

Revised Planning Proposal

Subdivision of Rural Land Sharing Communities using Community Title

Note: This planning proposal is as revised in accordance with section 58 of the *Environmental Planning and Assessment Act 1979* following consideration of a public submission and state agency comments made before and during the public exhibition period, which occurred from 23 June 2016 to 25 July 2016. It has also been revised in line with advice from DPE that Council's decision in December 2016 in relation to mapping is not acceptable.

15 June 2017



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Part 1 – Objectives or Intended Outcomes

The objectives of this revised Planning Proposal are to:

- enable existing approved rural land sharing communities to be subdivided using Community Title provisions.
- make minor changes to current rural land sharing provisions in relation to road access requirements, impacts on surrounding land use, onsite wastewater disposal, and impacts on the environment.

These objectives will be achieved through an amendment to *Lismore Local Environmental Plan 2012*. The proposed new LEP clauses are included in Attachment 1.

Site Context and Setting

The Planning Proposal will permit the Community Title subdivision of existing approved rural land sharing communities wherever they occur. Since 1980 Lismore has approved 76 rural land sharing communities. The majority of these are in the vicinity of Nimbin and The Channon.

Part 2 – Explanation of Provisions

LEP Written Instrument

It is proposed that a new clause be inserted into *Lismore Local Environmental Plan 2012* (clause 6.8A). This clause will enable existing approved rural land sharing communities to be subdivided (wherever they occur) using Community Title, even though the lots created may be less than the minimum Lot Size shown on the relevant Lot Size map. This is consistent with the adopted *Lismore Growth Management Strategy 2015-2035*.

Amendments made to clauses 6.8 and 6.8A as a result of public and agency submissions and further review by Council staff are as follows:

Clause 6.8 (3)(d) be amended as follows:

“(d) adequate vehicular access is provided to the lot from ~~an arterial, sub-arterial or collector road~~ a bitumen sealed public road and each dwelling will use the same vehicular access to and from that public road, and”

It is also proposed to insert the following subclauses to clause 6.8 (3) to provide consistency between clause 6.8 (applicable to rural landsharing community development where community title subdivision is not sought) and the new clause 6.8A (applicable to community title subdivision of existing rural landsharing communities) and ensure these matters are addressed adequately in development applications and assessment:

- (e) the development will not impair the use of the land for agriculture or rural industries, and*
- (f) the land is capable of accommodating the on-site disposal and management of sewage for the development, and*
- (g) the development will not have an adverse impact on the scenic amenity or character of the rural environment, and*
- (h) the development will not result in land use conflicts with agriculture and other rural land uses and activities on neighbouring land, and*

- (i) *appropriate management measures are in place that will ensure the protection and enhancement of the biodiversity of the land, and*
- (j) *appropriate management measures are in place that will ensure good quality social and economic outcomes;*

These changes will better align clause 6.8 with the new clause 6.8A and with the Lismore GMS provisions.

The exhibited planning proposal also proposed to add a new clause 6.8A to apply controls to prospective Community Title subdivisions. This clause will permit (with Council consent) the subdivision of existing approved RLSCs. In response to the DPI submission it is proposed to add a new sub clause to 6.8A (3) to address the potential for land use conflict with rural activities on neighbouring land as follows:

“(f) the development will not result in land use conflicts with agriculture and other rural land uses and activities on neighbouring land, and”

In response to the public submission it is proposed that *“environmental protection works”* be added to Clause 6.8A (3) (b) as follows (change in bold italics):

*‘(b) there will be at least one lot comprising association property (within the meaning of that Act) located within that land following the subdivision that comprises land to be used for the purposes of a recreation area, environmental facility, **environmental protection works** or agriculture, and’*

Part 3 – Justification

Section A – Need for the Planning Proposal

There is a need for the planning proposal to enable Community Title subdivision of existing rural land sharing communities. Council received support for the concept when it was preparing the *Lismore Growth Management Strategy 2015-2035*.

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

The *Lismore Growth Management Strategy 2015-2035* clearly states on page 79 (section 5.4.3 Rural Land Sharing Community Development) that, “*This Strategy also supports the conversion of existing RLSCs to community title.....*” It acknowledges that this will be implemented with an amendment to Lismore LEP 2012.

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

The current planning controls in Lismore LEP 2012 (clause 6.8) only provide for the form of rural land sharing known as “multiple occupancy”. Subdivision of “multiple occupancy” is currently not permitted. In order to implement the changes in the *Lismore Growth Management Strategy 2015-2035*, Council needs to amend its LEP with a planning proposal.

Section B – Relationship to Strategic Planning Framework

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

The North Coast Regional Plan 2036 (NCRP) is the overarching framework for the management of growth on the North Coast. The NCRP identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing network of major urban centres, reinforcing village character and requiring efficient use of existing services and major transport routes.

In relation to rural settlement in non-coastal areas (all of Lismore LGA), the NCRP states at Action 24.1 the delivery of well-planned rural residential housing will be facilitated by identifying new rural residential area in local growth management strategies agreed to by the Department (page 57). This planning proposal is consistent with the NCRP as existing rural land sharing communities are identified for conversion to CT in the *Lismore Growth Management Strategy*. It is consistent with Action 24.2 of the NCRP as it is not within the coastal strip. The subject land is likely to be largely compliant with the land suitability and infrastructure requirements of *Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies* (2007) (Action 24.1).

This planning proposal will improve the assessment of future rural land sharing communities and permit the subdivision (via CT) of existing ones. It is consistent with the *Lismore Growth Management Strategy* and consistent with the NCRP.

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

The *Lismore Growth Management Strategy 2015-2035* was adopted by Lismore City Council on 12 May 2015. It was conditionally approved by the Department of Planning and Environment on 11 August 2015. This Planning Proposal is consistent with that strategy.

The Planning Proposal is also consistent with the vision of 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 affordable housing the plan states, *"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."*

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

The planning 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 (s117 directions)?

The planning proposal is consistent with the relevant Section 117 Directions. 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?

Although parts of Lismore LGA contain threatened species and endangered ecological communities, there is a low likelihood that the development that will follow from this planning proposal will directly affect these communities. In the case of existing multiple occupancy communities, it is likely that dwellings would normally be present already. Any such applications would be assessed on merit. All proposed subdivision will require a development application and Council can (if appropriate) require a thorough ecological assessment to accompany any such application.

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

The other likely environmental effects are minimal and will still need to be addressed on a case-by-case basis through the DA process.

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

Lismore LGA has a long history with rural land sharing communities (multiple occupancies). The majority of these have been based on the concept of three or more dwellings located on one lot with no separate legal title to any dwelling. In recent years the establishment of new rural land sharing communities has tapered off in popularity. Only 20 dwelling opportunities were approved between 2003 and 2013. Anecdotally, this is a result of the lack of individual title and the lack of opportunity to obtain a loan based on the individual shares. As land values increase, it has been increasingly difficult to sell an existing share with a house on it.

This planning proposal will allow rural land sharing communities (on merit) to subdivide (using Community Title) and sell individual dwellings in a shared situation. These changes should allow those wanting to leave established rural land sharing communities to do so without losing the value of their asset. It will allow others to enter the rural dwelling and land market with financial assistance.

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?

This planning proposal does not change the area in which Rural Landsharing Community Development can occur, with consent. There is no intention to supply reticulated water or sewerage

to these locations. Applicants for new development will still need to demonstrate that road infrastructure is adequate or can be made adequate for predicted traffic volumes. Other public infrastructure will be assessed on a site-by-site basis.

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

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

The Civil Aviation Safety Authority (CASA) is the only relevant Commonwealth public authority consulted in this particular Planning Proposal (in relation to Lismore Airport). It has no objection to the Planning Proposal subject to Council considering Section 117 Direction 3.5 Development Near Licensed Aerodromes and ANEF (aircraft noise) affected areas. The 20 and 25 or above ANEF contours (also contained in DCP 11) do not affect land on the proposed Potential Rural Landsharing Community Development Map. The Potential Rural Landsharing Community Development Map remains unchanged. Council does have controls that ensure this is addressed at the development application stage, namely clause 6.5 in the Lismore LEP and DCP Part A Chapter 11.

Lismore Airport Manager also has no objection subject to consideration of OLS (Obstacle Limitation Surface) and PAN OPS (Procedures for Air Navigation Services – Aircraft Operations). There are two sets of invisible surfaces above the ground around an airport. The airspace above these surfaces forms the airport's **protected airspace**. These two surfaces are the:

- Obstacle Limitation Surface (OLS); and
- Procedures for Air Navigational Services—Aircraft Operations (PANS-OPS) surface

The OLS is generally the lowest surface and is designed to provide protection for aircraft flying into or out of the airport when the pilot is flying by sight. In the case of Lismore it affects land within 4km of the airport with an RL of 56 metres or above. It is not anticipated that rural dwellings will cause obstructions or hazards for aircraft within this area. The PANS-OPS surface is generally above the OLS and is designed to safeguard an aircraft from collision with obstacles when the aircraft's flight may be guided solely by instruments, in conditions of poor visibility.

Clause 6.5 of LEP 2012 requires any development application to address both OLS and PANS-OPS mapping to ensure the proposed development does not penetrate either surface. It is unlikely that one- and two-story rural dwellings or related infrastructure would do this.

State authorities were consulted in the preparation of the *Lismore Growth Management Strategy 2015-2035* and their views taken into account. This document was approved conditionally by the Department of Planning and Environment on 11 August 2015.

The authorities listed below were consulted in relation to this Planning Proposal. Only the Office of Environment and Heritage did not respond. The responses are summarised in the table below.

- Roads and Maritime Services,
- Rural Fire Service,
- Department of Primary Industries,
- Office of Environment and Heritage,
- Department of Industry Resources and Energy,
- CASA, and
- Lismore airport management.

Agency	Issues Raised	Response and Recommendation
Civil Aviation Safety Authority (CASA)	No objection to the Planning Proposal subject to Council considering the section 117 Direction 3.5 Development Near Licensed Aerodromes and ANEF (aircraft noise) affected areas.	Noted. Clause 6.5 of LEP 2012 requires any development application to address both Obstacle Limitation Surface (OLS) and PANS-OPS (Procedures for Air Navigation Services – Aircraft Operations) mapping to ensure the proposed development does not penetrate either surface. It is unlikely that one- and two-story rural dwellings or related infrastructure would do this. Aircraft noise affected areas (ANEF) are not identified on the Potential Rural Landsharing Community Development Map but are identified in the Buffer Areas DCP and considered at the development application stage where relevant. Note: there are two sets of invisible surfaces above the ground around an airport. The airspace above these surfaces forms the airport's protected airspace. These two surfaces are the: • Obstacle Limitation Surface (OLS); and • Procedures for Air Navigational Services—Aircraft Operations (PANS-OPS) surface. The OLS is generally the lowest surface and is designed to provide protection for aircraft flying into or out of the airport when the pilot is flying by sight. The PANS-OPS surface is generally above the OLS and is designed to safeguard an aircraft from collision with obstacles when the aircraft's flight may be guided solely by instruments, in conditions of poor visibility.
Lismore Airport Manager	No objection subject to consideration of OLS (Obstacle Limitation Surface) and PAN OPS (Procedures for Air Navigation Services – Aircraft Operations).	Noted. Clause 6.5 of LEP 2012 requires any development application to address both OLS and PANS-OPS mapping to ensure the proposed development does not penetrate either surface. It is unlikely that one- and two-story rural dwellings or related infrastructure would do this.
Department of Industry (Resources and Energy – Geological Survey of NSW) (GSNSW)	No objection to the Planning Proposal. However, Bazzanas Quarry is partly identified as having potential for Rural Landsharing Community Development. The quarry uses blasting techniques to extract basalt for hard rock aggregate and is identified as regionally significant in the <i>Mineral Resource Audit – Lismore City Council</i> (delivered to Council May 2011)(MRA). The quarry has an associated 1000m blasting buffer (transition area). Transition areas are non-statutory and provide an indication to planners of the area surrounding an identified resource that may potentially be affected by noise, dust, vibration etc. GSNSW does not generally support intensification of	Council's Development Control Plan provides for an 800 metre buffer for quarries such as Bazzanas Quarry. However, in light of the response from the GSNSW it is considered more appropriate to provide for a 1,000 metre buffer area in which there is limited potential for intensification of rural housing. Chapter 11 of the Development Control Plan, '<i>Buffer Areas</i>' will need to be amended for consistency, which will occur at a future date. The response to the section 117 Direction in the planning proposal has been amended to refer to the Mineral Resource Audit. The RLCD map is to be reviewed by Council. Any new map will reflect this buffer.

Agency	Issues Raised	Response and Recommendation
	rural residential development within transition areas. The GNSW also note that correct reference needs to be made to the Mineral Resource Audit in the response to the s117 Direction 1.3.	
Department of Primary Industries (Agriculture)	No objection to the Planning Proposal. Supports the specific reduction in area shown on the Potential Rural Landsharing Community Development Map and avoiding state and regionally significant farmland. However, Council needs to give rural land use conflict with activities on surrounding rural land a higher profile in consideration of new RLSC's. Council also needs to consider ongoing compliance with wastewater standards on rural land over the life of the development.	Noted. The comment regarding land use conflict is supported. An additional provision has been added to clause 6.8A (4) to address the potential for land use conflict between the subject land and neighbouring rural land. The need for a Land Use Conflict Risk Assessment (LUCRA) can be dealt with in the provisions of the Development Control Plan (refer to discussion below on the amended DCP chapter 16 and the attachment to this report). Similarly the ongoing compliance with wastewater standards on rural land over the life of the development can also be dealt with in the provisions of Lismore DCP.
Rural Fire Service (RFS)	No objection to the Planning Proposal. Council is reminded of existing bushfire requirements which will apply to future RLSC development.	Noted. Development applications will address bushfire protection requirements.
Roads and Maritime Services (RMS)	No objection to the Planning Proposal. Council is reminded of clause 101 of SEPP (Infrastructure). This clause requires certain traffic impact matters to be considered by Council in determining an application that has frontage to a Classified Road.	Noted. Development applications that apply to land with frontage to a Classified Road must not compromise the effective operation and function of that road. They must also prevent or reduce the impact of traffic noise and vehicle emissions.

Part 4 – Mapping

The existing clause 6.8 references the Potential Rural Landsharing Community Development Map. This comprises six map sheets (RCD_001 to 006) that identify land which has potential for rural land sharing communities with Council consent. These maps will remain unchanged in the short term and subject to further review, in accordance with the resolution of Lismore City Council made at its Ordinary meeting on 13 December 2016. Clause 6.8 will apply to areas shown on the existing rural landsharing community development maps (as it currently does). Clause 6.8A will apply only to approved rural landsharing communities.

Part 5 – Community Consultation

The Department of Planning and Environment issued a Gateway Determination for this planning proposal on 24th March 2016 (it has been amended since). After pre-exhibition consultation with the NSW Rural Fire Service it was publicly exhibited from 23 June to the 25 July 2016. One (1) member of the public made a submission and six government departments or agencies responded to Councils referral.

The State and Commonwealth agency responses are summarised in Part 3 Section D above including the clause changes proposed in response to those submissions.

Key issues raised in the only public submission received are as follows:

1. Environmental protection works (which include restoration of natural areas) should be listed as an appropriate land use for the community land in a Community Title subdivision. This would be an amendment to proposed clause 6.8A (3) (b).
2. The proposed requirement for all Community Title development to access a sealed road is onerous because Council does not currently require it. There are existing approvals that would be required to seal roads that don't need to be sealed.
3. Once subdivided under Community Title provisions the individual lots should not be subject to a full rural rate levy as they share a lot of resources and are more independent than other rural properties.

Comment:

1. It is agreed that environmental protection and restoration are appropriate activities to take place on community land in a Community Title subdivision. It is proposed that clause 6.8A (3) (b) is amended to reflect this. The revised clause 6.8A is included in Attachment 1.
2. The clause that requires a sealed road access to proposed RLSCs is consistent with Council's adopted Growth Management Strategy (GMS), as seen in the extract below, and is appropriate to ensure that new RLSCs are located with good rural road access. The clause does not apply to existing approved RLSC that want to use Community Title to subdivide their land as Council recognises that these consents have been issued under previous controls. No change is warranted.

"Rural residential and rural landsharing community developments shall be accessible to the Lismore urban area, village or main road by a sealed road of adequate standard to accommodate increased traffic likely to be generated from existing and future development. The minimum standard is a 6 metre wide seal on an 8 metre gravel formation, with adequate pavement quality. Where this standard of access currently does not exist, it must be economically feasible for future development to meet the costs of upgrading existing substandard access roads. In these circumstances landowners within a proposed rural residential area will be required to enter into an agreement with Council to bring the road up to the required standard....." (Page 93 Lismore GMS).

This submission does raise the potential for inconsistency and misinterpretation between clauses 6.8 and 6.8A in relation to road access. In order to better align the two clauses with each other and with the adopted Lismore GMS it is proposed that clause 6.8 (3)(d) be amended.. This will involve deleting reference to "arterial, sub arterial and collector roads" and instead refer to a "bitumen sealed road". The reference to sealed roads has been removed from clause 6.8A (4) as it now only applies to existing RLSCs, some of which have been approved on unsealed roads in the past. The revision is included in Attachment 1.

3. Once a piece of rural land is subdivided (including using Community Title) it is subject to an individual rate assessment. If Council wishes to consider reducing the rates for rural land sharing properties (once subdivided) it will need to be considered as part of the rate assessment process rather than a planning process.

Part 6 – Project Timeline

- Report to Council – **8 March 2016**.
- Gateway determination issued - **24 March 2016**. (Gateway amended 18 August 2016)
- Public exhibition including government agency consultation – **23 June to 25 July 2016**.
- Timeframe for consideration of submissions – **August/September 2016**.
- Consideration of the planning proposal, post-exhibition, by Council – **December 2016**.
- Alteration of Gateway determination to revoke delegation , etc – **30 March 2017**
- Reconsideration of the planning proposal in amended form by Council – **11 July 2017**
- Date of submission to the Department to finalise the amended LEP – **August 2017**
- Anticipated date for plan making – **November 2017**.

Conclusion

This planning proposal seeks to amend Lismore LEP 2012 to permit the Community Title subdivision of existing RLSCs. The preferred method to achieve this will be to add a new local provision (clause 6.8A). It will also make minor changes to current rural land sharing provisions (clause 6.8) to improve assessment of road access requirements, impacts on surrounding land use, onsite wastewater disposal, and impacts on the environment.

The Planning Proposal is a result of the *Lismore Growth Management Strategy 2015-2035*, which has been endorsed by Council and the Department of Planning and Environment. The *Lismore Growth Management Strategy 2015-2035* was underpinned by extensive work and wide community and agency consultation.

Post exhibition the proposed LEP clauses have been amended in response to public and government agency submissions. The amendments are relatively minor and do not warrant the re-exhibition of the Planning Proposal. The LEP clauses have now also been amended in relation to the Department of Planning and Environment's concern about the December 2016 Council decision to alter mapping.

An assessment of the Planning Proposal indicates that it is consistent with relevant SEPPs. It is also consistent with the relevant s117 Directions. It is consistent with the North Coast Regional Plan.

There is sufficient information to enable Council to support the Planning Proposal in its amended form and forward to the Department to finalise it..

TABLE 1 – COMPLIANCE WITH STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Requirements	Compliance
SEPP 15 – Rural Landsharing Communities	This SEPP does not apply to Lismore LGA.	Not applicable.
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. There is no change to the RLCD map in the LEP. Development in accordance with the new clauses will still need to address the SEPP where appropriate. The draft Planning Proposal is consistent with the aims and objectives of SEPP 44.
SEPP 55 – Remediation of Land	6 Contamination and remediation to be considered in zoning or rezoning proposal Council is required to consider whether the land is contaminated when rezoning for residential development.	Consistent. No land is being rezoned under this Planning Proposal. In preparing its <i>Potential Rural Landsharing Community Development Map</i>, Council excluded all cattle tick dip sites and a 200 metre buffer. Development applications for rural land sharing communities will still need to address SEPP 55 at the site level as appropriate.
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. The Potential Rural Landsharing Community Development Maps are not going to be changed in this planning proposal. The Planning Proposal will not rezone any land. It will not have a significant impact on agricultural land. The additional considerations added to clause 6.8 will assist in protecting rural land.

TABLE 2 – COMPLIANCE WITH SECTION 117 MINISTERIAL DIRECTIONS

Ministerial Directions	Requirements	Compliance
1 Employment and Resources		
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	Consistent. This Planning Proposal will not affect the boundaries or extent of business or industrial zones.
1.2 Rural Zones	A planning proposal must not rezone land from a rural zone to a residential zone unless it is justified under clause 5 of the Direction. Such justification includes the identification of the land in a strategy (local or regional).	Consistent. This Planning Proposal will not rezone any land.
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.	Consistent. There will be no changes to the current RLSC map in the short term. Any future changes will ensure quarries (and buffers) are removed.
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 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,	Consistent. The Planning Proposal will not reduce the current and potential for productive rural activities. A post exhibition amendment to cl. 6.8A will introduce a new sub clause to further emphasise the need to consider land use conflict potential with neighbouring rural land uses. In preparing its growth management strategy, Council has recognised the significance of socio-economic benefits of rural land uses. This Planning Proposal is consistent with the endorsed <i>Lismore Growth Management Strategy 2015-2035</i> and the <i>Far North Coast Regional Strategy 2006</i>.

Ministerial Directions	Requirements	Compliance
	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. The planning proposal must not reduce protection standards for environment protection zones.	Consistent. The Planning Proposal will not remove any environment protection zones.
2.2 Coastal Protection	Not applicable.	Not applicable.
2.3 Heritage Conservation	The planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	Consistent. Lismore LEP 2012 already contains provisions for the protection of European and Aboriginal heritage items or places. If any such items or places occur within existing or proposed rural land sharing developments, they will have to be addressed on merit and receive appropriate protection (as required). 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: (a) Broaden the choice of housing types and locations. (b) Make efficient use of existing infrastructure and services. (c) Reduce consumption of land. (d) Housing of good design. (e) Residential development not permitted until land is adequately serviced. (f) Not contain provisions that will reduce residential density.	Not applicable.
3.2 Caravan Parks and Manufactured Home Estates	The planning proposal must retain provisions that permit development of caravan parks.	Not applicable.
3.3 Home Occupations	The planning proposal must permit home occupations in dwelling houses without development consent.	Not applicable.

Ministerial Directions	Requirements	Compliance
3.4 Integrating Land Use and Transport	The planning proposal must give effect to and be consistent with the aims, objectives and principles of: <i>Improving Transport Choice</i> – Guidelines for planning and development (DUAP 2001), and <i>The Right Place for Business and Services</i> – Planning Policy (DUAP 2001) <i>Improving Transport Choice.</i> This policy aims to better integrate land use and transport planning and development, provide transport choice and manage travel demand to improve the environment, accessibility and livability, reduce growth in the number and length of private car journeys, make walking, cycling and public transport use more attractive. <i>The Right Place for Business and Services.</i> This policy aims to encourage a network of vibrant, accessible mixed use centres which are closely aligned with and accessible by public transport, walking and cycling. Objectives include: (a) help reduce reliance on cars and moderate the demand for car travel, (b) encourage multi-purpose trips, (c) encourage people to travel on public transport, walk or cycle, (d) provide people with equitable 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.	Consistent.
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	Consistent. Consultation with CASA and the Lismore Airport manager was undertaken. Council does have controls that deal with this in Lismore DCP Chapter 11. Clause 6.5 of LEP 2012 requires any development application to address both OLS and PANS-OPS mapping to ensure the proposed development does not penetrate either surface. It is unlikely that one- and two-story rural dwellings or related infrastructure would do this.

Ministerial Directions	Requirements	Compliance
	appropriate noise mitigation is proposed.	The 20 and 25 or above ANEF contours (also contained in DCP 11) do not affect land on the proposed Potential Rural Landsharing Community Development Map and therefore the Planning Proposal is consistent with this aspect of the Direction.
3.6 Shooting Ranges	Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range that has the effect of permitting more intensive land uses in the area.	Not applicable. The existing RLCD map remains unchanged.
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.	Not applicable.
4.3 Flood Prone Land	The objectives of this Direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , 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.	Consistent. Any site specific flooding issues (eg small stream crossings, etc) will be dealt with in conjunction with Council's LEP and DCP provisions.
4.4 Planning for Bushfire Protection	A planning proposal in bushfire prone land: - Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination prior to community consultation. - Have regard to <i>Planning for Bush Fire Protection 2006</i>. - Restrict inappropriate development from hazardous areas. - Ensure bushfire hazard reduction is not prohibited within the APZ.	Consistent. Consultation with RFS was undertaken and the response is surmised in this Planning Proposal. Future applications will be subject to <i>Planning for Bush Fire Protection 2006</i> . Rural subdivision DA's will be referred to RFS as per the legislation.
5 Regional Planning		
5.1 Implementation of Regional Strategies	The planning proposal must be consistent with the Far North Coast Regional Strategy.	Consistent. The FNCRS requires that rural residential development (which includes rural land sharing) should be consistent with an agreed local strategy. In this case the Planning Proposal is an action arising from the <i>Lismore Growth Management Strategy 2015-2035</i> , which was endorsed by DPE on 11 August 2015.

Ministerial Directions	Requirements	Compliance
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 <i>Far North Coast Regional Strategy 2006</i> and identification of the land in a council strategy.	Consistent. All land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project was omitted from the Potential Rural Landsharing Community Development Map when LEP 2012 was made. If any existing rural land sharing community seeks to subdivide significant agricultural land, Council will address the issue of potential conflict with farming practices.
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. No such provisions are proposed.
6.2 Reserving Land for Public Purposes	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DPE.	Not applicable.
6.3 Site Specific Provisions	The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. A planning proposal to allow a particular land use must rezone the site to an existing zone that allows the land use, without additional development standards to those already in use in that zone.	Consistent. The Planning Proposal will facilitate subdivision of existing rural land sharing communities that have previously been restricted. The changes will apply to all such communities wherever they occur, and will be assessed on merit.
7 Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Not applicable.	Not applicable.

ATTACHMENT 1: LEP CLAUSES FOR RURAL LANDSHARING COMMUNITIES

Lismore Local Environmental Plan 2012 – Written Instrument

Amend Clause 6.8 Rural landsharing community development

- (1) The objectives of the clause are as follows:
 - (a) to enable people to collectively own a single lot for use as their principal place of residence,
 - (b) to enable the erection of multiple dwellings on that lot and the sharing of facilities,
 - (c) to enable the pooling of resources to economically develop a wide range of communal and rural living opportunities,
 - (d) to facilitate a closer rural settlement, preferably in a clustered style, that:
 - (i) protects and enhances the environmental attributes of the lot, and
 - (ii) does not create demand for the unreasonable or uneconomic provision of services.
- (2) This clause applies to a lot if any part of the lot is in an area that is identified as “Potential Rural Landsharing Community Development Areas” on the Potential Rural Landsharing Community Development Map.
- (3) Development consent may be granted to development for the purpose of 3 or more dwellings on a lot to which this clause applies if the consent authority is satisfied that:
 - (a) the lot has an area of at least 10 hectares, and
 - (b) the part of the lot on which the development is to be situated does not have a slope in excess of 18 degrees, and
 - (c) the lot is within 4 kilometres (by road) of services, such as schools, shops or community facilities, and
 - (d) adequate vehicular access is provided to the lot from ~~an arterial, sub-arterial or collector road~~ a bitumen sealed public road and each dwelling will use the same vehicular access to and from that public road, and
 - (e) the development will not impair the use of the land for agriculture or rural industries, and
 - (f) the land is capable of accommodating the on-site disposal and management of sewage for the development, and
 - (g) the development will not have an adverse impact on the scenic amenity or character of the rural environment, and
 - (h) the development will not result in land use conflicts with agriculture and other rural land uses and activities on neighbouring land, and
 - (i) appropriate management measures are in place that will ensure the protection and enhancement of the biodiversity of the land, and
 - (j) appropriate management measures are in place that will ensure good quality social and economic outcomes; and
 - (k) the proposed dwellings are designed to reasonably accommodate a maximum of the number of people calculated by multiplying the number of dwellings permitted by subclause (4) (rounded up or down in accordance with subclause (5)) by 4.
- (4) Despite subclause (3), development consent must not be granted to development on a lot to which this clause applies that has an area within the range specified in Column 1 of the Table to this subclause unless the number of proposed dwellings on the lot, together with any existing dwellings

on the lot, will not exceed the number calculated in accordance with the formula specified opposite that area in Column 2 of that Table.

Table—Maximum number of dwellings

Column 1	Column 2
At least 10 hectares, but not more than 210 hectares	$\left(4 + \frac{(A-10)}{4}\right)$
More than 210 hectares, but not more than 360 hectares	$\left(34 + \frac{(A-210)}{6}\right)$
More than 360 hectares	80

where:

A is the area of the lot measured in hectares.

(5) If the maximum number of dwellings calculated in accordance with subclause (4) includes a fraction, the number is to be rounded up to the nearest whole number in the case of a fraction of one half or more, or rounded down to the nearest whole number in the case of a fraction of less than one half.

Insert new clause 6.8A Minimum subdivision lot size for rural landsharing community development

- (1) The objective of this clause is to permit the subdivision of land to which this clause applies for an approved rural landsharing community using a community title scheme.
- (2) This clause applies to a lot that contains an approved rural landsharing community.
- (3) The size of any lot resulting from the subdivision of land to which this clause applies may be less than the minimum lot size shown on the Lot Size Map in relation to that land if:
 - (a) the total number of neighbourhood lots (within the meaning of the *Community Land Development Act 1989*) located on the land following the subdivision does not exceed the number of dwelling sites approved under the development consent for the multiple occupancy or rural landsharing community, and
 - (b) there will be at least one lot comprising association property (within the meaning of that Act) located within that land following the subdivision that comprises land to be used for the purposes of a recreation area, environmental facility, environmental protection works or agriculture, and
 - (c) there is no more than one dwelling erected on each neighbourhood lot.
- (4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that:
 - (a) the development will not impair the use of the land for agriculture or rural industries, and
 - (b) the land is capable of accommodating the on-site disposal and management of sewage for the development, and
 - (c) the development will not have an adverse impact on the scenic amenity or character of the rural environment, and
 - (d) the development will not result in land use conflicts with agriculture and other rural land uses and activities on neighbouring land, and
 - (e) appropriate management measures are in place that will ensure the protection and enhancement of the biodiversity of the land, and

- (f) appropriate management measures are in place that will ensure good quality social and economic outcomes.
- (5) In this clause, an *approved rural landsharing community* means a development that has been approved by the issue of a development consent.
- Note. It is the applicants' responsibility to demonstrate that the development consent has not lapsed.*