

# Planning Proposal

## Reclassification and rezoning of Council owned land

**April 2018**



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## Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to:

- a) Reclassify one (1) allotment of Council owned land and
- b) Rezone two (2) allotments of Council owned land

The reclassification is required to enable the sale of land and facilitate the future expansion of the Lismore Crematorium. The rezonings are required to ensure the zoning of land reflects current and future uses.

## Part 2 – Explanation of Provisions

The planning proposal involves the reclassification of one (1) Council owned allotment from Community to Operational and rezoning of two (2) Council owned allotments. This requires LEP Map amendments and an amendment to the written LEP Instrument.

**Table 1 - Summary of Reclassification/Rezoning**

Location	Reclassification	Zone, Minimum Lot Size (MLS), Height of Building (HOB) Maps
<b>Site 1</b> 619 Skyline Road, Goonellabah	Community to Operational – no interests changed	Existing Zone: RU1 Primary Production Proposed Zone: SP2 Infrastructure and E2 Environmental Conservation
<b>Site 2</b> 627 Skyline Road, Goonellabah		Existing Zone: SP2 Infrastructure Proposed Zone: RU1 Primary Production

The planning proposal involves changes to the Land Zoning Map LZN006\_AB. It is also proposed to amend the written instrument, in particular Schedule 4 of the LEP. The proposed amendment to schedule 4 is detailed below:

### Schedule 4 Classification and reclassification of public land

**Insert** the following entries into **Part 1 Land classified, or reclassified as operational land – no interests changed**

#### Column 1

##### Locality

619 Skyline Road, Goonellabah

#### Column 2

##### Description

Lot 2 DP 617349

## Part 3 – Justification

### Section A – Need for the Planning Proposal

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

The planning proposal is a result of a Council resolution made on 13 December 2016 that approved the purchase and subdivision of 619 Skyline Road, Goonellabah to facilitate the long term future expansion of the Lismore Crematorium. The Council resolution also approved the sale of the future subdivided 'house' lots at 619 and 627 Skyline Road, Goonellabah.

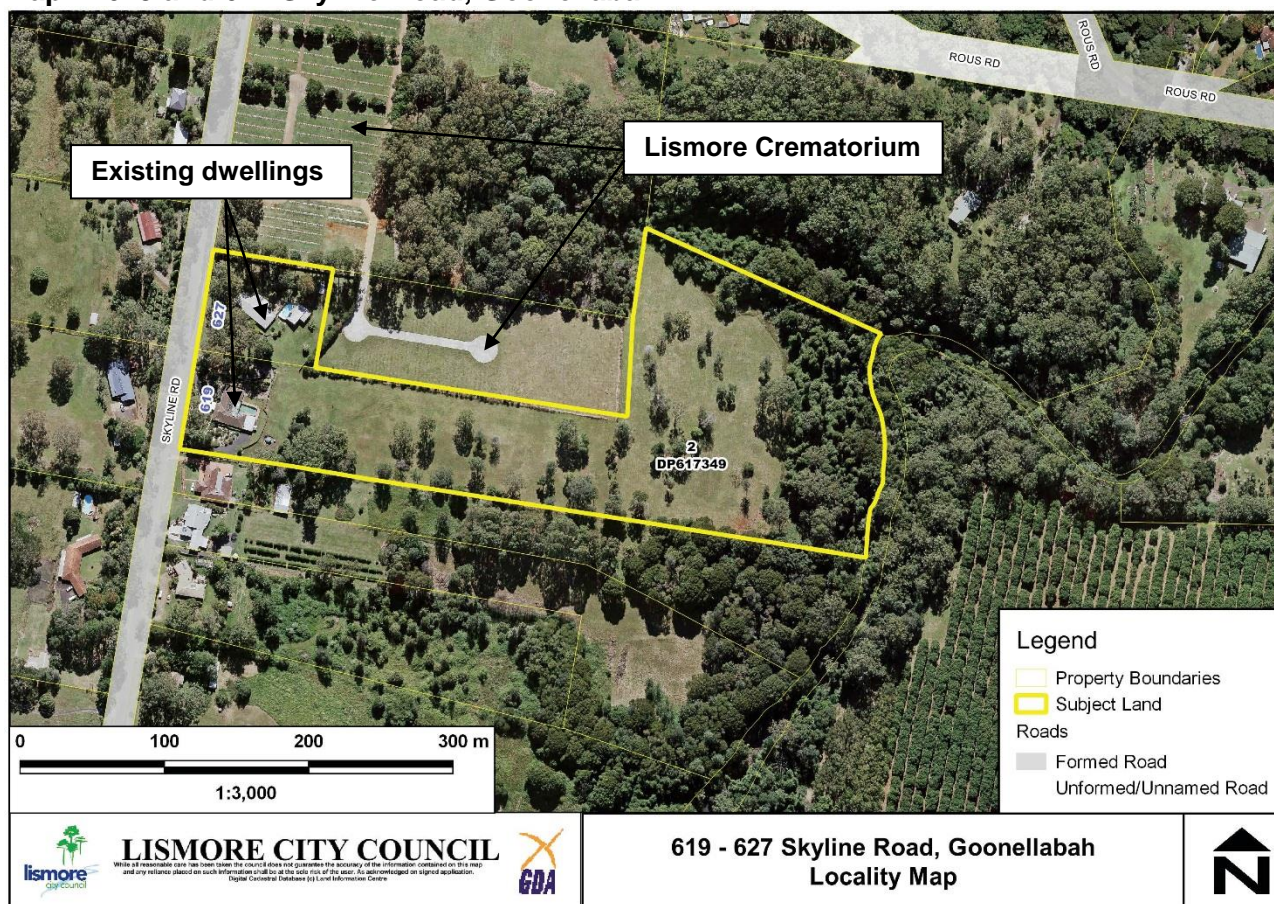
#### Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The reclassification of 619 Skyline Road, Goonellabah from Community to Operational with the amendment of Lismore LEP 2012 Schedule 4 is the only way to achieve the objectives of the planning proposal. The rezoning of both parcels of land can only be achieved through a planning proposal.

Attachment 1 at the end of this report provides the required information to reclassify land through an LEP in accordance with the Department of Planning and Environment's LEP Practice Note PN 16-001.

Attachment 2 provides responses to the Secretary's requirements in accordance with Section 5.5.4 of the Department of Planning and Environment's Guide to Preparing Local Environmental Plans.

Map 1: 619 and 627 Skyline Road, Goonellabah



### **Site 1: 619 Skyline Road, Goonellabah (Lot 2, DP 617349)**

#### ***Proposal:***

Reclassify the land from Community to Operational and rezone part of the land from Zone RU1 Primary Production to Zone SP2 Infrastructure and part of the land to E2 Environmental Conservation.

#### ***Rationale for the reclassification:***

It is intended to reclassify the land from Community to Operational in accordance with a Council resolution made on 13 December 2016 to purchase 619 Skyline Road, Goonellabah to facilitate the future expansion of the adjacent Lismore Crematorium.

The land also needs reclassifying because Council also resolved to proceed to subdivide 619 Skyline Road, Goonellabah with the intention to sell the 'house lot' (an area of 5,450m<sup>2</sup>). The subdivision application was determined on 13 April 2018.

This proposal also seeks to reclassify the entire site from *community* to *operational no interests changed* (covenants, restrictions, public reserve status etc. maintained) to facilitate the sale of the house site and to allow the use of the balance parcel for the future expansion of the Lismore Crematorium.

The land is not a public reserve according to the Certificate of Title, nor is it burdened by easements or covenants. It is proposed to reclassify the land from *community* to *operational – no interests changed*.

#### ***Rationale for the rezoning:***

It is proposed to rezone approximately 3.1ha of the site from Zone RU1 Primary Production to Zone SP2 Infrastructure to facilitate the future expansion of the Lismore Crematorium. In the Lismore LEP 2012, development that is permitted with consent in Zone SP2 Infrastructure Development is shown in the Land Zoning Map. Therefore, the land zoning map will be amended and a development application will be required for the use of the site as a Cemetery.

The application of Zone E2 Environmental Conservation is aimed at limiting the allowed land uses to protect the riparian rainforest adjacent to Tucki Creek. This is consistent with the Department of Planning criteria as outlined in the *Northern Councils E Zone Review Final Recommendations Report*. This report states that Zone E2 will only be applied if the primary use of the land is considered environmental conservation.

Although the primary use of the land varies across this site, it is clear from the ecological survey undertaken that the primary use of the riparian rainforest area is environmental conservation.

Moreover, the criteria for applying Zone E2 are satisfied because the riparian rainforest area is considered to be an Endangered Ecological Community (Lowland Subtropical Rainforest) listed under the *Biodiversity Conservation Act 2017*. The site also contains habitat for threatened species and is considered to be an over cleared vegetation community.

### **Site 2: 627 Skyline Road, Goonellabah (Lot 11 DP 549608)**

#### ***Proposal:***

Rezone part of the site (the 'house' site comprising 5,400m<sup>2</sup>) from SP2 Infrastructure to RU1 Primary Production.

#### ***Rationale for the rezoning:***

During the assessment of the Development Application to subdivide both 627 and 619 Skyline Road, it became apparent that the zoning of the 'house' site at 627 Skyline Road, Goonellabah should reflect its use for rural residential and be consistent with the zoning of surrounding rural residential



uses. It was determined the site should be rezoned from Zone SP2 Infrastructure to Zone RU1 Primary Production. While the rural residential lots along Skyline Road are more akin to R5 Large Lot Residential, due to historical legacy issues the land has remained in RU1 Primary Production mainly because there is no future subdivision potential in the locality.

This land has a previous development approval (DA10/541) dated 14 April 2011 for an extension of the existing cemetery, construction of an internal access road and demolition of the existing dwelling and outbuildings in 2 stages. Stage 1 referred to the construction of the internal access road which has occurred. Stage 2 related to the demolition of the dwelling and outbuildings. Council has decided not to proceed with Stage 2 works.

## **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 Planning Proposal is consistent with the *North Coast Regional Plan 2036* which identifies Lismore as a Regional City that provides essential and high-level services to residents in the town and outlying villages. The provision of crematorium services forms part of Council's role in providing essential municipal services. The Planning Proposal will ensure there is an adequate supply of land suitably zoned that is classified as operational for the Lismore Crematorium's long term future expansion.

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

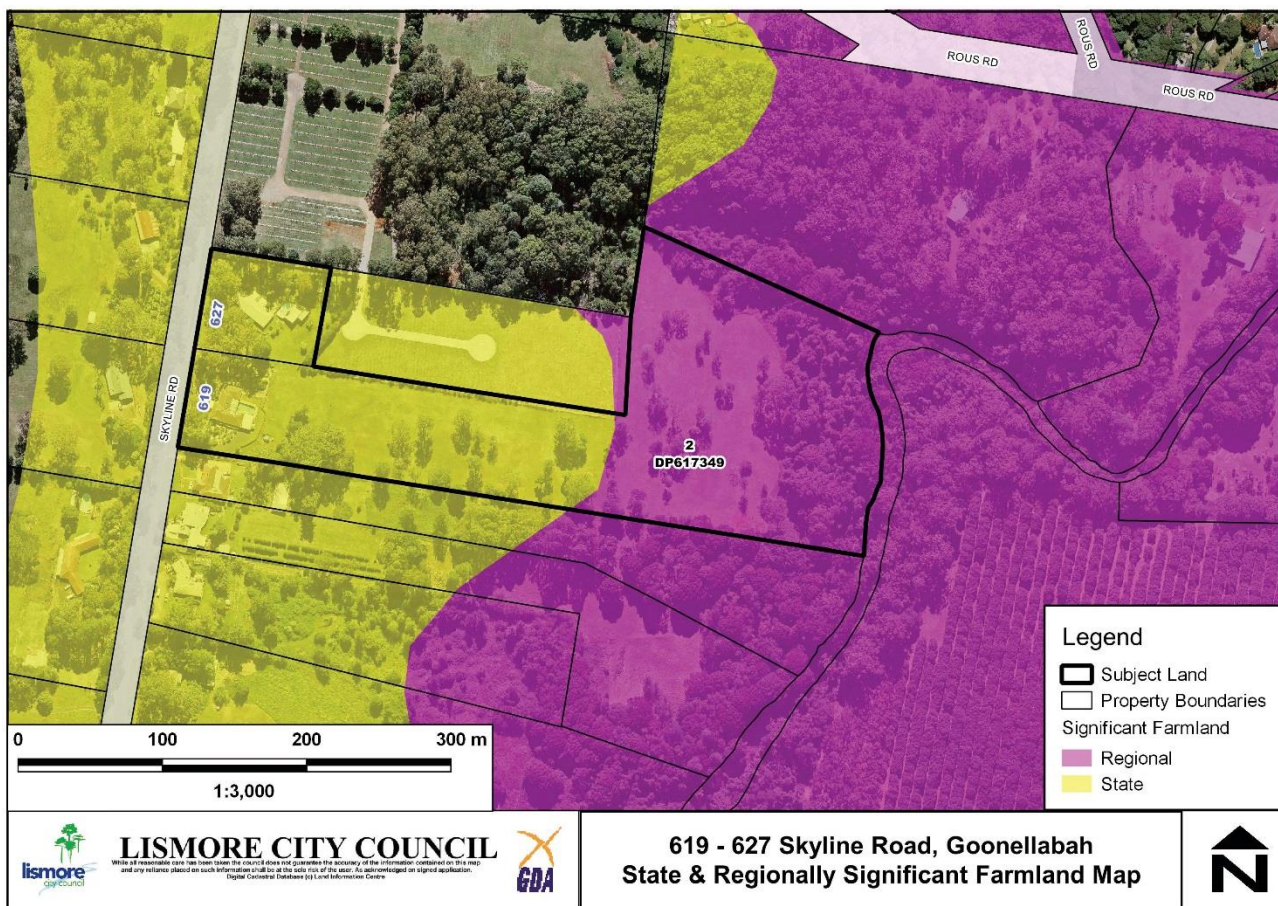
This Planning Proposal is consistent with the Imagine Lismore Community Strategic Plan 2012-2027 objective 'Our community has access to essential services' and strategy that Council:

'Provide suitable and well-planned cemeteries, chapel and crematorium services'.

This Planning Proposal will assist Council provide crematorium services in the long term by provision of suitably zoned and classified land.

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

The planning proposal is consistent with the applicable State Environmental Planning Policies. Refer to Attachment 3 at the end of this Planning Proposal for detail.



**Map 2: State and Regionally Significant Farmland at 627 and 619 Skyline Road, Goonellabah**

The site is mapped as containing both State and Regionally Significant Farmland according to the Northern Rivers Farmland Protection Project 2005. However, the land has been developed for rural residential and its constraints and ownership by Council preclude its use for productive agriculture.

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?**

The planning proposal is consistent with the applicable s117 Ministerial Directions. Refer to Attachment 4 at the end of this Planning Proposal for details.

## 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?**

### Vegetation

The central part of the site is mapped as North Coast Dry Sclerophyll Forest. A site inspection confirmed many of the trees are in poor condition showing signs of die back and that the groundcover is dominated by exotic grasses such as Seteria and Couch.

The eastern part of the site that adjoins Tucki Creek is mapped as Subtropical Rainforest and has been confirmed as rainforest containing several large *Eucalyptus grandis*.



## Koala Habitat

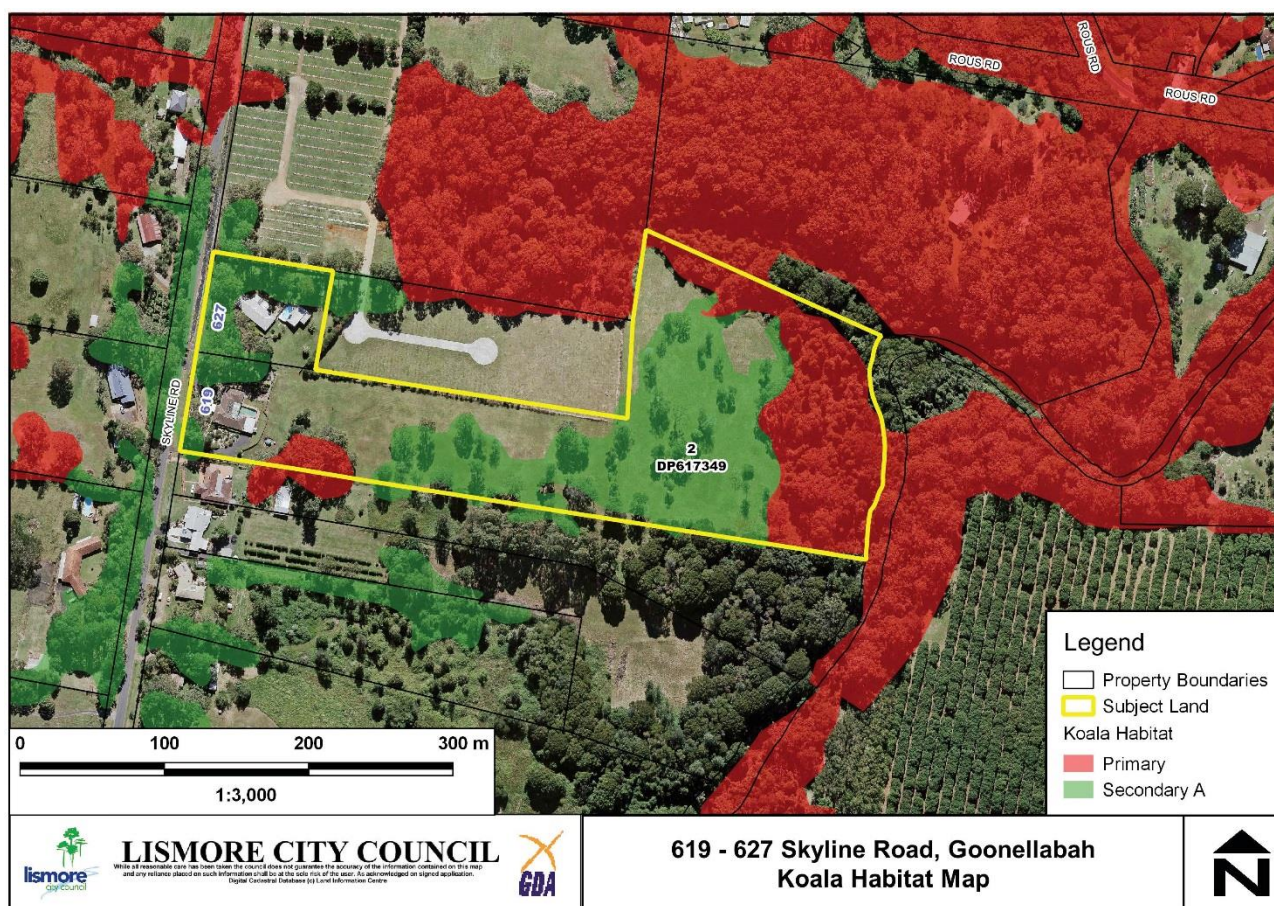
Council's mapping shows the site to contain both primary and secondary koala habitat (see Map 3 below). However, a site inspection confirmed that the extent of koala habitat is highly restricted to a clump of Tallowwood – Bloodwood Forest Redgum on the western part of the site behind the existing house. Scats were identified under two large Tallowwood trees in this area which indicates this vegetation is used by Koalas.

In the middle portion of the site, an area of 10 regenerating scattered *Eucalyptus tereticornis* were observed. The site is surrounded by high quality Primary and Secondary Koala habitat, especially to the north, where the *Eucalyptus tereticornis* dominate the vegetation, which is part of the Lismore Crematorium. Koala habitat on the site is considered to be core koala habitat as defined in the State Environmental Planning Policy 44 - Koala Habitat Protection due to the presence of koala scats and supporting information on Bionet and recent koala habitat survey undertaken by Council.

## Threatened Species

A Survey of the site revealed the presence of two threatened flora species: Arrow Headed Vine (*Tinospora tinosporoides*) at numerous locations throughout the riparian rainforest area and Thorny Pea (*Desmodium acanthocladum*) along the creek and western edge of the rainforest.

The vegetation communities apparent on the site provide potential habitat for 21 threatened species, most of which are associated with the Subtropical rainforest that comprises the eastern portion of the site. Based on the desktop assessment and site inspection the site contains high conservation vegetation including small areas of koala habitat and habitat for threatened species.



Map 3: Koala Habitat at 627 and 619 Skyline Road, Goonellabah



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

The likely impact of this Planning Proposal on the environmental features of the site is considered to be positive because the application of Zone E2 Environmental Conservation will limit potential future land uses and development on the riparian rainforest adjacent to Tucki Creek.

In addition to the land zoning, management practices currently employed by the Lismore Crematorium on their existing holdings that contain Primary Koala habitat have proven to enhance the biodiversity values present on the site. For example, the management practices have included bush regeneration, weed control and a revegetation program that have improved the native vegetation. Moreover, the Crematorium has plans for a new landscape design for the site that will establish the ongoing preservation of existing native vegetation and planting of new native trees.

It is expected that as part of any development application for the expansion of the cemetery, a Vegetation Management Plan to formalise the retention and enhancement of existing vegetation would be a condition of any approval.

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

This Planning Proposal will facilitate the future expansion of the Lismore Crematorium in the long term, which will allow Council to provide the community well-planned crematorium services. There are no likely detrimental economic impacts from the Planning Proposal as the land is adjacent to the existing established Crematorium so this Planning Proposal facilitates a logical extension to the existing facility.

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

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

The planning proposal will not result in increased demand for public infrastructure.

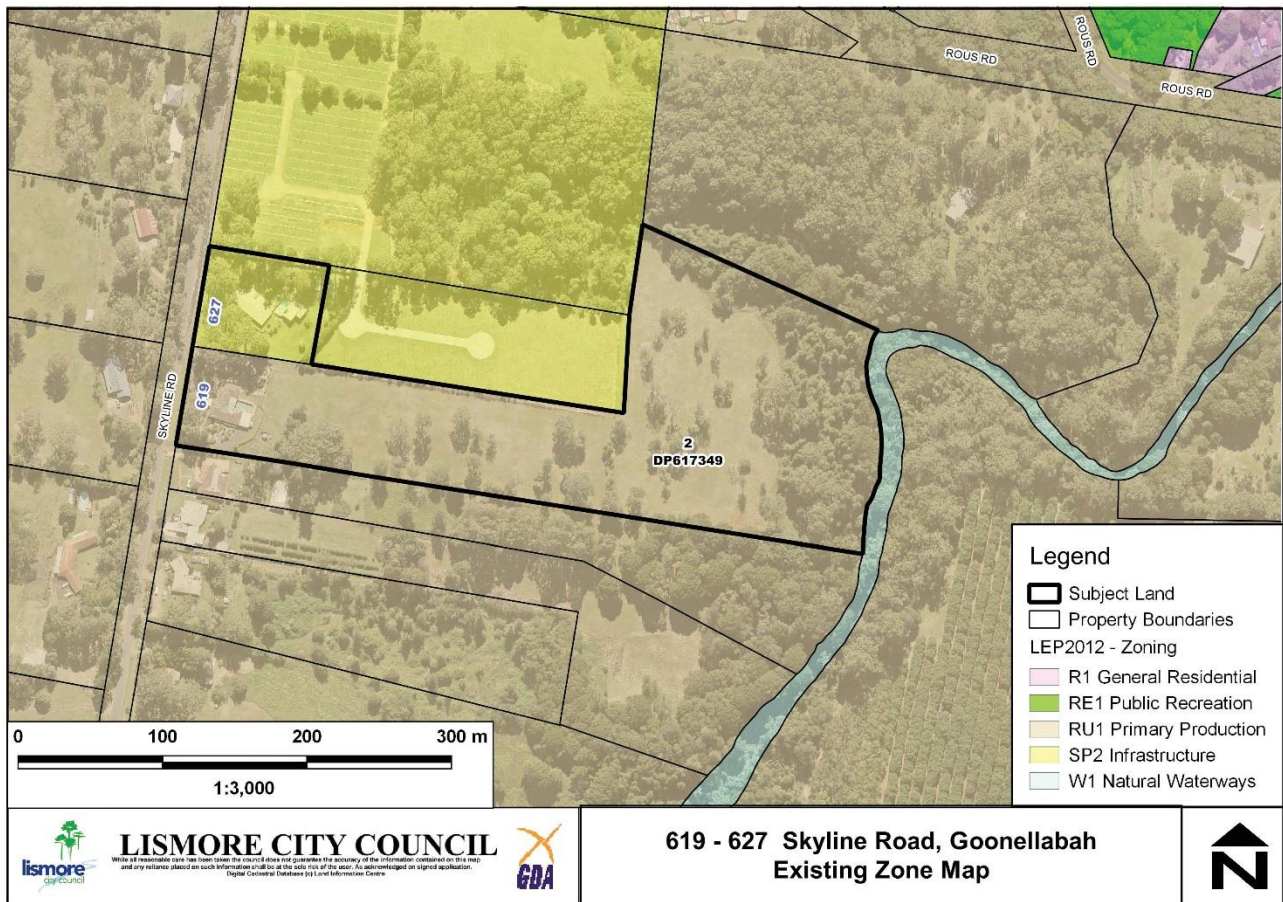
**Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

The land contains bushfire prone vegetation and areas mapped in Council's GIS system as Primary and Secondary Koala Habitat which will necessitate referrals to the NSW Rural Fire Service and the Office of Environment and Heritage.

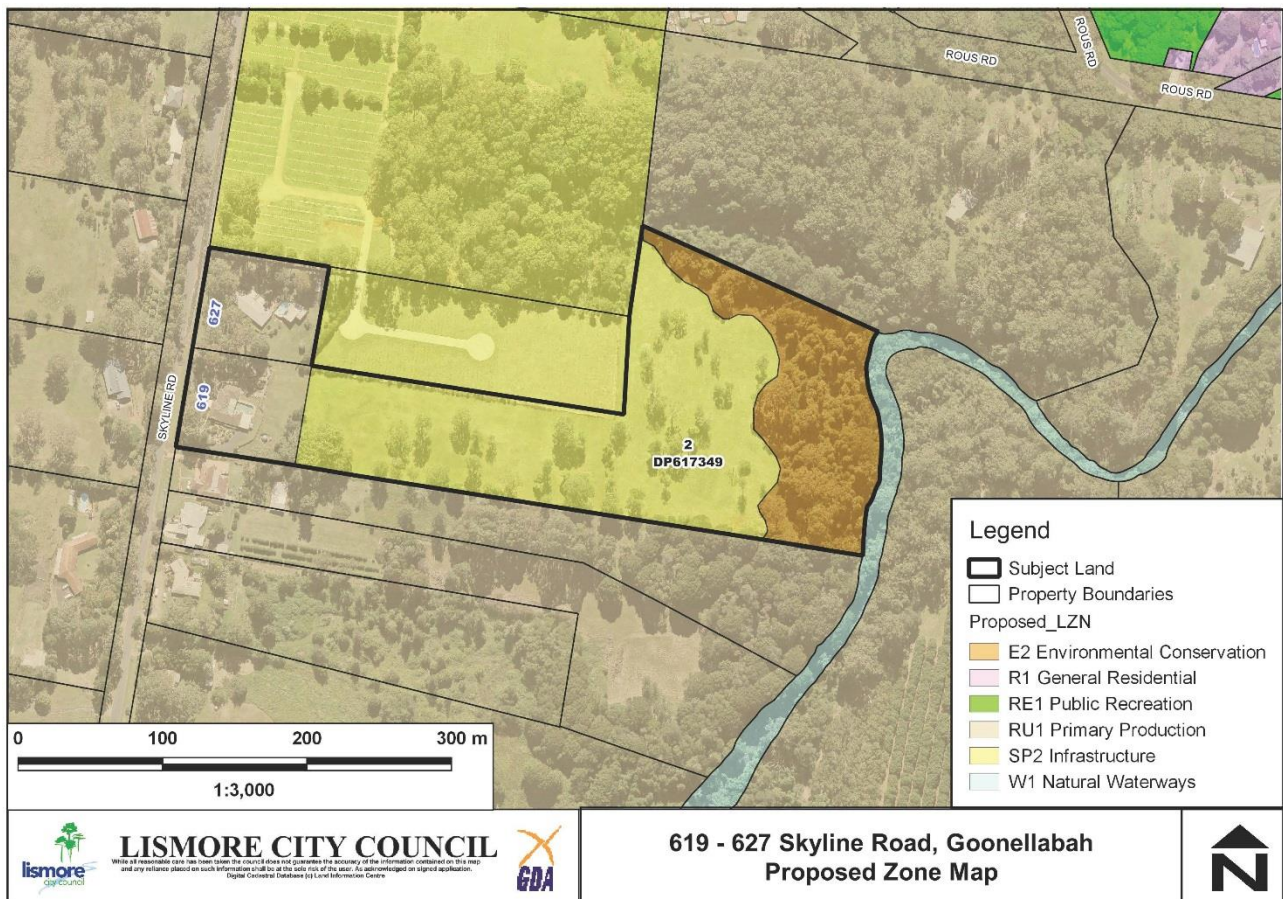
## **Part 4 – Mapping**

The land at 619 Skyline Road, Goonellabah is proposed to be rezoned from Zone RU1 Primary Production to Zone SP2 Infrastructure and Zone E2 Environmental Conservation. The zone boundary has been determined with reference to a subdivision application (DA17/364). The existing and proposed maps are provided below. The amendment will be achieved by amending map sheet: LZN\_006AB

**Map 4: Existing Zone Map**



**Map 5: Proposed Zone Map**





## 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 adjoining land holders,

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,

The Gateway determination will confirm the public consultation requirements.

### Public hearing

In accordance with Section 29 of the *Local Government Act 1993* and Section 57 of the *Environmental Planning and Assessment Act 1979*, Council must arrange a public hearing following the public exhibition of the planning proposal. The purpose of the public hearing is to allow members of the community to make submissions on the proposed reclassifications to an independent party, who then reports to Council on these submissions prior to Council making a determination on the planning proposal.

## Part 6 – Project Timeline

Estimated completion	Plan making step
June 2018	Report planning proposal to Council
July 2018	Gateway determination issued by the Department of Planning and Environment
August 2018	Public exhibition
September 2018	Analysis of submissions Preparation of Council report
October 2018	Public hearing Preparation of report
November 2018	Report to Council
November 2018	Submission of the draft LEP to the Department of Planning and Environment for plan making
December 2018	Plan made and notified on NSW Legislation web site



## Attachment 1 - Reclassification Information – DPE LEP Practice Note PN 16-001

Issue	619 Skyline Road, Goonellabah (Lot 2 DP 617349)
1. The current and proposed classification of the land;	The land is currently classified as community. It is proposed to reclassify the land to operational.
2. Whether the land is a 'public reserve' (defined in the LG Act);	The land is not a public reserve.
3. The strategic and site specific merits of the reclassification and evidence to support this;	The reclassification is required to enable the sale of the 'house lot' and future development of the remaining land for the expansion of the Lismore Crematorium.
4. Whether the planning proposal is the result of a strategic study or report;	The Planning Proposal is the result of a Council resolution made on 13 December 2016 to purchase and subdivide the land for the future expansion of the Lismore Crematorium.
5. Whether the planning proposal is consistent with council's community plan or other local strategic plan;	This Planning Proposal is consistent with the Imagine Lismore Community Strategic Plan 2012-2027 objective for the community to access essential services and the strategy that Council provide suitable and well-planned cemeteries, chapel and crematorium services.
6. A summary of council's interests in the land, including: <ul style="list-style-type: none"> <li>- how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)</li> <li>- if council does not own the land, the land owner's consent;</li> <li>- the nature of any trusts, dedications etc;</li> </ul>	The land was acquired by Council on 30 January 2017 following a Council resolution approving the purchase. The Certificate of Title does not indicate any interests in the land.
7. Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	There are no interests in the land as per the Certificate of Title.
8. The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);	The effect of the reclassification of the land from community to operational in the short term will be the sale of the house lot. In the longer term the reclassification will result in the remaining land being used for the expansion of the Lismore Crematorium and environmental conservation of the riparian rainforest area adjacent to Tucki Creek.
9. Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);	Not applicable.
10. Current use(s) of the land, and whether uses are authorised or unauthorised;	The land is currently used for rural residential purposes which is an authorised use by virtue of previous development applications for the dwelling, awning (DA 07/18) and swimming pool (BA89/468).

<b>Issue</b>	<b>619 Skyline Road, Goonellabah (Lot 2 DP 617349)</b>
11. Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	The house lot is currently subject to a residential tenancy as per an ongoing managing agent's agreement.
12. Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);	Council intends to sell the house lot which comprises an area of 5,450m <sup>2</sup> .  It is predicted that the remaining 3.1ha of the site to be rezoned to Zone SP2 Infrastructure will be required for burials in approximately 20-30 years' time based at current rates of take up.
13. Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);	There is sufficient justification to rezone the land from Zone RU1 Primary Production to Zone SP2 Infrastructure and Zone E2 Environmental Conservation to facilitate the future expansion of the Lismore Crematorium and protect the riparian rainforest.
14. How council may or will benefit financially, and how these funds will be used;	Council purchased this property with a view to increasing the size of the lawn cemetery. As such, the residential part of the property is surplus to Council's requirements. The proceeds from the sale will be used to repay part of the internal borrowings used to acquire the property.
15. How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;	Not applicable - there are no open space sites being proposed as part of this Planning Proposal.
16. A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot;	Not applicable as the whole site is proposed to be reclassified.
17. Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	Not applicable.

## **Attachment 2 - Secretary's requirements**

<b>Secretary's requirement</b>	<b>619 Skyline Road, Goonellabah (Lot 2 DP 617349)</b>
a. Is the planning proposal the result of a strategic study or report?	The Planning Proposal is the result of a Council resolution made on 13 December 2016 that approved the sale and subsequent subdivision of the subject site to facilitate the long term future expansion of the Lismore Crematorium.
b. Is the planning proposal consistent with the local council's community plan, or other local strategic plan?	This Planning Proposal is consistent with the Imagine Lismore Community Strategic Plan 2012-2027 objective

Secretary's requirement	619 Skyline Road, Goonellabah (Lot 2 DP 617349)
	<p>'Our community has access to essential services' and strategy that Council: <i>Provide suitable and well-planned cemeteries, chapel and crematorium services.</i></p> <p>This Planning Proposal will assist Council provide crematorium services in the long term by provision of suitably zoned and classified land.</p>
c. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.	There are no interests in the land according to the Certificate of Title.
d. The concurrence of the landowner, where the land is not owned by the relevant planning authority.	Not applicable – the land is currently owned by Council.

### Attachment 3 - State Environmental Planning Policy 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. 21 – Caravan Parks	Not applicable	Not applicable
SEPP No. 22 – Shops and Commercial Premises	Not applicable	Not applicable
SEPP No. 26 – Littoral Rainforests	To provide a mechanism for the consideration of applications for development that is likely to damage or destroy littoral rainforest areas	This Planning Proposal does not involve a development application, rather the protection of littoral rainforest in Zone E2 Environmental Conservation.
SEPP No. 30 – Intensive Agriculture	Not applicable	Not applicable
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)	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 44 – Koala Habitat Protection	<p>3 Aims, objectives etc</p> <p>(a) by requiring the preparation of plans of management before development consent can be granted in relation to</p>	<p>The site contains both primary and secondary Koala Habitat according to Council's GIS mapping.</p> <p>However, a site inspection has confirmed the extent of koala habitat</p>



State Environmental Planning Policy	Requirements	Compliance
	<p>areas of core koala habitat, and</p> <p>(b) by encouraging the identification of areas of core koala habitat, and</p> <p>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.</p>	<p>is restricted to a clump on the western side of the site behind the dwelling. Scats were identified under two large Tallowood trees in the clump, therefore this koala habitat is considered to be core habitat under the SEPP 44 definition.</p> <p>While it is not proposed to rezone this clump of vegetation to Zone E2 Environmental Conservation, it is expected that preservation measures for this koala habitat will be outlined in a Vegetation Management Plan, to be prepared as part of a future development application for the Cemetery extension.</p>
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
SEPP 55 – Remediation of Land	6 Contamination and remediation to be considered in zoning or rezoning proposal.	Council's Environmental Health Officer has advised that no technical reporting on contaminated land is required because the rezoning will not result in any new sensitive (ie. residential) uses on the 4.9ha balance parcel where a risk may be posed to public health.
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 (Revised Schemes)	Not applicable	Not applicable
SEPP No. 71 – Coastal Protection	Not applicable	Not applicable
SEPP (Affordable Rental Housing) 2009	Not applicable	Not applicable

<b>State Environmental Planning Policy</b>	<b>Requirements</b>	<b>Compliance</b>
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	Not applicable	Not applicable
SEPP (Major Development) 2005	Not applicable	Not applicable
SEPP (Mining, petroleum Production and Extractive Industries) 2007	Not applicable	Not applicable
SEPP (Rural Lands) 2008	Consistency with the following: 7 Rural Planning Principles 8 Rural Subdivision Principles	The land is classified as both regionally and State significant Farmland.  This Planning Proposal is not expected to impact the potential for the land to be used for productive agriculture because it has already been developed for rural residential purposes. The steep slope of the land and riparian rainforest vegetation precludes its use for productive agriculture.
SEPP (SEPP 53 Transitional Provisions) 2011	Not applicable	Not applicable
SEPP (State and Regional Development) 2011	Not applicable	Not applicable
SEPP (Temporary Structures) 2007	Not applicable	Not applicable
SEPP (Urban Renewal) 2010	Not applicable	Not applicable

#### **Attachment 4 - Section 117 Ministerial Directions compliance table**

<b>Ministerial Directions</b>	<b>Requirements</b>	<b>Compliance</b>
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	4(b) Retain the areas and locations of existing business and industrial zones.	Not applicable
1.2 Rural Zones	(4) A draft LEP shall: (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).	Not applicable

<b>Ministerial Directions</b>	<b>Requirements</b>	<b>Compliance</b>
1.3 Mining Petroleum Production and Extractive Industries	Not applicable	Not applicable
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.	While the land is defined as Regionally and State significant Farmland according to the Northern Rivers Farmland Protection Project 2005, the land has been developed for rural residential and its ownership by Council precludes its use for productive agriculture.
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	<p>Must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>Must not reduce protection standards for environmental protection zones.</p>	<p>Consistent.</p> <p>A site inspection has shown the land to contain high conservation vegetation including small areas of koala habitat, habitat for threatened species and riparian rainforest. This is sufficient justification for applying Zone E2 Environmental Conservation to the riparian rainforest area adjacent to Tucki Creek, based on the Department of Planning criteria outlined in the Northern Councils E Zone Review.</p>
2.2 Coastal Protection	Not applicable	Not applicable
2.3 Heritage Conservation	Planning proposal must incorporate provisions that facilitate the conservation of European and Aboriginal heritage items or places.	No known items of European or Aboriginal heritage.
2.4 Recreation Vehicle Areas	Not applicable	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	A Planning Proposal that introduces an E2 Environmental Conservation zone must be consistent with the Northern Councils E Zone Review Final Recommendations	<p>Consistent.</p> <p>The application of Zone E2 Environmental Conservation is consistent with the criteria outlined in the Northern Councils E Zone Review Final Recommendations as discussed in Part 3 of this report.</p>
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	<p>The planning proposal must:</p> <ul style="list-style-type: none"> <li>Broaden the choice of housing types and locations.</li> </ul>	<p>Consistent</p> <p>The Planning Proposal does not impact residential land because it will not result in</p>



Ministerial Directions	Requirements	Compliance
	<ul style="list-style-type: none"> <li>• Make efficient use of existing infrastructure and services.</li> <li>• Reduce consumption of land.</li> <li>• Housing of good design.</li> <li>• Residential development not permitted until land is adequately serviced.</li> <li>• Not contain provisions that will reduce residential density.</li> </ul>	<p>any new residential development.</p> <p>The rezoning of the land to Zone SP2 Infrastructure and Zone E2 Environmental Conservation will not result in any new residential development as these zones do not allow residential development.</p>
3.2 Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> <li>• Retain provisions that permit development of caravan parks.</li> <li>• Appropriate zone for existing caravan parks.</li> </ul>	Not applicable
3.3 Home Occupations	The planning proposal must permit home occupations in dwelling houses without development consent.	Not applicable
3.4 Integrating Land Use and Transport	<p>A planning proposal must locate zones for urban purposes that give effect to:</p> <ul style="list-style-type: none"> <li>• Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>• The Right Place for Business and Services – Planning Policy (DUAP 2001)</li> </ul>	Not applicable
3.5 Development Near Licensed Aerodromes	Not applicable	Not applicable
3.6 Shooting Ranges	Not applicable	Not applicable
<b>4. Hazard and Risk</b>		
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 Map 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.	<p>Not applicable</p> <p>The planning proposal does not involve land identified on the Acid Sulfate Soils Planning Map.</p>
4.2 Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> <li>• Applies to mine subsidence areas</li> <li>• Applies to areas identified as unstable</li> </ul>	<p>Not applicable</p> <p>The planning proposal does not involve mine subsidence areas or areas identified as unstable.</p>

Ministerial Directions	Requirements	Compliance
4.3 Flood Prone Land	<p>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A draft LEP shall not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit a significant increase in the development of that land,</li> <li>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</li> <li>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</li> </ul>	<p>Not applicable</p> <p>The planning proposal does not involve flood prone land.</p>
4.4 Planning for Bushfire Protection	<p>A planning proposal in bush fire prone land:</p> <ul style="list-style-type: none"> <li>• Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination prior to community consultation.</li> <li>• Have regard to Planning for Bush Fire Protection 2006.</li> <li>• Restrict inappropriate development from hazardous areas.</li> <li>• Ensure bush fire hazard reduction is not prohibited within the APZ.</li> </ul>	<p>The land is bushfire prone with vegetation identified as Category 1 and 2.</p> <p>The Planning Proposal will be referred to the RFS for specialist advice prior to community consultation occurring.</p>
<b>5. Regional Planning</b>		

<b>Ministerial Directions</b>	<b>Requirements</b>	<b>Compliance</b>
5.1 Implementation of Regional Strategies	<ul style="list-style-type: none"> <li>The planning proposal must be consistent with the Far North Coast Regional Strategy.</li> </ul>	The planning proposal is consistent with the North Coast Regional Plan 2036. Refer to Attachment 1 – Compliance Table of this report for further detail.
5.2 Sydney Drinking Water Catchments	Not applicable	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<ul style="list-style-type: none"> <li>The planning proposal must not rezone land mapped as State or regionally significant farmland under the Northern Rivers Farmland Protection Project.</li> </ul>	<p>The land is defined as both State and Regionally Significant Farmland based on the Northern Rivers Farmland Protection Project 2005.</p> <p>The area identified as State/Regionally Significant Farmland has previously been developed with a dwelling, swimming pool and is being maintained (ie. mown) for rural residential purposes. The site is not currently being used for agricultural purposes so the rezoning will not result in the loss of productive agricultural land.</p> <p>The ownership of the land by Council for the expansion of the Cemetery precludes its future use for productive agriculture.</p>
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
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	<ul style="list-style-type: none"> <li>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 Department of Planning &amp; Environment (DP&amp;E).</li> </ul>	<p>Consistent</p> <ul style="list-style-type: none"> <li>The planning proposal does not introduce concurrence, consultation or referral requirements.</li> <li>Not designated development.</li> </ul>

Ministerial Directions	Requirements	Compliance
	<ul style="list-style-type: none"> <li>Not identify development as designated development unless justified.</li> </ul>	
6.2 Reserving Land for Public Purposes	<ul style="list-style-type: none"> <li>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&amp;E.</li> </ul>	There are no other interested public authorities. The Planning Proposal is subject to the approval of the DP&E.
6.3 Site Specific Provisions	<ul style="list-style-type: none"> <li>A planning proposal to allow a particular land use (residential development) must rezone the site to an existing zone already applying to the LEP that allows the land use, without additional development standards to those already in use in that zone.</li> </ul>	Not applicable
<b>7. Metropolitan Planning</b>		
7.1 Implementation of the Metropolitan Strategy	Not applicable	Not applicable

#### Attachment 5 – North Coast Regional Plan 2036 Compliance Table

Action	Requirement	Compliance
<b>Direction 1: Deliver environmentally sustainable growth</b>		
1.1	Urban development in mapped areas.	N/A
1.2	Review mapped areas for high environmental value.	Council's GIS mapping has been reviewed to identify areas of high environmental value (koala habitat, vegetation class) while Council's Ecologist has reviewed Bionet and a recent koala habitat survey conducted by Council (Biolink 2017).
1.3	Identify residential, commercial or industrial uses in GMS.	N/A
1.4	Prepare land release criteria to assess appropriate locations for future urban growth.	N/A
<b>Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments</b>		
2.1	Implement the 'avoid, minimise, offset' hierarchy to biodiversity.	The application of Zone E2 Environmental Conservation would severely limit allowable land uses to protect areas of high biodiversity value (riparian rainforest)
2.2	Ensure local plans manage marine environments, water catchment areas and groundwater sources.	N/A

Action	Requirement	Compliance
<b>Direction 3: Manage natural hazards and climate change</b>		
3.1	Reduce the risk from natural hazards by identifying, avoiding and managing	N/A
3.2	Review flood risk, bushfire and coastal management mapping.	Council's bushfire prone land mapping identifies the site as having vegetation in Category 1 and Category 2. The Planning Proposal will be referred to the Rural Fire Service.
3.3	Use latest knowledge on regional climate projections for new urban development.	N/A
<b>Direction 4: Promote renewable energy opportunities</b>		
4.1	Identifying renewable energy resource precincts and infrastructure corridors.	N/A
4.2	Enable appropriate smaller-scale renewable energy projects	N/A
4.3	Promote appropriate smaller and community-scale renewable energy projects.	N/A
<b>Direction 5: Strengthen communities of interest and cross-regional relationships</b>		
5.1	Collaborate on regional and intra-regional housing and employment land delivery, and industry development.	N/A
5.2	Integrate cross-border land use planning between NSW and SE Qld.	N/A
5.2	Cooperation and land use planning between the City of Gold Coast and Tweed Shire Council.	N/A
5.4	Prepare a regional economic development strategy.	N/A
<b>Direction 6: Develop successful centres of employment</b>		
6.1	Facilitate economic activity around industry anchors by considering new infrastructure needs & encourage clusters of related activity.	N/A
6.2	Flexible planning controls, business park development opportunities and opportunities for start-up industries.	N/A
6.3	Reinforce centres through LGMS and LEP as primary mixed-use locations	N/A
6.4	Focus commercial activities in existing centres; place-making focused planning	N/A
6.5	Appropriate mix of land uses; prevent encroachment of sensitive uses on employment land	N/A
6.6	Deliver employment land through LGMS and LEP	N/A



Action	Requirement	Compliance
6.7	Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor.	N/A
<b>Direction 7: Coordinate the growth of regional cities</b>		
7.1	Prepare action plans for regional cities	N/A
<b>Direction 8: Promote the growth of tourism</b>		
8.1	Facilitate appropriate large-scale tourism developments in prime tourism development areas.	N/A
8.2	Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through LGMS and LEP.	N/A
8.3	Prepare destination management plans or other tourism focused strategies.	N/A
8.4	Promote opportunities to expand visitation to regionally significant nature-based tourism places.	N/A
8.5	Preserve the region's existing tourist and visitor accommodation.	N/A
<b>Direction 9: Strengthen regionally significant transport corridors</b>		
9.1	Encouraging business and employment activities that leverage major transport connections.	N/A
9.2	Minimise impact of development on regionally significant transport infrastructure.	N/A
9.3	Ensure the effective management of the State and regional road network.	N/A
<b>Direction 10: Facilitate air, rail and public transport infrastructure</b>		
10.1	Deliver airport precinct plans that maximise potential of value-adding industries close to airports.	N/A
10.2	Consider airport-related employment/precincts that capitalise on future expanded Gold Coast Airport.	N/A
10.3	Protect the North Coast Rail Line and high-speed rail corridor.	N/A
10.4	Provide public transport where urban area has potential to generate sufficient demand.	N/A
10.5	Deliver a safe and efficient transport network to serve future release areas.	N/A
<b>Direction 11: Protect and enhance productive agricultural lands</b>		
11.1	Direct urban and rural residential development away from important farmland. Support existing and small-lot primary production.	While the subject site is mapped as both Regionally and State Significant Farmland, the land has already been developed for rural residential purposes and its

Action	Requirement	Compliance
		riparian rainforest areas and ownership by Council precludes its use for productive agriculture.
11.2	Update the Northern Rivers Farmland Protection Project (2005).	N/A
11.3	Identify and protect intensive agriculture clusters in local plans.	N/A
11.4	Encourage commercial/tourist/recreation that complements/promotes agricultural sector.	N/A
11.5	Address sector-specific considerations for agricultural industries through local plans.	N/A
<b>Direction 12: Grow agribusiness across the region</b>		
12.1	Promote the expansion agribusiness in LGMS and LEPs.	N/A
12.2	Encourage the co-location of intensive primary industries and compatible processing activities.	N/A
12.3	Leverage proximity from the Gold Coast and Brisbane West Wellcamp airports for agribusiness.	N/A
12.4	Facilitate investment in the agricultural supply chain.	N/A
<b>Direction 13: Sustainably manage natural resources</b>		
13.1	Locate sensitive development eg residential away from region's natural mineral and forestry resources.	N/A
13.2	Plan for the ongoing use of lands with regionally significant construction material resources.	N/A
<b>Direction 14: Provide great places to live and work</b>		
14.1	Prepare precinct plans in growth areas or centres bypassed by the Pacific Highway. Establish appropriate zoning, development standards & S94.	N/A
14.2	Deliver precinct plans that are consistent with the Precinct Plan Guidelines (Appendix C).	N/A
<b>Direction 15: Develop healthy, safe, socially engaged and well-connected communities</b>		
15.1	Deliver guidelines for healthy built environments.	N/A
15.2	Facilitate more recreational walking and cycling paths.	N/A
15.3	Implement actions and invest in boating infrastructure priorities.	N/A
15.4	Create socially inclusive communities.	N/A
15.5	Deliver CPTED.	N/A
<b>Direction 16: Collaborate and partner with Aboriginal communities</b>		

Action	Requirement	Compliance
16.1	Develop partnerships with Aboriginal communities to facilitate engagement during the planning process.	N/A
16.2	Engage with Aboriginal communities with preparation of LGMS and LEP.	N/A
<b>Direction 17: Increase the economic self-determination of Aboriginal communities</b>		
17.1	Deliver opportunities to increase the economic independence of Aboriginal communities.	N/A
17.2	Foster closer cooperation with LALC.	N/A
17.3	Identify priority sites with economic development potential that LALC may wish to investigate.	N/A
<b>Direction 18: Respect and protect the North Coast's Aboriginal Heritage</b>		
18.1	Ensure Aboriginal objects and places are protected, managed and respected.	N/A
18.2	Undertake Aboriginal cultural heritage assessments to inform planning and development proposals.	N/A
18.3	Adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	N/A
18.4	Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas to protect Aboriginal heritage.	N/A
<b>Direction 19: Protect historic heritage</b>		
19.1	Ensure best-practice guidelines are considered when assessing heritage significance.	N/A
19.2	Prepare, review and update heritage studies and include appropriate local planning controls.	N/A
19.3	Deliver the adaptive or sympathetic use of heritage items and assets.	N/A
<b>Direction 20: Maintain the region's distinctive built character</b>		
20.1	Development consistent with the North Coast Urban Design Guidelines (2009).	N/A
20.2	Review the North Coast Urban Design Guidelines (2009).	N/A
<b>Direction 21: Coordinate local infrastructure delivery</b>		
21.1	Undertake detailed infrastructure service planning to support proposals for new major release areas.	N/A
21.2	Maximise the cost-effective and efficient use of infrastructure.	The future development of the subject site for the expansion of the Lismore Crematorium is a logical extension of the current facility and is a cost effective long term strategy for Council in

Action	Requirement	Compliance
		fulfilling its responsibility for providing crematorium services to the community.
<b>Direction 22: Deliver greater housing supply</b>		
22.1	Deliver an appropriate supply of residential land within LGMS and local plans.	N/A
22.2	Facilitate housing and accommodation options for temporary residents.	N/A
22.3	Monitor the supply of residential land and housing through the North Coast Housing and Land Monitor.	N/A
<b>Direction 23: Increase housing diversity and choice</b>		
23.1	Encourage housing diversity - target 40% of new housing as dual occupancies, apartments, townhouses, villas or dwellings on 400m <sup>2</sup> , by 2036.	N/A
23.2	Develop LGMS to respond to changing housing needs and support initiatives for ageing in place.	N/A
<b>Direction 24: Deliver well-planned rural residential housing areas</b>		
24.1	Facilitate the delivery of well-planned rural residential housing areas.	N/A
24.2	Enable sustainable use of the region's sensitive coastal strip - new rural residential areas located outside the coastal strip, unless in LGMS	N/A
<b>Direction 25: Deliver more opportunities for affordable housing</b>		
25.1	Deliver more opportunities for affordable housing.	N/A
25.2	Prepare guidelines for local housing strategies to plan for local affordable housing needs.	N/A