

Planning Proposal

Subdivision of Rural Land Sharing Communities using Community Title

19 February 2016



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Part 1 – Objectives or Intended Outcomes

The objectives of this Planning Proposal are to:

- enable existing approved rural land sharing communities to be subdivided using Community Title provisions;
- enable new rural land sharing communities to be approved using Community Title provisions; and
- restrict new rural land sharing communities to the areas identified in the *Lismore Growth Management Strategy 2015-2035*.

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

Site Context and Setting

The Planning Proposal will reduce the area of land on which new rural land sharing communities can take place by deleting the existing *Potential Rural Landsharing Community Development Map* and replacing it with a new one that is based on Map 29 of the adopted *Lismore Growth Management Strategy 2015-2035*. The revised map is shown in Attachment 1.

The Planning Proposal will also permit the Community Title subdivision of new rural land sharing communities and existing approved rural land sharing communities wherever they occur.

Part 2 – Explanation of Provisions

It is proposed that *Lismore Local Environmental Plan 2012* be amended by deleting the existing *Potential Rural Landsharing Community Development Map* and inserting a new map. The new map will identify the land shown on Map 29 of the *Lismore Growth Management Strategy 2015-2035* (LGMS) as being potentially suitable for Rural Landsharing Community Development. This change brings the LEP map into line with the recently adopted Lismore Growth Management Strategy. Note: In converting Map 29 of the LGMS to an LEP map, a buffer area around the Tuncester Rifle Range has been added to avoid potential conflict with that existing land use. This had been unintentionally omitted from Map 29 in the LGMS. This reduces the potential for rural land sharing sites by a small amount, but it is not a significant change. Since the proposed new Potential Rural Landsharing Community Development Map identifies land that is within a 4 kilometre radius of Nimbin and a 2 kilometre radius of the other village areas, it makes the reference to proximity to shops, schools and services in clause 6.8(3)(c) superfluous. This sub-clause is to be deleted.

It is also proposed that a new clause be inserted into *Lismore Local Environmental Plan 2012*. 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 (MLS) shown on the relevant MLS map. It will also permit any land shown on the Potential Rural Landsharing Community Development Map to be subdivided for a rural land sharing community, even though the lots created may be less than the Minimum Lot Size shown on the relevant MLS map.

Part 3 – Justification

Section A – Need for the Planning Proposal

There is a need for the Planning Proposal to allow Community Title subdivision of existing and future 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 Map 29 represents the parts of Lismore LGA which are most likely to be suitable for rural land sharing community development. It also states, “*This Strategy also supports the conversion of existing RLCs to community title and the establishment of new RLCs under a community title arrangement.*” It acknowledges that this will be implemented with an amendment to Lismore LEP 2012.

The *Lismore Growth Management Strategy 2015-2035* (LGMS) was adopted by Lismore City Council on 12 May 2015. It was conditionally approved by the Department of Planning and Environment on 11 August 2015. It replaces the Lismore Urban Strategy 2003 (as amended), Village Development Strategy 1997 and Rural Housing Strategy 2002. The LGMS notes that the Lismore LEP 2012 *Potential Rural Landsharing Community Development Map* identifies approximately 19,000 hectares as potential RLC land, whereas the demand is estimated at a maximum figure of 850 hectares over the next 20 years. Reducing the amount of land on the *Potential Rural Landsharing Community Development Map* to about 3,900 hectares, but nominating land in proximity to almost all of its villages brings the supply back to a much more reasonable level while still providing a diversity of sites where it may occur. The provision of potential RLC land is consistent with the Principles for Managing Growth adopted by Council in May 2014 to guide the drafting of the growth management strategy.

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) apply to a large area of the LGA as identified on an existing LEP map. However, they only provide for the form of rural land sharing known as “multiple occupancy”. 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 Far North Coast Regional Strategy (FNCRS) is the overarching framework for the management of growth for the Far North Coast. The FNCRS identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing network of major urban centres, reinforcing village character and requiring efficient use of existing services and major transport routes.

In relation to rural settlement in non-coastal areas (all of Lismore LGA), the FNCRS states that it should occur in accordance with existing local growth management strategies agreed to by the Department (pages 28 and 30). The rural settlement that arises from this Planning Proposal will be consistent with the local growth management strategy.

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 most Section 117 Directions. Where inconsistencies occur, they can be justified. Refer to the checklist against these Directions provided as Table 2.

Section C – Environmental, Social and Economic Impact

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

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. The land identified in the *Potential Rural Landsharing Community Development Map* has been assessed at a broad scale as not containing ecologically important areas or wildlife corridors (see Map 13 of the *Lismore Growth Management Strategy 2015-2035*). In the case of existing multiple occupancy communities, it is likely that dwellings would normally exist already. These 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. Issues such as bushfire hazard, steep lands, mass movement, good agricultural land, rural industries, acid sulfate soils, flooding and drinking water catchments have all been mapped in the *Lismore Growth Management Strategy 2015-2035* and excluded from the *Potential Rural Landsharing Community Development Map*. Such issues 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. It will also allow some land (in appropriate locations – as shown on the *Potential Rural Landsharing Community Development Map*) to be subdivided and communally managed, with dwellings in individual ownership. 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?

Council currently has a *Potential Rural Landsharing Community Development Map* in LEP 2012 that contains approximately 19,000 hectares of land which could potentially be used for rural land sharing communities. This Planning Proposal will reduce that considerably to about 3,900 hectares. There is no intention to supply reticulated water or sewerage to these locations. Roads have been a significant influence on reducing the area potentially available for rural land sharing. Applicants 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.

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

Commonwealth public authorities have not been formally involved in this particular Planning Proposal as it is yet to receive a Gateway Determination. At this early stage it appears unlikely that there will be any issues of interest to Commonwealth authorities other than CASA (in relation to Lismore Airport).

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.

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

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

Part 4 – Mapping

The existing clause 6.8 references six map sheets (RCD_001 to 006) that identify land which can be used for rural land sharing communities with Council consent. It is proposed that these maps be deleted and a new set of maps based on Map 29 from the *Lismore Growth Management Strategy 2015-2035* will be inserted. The new maps will apply to both clause 6.8 and proposed clause 6.8A.

The proposed new LEP clauses and maps are included in Attachment 1.

Part 5 – Community Consultation

Council will commence community consultation post-Gateway Determination. For the purposes of public notification, Council considers that a twenty-eight (28) day public exhibition period is appropriate. Notification of the exhibited Planning Proposal will include:

- A newspaper advertisement (Local Matters) that circulates in the area affected by the Planning Proposal,
- The web site of Lismore City Council and the Department of Planning and Environment,
- Letter to the Ngulingah LALC,
- Letter to existing RLCs.

The written notice will:

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

Exhibition Material:

- The Planning Proposal, in the form approved for community consultation by the Director General of the Department of Planning and Environment,
- The Gateway Determination,
- All studies relevant to the site and the Planning Proposal.

The Gateway Determination will confirm the public consultation requirements.

Part 6 – Project Timeline

- Report to Council – **8 March 2016**.
- Gateway determination issued **May 2016**.
- Anticipate that no additional studies will be required as there has been extensive work undertaken of all relevant matters as part of the *Lismore Growth Management Strategy 2015-2035*.
- Timeframe for government agency consultation and public consultation – **June 2016**.
- Timeframe for consideration of submissions – **July 2016**.
- Timeframe for consideration of the Planning Proposal, post-exhibition, by Council – **August 2016**.
- Date of submission to the Department to finalise the LEP – **August 2016**.
- Anticipated date for plan making – **October 2016**.

Conclusion

This Planning Proposal seeks to amend Lismore LEP 2012 to permit the Community Title subdivision of new and existing rural land sharing communities. The preferred method to achieve this will be to add a new local provision (clause 6.8A), to amend clause 6.8 and to amend the *Potential Rural Landsharing Community Development Map*.

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. This work remains current and relevant to the Planning Proposal. No further studies are required.

An assessment of the Planning Proposal indicates that it is consistent with relevant SEPPs. It is consistent with most of the relevant s117 Directions and where inconsistencies occur they can be justified. It is consistent with the Far North Coast Regional Strategy.

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

TABLE 1 – COMPLIANCE WITH STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Requirements	Compliance
SEPP 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. The mapping of ecologically sensitive areas for the <i>Lismore Growth Management Strategy 2015-2035</i> excluded significant koala habitat from areas mapped as potential rural land sharing communities. 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. No State or regionally significant agricultural land occurs on the proposed Potential Rural Landsharing Community Development Map. The Planning Proposal will not rezone any land and will reduce the area currently available for rural land sharing communities. It will not have a significant impact on 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. It will reduce considerably the area that may be used for rural land sharing communities in the future, which will alleviate pressure and potential conflict on rural zoned 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. No State or regional extractive resources are identified on the <i>Potential Rural Landsharing Community Development Map</i> . This Planning Proposal will reduce considerably the area that may be used for rural land sharing communities in the future, which will alleviate pressure and potential conflict with any proposed extraction sites.
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. Reduction of the area potentially available for rural community land sharing will reduce potential conflict with agriculture. In preparing its growth management strategy, Council has recognised the significance of socio-economic benefits of rural land uses. Council has identified natural resources, biodiversity, water resources and constrained land in mapping its preferred areas for future rural community land sharing. Yet it has also still provided for a reasonable supply of rural housing in a range of locations with adequate services and infrastructure. 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 and will identify areas for potential rural land sharing community development that are not known to contain high conservation value areas.
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. The proposed Potential Rural Landsharing Community Development Map has been based on a 4 km catchment around Nimbin and a 2 km catchment around other villages in order to better integrate land use, transport and services. The Planning Proposal will reinforce existing centres and villages.
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	Inconsistent at this stage pending consultation with CASA and the Lismore Airport manager. The proposed Potential Rural Landsharing Community Development Map does include some areas within 4 km of the Lismore Airport and some of this land will have an RL of 56 metres or above. However, given the distance to Lismore Airport, it is unlikely that one- and two-story rural dwellings or urban infrastructure such as electricity poles near Wyrallah or Caniaba will cause

Ministerial Directions	Requirements	Compliance
	appropriate noise mitigation is proposed.	obstructions or hazards for aircraft. In any case, Council does have controls that deal with this in Lismore DCP Chapter 11. 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.	Consistent. Shooting ranges are located at Rifle Range Road, Tuncester and Wyrallah Road, Monaltrie. The proposed Potential Rural Landsharing Community Development Map does not include any land within 500 metres of the two shooting ranges. There are no existing rural land sharing communities in these locations either.
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. No steep, unstable or mine subsidence areas are included on the proposed Potential Rural Landsharing Community Development Map.
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. Flood affected land has been excluded from the proposed Potential Rural Landsharing Community Development Map. 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.	Inconsistent at this stage pending consultation with RFS. Substantial areas of class 1 and class 2 bushfire hazard lands have been omitted from the proposed Potential Rural Landsharing Community Development Map.

Ministerial Directions	Requirements	Compliance
5 Regional Planning		
5.1 Implementation of Regional Strategies	The planning proposal must be consistent with the Far North Coast Regional Strategy.	Consistent. The 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.
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 has been omitted from the proposed Potential Rural Landsharing Community Development Map. 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.

Ministerial Directions	Requirements	Compliance
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 AND MAPs FOR RURAL LAND SHARING COMMUNITIES

Lismore Local Environmental Plan 2012

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) adequate vehicular access is provided to the lot from an arterial, sub-arterial or collector road, and
- (d) 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	Formula to be included here
More than 210 hectares, but not more than 360 hectares	Formula to be included here
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.

6.8A Minimum subdivision lot size for rural landsharing community developments

(1) The objective of this clause is to permit the subdivision of land to which this clause applies for an approved or proposed rural landsharing community using a community title scheme.

(2) This clause applies to a lot:

(a) 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](#), or

(b) 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:

(i) the number that results from the application of clause 6.8 (in the case of land referred to in clause (2) (a), or

(ii) the number of dwelling sites approved under the development consent for the multiple occupancy or rural landsharing community (in the case of land referred to in clause (2) (b)), 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 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 original parcel of land is not less than 10 hectares in size and is physically suitable for the development, and

(b) in the case of a proposed rural landsharing community the development has access to a bitumen sealed public road and each dwelling will use the same vehicular access to and from that public road, and

(c) the development will not impair the use of the land for agriculture or rural industries, and

(d) the land is capable of accommodating the on-site disposal and management of sewage for the development, and

(e) the development will not have an adverse impact on the scenic amenity or character of the rural environment, and

(f) appropriate management measures are in place that will ensure the protection and enhancement of the biodiversity of the land, and

(g) 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.

Lismore Local Environmental Plan 2012

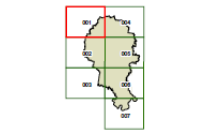
Potential Rural Landsharing Community Development Map - Sheet RCD_001

Potential Rural Landsharing Communities

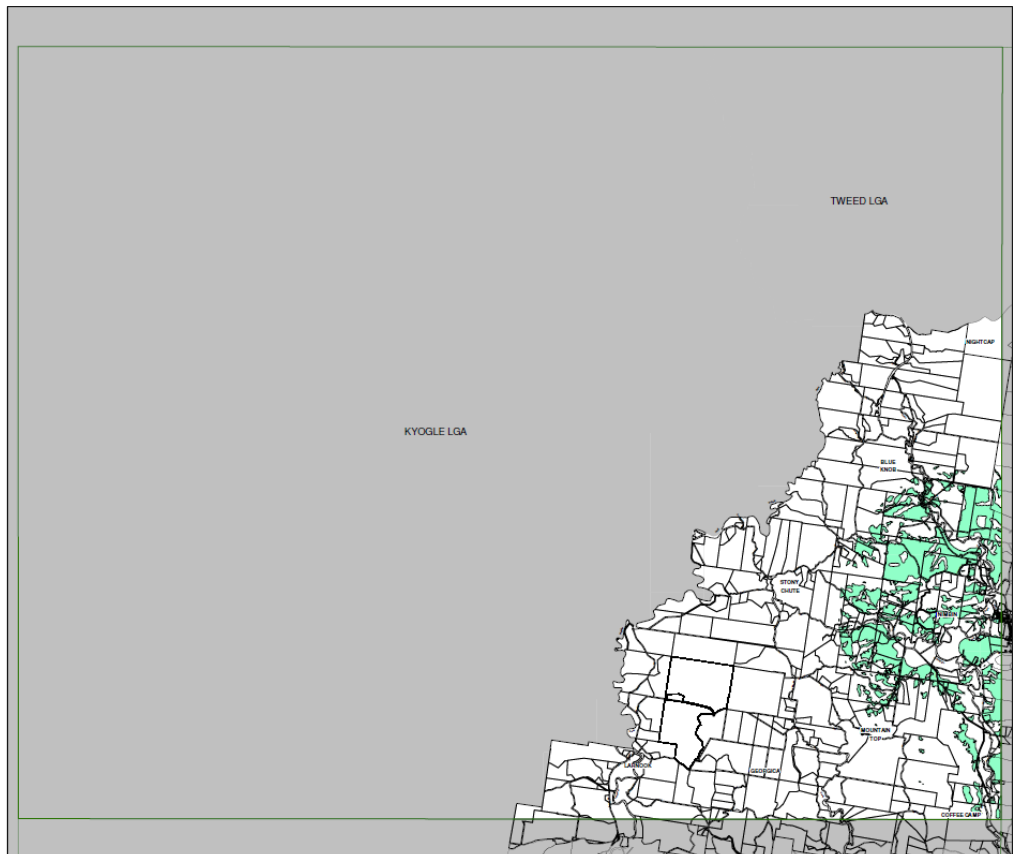
Potential Rural Landsharing Community Development Areas

Cadastral

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Lismore Local Environmental Plan 2012

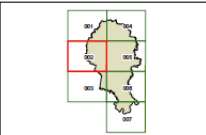
Potential Rural Landsharing Community Development Map - Sheet RCD_002

Potential Rural Landsharing Communities

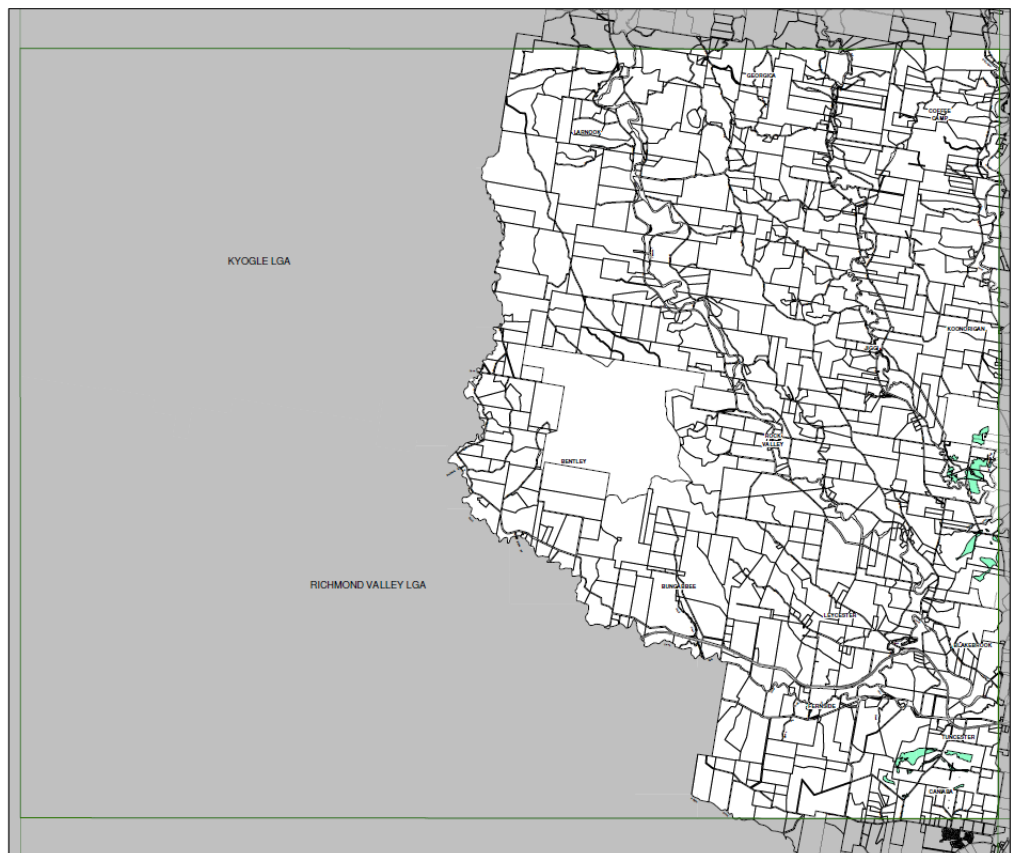
Potential Rural Landsharing Community Development Areas

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Lismore Local Environmental Plan 2012

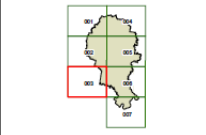
Potential Rural Landsharing Community Development Map - Sheet RCD_003

Potential Rural Landsharing Communities

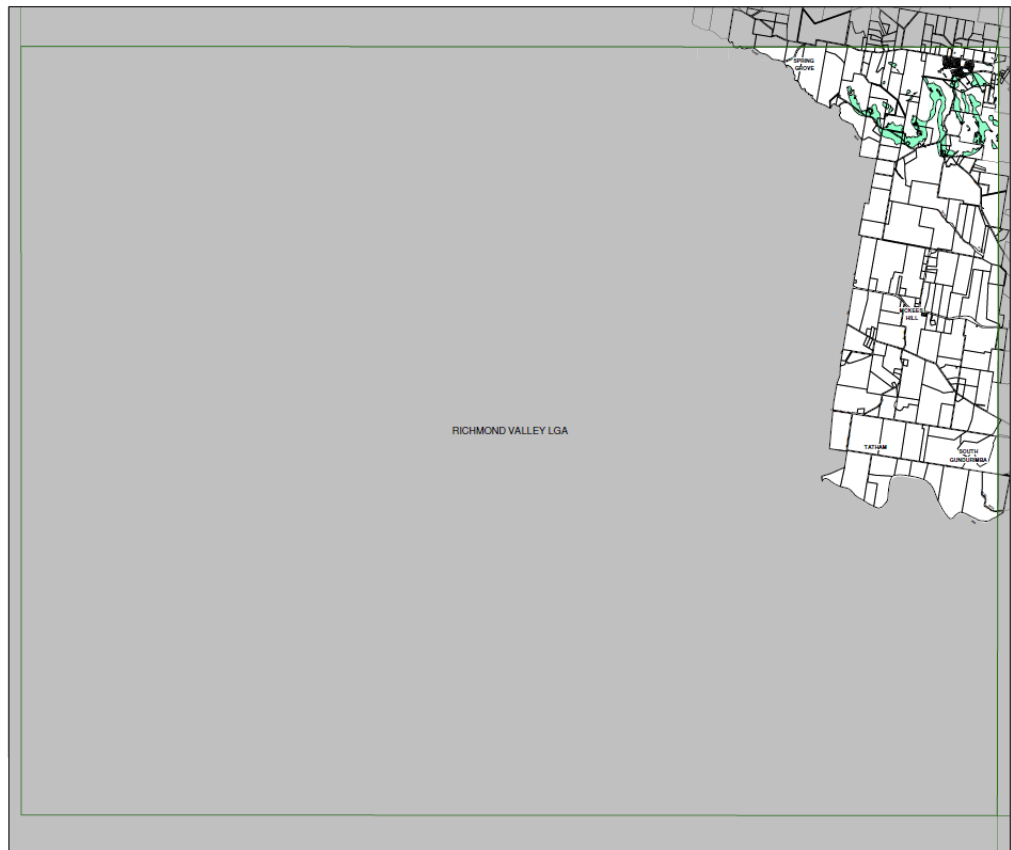
Potential Rural Landsharing Community Development Areas

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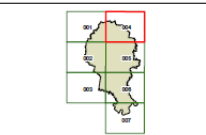
Potential Rural Landsharing Community Development Map - Sheet RCD_004

Potential Rural Landsharing Communities

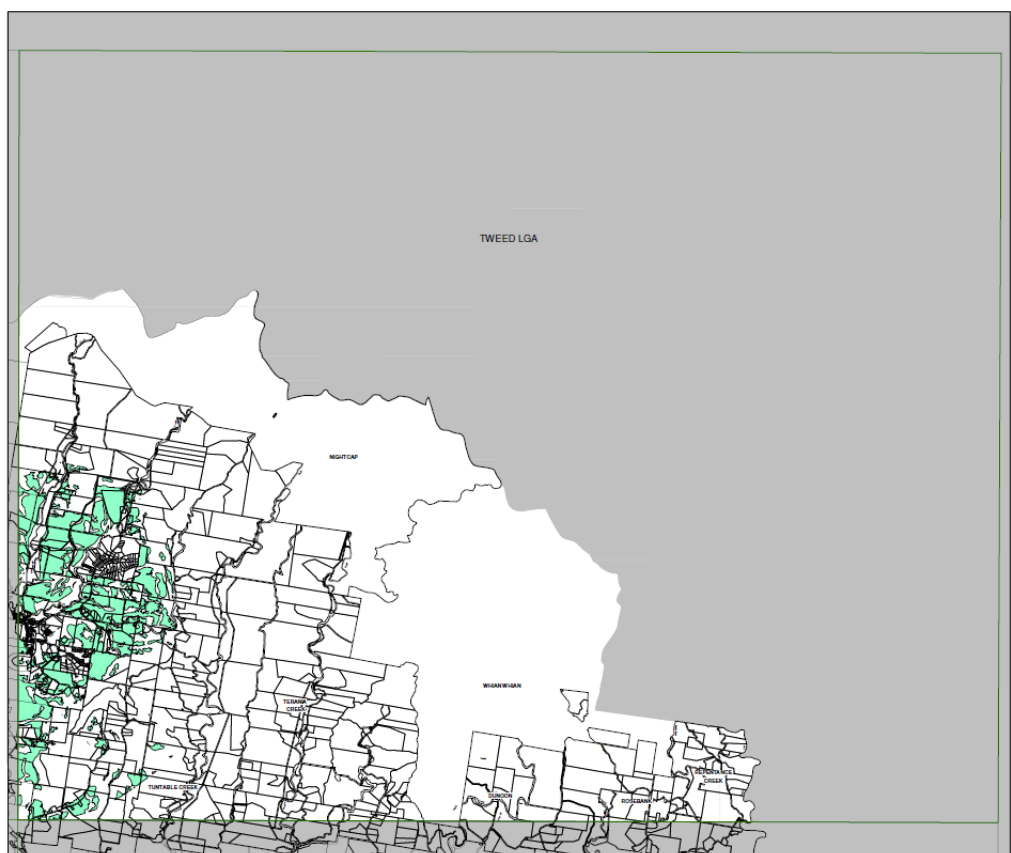
Potential Rural Landsharing Community Development Areas

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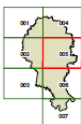
Potential Rural Landsharing Community Development Map - Sheet RCD_005

Potential Rural Landsharing Communities

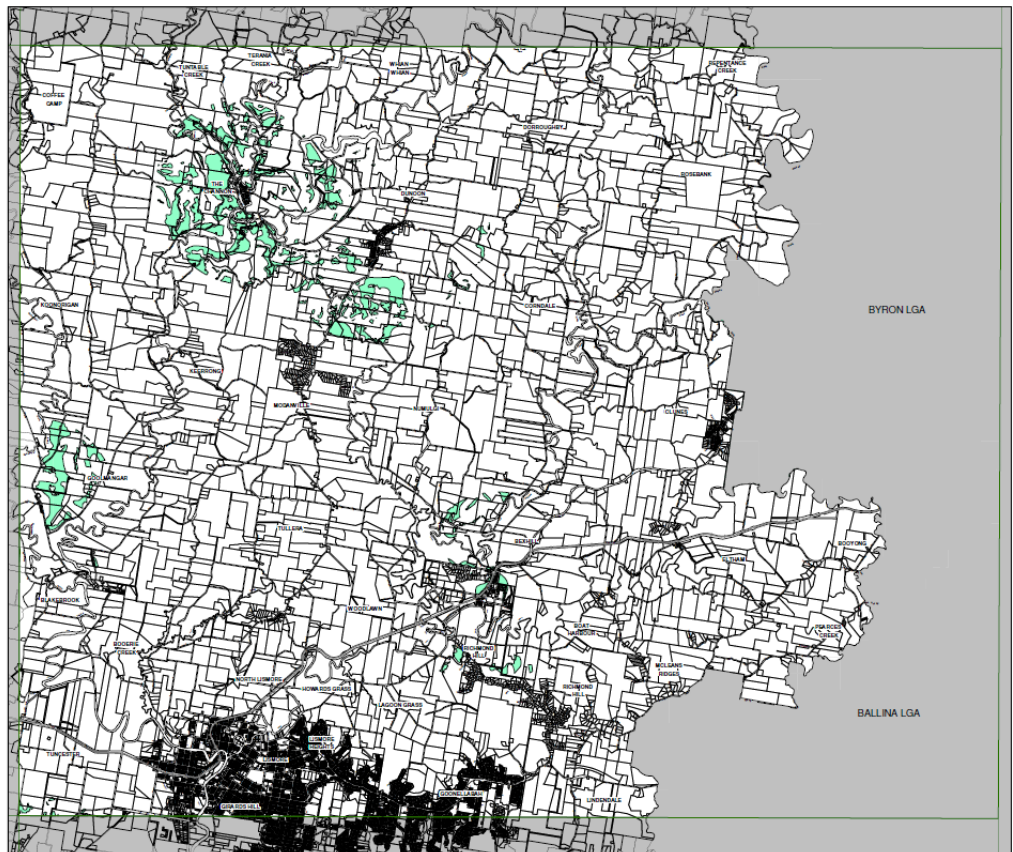
Potential Rural Landsharing Community Development Areas

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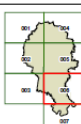
Potential Rural Landsharing Community Development Map - Sheet RCD_006

Potential Rural Landsharing Communities

Potential Rural Landsharing Community Development Areas

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