

Planning Proposal

209 BANGALOW ROAD, HOWARDS GRASS

April 2015



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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this proposal is to enable the future urban development of 209 Bangalow Road, Howards Grass through the rezoning of part of the land to Zone R1 General Residential.

The aims of the planning proposal are outlined below.

- *Increase the supply and diversity of housing.*
- *Provide land conducive for well-designed residential development.*
- *Maximise the use of existing and planned infrastructure and services including schools, hospitals, retail, specialist services, road networks, water and sewer.*
- *Assist in achieving the aims of the Far North Coast Regional Strategy 2006-2031.*
- *Acknowledge the importance of the location of the land, adjacent to the Better Building Regional Cities Funded Infrastructure.*
- *Provide land with high levels of residential amenity including northern and north eastern aspects, panoramic district views and favourable breezes.*

The rezoning of the land to a residential zone would permit a Torrens Title subdivision with an expected yield of approximately two (2) lots.

PART 2 – EXPLANATION OF PROVISIONS

The outcome of the Planning Proposal is to amend the following maps of the Lismore Local Environmental Plan 2012:

- Land Zoning Map – Sheet LZN_005AB to apply Zone R1 General Residential to part of the site. It is proposed that the residue remains within Zone RU1 Primary Production.
- Lot Size Map – Sheet LSZ_005AB to apply a 400m² minimum lot size to the part of the site proposed for Zone R1 General Residential.
- Height of Buildings Map – Sheet HOB_005AB to apply an 8.5m maximum building height to the part of the site proposed for Zone R1 General Residential.

PART 3 - JUSTIFICATION

Section A – Need for the Planning Proposal

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

The subject land is identified for potential infill residential development in the Lismore Urban Strategy 2003.

The land is also recommended for inclusion in the Growth Management Strategy 2014-2034.

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

Yes. In order for a Development Application to be considered for the subdivision and development of the land for residential purposes it is necessary to first amend the planning framework applying to the land in particular zoning, minimum lot size and maximum building height.

Section B – Relationship to Strategic Planning Framework

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

In December 2006 the Minister for Planning released the Far North Coast Regional Strategy 2006-2031. The purpose of the Strategy is to provide land use planning policy guidance for the sustainable development of the Far North Coast region between 2006 and 2031.

Chapter 7 of the Strategy lists several Actions regarding settlement and housing including:

Tweed Heads, Lismore and Ballina will be promoted and supported as major regional centres of population and service provision for the region.

The Strategy sets a target of 8,000 additional new dwellings for the Lismore Local Government Area by the year 2031. The 209 Bangalow Road land is outside of the Strategy's Town and Village Growth Boundary Map.

Where land is not within the Town and Village Growth Boundary, Chapter 3 of the FNCRS outlines the appropriate process for rezoning land located outside of this map:

...any development proposals for greenfield sites west of the Coastal Area and outside of the Town and Village Growth Boundary be subject to satisfying the Sustainability Criteria.

A compliance table detailing consistency with the Far North Coast Regional Strategy's Sustainability Criteria is located at Appendix 1 of this report. The planning proposal is consistent with the Far North Coast Regional Strategy's outcomes and actions subject to further studies.

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

Yes. As outlined below, the Planning Proposal is consistent with a range of local strategic planning documents including:

- Lismore Local Environmental Plan 2012;
- Lismore Urban Strategy 2003;
- Imagine Lismore (Community Strategic Plan) 2013 – 2023
- Adopted for inclusion in the Lismore Growth Management Strategy 2014 - 2034

Lismore Local Environmental Plan 2012

209 Bangalow Road, Howards Grass is within RU1 Primary Production zone under Lismore Local Environmental Plan 2012.

The table below outlines consistency with LEP 2012 RU1 zone objectives.

LEP 2012 (RU1 Zone Objectives)	Comment
• <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i> • <i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i> • <i>To minimise the fragmentation and alienation of resource lands.</i> • <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i> • <i>To preserve rural resources by ensuring that the viability of rural land is not extinguished by inappropriate development or incompatible uses.</i> • <i>To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment.</i>	This report supports further investigation of the subject land in respect of its suitability for residential zoning. The Planning Proposal has been considered against the Far North Coast Regional Strategy Sustainability Criteria and it is recommended that it be submitted to the Department of Planning and Environment for a Gateway Determination. The proposal imposes a minimal impact on resource lands, which in the area subject to this application, are seldom utilised for grazing. The application seeks to protect the productive use of the land by enabling transfer to other parties to manage. Further fragmentation cannot occur that may afford dwelling entitlement additions. All viable rural/agricultural land within the main parcel (Lot 182) will be secured and protected.

Lismore Urban Strategy 2003 (as Amended)

The subject land is identified for potential infill residential development in the Lismore Urban Strategy 2003 as illustrated in Figure 2.

The principal aim of the strategy is to ensure that sufficient land is identified in suitable locations in Lismore in order to facilitate growth in residential, commercial and industrial development. Section 9.0 of the Lismore Urban Strategy states:

Land must satisfy three main capability and suitability criteria to be included in this strategy for potential residential purposes. It must:

- a) be physically unconstrained, and*
- b) exhibit attributes that will make it desirable to homebuilders in the current marketplace, and*
- c) be capable of being developed and serviced in a cost effective manner.*

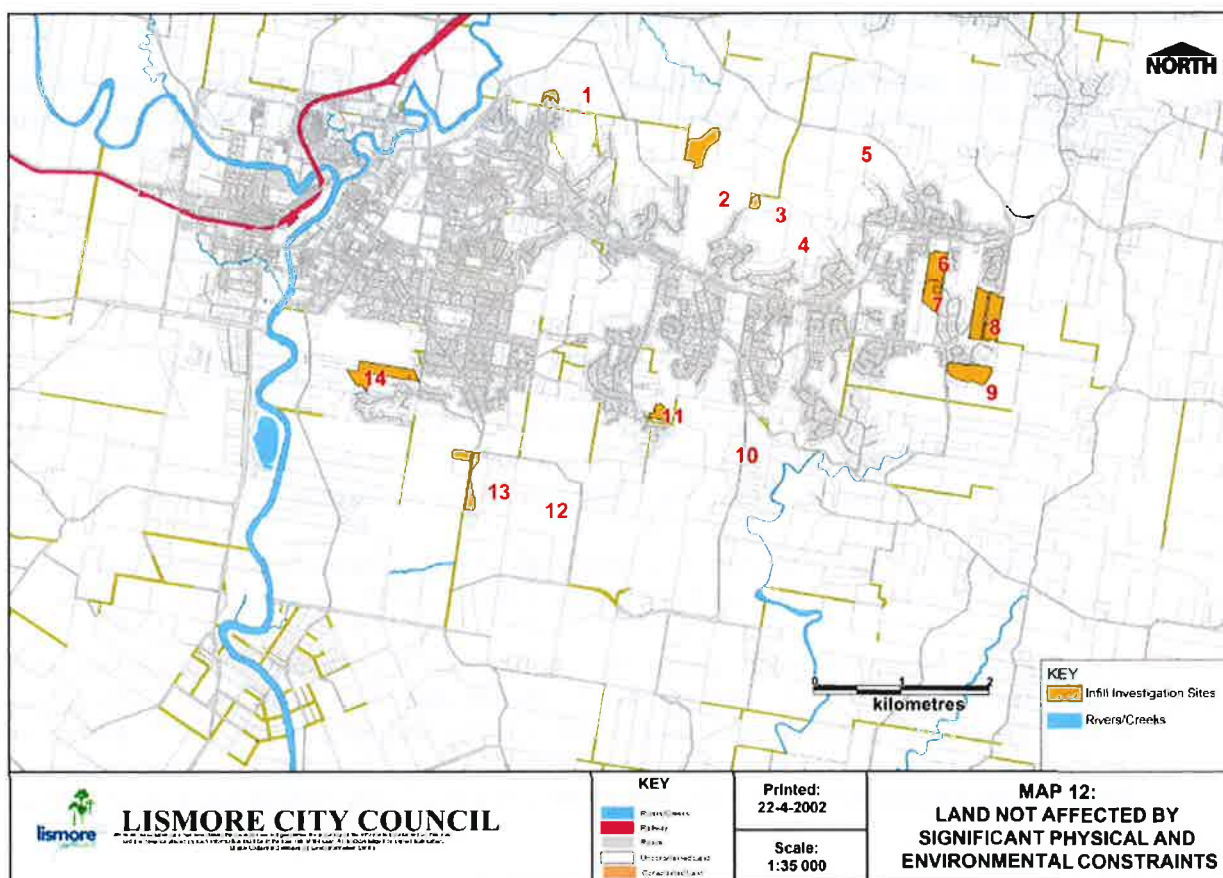


Figure 2. Extract from Lismore Urban Strategy – Location of Infill Investigation Sites map reference 1

Imagine Lismore (Community Strategic Plan) 2013 - 2023

The planning proposal is consistent with *Imagine Lismore's* community visions and aspirations for growth as follows:

- The subject site is recommended for inclusion in the Lismore Growth Management Strategy 2014-2034;
- The proposal is in close proximity to existing development and services;
- The loss of agricultural land is offset by the net benefit of the residential development in such close proximity to services;
- The land is not flood prone;
- The residue rural land is large enough to accommodate any vegetation offset requirements that may be needed as a result of future development of the land.

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

The Planning Proposal is consistent with the applicable State Environmental Planning Policies. A checklist of the SEPPs is provided at Attachment 2.

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

The Planning Proposal is consistent, or justifiably inconsistent with the applicable s117 Ministerial Directions. A Section 117 checklist for the Planning Proposal is provided at Attachment 3.

Section C – Environmental, Social and Economic Impact

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

A flora and fauna study was undertaken by specialist consultants to properly assess the environmental values associated with the land. The assessment involved the following:

- Assessing vegetation communities;
- Reviewing the suite of threatened flora, fauna and endangered ecological communities (EECs) identified on the site, as listed by the New South Wales *Threatened Species Conservation (TSC) Act 1995*;
- Determine the suite of threatened fauna that occur in the locality (TSC Act); and
- Assessing habitat for threatened fauna provided by the site.

The assessment was completed in accordance with the Threatened Species Assessment Guidelines: The Assessment of Significance (DECC 2007), refer to Figure 6 below.

The findings revealed there were no Endangered Ecological Communities (EECs) occurring on the subject site, though one (1) threatened species as listed in the schedules of the Threatened Species Conservation Act (1995) and EPBC Act (1999) was recorded on the site – Thorney pea (*Desmodium acanthocladum*). No threatened fauna species as listed in the schedules of the TSC Act (1995) or EPBC Act (1999) were recorded on the site.

On the basis of the assessment, it was not considered that the proposal would result in any significant impacts on threatened fauna species occurring on or adjacent to the subject site; therefore a Species Impact Statement would not be required.

The report contends that appropriate building envelopes are able to be located within the proposed lots to avoid impacts to the Thorny Pea, however further assessment will be required post Gateway to ensure that this can be achieved.

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

Land Contamination

The sampling plan implemented and reported through the current technical report does not adequately assess potential dwelling sites for proposed Lot 2 of the proposed planning proposal. Following Gateway determination an updated Preliminary Contaminated Land Assessment will be required adopting a sampling plan that incorporates potential dwelling envelopes within proposed Lot 2.

Bush Fire

The site has been identified as being bushfire prone land. A bush fire threat assessment report, in accordance with the provisions of Planning for Bush Fire Protection 2006, has been provided with the application.

Council is required under Section 117 of the *EP&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 take into account any comments received.

It is likely that the requirements of *Planning for Bush Fire Protection 2006* can be satisfied with minimal environmental impact.

Land Use Conflict

The planning proposal will result in the creation of an interface between existing rural and proposed residential land uses which has the potential to generate land use conflict. It is noted the rezoning of the land will be consistent with the zoning of land immediately to the south and as such the extent of potential land use conflict is significantly reduced.

Notwithstanding this, it is recommended that a *Land Use Conflict Risk Assessment* (LUCRA) be undertaken. The methodology for the assessment should be consistent with that presented in the publication *‘Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast’*.

The LUCRA is a development design tool to avoid or better manage the potential conflicts between different and incompatible land uses in rural areas. The LUCRA will be used in conjunction with Council's development controls to prescribe appropriate spatial separation or buffer distances between incompatible land uses.

Geotechnical

The land in the vicinity of the proposed future subdivision is shown on Council's mapping system as having slopes of between 20 to 30%. The proposed Zone R1 General Residential is limited to areas with a slope of generally 20 to 25%.

It is recommended that a geotechnical site analysis, including slope analysis and hazard assessment, be required post Gateway determination. The report is required on the basis that the slope of the site may not be suitable for the proposed more intensive residential use as well as driveway construction.

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

Aboriginal and European cultural heritage

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the subject allotment. No Aboriginal sites or places were recorded or declared on that date.

The allotment is not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 LEP 2012. However, in the vicinity of the land there is an unratified Aboriginal Heritage site that is recorded as "Ceremonial area/Hunting area – Howards Grass".

Further assessment is required of European and Aboriginal cultural heritage in order to demonstrate consistency with Section 117 of the *EP&A Act 1979*, Ministerial Direction 2.3 – Heritage Conservation. In this regard, it is recommended that an Aboriginal and European heritage assessment is undertaken for the site post Gateway determination.

Social Impact

A social impact assessment is not required for the proposed rezoning of land for residential development. The proposed residential subdivision is considered to have positive social and economic effects. In particular, the development of the land for housing will assist in meeting regional dwelling targets.

Section D – State and Commonwealth Interests

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

Water

Reticulated water supply is available to service the subject land and the proposal can be accommodated by connecting to existing infrastructure.

Sewer

The land proposed for development is unable to drain to the existing sewer system. The option to utilise pressure sewer, pumping back to existing sewerage infrastructure is feasible and is supported by Council's Strategic Engineer.

Vehicular Access

The Lucia Crescent frontage is split between lots 1 and 2 although two driveways can be constructed, the driveway location for lot 2 is restricted due to the location of a power pole stay wire. The stay wire can be removed and an alternate method to stay the pole be used, however a single driveway with a reciprocating right of carriage way should be considered as a cost effective alternative. The driveway would be required to comply with the Australian Standards and the grade limited to 25% maximum

Lucia Crescent is a low speed environment estimated at 40 kph. A centrally located driveway will offer complying sight distance for a 40 Kph speed environment. Other locations may not offer the same level of visibility.

Traffic impact

Lucia Crescent is an 8.5m wide street and acts in the capacity of an access place. It currently services 8 houses and can accommodate the two additional dwellings while remaining as an 'access place' and without impacting the street hierarchy. Lot 3 fronts Valley View Drive and has an existing driveway that services the dwelling. Lot 4 has an existing access to Bangalow Road. As two additional lots are being created, Lucia Crescent peak hour traffic will increase by an estimated 2 trips. This increase can be accommodated in the latent capacity of the road network with no appreciable change in the network level of service.

Pedestrian Safety

As Lucia Crescent is defined as an access place no constructed footpath is required.

Stormwater

The future development of the proposed lots will comply with the governing principle described in the "NSW Development Design Specification D5 Stormwater Drainage Design".

The key areas of the site where these principles would need to be applied is at the access point to Lucia Crescent, and where possible building envelopes could be located.

The provisions of Clause 6.4 relates to development applications in the drinking water catchment being Wilson River Source and therefore subsequent development applications to this rezoning proposal. However, the matter of consideration of impacts upon the drinking water catchment should still be commented upon even for this scale of proposal. It is considered that music modelling would be able to demonstrate a treatment train (which could be incorporated into the engineering services works) that will reasonably satisfy the provisions of Clause 6.4 LEP 2012.

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

This section of the Planning Proposal will be completed following consultation with the State and Commonwealth Public Authorities identified in the Gateway determination.

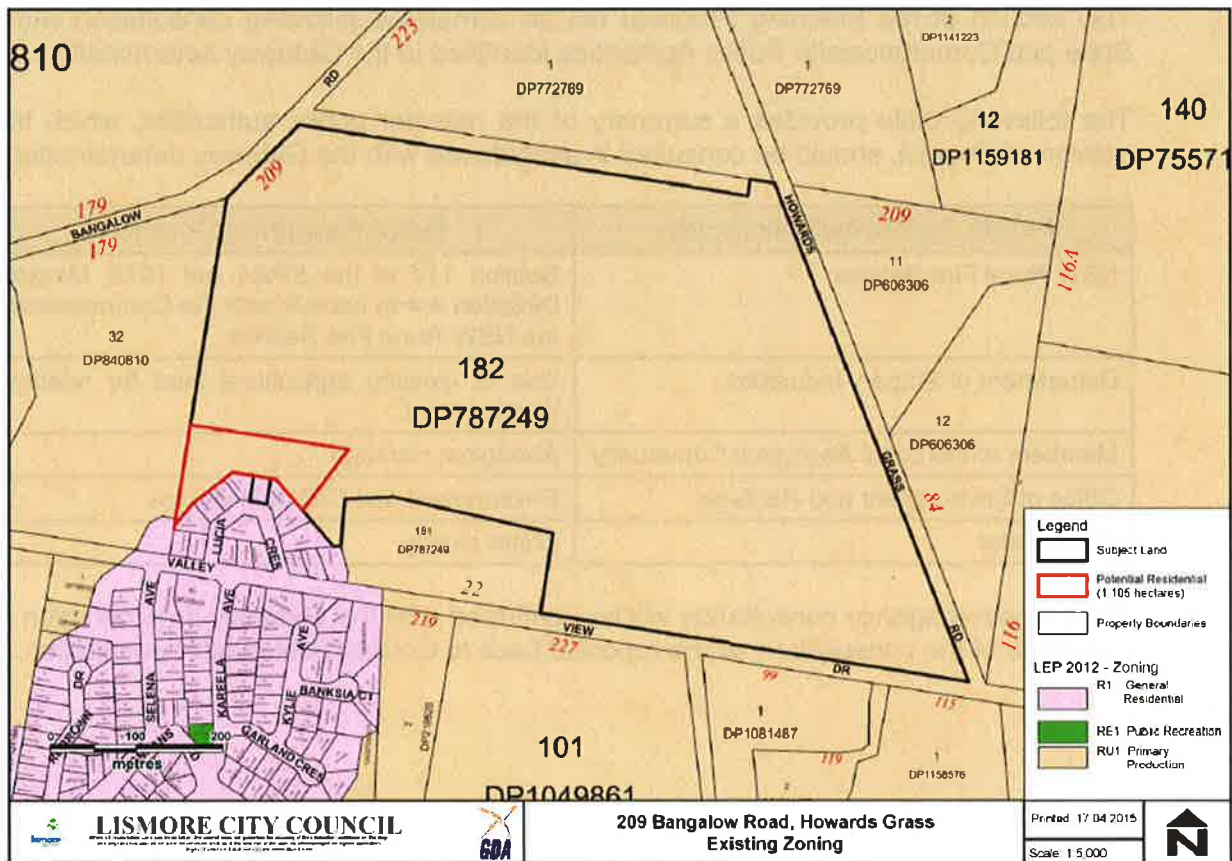
The following table provides a summary of the relevant public authorities, which in the opinion of Council, should be consulted in accordance with the Gateway determination.

Public Authority/Stakeholder	Issue Requiring Comment
NSW Rural Fire Service	Section 117 of the <i>EP&A Act 1979</i> , Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service.
Department of Primary Industries	Use of existing agricultural land for residential development.
Members of the Local Aboriginal Community	Aboriginal Heritage
Office of Environment and Heritage	Environment and Cultural Heritage
Rous Water	Water supply

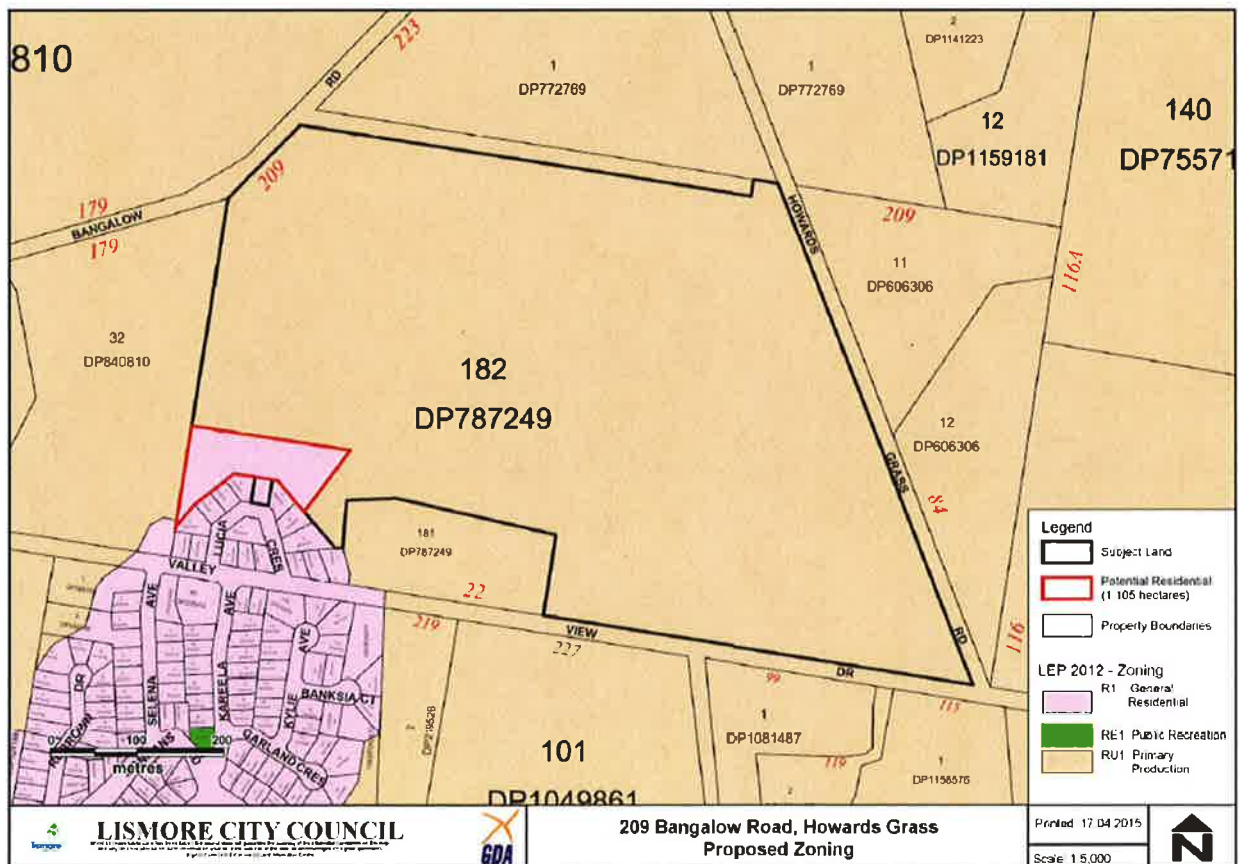
The proposed agency consultation will be confirmed with the Gateway determination. The outcomes of the consultation will be reported back to Council post public consultation.

PART 4 - MAPPING

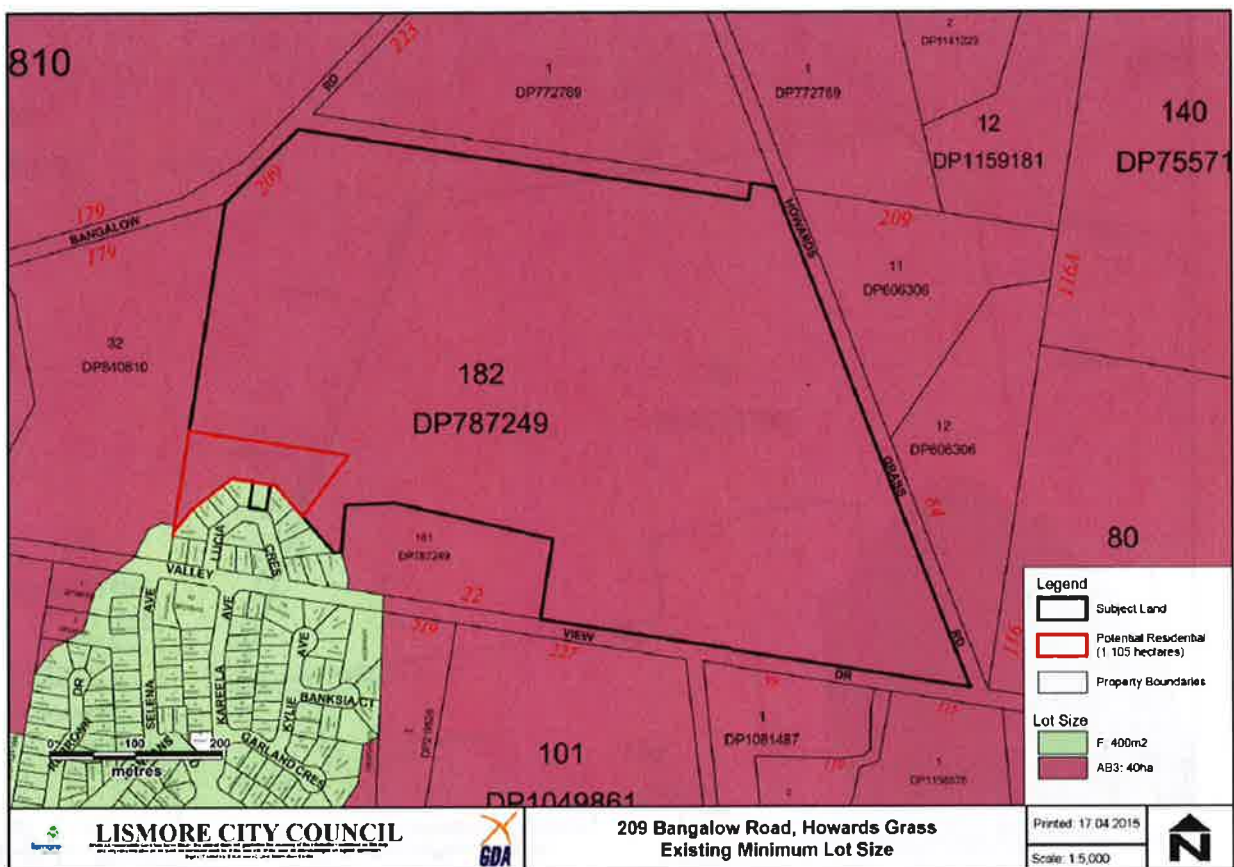
Map 1 – 209 Bangalow Road, Howards Grass - Existing Zoning Map



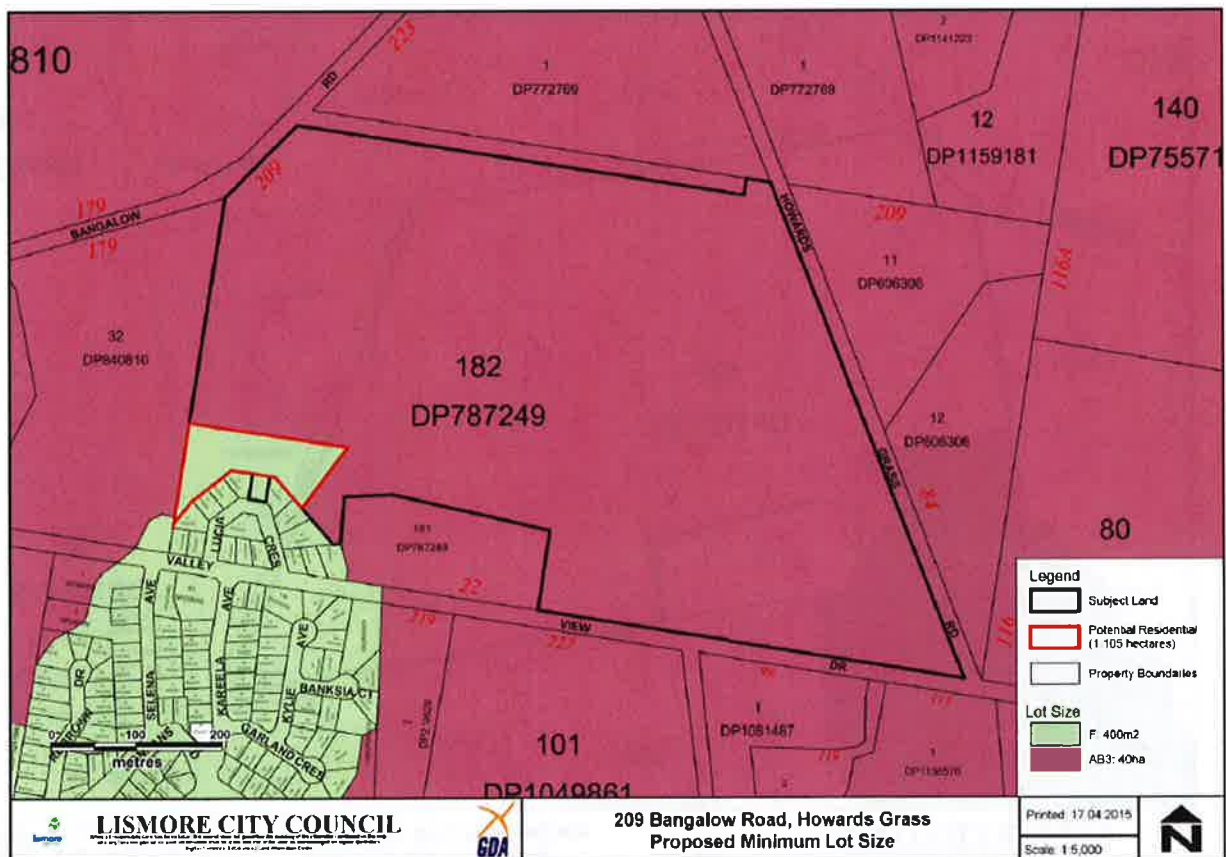
Map 2 – 209 Bangalow Road, Howards Grass - Proposed Zoning Map



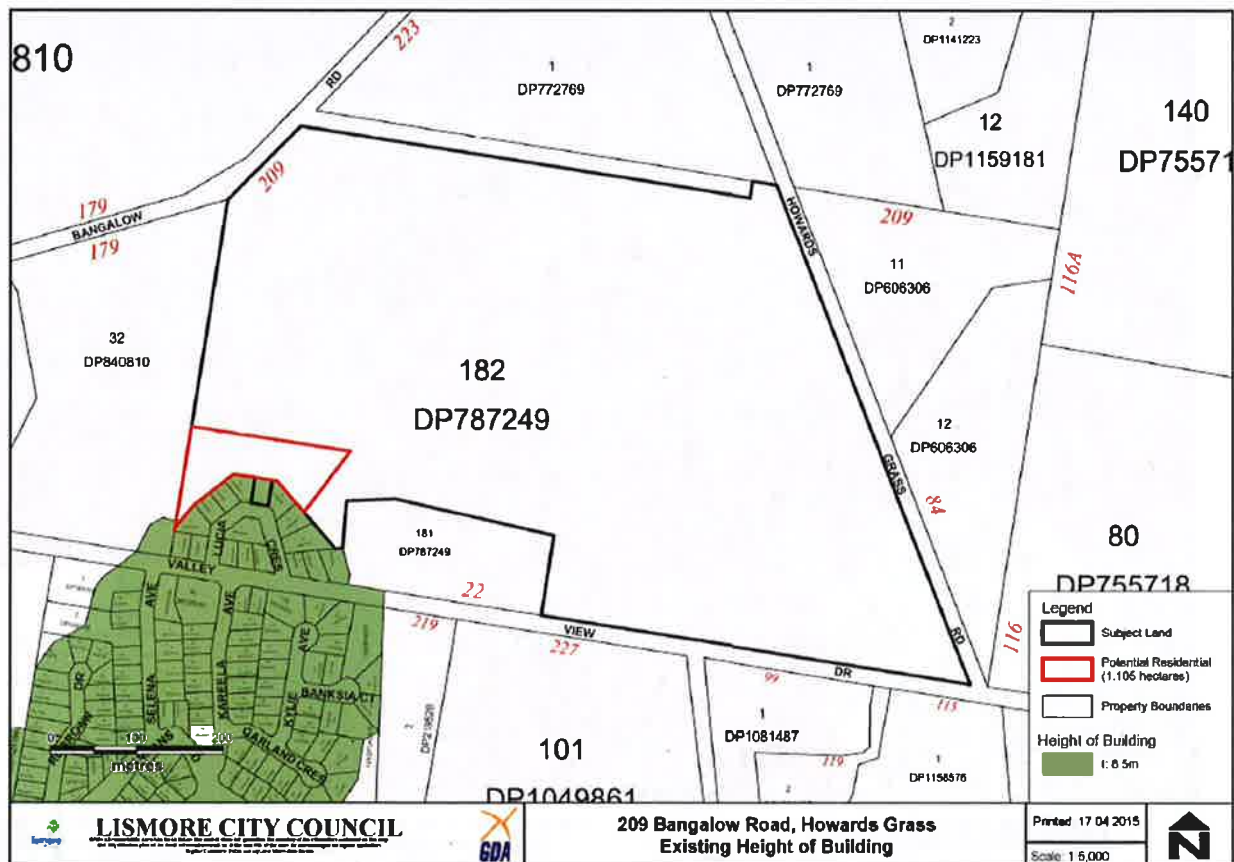
Map 3 - 209 Bangalow Road, Howards Grass - Existing Lot Size Map



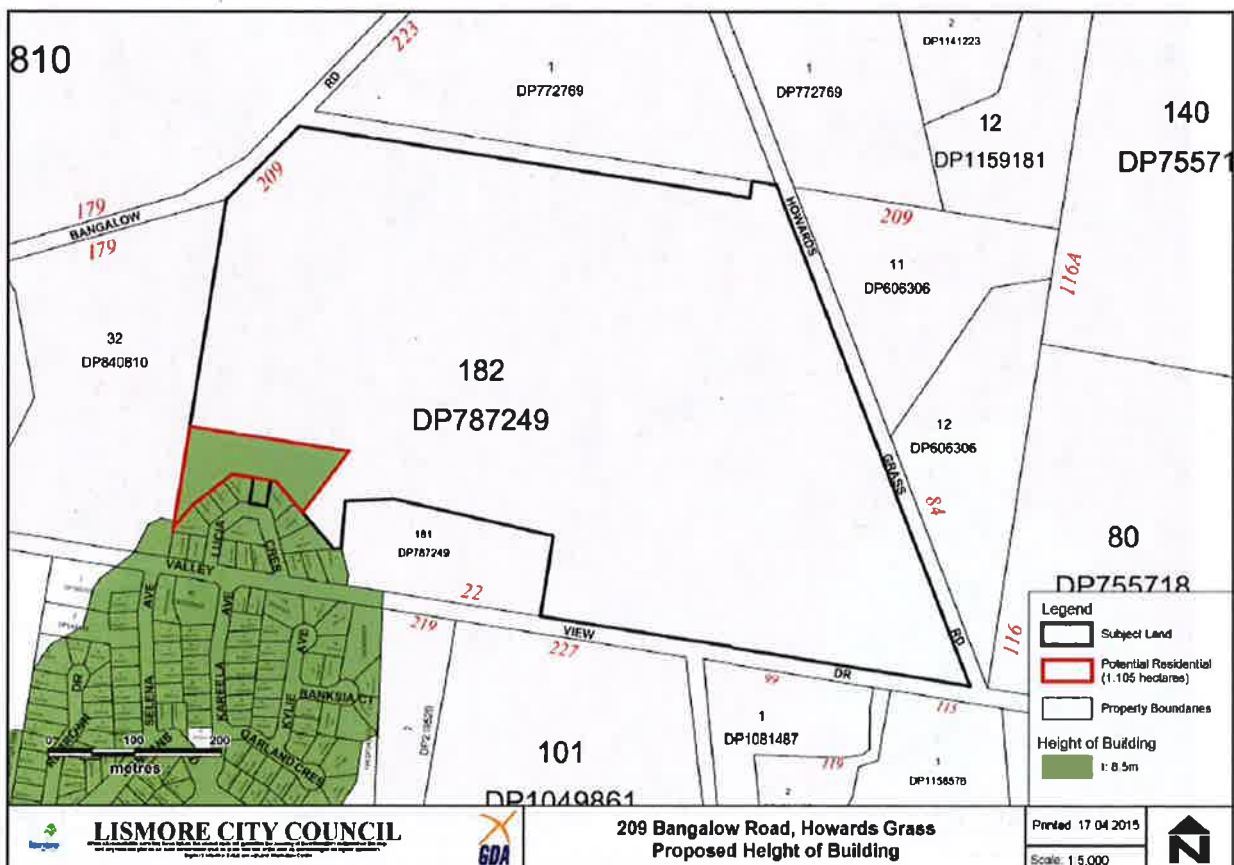
Map 4 - 209 Bangalow Road, Howards Grass - Proposed Lot Size Map



Map 5 – 209 Bangalow Road, Howards Grass - Existing Height of Building Map



Map 6 – 209 Bangalow Road, Howards Grass – Proposed Height of Building Map



PART 5 – COMMUNITY CONSULTATION

Council will commence community consultation post Gateway determination and receipt of additional information. 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.

Key stakeholders will be identified and contacted directly to ensure that they are aware of the planning proposal. The Gateway determination will confirm the public consultation requirements.

PART 6 – PROJECT TIMELINE

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

Estimated Completion	Plan Making Steps
April 2015	Report planning proposal to Council
May 2015	Gateway determination issued by Department of Planning and Environment.
May 2015	Request additional technical information
September/October 2015	Council reviews technical information Government agency consultation Public exhibition
November 2015	Analysis of public submissions & public agency comments Preparation of LEP maps Preparation of Council report
December 2015	Report to Council
February 2016	Opinion sought from Parliamentary Counsel's Office (if delegated) Plan making by RPA (if delegated)
March 2016	Notification of the draft Local Environmental Plan

PART 7– LEP DELEGATIONS

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

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

The delegations only extend to routine LEPs as listed below:

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

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

APPENDIX 1

FAR NORTH COAST REGIONAL STRATEGY – SUSTAINABILITY CRITERIA COMPLIANCE TABLE

Threshold Sustainability Criteria for any proposed development site outside designated areas in regional strategies	Measurable explanation of criteria	Compliance
1. Infrastructure provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way	- Development is consistent with the outcomes of the Far North Coast Regional Strategy, any subregional strategy, regional infrastructure plan and relevant section 117 directions. - The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on Government methodology for determining infrastructure development contributions. - Preparedness to enter into development agreement.	- The entire area of the subject land is identified in the Lismore Urban Strategy 2003. - The planning proposal is consistent with relevant FNCRS outcomes, in particular with regard to infrastructure provision. - The proposed residential land is generally free of natural hazards with the exception of small areas of bush fire prone land. - The land subject to this proposal is within and adjacent to a residential area, with electricity and water available from existing infrastructure within and adjacent the lot fronting Lucia Crescent, which also provides for direct vehicle access. - The lots proposed were previously identified in the Lismore Urban Strategy as an Infill Investigation site.
2. Access Accessible transport options for efficient and sustainable travel between home, jobs, services and recreation to be existing or provided	- Accessibility of the area by public transport and/or appropriate road access in terms of: ➤ Location/land use – to existing networks and related activity centres. ➤ Network – the area's potential to be serviced by economically efficient transport services. ➤ Catchment – the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals. - No negative impact on performance of existing subregional road, bus, rail, ferry and freight network.	- The site is conveniently located close to both the Goonellabah town centre and a short drive to the Lismore CBD. - The proposed residential land provides accessibility to schools and higher education facilities, health care and hospitals, diverse retail and commercial precincts, recreational and religious facilities. - Vehicle access is available directly to Lucia Crescent, providing access to public transport systems.
3. Housing Diversity	Contributes to the geographic	The planning proposal will

Threshold Sustainability Criteria for any proposed development site outside designated areas in regional strategies	Measurable explanation of criteria	Compliance
Provide a range of housing choices to ensure a broad population can be housed	market spread of housing supply, including any government targets established for aged, disabled or affordable housing.	provide options for residential dwelling styles that will be compatible with the topography and enjoy the unique views to the north.
4. Employment Lands Provide regional/local employment opportunities to support the Far North Coast's expanding role in wider regional and NSW economies	• Maintain or improve the existing level of subregional employment self-containment. • Meets subregional employment projections. ➢ Employment related land is provided in appropriately zoned areas.	• Two (2) of the proposed lots are for residential purposes and will only provide for lawful home business activities.
5. Avoidance of Risk Land use conflicts and risks to human health and life, avoided	• No residential development within 1:100 floodplain. • Avoidance of physically constrained land e.g. ➢ High slope. ➢ Highly erodible. • Avoidance of land use conflicts with adjacent existing or future land use as planned under relevant subregional or regional strategy. • Where relevant available safe evacuation route (flood and bush fire).	• The land is not constrained by flood or acid sulphate soils nor is the land in the coastal zone. • Studies for bush fire risk, land contamination and surveys for flood prone land have established no impediments for development. • The proposed lots will be directly connected with the existing residential area and as no conflicts with the rural lands exist at present, no conflicts are expected in the future. • Given the slope of the land it is recommended that a geotechnical report is submitted post Gateway determination.
6. Natural Resources Natural resource limits not exceeded/environmental footprint minimised	• Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows. • Demonstrates most efficient/suitable use of land. ➢ Avoids identified significant agricultural land. ➢ Avoids productive resource lands – extractive industries, coal, gas and other mining and quarrying. • Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy – requires demonstration of efficient and sustainable supply solution.	• The proposal is for two (2) lots that will have a relatively small building envelope restricting the development density potential and will not place excess demand on existing resources. • No on-site waste water treatment will be undertaken as Council has provided assurances that the lots will be connected to the existing sewerage line. • The land is not zoned or mapped for the purposes of an extractive industry. • The favourable location of the site is such that the use of solar aspect and sea breezes will maximise thermal comfort without unreasonable demands on existing energy infrastructure.

Threshold Sustainability Criteria for any proposed development site outside designated areas in regional strategies	Measurable explanation of criteria	Compliance
7. Environmental Protection Protect and enhance biodiversity, air quality, heritage and waterway health	• Consistent with Government approved Regional Conservation Plan (if available). • Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC). This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats. • Maintain or improve existing environmental condition for air quality. • Maintain or improve existing environmental condition for water quality. ➢ Consistent with community water quality objectives for recreational water use and river health (DEC and CMA). ➢ Consistent with catchment and stormwater management planning (CMA and council). • Protects areas of Aboriginal cultural heritage value (as agreed by DEC).	• Environmental studies have been conducted that provide no risk to native flora and fauna, in addition the site does not contain land that is considered significant agricultural land. • Further flora and fauna assessment is required post Gateway determination to address the issue of Thorny pea on the site in relation to proposed building envelopes. • A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the subject allotment. No Aboriginal sites or places were recorded or declared on that date. • The allotment is not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 LEP 2012. • Further assessment is required of European and Aboriginal cultural heritage in order to demonstrate consistency with Section 117 of the EP&A Act 1979, Ministerial Direction 2.3 – Heritage Conservation. In this regard, it is recommended that an Aboriginal and European heritage assessment is undertaken for the site. • Stormwater from the existing estate in Lucia Crescent is currently released within the lot proposed into the rural lands adjacent with no adverse impacts on the waterway systems. • Stormwater management incorporating water sensitive urban design principles will be used within the development.
8. Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible	• Available and accessible services. ➢ Do adequate services exist? ➢ Are they at capacity or is some capacity available? ➢ Has Government planned and budgeted for further service provision? ➢ Developer funding for required service upgrade/access is available	The addition of two (2) lots within this area does not place excess demand for services such as health, education or governance.

APPENDIX 2

STATE ENVIRONMENTAL PLANNING POLICIES - COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 6 – Number of Storeys in a Building	Not Applicable	Not Applicable
SEPP No. 14 – Coastal Wetlands	Not Applicable	Not Applicable
SEPP No. 19 – Bushland in Urban Areas	Not Applicable	Not Applicable
SEPP No. 21 – Caravan Parks	Not Applicable	Not Applicable
SEPP No. 22 – Shops and Commercial Premises	Not Applicable	Not Applicable
SEPP No. 26 – Littoral Rainforests	Not Applicable	Not Applicable
SEPP No. 29 – Western Sydney Recreation Area	Not Applicable	Not Applicable
SEPP No. 30 – Intensive Agriculture	Not Applicable	Not Applicable
SEPP No. 32 – Urban Consolidation (<i>Redevelopment of Urban Land</i>)	Not Applicable	Not Applicable
SEPP No. 33 – Hazardous and Offensive Development	Not Applicable	Not Applicable
SEPP No. 36 – Manufactured Home Estates	Not Applicable	Not Applicable
SEPP No. 39 – Spit Island Bird Habitat	Not Applicable	Not Applicable
SEPP No. 44 – Koala Habitat Protection	3 - Aims, Objectives, Etc. (a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat; (b) By encouraging the identification of areas of core koala habitat; and (c) By encouraging the inclusion of areas of core koala habitat in environment protection zones.	Consistent - A flora and fauna study on the site and surrounding areas has found no signs of the presence of koalas or vegetation that would encourage or promote a desirable ecosystem for habitat for them. - No koala management plan or protective measurements were recommended. The proposal is there consistent with this policy.
SEPP No. 47 – Moore Park Showground	Not Applicable	Not Applicable
SEPP No. 50 – Canal Estate Development	Not Applicable	Not Applicable
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable	Not Applicable

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 55 – Remediation of Land	6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal	Consistent A preliminary contaminated land assessment has been provided for part of the land and further assessment will be required post gateway.
SEPP No. 59 – Central Western Sydney Regional Open Space and Residential	Not Applicable	Not Applicable
SEPP No. 62 – Sustainable Aquaculture	Not Applicable	Not Applicable
SEPP No. 64 – Advertising and Signage	Not Applicable	Not Applicable
SEPP No. 65 – Design Quality of Residential Flat Development	Not Applicable	Not Applicable
SEPP No 70 – Affordable Housing (<i>Revised Schemes</i>)	Not Applicable	Not Applicable
SEPP No. 71 – Coastal Protection	Not Applicable	Not Applicable
SEPP (Affordable Rental Housing) 2009	Not Applicable	Not Applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not Applicable	Not Applicable
SEPP (Exempt and Complying Development Codes) 2008	Not Applicable	Not Applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable	Not Applicable
SEPP (Infrastructure) 2007	Applicable	Consistent - The planning proposal is consistent with the aims of the SEPP. The proposed R1 zone is a prescribed zone within which various forms of infrastructure are either permissible with or without development consent. - It is also worth noting that the proposed R1 zone will prohibit various forms of infrastructure that are deemed incompatible with residential development. These include research stations, sewage treatment plants, water recycling facilities, waste or resource management facilities and water treatment facilities.
SEPP (Major Development) 2005	Not Applicable	Not Applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable	Not Applicable

State Environmental Planning Policy	Requirements	Compliance
SEPP (Rural Lands) 2008	Consistency with the following: 7 Rural Planning Principles 8 Rural Subdivision Principles	Consistent • The planning proposal is consistent with the Rural Planning Principles and rural subdivision Principles. • The planning proposal identifies land adjacent to the existing residential land that will minimise the fragmentation of agricultural land. This approach will also serve to minimise potential land use conflicts. Residential land proposed to adjoin rural land will be of sufficient dimensions to accommodate required DCP buffer distances. • All of the proposed residential land is located in the Lismore Urban Strategy. Moreover, the planning proposal has been assessed for consistency with the Far North Coast Regional Strategy Sustainability Criteria.
SEPP (SEPP 53 Transitional Provisions) 2011	Not Applicable	Not Applicable
SEPP (State and Regional Development) 2011	Not Applicable	Not Applicable
SEPP (Urban Renewal) 2010	Not Applicable	Not Applicable

APPENDIX 3
SECTION 117 MINISTERIAL DIRECTIONS - COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	Not Applicable	Not applicable
1.2 Rural Zones	(4) A planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	Justifiably Inconsistent • The inconsistency is justified because the subject land has been identified for future housing in the Lismore Urban Strategy 2003. • The proposal is consistent with the objective of this Ministerial Direction. • The inconsistency is further justified as the portion proposed for rezoning was an investigation site for infill development under the Lismore Urban Strategy 2003 and sits adjacent and within an existing residential estate. • The rural/agricultural land classification has determined the quality of the land for resource purposes is poor and holds little value for rural pursuits. • The use for residential purposes provides the best and most appropriate use for the land. • A Land Use Conflict Risk Assessment (LUCRA) is recommended post Gateway determination.
1.3 Mining Petroleum Production and Extractive Industries	This direction applies when the planning proposal: • Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials; • Restricting the potential of State or regionally significant mineral resources	Not applicable • The planning proposal does not have the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials. Pursuant to clause 7 SEPP (Mining, Petroleum Production and Extractive industries) 2007, mining, petroleum production and extractive industries can occur where agriculture or industry may be carried out (with or without development consent). Home industries (a form of industry) are permissible in rural and residential zones, therefore a planning proposal to change the zone from rural to residential is consistent with the direction as it maintains the permissibility status quo.

Ministerial Directions	Requirements	Compliance
		The land does not incorporate mineral resources or extractive materials which are of State or regional significance.
1.4 Oyster Aquaculture	Not Applicable	Not Applicable
1.5 Rural Lands	The Planning Proposal must be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in SEPP (Rural Lands) 2008.	Consistent - The planning proposal identifies land adjacent to existing residential land that will minimise the fragmentation of agricultural land. This approach will also serve to minimise potential land use conflicts. Residential land proposed to adjoin rural land will be of sufficient dimensions to accommodate required DCP buffer distances. - There is consistency with the Rural Planning Principles of the Rural Lands SEPP in that the proposal: poses no impediment to the lands capacity to provide productive and sustainable economic activities; represents a small portion of unproductive land; provides for a net benefit to the local community; balances interests in terms of social, environmental and economic values of the land and their importance to the community; has immediate and unfettered access to services and infrastructure for residential development. - All of the proposed residential land is located in the Lismore Urban Strategy. Moreover, the planning proposal has been assessed for consistency with the Far North Coast Regional Strategy Sustainability Criteria

Ministerial Directions	Requirements	Compliance
2. Environment and Heritage		
2.1 Environment Protection Zones	Must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Must not reduce protection standards for environmental protection zones.	Consistent - The Planning Proposal does not involve <i>environmentally sensitive areas</i> listed Clause 3.3 of the Lismore LEP 2012. - The Planning Proposal does not reduce environmental protection standards to the land. - It is recommended that the applicant provide further flora and fauna assessment to address Thorny pea and any potential impacts from building envelopes post Gateway determination and prior to the making of the plan.
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 - There are no known items of European or Aboriginal heritage located on the subject land. - An Aboriginal and European heritage assessment is recommended post Gateway determination.
2.4 Recreation Vehicle Areas	Not Applicable	Not Applicable
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The planning proposal must: - Broaden the choice of housing types and locations. - Make efficient use of existing infrastructure and services. - Reduce consumption of land. - Housing of good design. - Residential development not permitted until land is adequately serviced. - Not contain provisions that will reduce residential density.	Consistent - A range of housing types and densities are permissible within the zone. - The land is adjacent to existing infrastructure and services and planned future infrastructure. - The proposed minimum lot size is 400m². - LEP 2012 clause 6.9 requires the provision of services prior to granting development consent.
3.2 Caravan Parks and Manufactured Home Estates	- Retain provisions that permit development of caravan park. - Appropriate zone for existing caravan parks.	Consistent - The proposed Zone R1 General Residential does permit caravan parks with development consent. - The residue Zone RU1 also permits caravan parks with development consent, however, there is limited potential for this form of development in this portion of the lot due to the various constraints of the site.

Ministerial Directions	Requirements	Compliance
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	Consistent Development consent is not required for home occupations under LEP 2012 and SEPP (Exempt and Complying Development Codes) 2008.
3.4 Integrating Land Use and Transport	A Planning Proposal must locate zones for urban purposes that give effect to: - Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and - The Right Place for Business and Services – Planning Policy (DUAP 2001)	Consistent - The land proposed for rezoning has frontage to an existing residential estate serviced by public transport through a number of providers, including Northern Rivers Buses (route 683 – Lismore Heights Circle). - As required for “new residential areas”, the land adjoins the existing urban footprint, located within an existing public transport corridor and is well within the required five kilometres of existing or programmed railway station or equivalent mass transit node.
3.5 Development Near Licensed Aerodromes	Not Applicable	Not Applicable
3.6 Shooting Ranges	Not Applicable	Not Applicable
4. Hazard and Risk		
4.1 Acid Sulfate Soils	(6) A Council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the Council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.	Consistent The subject site is not identified on Council's Acid Sulfate Soils Planning Maps.
4.2 Mine Subsidence and Unstable Land	- Applies to mine subsidence areas. - Applies to areas identified as unstable.	Consistent - The land is not within a mine subsidence area. - It is recommended that a geotechnical report is provided post gateway determination prior to making the plan. - The proposed Zone R1 is shown as having slopes in the range of 20 to 30%
4.3 Flood Prone Land	Not Applicable	Not Applicable

Ministerial Directions	Requirements	Compliance
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 • A detailed bush fire threat assessment has been undertaken in accordance with the provisions of Planning for Bush fire Protection 2006. The proposed development is considered to be consistent with the applicable provisions outlined in the guide. • Council is required under section 117 of the <i>EP&A Act 1979</i>, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and take into account any comments made. • Bush fire hazard reduction authorised under the <i>Rural Fires Act 1997</i> can be carried out on any land without development consent.
5. Regional Planning		
5.1 Implementation of Regional Strategies	• The Planning Proposal must be consistent with the Far North Coast Regional Strategy.	Consistent The Planning Proposal is consistent with the Far North Coast Regional Strategy – refer to the FNCRS Sustainability Criteria compliance table for detail (Appendix 1).
5.2 Sydney Drinking Water Catchments	Not Applicable	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	The Planning Proposal must not re-zone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.	Consistent The land is not designated as Farmland of State and Regional Significance on the NSW Far North Coast
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable	Not Applicable
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable	Not Applicable
5.9 North West Rail Link Corridor Strategy	Not Applicable	Not Applicable

Ministerial Directions	Requirements	Compliance
6. Local Plan Making		
6.1 Approval and Referral Requirements	- A Planning Proposal should not contain provisions requiring concurrence, consultation or referral of a Minister or public authority without approval from the relevant Minister or public authority; and the Director General of the Department of Planning & Environment. - Not identify development as designated development unless justified.	Consistent There are no referral or concurrence requirements in the Planning Proposal. The proposal does not identify development as designated development.
6.2 Reserving Land for Public Purposes	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DP&E.	Consistent No land is proposed to be zoned for public recreation purposes. This is consistent with the Lismore Urban Strategy and the draft Lismore Growth Management Strategy.
6.3 Site Specific Provisions	Not Applicable	Not Applicable
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Not Applicable	Not Applicable