advised that the site appears to be highly disturbed from past agricultural uses.</p> <p>It is recommended that the Planning Proposal be referred to the Ngulingah</p>



Ministerial Directions	Requirements	Compliance
		Local Aboriginal Land Council (LALC) during the public exhibition period.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	A planning proposal that introduces or alters an E2 or E3 zone or an overlay must apply zones and clauses consistent with the Northern Councils E Zone Review Final Recommendations	<b>Not applicable.</b> This planning proposal does not introduce or alter E Zones or overlays.
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	<p>Where applicable a Planning Proposal must include provisions that encourage housing that will:</p> <ul style="list-style-type: none"> <li>(a) Broaden the choice of housing types and locations.</li> <li>(b) Make efficient use of existing infrastructure and services.</li> <li>(c) Reduce consumption of land on the urban fringe.</li> <li>(d) Housing of good design.</li> </ul> <p>In addition, a planning proposal must:</p> <ul style="list-style-type: none"> <li>• Contain a requirement that residential development is not permitted until land is adequately serviced.</li> <li>• Not contain provisions that will reduce permissible residential density of land.</li> </ul>	<p><b>Consistent.</b> This proposal is consistent with the Direction because:</p> <ul style="list-style-type: none"> <li>• The proposal will result in a minor increase to housing choice and diversity</li> <li>• The subject site is situated adjacent to an established village which contains community, commercial and social facilities and is serviced by existing infrastructure. Therefore, the planning proposal will make more efficient use of these services and infrastructure.</li> </ul> <p>Lismore LEP 2012 stipulates the provision of services prior to development consent for residential development.</p> <p>The planning proposal is consistent with this Direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> <li>(a) Retain provisions that permit development of caravan parks.</li> <li>(b) Retain zonings of existing caravan parks.</li> <li>(c) Take into account principles for siting manufactured home estates.</li> </ul>	<p><b>Consistent.</b> This planning proposal does not identify suitable zones, locations or provisions for caravan parks or manufactured home estates. The site does not contain an existing caravan park.</p>
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	<p><b>Consistent.</b> Home occupations are permitted without development consent under LEP 2012 and SEPP (Exempt and Complying Development Codes) 2008. This planning proposal does not affect these provisions.</p>
3.4 Integrating Land Use and Transport	<p>The Planning Proposal must give effect to and be consistent with the aims, objectives and principles of:</p> <ol style="list-style-type: none"> <li>1. <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001)</li> </ol> <ul style="list-style-type: none"> <li>• better integrate land use and transport planning and development,</li> <li>• provide transport choice and manage travel demand to improve the environment, accessibility and livability,</li> </ul>	<p><b>Consistent.</b> This proposal is consistent with this Direction because the site is less than 1km from the Clunes village. Journeys by car will be less than 1km to the village which contains health, education, recreational facilities and commercial operations.</p> <p>The planning proposal will facilitate development that will access existing services and facilities in Clunes.</p>

Ministerial Directions	Requirements	Compliance
	<ul style="list-style-type: none"> <li>• reduce growth in the number and length of private car journeys,</li> <li>• make walking, cycling and public transport use more attractive.</li> </ul> <p>2. <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001)</p> <p>This policy aims to encourage a network of vibrant, accessible mixed use centres that are closely aligned with and accessible by public transport, walking and cycling. Objectives include:</p> <ul style="list-style-type: none"> <li>• help reduce reliance on cars and moderate the demand for car travel</li> <li>• encourage multi-purpose trips</li> <li>• encourage people to travel on public transport, walk or cycle</li> <li>• provide people with equitable and efficient access</li> <li>• protect and maximise community investment in centres, and in transport infrastructure and facilities</li> <li>• foster growth, competition, innovation and investment confidence in centres,</li> </ul>	
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	Not applicable	<b>Not applicable.</b>
4.2 Mine Subsidence and Unstable Land	<p>Applies to mine subsidence areas</p> <p>Applies to areas identified as unstable</p>	<p><b>Consistent.</b></p> <p>The land is not within a mine subsidence area. The site is not mapped as being unstable or prone to subsidence and displays no physical evidence of this. The planning proposal is therefore consistent with this Direction.</p>
4.3 Flood Prone Land	Not applicable	<p><b>Not applicable.</b></p> <p>The land is not within a Flood Planning Area in the Lismore LEP 2012.</p>
4.4 Planning for Bushfire Protection	<p>A Planning Proposal in bush fire prone land:</p> <p>(a) Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to community consultation.</p> <p>(b) Have regard to Planning for Bush Fire Protection 2006.</p> <p>(c) Restrict inappropriate development from hazardous areas.</p> <p>(d) Ensure bush fire hazard reduction is not prohibited within the APZ.</p>	<p><b>Consistent.</b></p> <p>The whole site is mapped as bushfire prone land predominately under the 'Vegetation buffer' category with a small portion in the Vegetation 'Category 2'.</p> <p>A preliminary bush fire threat assessment has been submitted by the applicant. This assessment found that the site can accommodate future development that will comply with the relevant provisions of Planning for Bushfire Protection 2006.</p> <p>Council is required under section 117 of the EP&amp;A Act 1979, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to undertaking community</p>

Ministerial Directions	Requirements	Compliance
		consultation in satisfaction of section 57 of the EP&A Act, and take into account any comments.  The planning proposal is consistent with this Direction.
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies	The Planning Proposal must be consistent with the North Coast Regional Strategy (NCRS)	<b>Consistent.</b> The planning proposal is consistent with the North Coast Regional Plan because the subject site is identified as 'Investigation Area – Urban Land' and is endorsed in a local Growth Management Strategy.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	The Planning Proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.  The Direction does not apply to areas contained within a 'town and village growth boundary' in the Far North Coast Regional Strategy.	<b>Not applicable.</b> The subject site contains regionally significant farmland as identified in the Northern Rivers Farmland Protection Project (2005). Notwithstanding this, its location and size limits future potential for agricultural production. It is also constrained by a prominent gully transecting the middle of the land. Therefore, the proposal is consistent with this Direction.
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	A Planning Proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning. It must not identify development as designated development unless justified.	<b>Consistent.</b> The Planning Proposal does not introduce new concurrence, consultation or referral requirements. Nor does it propose new forms of designated development.
6.2 Reserving Land for Public Purposes	A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of the Department of Planning.	<b>Consistent.</b> This planning proposal does not affect public land.
6.3 Site Specific Provisions	A Planning Proposal to allow a particular land use (residential development) must rezone the site to an existing zone already applying to the LEP that allows the land use, without additional development standards to those already in use in that zone.	<b>Consistent.</b> The proposed RU5 Village Zone is the most appropriate zone for village expansion. No additional development standards are applied that are not already in use.
<b>7. Metropolitan Planning – Not applicable</b>		