

Planning Proposal

GENERAL AMENDMENTS

October 2017

Note 1. Council resolved at its meeting of 8 August 2017 to defer items A, N and O. These items have been omitted from the planning proposal and the remaining items have been assigned new alphabetic labels.

Note 2. Item I of September 2017 version of planning proposal removed due to inconsistency with s117 Direction 6.3(5). Items listed after Item I have been assigned new alphabetic labels.



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EXECUTIVE SUMMARY

Lismore City Council periodically reviews Lismore Local Environmental Plan 2012 (LEP 2012) aiming to correct minor mapping anomalies, adjust the land use table, refine or add non-mandatory provisions and amend schedules as required. This planning proposal comprises the fourth round of general amendments to LEP 2012. Previous general amendments planning proposals were made on 4 April 2014, 19 December 2014 and 19 May 2017.

This proposal includes minor amendments to the: Land Zoning Map associated with various consequential amendments to the Height of Buildings Map and Lot Size Map. Minor general amendments are also proposed to the: Additional Permitted Uses Map and associated Schedule 1; Heritage Map and associated Schedule 5; Land Reservation Acquisition Map and associated clause 5.1; and the Land Use Table.

This planning proposal has been prepared in accordance with the Department of Planning & Environment's guide to preparing planning proposals. A Gateway Determination under Section 56 of the ***Environmental Planning and Assessment Act 1979*** is sought.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The intended outcomes of this proposal include:

- Rectify minor anomalies in the Land Zoning Map including various consequential amendments to the Height of Buildings Map and Lot Size Map.
- Amend the Land Reservation Acquisition Map to reflect recent land acquisitions and proposed acquisitions including associated amendment to clause 5.1(2) 'Relevant acquisition authority'.
- Update the Additional Permitted Uses Map and the associated Schedule 1 to reflect recent approved development relating to one site.
- Update the Heritage Map and associated Schedule 5 to reflect a recent approved boundary adjustment of land that includes a heritage item.
- Amend the land use table to rectify an inconsistency between LEP 2012 and the Codes SEPP with regards to ***home-based child care*** in Zones R3 Medium Density and E3 Environmental Management.

PART 2 – EXPLANATION OF PROVISIONS

This planning proposal is the fourth round of general amendments to LEP 2012. The proposal includes amendments to the Additional Permitted Uses Map; Height of Buildings Map; Heritage Map; Land Reservation Acquisition Map; Land Zoning Map; Lot Size Map. Amendments are also proposed to the Land Use Table; Schedule 1 Additional Permitted Uses; Schedule 5 Environmental Heritage; and Part 5 Miscellaneous provisions (Clause 5.1). Details of the planning proposal are provided in Table 1 below:

Table 1 Details of the planning proposal

Item/Site	Proposed Amendment
Mapping (general)	
Item A 84 and 90 Henson Road, Wyrallah (Lot 12 DP 626596 and Lot 2 DP 1221506 respectively) and 350A Tregeagle Road, Wyrallah (Lot 88 DP 755705).	Land Zoning Map Amend the Land Zoning Map – Sheet LZN_006A so that: Zone RU1 Primary Production applies to all of Lot 12 DP 626596, Lot 2 DP 1221506 and Lot 88 DP 755705; and Zone W1 Natural Waterways applies in the watercourses adjacent to the aforementioned allotments. Lot Size Map Amend the Lot Size Map – Sheet LSZ_006 so that a minimum lot size of 40ha (AB3) applies to Zone RU1 for all of Lot 12 DP

Item/Site	Proposed Amendment
	626596, Lot 2 DP 1221506 and Lot 88 DP 755705; and no minimum lot size applies to Zone W1 Natural Waterways at the location. Refer to Item A maps.
Item B 60 Kruseana Avenue, Goonellabah (Lot 1 DP 1219681) and adjoining road reserve.	Land Zoning Map Amend the Land Zoning Map – Sheet LZN_006AB for part Lot 1 DP 1219681 so that Zone RE1 Public Recreation applies to the entire allotment. Replace the small area of Zone RE1 within the adjoining road reserve with Zone R1 General Residential. Lot Size Map Amend the Lot Size Map – Sheet LSZ_006AB so that: no minimum lot size applies to Zone RE1 in Lot 1 DP 1219681; and a minimum lot size of 400m² (F) is applied to Zone R1 General Residential in the adjoining road reserve. Height of Buildings Map Amend the Height of Buildings Map – Sheet HOB_006AB so that: no maximum building height applies to Zone RE1 Public Recreation in Lot 1 DP 1219681 and 8.5m (I) applies to all Zone R1 General Residential in the adjoining road reserve. Refer to Item B maps.
Item C 22 and 23 Pindari Crescent, Goonellabah (Lot 362 DP 1223500 and Lot 2 DP 1162138 respectively) and the adjoining road reserve.	Land Zoning Map Amend the Land Zoning Map – Sheet LZN_005AB for Lot 362 DP 1223500 and Lot 2 DP 1162138 and the adjoining road reserve so that Zone RE1 Public Recreation applies in that location. Lot Size Map Amend the Lot Size Map – Sheet LSZ_005AB so that: no minimum lot size applies to Zone RE1 Public Recreation in Lot 362 DP 1223500 and Lot 2 DP 1162138 and the adjoining road reserve. Height of Buildings Map Amend the Height of Buildings Map – Sheet HOB_005AB so that: no maximum building height applies to Zone RE1 Public Recreation in Lot 362 DP 1223500 and Lot 2 DP 1162138 and the adjoining road reserve. Refer to Item C maps.
Item D 9 and 11 Willow Tree Drive, Chilcotts Grass (Lot 9 and 10 DP 1202894 respectively).	Land Zoning Map Amend the Land Zoning Map – Sheet LZN_006AB for part Lots 9 and 10 DP 1202894 so that: Zone R1 General Residential is applied to all of Lot 9; and Zone RE1 Public Recreation is applied to all of Lot 10. Height of Buildings Map Amend the Height of Buildings Map – Sheet HOB_006AB so that a maximum building height of 8.5m (I) is applied to all Zone R1 General Residential in Lot 9 DP 1202894; and no maximum building height applies to Zone RE1 Public Recreation in Lot 10 DP 1202894. Land Reservation Acquisition Map Amend the Land Reservation Acquisition Map – Sheet LRA_006AB so that Lot 10 DP 1202894 is omitted from the map.

Item/Site			Proposed Amendment																																					
			Refer to Item D maps.																																					
Item E 44 Kadina Street and 124 Oliver Avenue, Goonellabah (Lots 1 and 2 DP 1196801 respectively) and adjoining Oliver Avenue road reserve.			Land Zoning Map Amend the Land Zoning Map – Sheet LZN_006AB for part Lots 1 and 2 DP 1196801 and the adjoining road reserve so that: Zone RE1 Public Recreation is applied to all of Lot 1 and the adjoining road reserve; and Zone R1 General Residential is applied to all of Lot 2 and the adjoining road reserve. Lot Size Map Amend the Lot Size Map – Sheet LSZ_006AB so that: no minimum lot size applies to Zone RE1 Public Recreation in Lot 1 DP 1196801 and the adjoining road reserve; and a minimum lot size of 400m ² (F) is applied to Zone R1 General Residential in Lot 2 DP 1196801 and the adjoining road reserve. Height of Buildings Map Amend the Height of Buildings Map – Sheet HOB_006AB so that: no maximum building height applies to Zone RE1 Public Recreation in Lot 1 DP 1196801 and the adjoining road reserve; and a maximum building height of 8.5m (I) is applied to Zone R1 General Residential in Lot 2 DP 1196801 and the adjoining road reserve. Land Reservation Acquisition Map Amend the Land Reservation Acquisition Map – Sheet LRA_006AB so that the entry that covers part Lots 1 and 2 DP 1196801 is omitted from the map. Refer to Item E maps.																																					
Item F			Land Zoning Map Amend the Land Zoning Map – Sheet LZN_005AA for part lots and adjacent road reserve listed above so that: Zone RE1 Public Recreation is applied to all of Lot 188 DP 758615, Lot 2 DP 1221195 and the adjoining road reserve; and Zone RU2 Rural Landscape is applied to all of Lots 1 & 4 DP 713307, Lots 9 – 13 DP 745167 and Lot 1 DP 745168. Lot Size Map Amend the Lot Size Map – Sheet LSZ_005AA so that: a minimum lot size of 40ha (AB3) is applied to all Lots 1 & 4 DP 713307, Lots 9 – 13 DP 745167 and Lot 1 DP 745168. Refer to Item F maps.																																					
<table><tr><th>Part Lot</th><th>DP</th><th>Property address all in North Lismore</th></tr><tr><td>188</td><td>758615</td><td>156 Terania Street (part Arthur Park)</td></tr><tr><td>2</td><td>1221195</td><td>156A Terania Street (part Arthur Park)</td></tr><tr><td></td><td></td><td>Bouyon Street road reserve</td></tr><tr><td>4</td><td>713307</td><td>1 Bouyon Street</td></tr><tr><td>1</td><td>713307</td><td>5 New Street</td></tr><tr><td>13</td><td>745167</td><td>7 New Street</td></tr><tr><td>12</td><td>745167</td><td>9 New Street</td></tr><tr><td>11</td><td>745167</td><td>11 New Street</td></tr><tr><td>10</td><td>745167</td><td>13 New Street</td></tr><tr><td>9</td><td>745167</td><td>15 New Street</td></tr><tr><td>1</td><td>745168</td><td>2 Tweed Street</td></tr></table>	Part Lot	DP	Property address all in North Lismore	188	758615	156 Terania Street (part Arthur Park)	2	1221195	156A Terania Street (part Arthur Park)			Bouyon Street road reserve	4	713307	1 Bouyon Street	1	713307	5 New Street	13	745167	7 New Street	12	745167	9 New Street	11	745167	11 New Street	10	745167	13 New Street	9	745167	15 New Street	1	745168	2 Tweed Street			Land Reservation Acquisition Map Amend the Land Reservation Acquisition Map – Sheet LRA_005AB so that the potential future northern bypass road is included on Lot 2 DP 1064627 in accordance with Item I maps. Clause 5.1 Relevant acquisition authority Amend the table in clause 5.1(2) by inserting the following entry:	
Part Lot	DP	Property address all in North Lismore																																						
188	758615	156 Terania Street (part Arthur Park)																																						
2	1221195	156A Terania Street (part Arthur Park)																																						
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			<table><tr><th>Type of land shown on the map</th><th>Authority of the State</th></tr><tr><td>Zone RU1 Primary Production and marked “Arterial road”</td><td>Council</td></tr></table>	Type of land shown on the map	Authority of the State	Zone RU1 Primary Production and marked “Arterial road”	Council																																	
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Item/Site	Proposed Amendment
	Refer to Item G maps.
Item H Part proposed Dunoon Dam site including: 163A Fraser Road, Dunoon (Lot 1 DP 40812); and part 57B Ashlin Road, Whian (part Lot 22 DP 1158343).	Land Reservation Acquisition Map Amend the Land Reservation Acquisition Map – Sheet LRA_005 so that the entry that covers Lot 1 DP 40812 and part Lot 22 DP 1158343 are omitted from the map. Refer to Item H maps.
Schedule 1 – Additional permitted uses	
Item I 355 and 357 Dunoon Road, Tullera (Lots 1 and 2 DP 1208831 respectively) and adjoining road reserve.	Additional Permitted Uses Map Amend the Additional Permitted Uses Map – Sheet APU_005A so that Item 3 (Lots 1 and 2 DP 1208831) is omitted. Lot Size Map Amend the Lot Size Map – Sheet LSZ_005 so that a minimum lot size of 5000m ² applies to Zone R5 Large Lot Residential within Lots 1 and 2 DP 1208831 and the adjoining road reserve. Schedule 1 Additional Permitted Uses Omit clause 3 - <i>Use of certain land at Dunoon Road, Tullera</i> Refer to Item I maps
Mapping and Schedule 5 Environmental Heritage	
Item J 11 and 9 Main Street, Clunes (Lot 1 and 2 DP 1189209 respectively).	Heritage Map Amend the Heritage Map – Sheet HER_005 so that: the map entry covers the entire Lot 1 DP 1189209; and the map entry is omitted for Lot 2 DP 1189209. Schedule 5 Environmental Heritage, Part 1 Environmental Heritage Omit the property description ‘Lot 1 DP 733621’ for Item I6 (St John’s Presbyterian Church) and insert in its place “Lot 1 DP 1189209”. Refer to Item J maps
Land Use Table	
Item K <i>Home-based child care</i> in Zones R3 and E3	Zone R3 Medium Density Residential and Zone E3 Environmental Management Omit “home-based child care” from item 2 Permitted without consent. Zone E3 Environmental Management Insert “home-based child care” in alphabetical order in item 3 Permitted with consent.

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

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

The planning proposal is not a result of any strategic study or report. The planning proposal is part of a periodic review of LEP 2012 aiming to correct minor mapping anomalies, adjust the land use table, refine non-mandatory provisions and amend schedules as required.

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

The planning proposal is the best means of achieving the intended outcomes listed in Part 1 of this report. Table No. 2 below provides justification for the proposed amendments.

Table 2 justification for the proposed amendments.

Item/Site	Proposed Amendment
Mapping (general)	
Item A 84 and 90 Henson Road, Wyrallah (Lot 12 DP 626596 and Lot 2 DP 1221506 respectively) and 350A Tregeagle Road, Wyrallah (Lot 88 DP 755705).	NSW Land and Property Information (LPI) recently updated watercourse boundaries (Tucki Tucki Creek and Boggy Creek) affecting three allotments at Wyrallah including 84 and 90 Henson Road (Lot 12 DP 626596 and Lot 2 DP 1221506 respectively) and 350A Tregeagle Road (Lot 88 DP 755705). The LPI watercourse boundary update now requires an amendment to the Land Zoning Map and Lot Size Map at the aforementioned location.
Item B 60 Kruseana Avenue, Goonellabah (Lot 1 DP 1219681) and adjoining road reserve.	Lismore LEP Amendment 7, amongst other things, reclassified and rezoned part 141 Invercauld Road, Goonellabah as part of the "small parks" review in accordance with the Lismore Sport and Recreation Plan 2011 – 2021. The subject Lot 1 DP 1219681 was recently created after the subdivision of 141 Invercauld Road. The subdivision boundaries vary slightly from the LEP Amendment 7 rezoning. The proposed minor extension of the Zone RE1 Public Recreation to cover the entire Lot 1 DP 1219681 will rectify the anomaly. Consequential amendments are also required for the Lot Size and Height of Buildings Maps.
Item C 22 and 23 Pindari Crescent, Goonellabah (Lot 362 DP 1223500 and Lot 2 DP 1162138 respectively) and the adjoining road reserve.	22 and 23 Pindari Crescent, Goonellabah are both Council owned allotments that form part of the Tucki Tucki Creek Public Reserve. 22 and 23 Pindari Crescent are currently within Zone R1 General Residential and the land is contiguous with other land in the Tucki Tucki Creek Reserve that is within Zone RE1 Public Recreation. A first order stream runs through the lots that joins with the Tucki Tucki Creek 400m to the south. The objectives of Zone RE1 Public Recreation are more consistent with the current and future land use of the two adjacent allotments than the existing Zone R1 General Residential objectives. The use of Zone RE1 Public Recreation is consistent with the outcomes of the Lismore Stormwater Management Plan 2016 – 2026.
Item D 9 and 11 Willow Tree Drive, Chilcotts Grass (Lot 9 and 10 DP 1202894 respectively).	The land that is now described as Lot 10 DP 1202894 (11 Willow Tree Drive, Chilcotts Grass) was included in the Land Reservation Acquisition Map as part of LEP Amendment 6. The land has since been subdivided and Council has acquired the site as part of the Tucki Tucki Creek Reserve. The site now needs to be omitted from the Land Reservation Acquisition Map. Minor adjustments are also required to the Land Zoning and Height of Buildings Map for consistency with the boundaries of the recently created Lot 9 and 10 DP 1202894.
Item E 44 Kadina Street and 124 Oliver Avenue, Goonellabah (Lots 1 and 2 DP 1196801 respectively) and adjoining Oliver Avenue road reserve.	Part 44 Kadina Street and part 124 Oliver Avenue, Goonellabah (Part Lots 1 and 2 DP 1196801 respectively) were included in the Land Reservation Acquisition Map as part of LEP Amendment 6. The land has since been subdivided and Council has acquired 44 Kadina Street as part of the Tuck Tucki Creek Reserve.

Item/Site			Proposed Amendment
			The site now needs to be omitted from the Land Reservation Acquisition Map. Adjustments are also required to the Land Zoning, Lot Size and Height of Buildings Maps for consistency with the boundaries of the recently created Lots 1 and 2 DP 1196801. These minor adjustments also extend into the adjacent road reserve so that the zone and consequential lot size and height of buildings that applies to the road is consistent with the adjacent land as required by the DP&E LEP Practice Note PN 08-002 <i>Zoning for Infrastructure in LEPs.</i>
Item F			NSW Land and Property Information have realigned property boundaries in this location adjacent to Leycester Creek after the recent subdivision to create Lot 2 DP 1221195 (156A Terania Street, a Council owned lot - part Arthur Park). Realignment of zones and minimum lot size is now required for consistency with the cadastral realignment.
Part Lot	DP	Property address all in North Lismore	
188	758615	156 Terania Street (part Arthur Park)	
2	1221195	156A Terania Street (part Arthur Park)	
		Bouyon Street road reserve	
4	713307	1 Bouyon Street	
1	713307	5 New Street	
13	745167	7 New Street	
12	745167	9 New Street	
11	745167	11 New Street	
10	745167	13 New Street	
9	745167	15 New Street	
1	745168	2 Tweed Street	
Item G 97 Pineapple Road, Goonellabah (Lot 2 DP 1064627).			Various traffic studies commissioned by Lismore City Council in the 1990s recommended a ring road bypass system including a 1992 study by TEC (Transportation Environment Consultants) and a 1998 study by PPK Environment and Infrastructure entitled "Lismore City Wide Road Study". The proposed ring road system included an eastern bypass between the Bruxner Highway (near Pineapple Road) and Bangalow Road along the Lagoon Grass Road alignment. The house at 97 Pineapple Road was in the proposed corridor of the eastern bypass and was relocated in 1995 outside of the bypass route. A compensation agreement has recently been finalised between Council and the landowners and the proposed amendment to the Land Reservation Acquisition Map discussed below is part of the agreement. The eastern bypass road was not identified as a project to be delivered in the Lismore Strategic Road Review 2013 before 2033. LEP 2012 Amendment 9 was gazetted on 11 September 2015 and involved the residential rezoning of land in the Pineapple Road Precinct including 97 Pineapple Road. The reservation of land for an eastern bypass at 97 Pineapple Road prior to the subdivision of the land would enable the provision of this road infrastructure if future traffic studies identified the need for such a link. Reservation of the entire corridor link through to Bangalow Road is not warranted at this stage as the remaining corridor is within Zone RU1 Primary Production and has limited subdivision potential.
Item H			The proposed Dunoon Dam was previously adopted by Rous County Council as a potential future water source in 1995.

Item/Site	Proposed Amendment
Part proposed Dunoon Dam site including: 163A Fraser Road, Dunoon (Lot 1 DP 40812); and part 57B Ashlin Road, Whian Whian (part Lot 22 DP 1158343).	The Rous <i>Future Water Strategy</i> states that the Dunoon Dam proposal is not being actively progressed until groundwater and water re-use options have been investigated and are better understood. Notwithstanding the actions of the strategy, Rous County Council is a significant land holder at the Dunoon Dam site and is nominated as the acquisition authority in the Lismore LEP Land Reservation Acquisition Authority. Subsequent to the finalisation the LEP 2012 Land Reservation Acquisition Map, Rous County Council have acquired additional land at the Dunoon Dam site which requires the omission of this land from the acquisition map.
Schedule 1 – Additional permitted uses	
Item I 355 and 357 Dunoon Road, Tullera (Lots 1 and 2 DP 1208831 respectively) and adjoining road reserve.	Development consent 13/132 was issued for a five lot subdivision on the site in accordance with LEP Schedule 1 – Additional permitted uses, Clause 3. There is no further utility for the inclusion of the land in LEP Schedule 1. The application of a 5000m ² minimum lot size is recommended for the approximately 28,000m ² of Zone R5 land at the site. The use of this lot size will not permit further subdivision of the land.
Mapping and Schedule 5 Environmental Heritage	
Item J 11 and 9 Main Street, Clunes (Lot 1 and 2 DP 1189209 respectively).	Council consented to a boundary adjustment between 11 and 9 Main Street, Clunes (DA 2010/248) on 3 November 2010. Council approved the Subdivision Certificate on 26 June 2013 and the boundary adjustment was finalised at the end of 2013. The Heritage Map requires amendment as a result of the boundary adjustment for consistency with the realigned boundaries.
Land Use Table	
Item K <i>Home-based child care</i> in Zones R3 and E3	Minor modifications were made to the Land Use Table as part of the last round of general amendments to the LEP (Amendment 21). Changes were made regarding home-based child care for consistency with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). Home-based child care is Exempt Development under the Codes SEPP and the LEP now requires consent for home-based child care only if located on bushfire prone land in all the zones where this land use is permissible except for two recently introduced land use zones including R3 Medium Density Residential and E3 Environmental Management. This anomaly can be rectified with a minor modification to the land use table.

Section B – Relationship to Strategic Planning Framework

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

The planning proposal is consistent with the actions contained within the North Coast Regional Plan 2036. A compliance table is provided at Appendix 1.

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

The planning proposal is consistent with the Lismore Growth Management Strategy 2015 – 2035 and Imagine Lismore (Community Strategic Plan) 2017 – 2027.

The planning proposal is consistent with the Lismore 4 year Delivery Program (2017–2021) Strategy D3.2 **Ensure a diverse range of land use and development opportunities are available**. The proposal is also consistent with the 1 year Operational Plan Action D3.2.1 **Monitor the Local Environmental Plan and amend as required in response to community and development industry needs**.

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

The planning proposal is consistent with the applicable State Environmental Planning Policies. A checklist of the SEPPs is provided at Appendix 2.

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

The planning proposal is consistent, or any inconsistency can be justified with the applicable s117 Ministerial Directions. A Section 117 checklist for the planning proposal is provided at Appendix 3.

Section C – Environmental, Social and Economic Impact

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

The planning proposal is not likely to adversely impact threatened species, populations or ecological communities or their habitats. Table 3 below provides an assessment of each of the planning proposal items. There is no critical habitat in the Lismore LGA.

Table 3 Likelihood of adverse impact on threatened species, populations or ecological communities or their habitats.

Item	Threatened species or high conservation value vegetation on site?	Adverse impact on threatened species, populations or ecological communities or their habitats
Item A 84 and 90 Henson Road, Wyrallah and 350A Tregeagle Road, Wyrallah	Some high conservation value vegetation. Koala habitat.	None Minor realignment of zone to match LPI updated cadastre.
Item B 60 Kruseana Avenue, Goonellabah and adjoining road reserve.	No	None

Item	Threatened species or high conservation value vegetation on site?	Adverse impact on threatened species, populations or ecological communities or their habitats
Item C 22 and 23 Pindari Crescent, Goonellabah and the adjoining road reserve.	Some high conservation value vegetation on No. 23.	None Proposed zone change from R1 General Residential to RE1 Public Recreation to reflect the role of the land as part of the Tucki Tucki Creek Reserve.
Item D 9 and 11 Willow Tree Drive, Chilcotts Grass.	Some high conservation value vegetation. Hairy joint grass	None Minor realignment of zone to match LPI updated cadastre.
Item E 44 Kadina Street and 124 Oliver Avenue, Goonellabah and adjoining Oliver Avenue road reserve.	Some high conservation value vegetation.	None Minor realignment of zone boundary to match recently subdivided lot boundary.
Item F Numerous contiguous lots in North Lismore	No	None
Item G 97 Pineapple Road, Goonellabah.	No	None
Item H Part proposed Dunoon Dam site including: 163A Fraser Road, Dunoon; and part 57B Ashlin Road, Whian Whian.	N/A	N/A Removal of land from Land Reservation Acquisition Map.
Item I 355 and 357 Dunoon Road, Tullera and adjoining road reserve.	N/A	N/A Removal of item from Schedule 1 and use of appropriate minimum lot size to maintain existing development potential.
Item J 11 and 9 Main Street, Clunes.	N/A	N/A Minor update of Heritage Map for consistency with recent boundary adjustment.
Item K Home-based child care in Zones R3 and E3	N/A	N/A Update of land use table for consistency with Codes SEPP.

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

An overview of the natural hazards that apply to land proposed for rezoning is provided below in Table 4. Several of the sites proposed for minor rezonings are identified as bushfire prone land. The planning proposal will be referred to the NSW Rural Fire Service in accordance with Ministerial Direction 4.4. There are no likely negative environmental effects associated with the planning proposal with regards to any of the other natural hazards.

Table 4 Natural hazards

Item	Flood	Landslip	Bushfire	Contaminated land	Acid sulfate soils
Item A 84 and 90 Henson Road, Wyrallah and 350A Tregear Road, Wyrallah.	No	No	Yes	N/A in this zone	Yes, class 5. No negative effects as a result of this constraint.
Item B	No	No	No	No	No

Item	Flood	Landslip	Bushfire	Contaminated land	Acid sulfate soils
60 Kruseana Avenue, Goonellabah and adjoining road reserve.					
Item C 22 and 23 Pindari Crescent, Goonellabah and the adjoining road reserve.	No	No	Yes	No	No
Item D 9 and 11 Willow Tree Drive, Chilcotts Grass.	No	No	Yes	No	No
Item E 44 Kadina Street and 124 Oliver Avenue, Goonellabah and adjoining Oliver Avenue road reserve.	No	No	Yes	No	No
Item F Numerous contiguous lots in North Lismore	Yes. No negative effects as a result of this constraint.	No	No	No	No
Item G 97 Pineapple Road, Goonellabah (Lot 2 DP 1064627).	No	Yes, outside of mapped area	Yes	N/A	No
Item H Part proposed Dunoon Dam site including: 163A Fraser Road, Dunoon; and part 57B Ashlin Road, Whian Whian.	N/A	N/A	N/A	N/A	N/A
Item I 355 and 357 Dunoon Road, Tullera and adjoining road reserve.	N/A	N/A	N/A	N/A	N/A
Item J 11 and 9 Main Street, Clunes.	N/A	N/A	N/A	N/A	N/A
Item K Home-based child care in Zones R3 and E3	Environmental effects assessed and mitigated at DA stage.				

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

A review of Aboriginal and European cultural heritage has been undertaken. None of the sites proposed for zone changes and consequential amendments to other maps were identified in either: the Aboriginal Heritage Management Information System; and an

unpublished report entitled “Wiy-abal Aboriginal Clan (Bundjalung Nation) Cultural Heritage & Values Relating to the Lismore City Council Local Government Area” prepared by Collins M and Heron R dated June 2000.

The planning proposal does not involve any negative social or economic impacts. The proposed mapping amendments rectify anomalies and better reflect existing and proposed land uses.

Minor amendments to the land use table are proposed as a response to a periodic review of permissibility and the role of the Codes SEPP with regards to **home-based child care**. The requirement for development consent for **home-based child care** in bush fire prone areas is in the public interest.

Section D – State and Commonwealth Interests

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

The planning proposal will not create additional demand for public infrastructure.

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

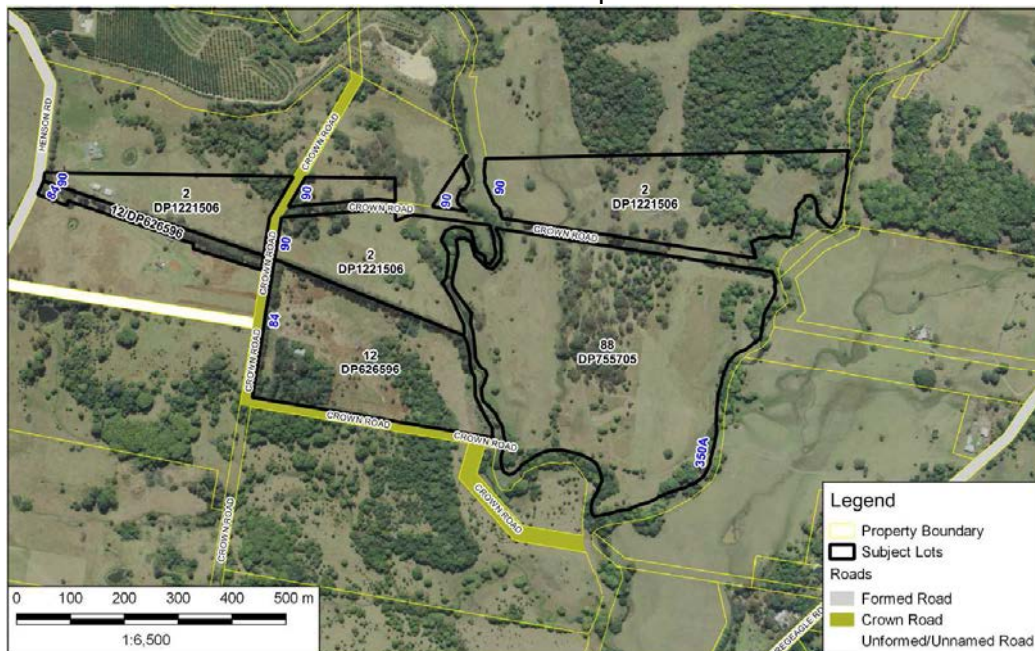
Several of the sites that are subject to the proposed amendments are bush fire prone and Council is required to consult with the NSW Rural Fire Service in accordance with s117 Ministerial Direction 4.4.

The planning proposal was referred to the OEH prior to Gateway determination to seek early feedback. It is also recommended that Council refer the planning proposal to the OEH post Gateway determination.

PART 4 - MAPPING

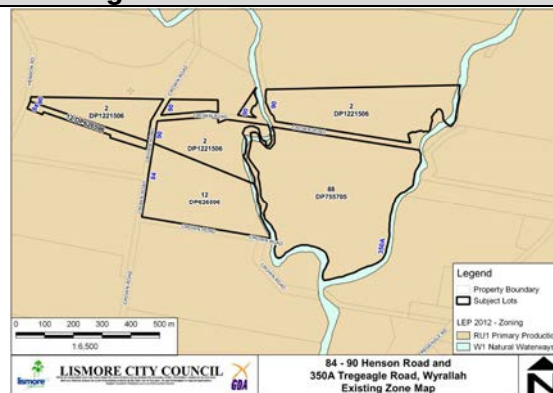
Item A – 84 and 90 Henson Road, and 350A Tregeagle Road, Wyrallah

Location Map

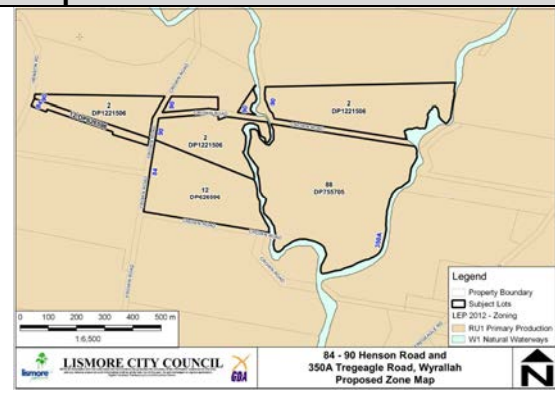


Map
LZN

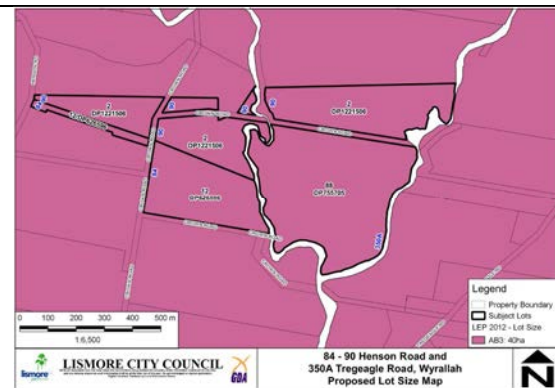
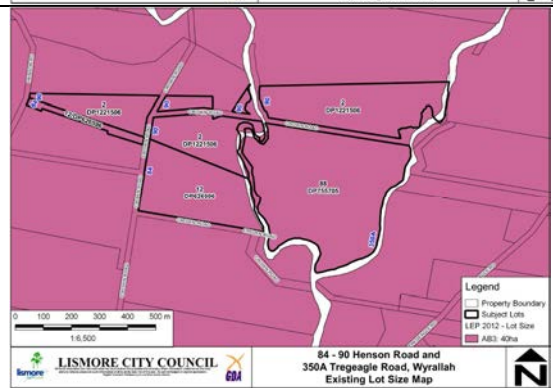
Existing



Proposed



LSZ



Item B – 60 Kruseana Avenue, Goonellabah and adjoining road reserve

Location Map



Map	Existing	Proposed
LZN	60 Kruseana Avenue, Goonellabah Existing Zoning Map	60 Kruseana Avenue, Goonellabah Proposed Zoning Map
LSZ	60 Kruseana Avenue, Goonellabah Existing Lot Size Map	60 Kruseana Avenue, Goonellabah Proposed Lot Size Map
HOB	60 Kruseana Avenue, Goonellabah Existing Height Of Building Map	60 Kruseana Avenue, Goonellabah Proposed Height of Building Map

Item C – 22 and 23 Pindari Crescent, Goonellabah and adjoining road reserve

Location Map

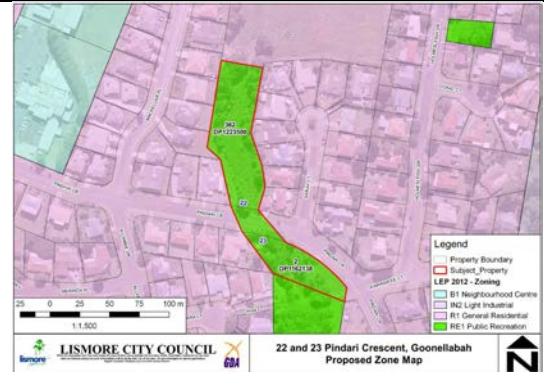


Map

Existing

Proposed

LZN



LSZ



HOB



Item D – 9 and 11 Willow Tree Drive, Chilcotts Grass

Location Map



Map	Existing	Proposed
LZN	0 50 100 150 200 m 1:2,500 LISMORE CITY COUNCIL GDA 9 and 11 Willow Tree Drive, Chilcotts Grass Existing Zone Map Legend Property Boundary Subject Land LEP 2012 - Zoning R1 General Residential RE1 Public Recreation RU1 Primary Production W1 Natural Watercourse	0 50 100 150 200 m 1:2,500 LISMORE CITY COUNCIL GDA 9 and 11 Willow Tree Drive, Chilcotts Grass Proposed Zone Map Legend Property Boundary Subject Land LEP 2012 - Zoning R1 General Residential RE1 Public Recreation RU1 Primary Production W1 Natural Watercourse
HOB	0 50 100 150 200 m 1:2,500 LISMORE CITY COUNCIL GDA 9 and 11 Willow Tree Drive, Chilcotts Grass Existing Height of Building Map Legend Property Boundary Subject Land LEP 2012 - Height of Building Local Open Space (RE1)	0 50 100 150 200 m 1:2,500 LISMORE CITY COUNCIL GDA 9 and 11 Willow Tree Drive, Chilcotts Grass Proposed Height of Building Map Legend Property Boundary Subject Land LEP 2012 - Height of Building Local Open Space (RE1)
LRA	0 50 100 150 200 m 1:2,500 LISMORE CITY COUNCIL GDA 9 and 11 Willow Tree Drive, Chilcotts Grass Existing Land Acquisition Map Legend Property Boundary Subject Land LEP 2012 - Land Acquisition Local Open Space (RE1)	0 50 100 150 200 m 1:2,500 LISMORE CITY COUNCIL GDA 9 and 11 Willow Tree Drive, Chilcotts Grass Proposed Land Acquisition Map Legend Property Boundary Subject Land LEP 2012 - Land Acquisition Local Open Space (RE1)

Item E – 44 Kadina Street and 124 Oliver Avenue and adjoining road reserve

Location Map



Map	Existing	Proposed
LZN	44 Kadina Street & 124 Oliver Avenue, Goonellabah Existing Zone Map	44 Kadina Street & 124 Oliver Avenue, Goonellabah Proposed Zone Map
LSZ	44 Kadina Street & 124 Oliver Avenue, Goonellabah Existing Lot Size Map	44 Kadina Street & 124 Oliver Avenue, Goonellabah Proposed Lot Size Map

Item E - continued

44 Kadina Street and 124 Oliver Avenue and adjoining road reserve

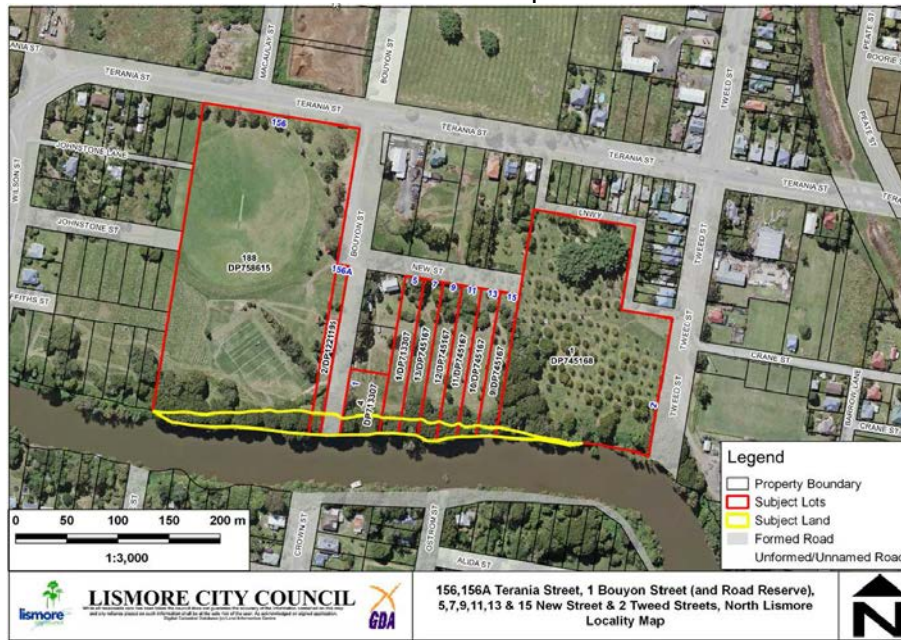
Location Map



Map	Existing	Proposed
HOB	0 50 100 150 200 m 1:2,000 LISMORE CITY COUNCIL 44 Kadina Street & 124 Oliver Avenue, Goonellabah Existing Height of Building Map	0 50 100 150 200 m 1:2,000 LISMORE CITY COUNCIL 44 Kadina Street & 124 Oliver Avenue, Goonellabah Proposed Height of Building Map
LRA	0 50 100 150 200 m 1:2,000 LISMORE CITY COUNCIL 44 Kadina Street & 124 Oliver Avenue, Goonellabah Existing Land Reservation Acquisition Map	0 50 100 150 200 m 1:2,000 LISMORE CITY COUNCIL 44 Kadina Street & 124 Oliver Avenue, Goonellabah Proposed Land Reservation Acquisition Map

Item F – Terania St, Bouyon St, New St and Tweed St, North Lismore

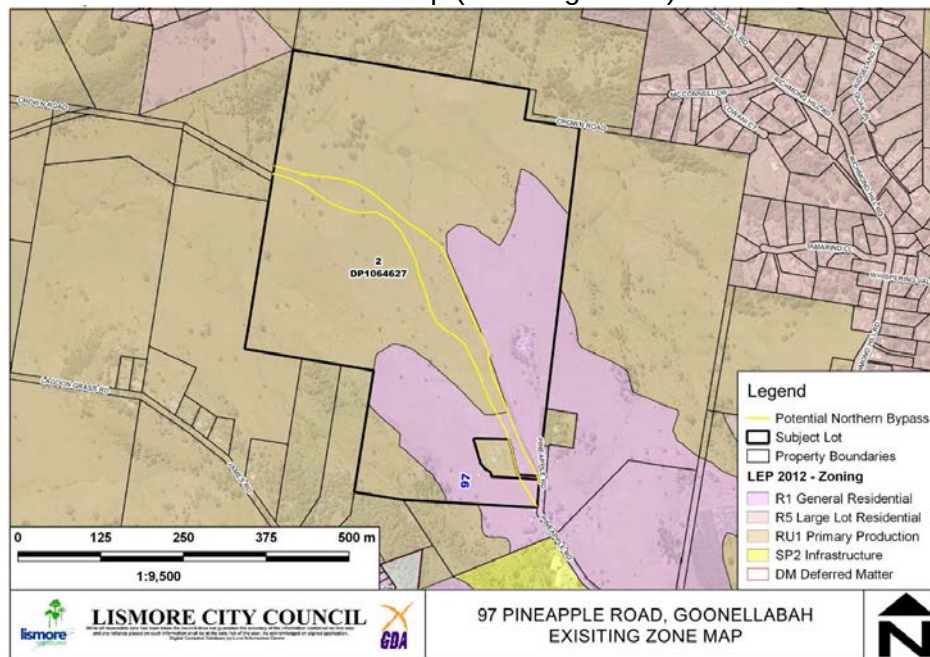
Location Map



Map	Existing	Proposed
LZN		
LSN		

Item G – 97 Pineapple Road, Goonellabah

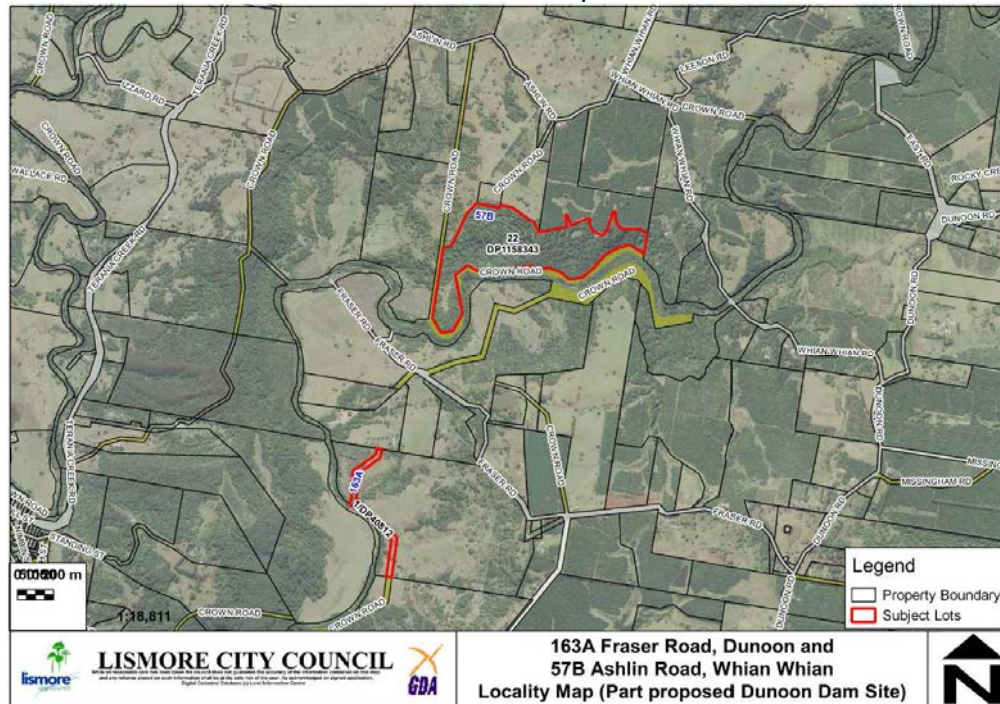
Location Map (including zones)



Map	Existing	Proposed
LRA	N/A	Legend - Subject Lot - Property Boundaries - LEP 2012 - Land Reservation Acquisition - Arterial Road 0 125 250 375 500 m 1:9,500 LISMORE CITY COUNCIL GDA 97 PINEAPPLE ROAD, GOONELLABAH PROPOSED LAND RESERVATION ACQUISITION MAP

**Item H – 163A Fraser Rd, Dunoon and 57B Ashlin Rd, Whian Whian
(proposed Dunoon Dam site)**

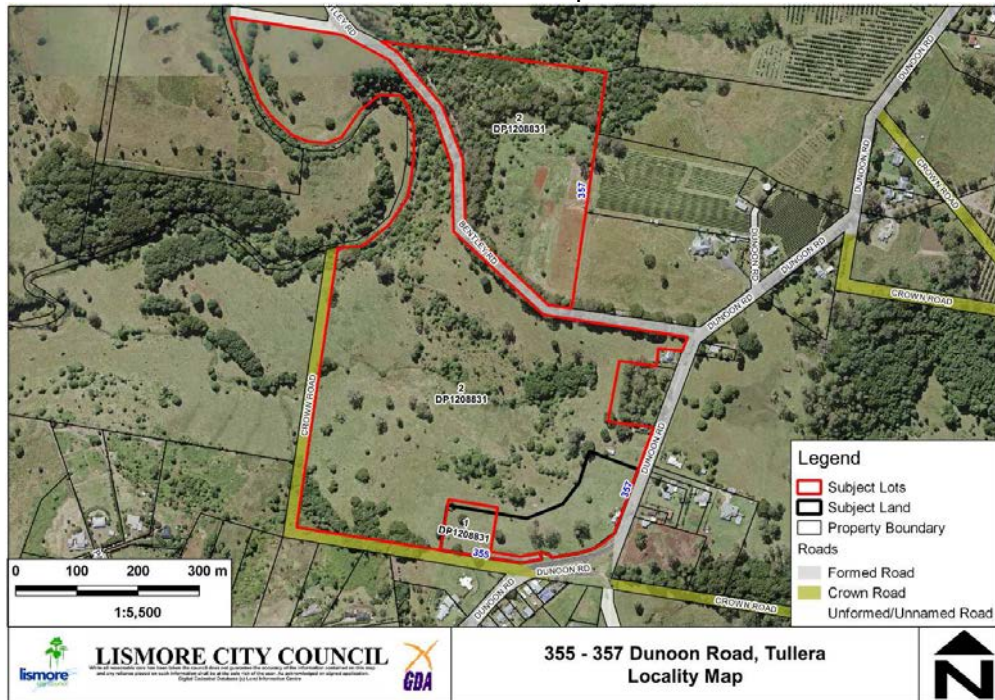
Location Map



Map	Existing	Proposed
LRA		

Item I – 355 and 357 Dunoon Road, Tullera

Location Map



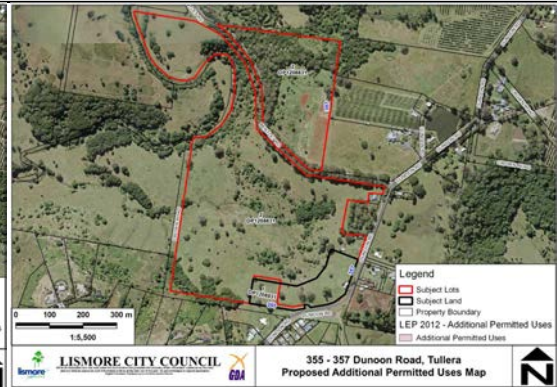
Map

APU

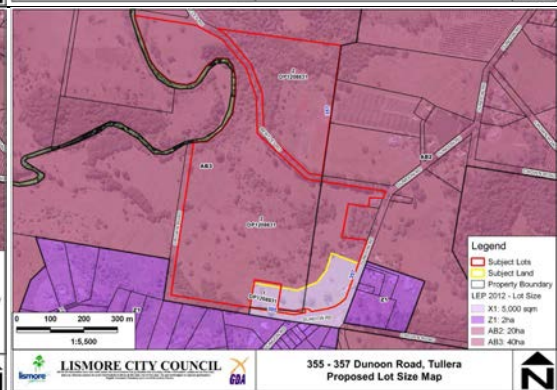
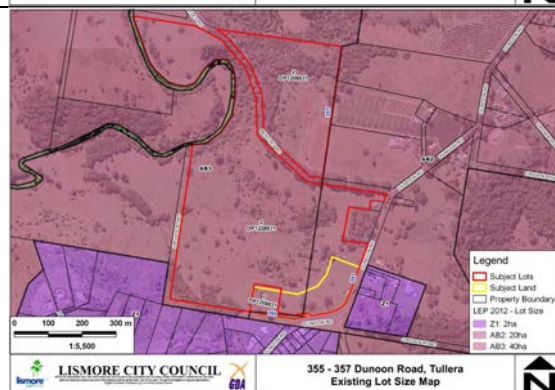
Existing



Proposed



LSZ



Item J - 11 and 9 Main Street, Clunes

Location Map



Map
HER

Existing



Proposed



PART 5 – COMMUNITY CONSULTATION

Council will commence community consultation post Gateway determination. Council considers that a twenty eight (28) day public exhibition period is appropriate in this instance

Notification of the exhibited planning proposal will include:

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

The written notice:

- 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.

PART 6 – PROJECT TIMELINE

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

Estimated Completion	Plan Making Steps
August 2017	Report planning proposal to Council
November 2017	Gateway determination issued by Department of Planning and Environment.
December 2017	Government agency consultation
January/February 2018	Public consultation
March 2018	Analysis of public submissions & public agency comments Preparation of Council report
April 2018	Report to Council
June 2018	Opinion sought from Parliamentary Counsel's Office Preparation of LEP Map sheets
July 2018	Making of the LEP. Notification of the LEP

PART 7– LEP DELEGATIONS

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

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

The delegations only extend to routine LEPs as listed below:

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

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

APPENDIX 1

NORTH COAST REGIONAL PLAN 2036 - COMPLIANCE TABLE

Action	Requirement	Compliance
Direction 1: Deliver environmentally sustainable growth		
1.1	Urban development in mapped areas.	Yes General amendments only.
1.2	Review mapped areas for high environmental value.	N/A
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
Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments		
2.1	Implement the 'avoid, minimise, offset' hierarchy to biodiversity.	Yes Items A to K – general update/correction of anomalies in developed areas.
2.2	Ensure local plans manage marine environments, water catchment areas and groundwater sources.	Yes Existing clauses in LEP for protection of drinking water catchment and small area of coastal zone
Direction 3: Manage natural hazards and climate change		
3.1	Reduce the risk from natural hazards by identifying, avoiding and managing	Yes Items A to L – general corrections of anomalies and minor spot rezoning in developed areas. Current legislation in place to minimise risk from bushfire and flood.
3.2	Review flood risk, bushfire and coastal management mapping.	N/A
3.3	Use latest knowledge on regional climate projections for new urban development.	N/A The planning proposal does not involve rezoning for new urban development.
Direction 4: Promote renewable energy opportunities		
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
Direction 5: Strengthen communities of interest and cross-regional relationships		
5.1	Collaborate on regional and intra-regional housing and employment land delivery, and industry development.	N/A General amendments only.
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
Direction 6: Develop successful centres of employment		
6.1	Facilitate economic activity around industry anchors by considering new infrastructure needs & encourage clusters of related activity.	N/A General amendments only.
6.2	Flexible planning controls, business park development opportunities and opportunities for start-up industries.	N/A General amendments only.

Action	Requirement	Compliance
6.3	Reinforce centres through LGMS and LEP as primary mixed-use locations	Yes
6.4	Focus commercial activities in existing centres; place-making focused planning	N/A General amendments only.
6.5	Appropriate mix of land uses; prevent encroachment of sensitive uses on employment land	Yes
6.6	Deliver employment land through LGMS and LEP	N/A General amendments only.
6.7	Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor.	N/A
Direction 7: Coordinate the growth of regional cities		
7.1	Prepare action plans for regional cities	N/A
Direction 8: Promote the growth of tourism		
8.1	Facilitate appropriate large-scale tourism developments in prime tourism development areas.	N/A The Lismore LGA is not considered a prime tourism development area.
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
Direction 9: Strengthen regionally significant transport corridors		
9.1	Encouraging business and employment activities that leverage major transport connections.	N/A General amendments only.
9.2	Minimise impact of development on regionally significant transport infrastructure.	N/A General amendments only.
9.3	Ensure the effective management of the State and regional road network.	N/A General amendments only.
Direction 10: Facilitate air, rail and public transport infrastructure		
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 General amendments only.
Direction 11: Protect and enhance productive agricultural lands		
11.1	Direct urban and rural residential development away from important farmland. Support existing and small-lot primary production.	Yes General amendments only. The proposal does not involve the expansion of urban or large lot residential land into important farmland.
11.2	Update the Northern Rivers Farmland Protection Project (2005).	N/A
11.3	Identify and protect intensive agriculture clusters in local plans.	Yes General amendments only without adverse impacts on agricultural production.
11.4	Encourage commercial/tourist/recreation that complements/promotes agricultural sector.	Yes General amendments only.

Action	Requirement	Compliance
11.5	Address sector-specific considerations for agricultural industries through local plans.	N/A
Direction 12: Grow agribusiness across the region		
12.1	Promote the expansion agribusiness in LGMS and LEPS.	N/A General amendments only. Current provisions in LEP enable expansion of agribusiness.
12.2	Encourage the co-location of intensive primary industries and compatible processing activities.	N/A General amendments only.
12.3	Leverage proximity from the Gold Coast and Brisbane West Wellcamp airports for agribusiness.	N/A General amendments only.
12.4	Facilitate investment in the agricultural supply chain.	N/A General amendments only.
Direction 13: Sustainably manage natural resources		
13.1	Locate sensitive development eg residential away from region's natural mineral and forestry resources.	Yes The planning proposal does not involve urban expansion.
13.2	Plan for the ongoing use of lands with regionally significant construction material resources.	Yes Existing construction material resources are not compromised by the planning proposal.
Direction 14: Provide great places to live and work		
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 General amendments only.
Direction 15: Develop healthy, safe, socially engaged and well-connected communities		
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.	Yes Council's social impact assessment policies do not apply to these general amendments.
15.5	Deliver CPTED.	Yes The small scale nature of these general amendments do not require the application of Council's CPTED controls.
Direction 16: Collaborate and partner with Aboriginal communities		
16.1	Develop partnerships with Aboriginal communities to facilitate engagement during the planning process.	N/A General amendments only.
16.2	Engage with Aboriginal communities with preparation of LGMS and LEP.	Yes None of the sites involved in the planning proposal are identified as containing Aboriginal cultural heritage objects or sites. Most of the proposed zone changes are minor adjustments of the zone boundary to correct anomalies. Gateway will determine consultation requirements.
Direction 17: Increase the economic self-determination of Aboriginal communities		

Action	Requirement	Compliance
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
Direction 18: Respect and protect the North Coast's Aboriginal Heritage		
18.1	Ensure Aboriginal objects and places are protected, managed and respected.	Yes None of the sites involved in the planning proposal are identified as containing Aboriginal cultural heritage objects or sites.
18.2	Undertake Aboriginal cultural heritage assessments to inform planning and development proposals.	Yes None of the sites involved in the planning proposal are identified as containing Aboriginal cultural heritage objects or sites. Council is of the opinion that cultural heritage assessments are not required due to the minor routine nature of the general amendments.
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
Direction 19: Protect historic heritage		
19.1	Ensure best-practice guidelines are considered when assessing heritage significance.	N/A General amendments only.
19.2	Prepare, review and update heritage studies and include appropriate local planning controls.	N/A General amendments only.
19.3	Deliver the adaptive or sympathetic use of heritage items and assets.	Yes Item J involves a heritage item. Amendment limited to minor heritage map amendment to accommodate recent boundary adjustment.
Direction 20: Maintain the region's distinctive built character		
20.1	Development consistent with the North Coast Urban Design Guidelines (2009).	Yes General amendments only.
20.2	Review the North Coast Urban Design Guidelines (2009).	N/A
Direction 21: Coordinate local infrastructure delivery		
21.1	Undertake detailed infrastructure service planning to support proposals for new major release areas.	N/A General amendments only.
21.2	Maximise the cost-effective and efficient use of infrastructure.	N/A General amendments only.
Direction 22: Deliver greater housing supply		
22.1	Deliver an appropriate supply of residential land within LGMS and local plans.	N/A General amendments only.
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
Direction 23: Increase housing diversity and choice		
23.1	Encourage housing diversity - target 40% of new housing as dual occupancies, apartments, townhouses, villas or dwellings on 400m ² , by 2036.	N/A General amendments only.

Action	Requirement	Compliance
23.2	Develop LGMS to respond to changing housing needs and support initiatives for ageing in place.	N/A General amendments only.
Direction 24: Deliver well-planned rural residential housing areas		
24.1	Facilitate the delivery of well-planned rural residential housing areas.	N/A General amendments only.
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 General amendments only.
Direction 25: Deliver more opportunities for affordable housing		
25.1	Deliver more opportunities for affordable housing.	N/A General amendments only.
25.2	Prepare guidelines for local housing strategies to plan for local affordable housing needs.	N/A

APPENDIX 2

STATE ENVIRONMENTAL PLANNING POLICIES COMPLIANCE TABLE

State Environmental Planning Policy	Requirements	Compliance
SEPP No 14 – Coastal Wetlands	N/A	N/A
SEPP No. 21 – Caravan Parks	N/A	N/A
SEPP No. 22 – Shops and Commercial Premises	N/A	N/A
SEPP No. 26 – Littoral Rainforests	N/A	N/A
SEPP No. 30 – Intensive Agriculture	N/A	N/A
SEPP No. 33 – Hazardous and Offensive Development	N/A	N/A
SEPP No. 36 – Manufactured Home Estates	N/A	N/A
SEPP No. 44 – Koala Habitat Protection	3 - Aims, Objectives, Etc. (a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat; (b) By encouraging the identification of areas of core koala habitat; and (c) By encouraging the inclusion of areas of core koala habitat in environment protection zones.	Consistent Zone, MLS, HOB, LRA, APU & HER maps - Item D is proposed for zone change and other consequential mapping changes. The site does not contain koala habitat. - Several of the remaining sites contain primary koala habitat. However, minor adjustments only are proposed to LEP maps that will have no impact on development potential. Land Use Table - Minor adjustment for consistency with Codes SEPP.
SEPP No. 50 – Canal Estate Development	N/A	N/A
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	N/A
SEPP No. 55 – Remediation of Land	6 - Contamination and Remediation to be considered in Zoning or Re-zoning Proposal	Consistent Council's Compliance coordinator has assessed the proposed rezonings and has confirmed that no further SEPP 55 reporting is required. Heritage items - Not applicable Land Use Table - Not applicable
SEPP No. 62 – Sustainable Aquaculture	N/A	N/A
SEPP No. 64 – Advertising and Signage	N/A	N/A

State Environmental Planning Policy	Requirements	Compliance
SEPP No. 65 – Design Quality of Residential Flat Development	N/A	N/A
SEPP No 70 – Affordable Housing (Revised Schemes)	N/A	N/A
SEPP No. 71 – Coastal Protection	N/A	N/A
SEPP (Affordable Rental Housing) 2009	N/A	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A	N/A
SEPP (Exempt and Complying Development Codes) 2008	1.3 Aims of Policy (a) Provide State-wide exempt and complying development codes, and (b) Identify exempt development codes that are of minimal environmental impact without the need for development consent, and (c) identifying, in the complying development codes carried out in accordance with a complying development certificate as defined in the Act, and (d) enabling the progressive extension of this Policy, and (e) providing transitional arrangements for the introduction of the State-wide codes.	Consistent Land Use Table • Home-based child care is Exempt Development under the Codes SEPP if it is not carried out on bush fire prone land. LEP 2012 permits home-based child care without development consent without any requirements regarding bush fire prone land in Zones E3 and R3. The proposed requirement for development consent for this land use is consistent with the SEPP. Consent will only be required for the land use when it does not meet the requirements of the SEPP i.e. when the development is proposed on bush fire prone land. Other proposed amendments • Not applicable
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	N/A
SEPP (Infrastructure) 2007	2 Aim of Policy The aim of this policy is to facilitate the effective delivery of infrastructure across the State	Consistent The proposed general amendments do not compromise the aim of the SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A
SEPP (Rural Lands) 2008	Consistency with the following: 7 Rural Planning Principles 8 Rural Subdivision Principles	Consistent Zone, MLS, HOB & HER maps • Zone changes involving rural zones include Items A & F. The proposed changes at these sites propose to modify the rural zone boundary in response to NSW LPI cadastre updates. The

State Environmental Planning Policy	Requirements	Compliance
		proposed amendments are consistent with the SEPP APU map and Schedule 1 - Item I is within a residential zone. LRA map - Items G & H involve the mapping of rural land for future infrastructure. The delivery of infrastructure is controlled by the ISEPP. The ISEPP prevails to the extent of an inconsistency with that SEPP and another SEPP in accordance with clause 8(1) of the ISEPP. Heritage items - Not applicable Land Use Table - Minor adjustment for consistency with Codes SEPP.
SEPP (State and Regional Development) 2011	Not applicable	Not applicable
SEPP (Urban Renewal) 2010	Not applicable	Not applicable

APPENDIX 3

SECTION 117 MINISTERIAL DIRECTIONS COMPLIANCE TABLE

Ministerial Directions	Requirements	Compliance
1. Employment and Resources		
1.1 Business and Industrial Zones	(4) A planning proposal must: - Retain existing business and industrial zones. - Not reduce floor space for employment areas and related public services in business zones. - Not reduce potential floor space for industrial uses in industrial zones. - New employment areas in accordance with strategy approved by Director General DP&E.	Consistent LZN, MLS, HOB, LRA, APU and HER maps - Not applicable Heritage items - Not applicable Land Use Table - Not applicable
1.2 Rural Zones	(4) A planning proposal must: - Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. - Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	Consistent LZN, MLS, HOB, LRA, APU and HER maps - Consistent. No rural zone is proposed to change to residential, business, industrial, village or tourist zone. Heritage items - Not applicable Land Use Table - Not applicable
1.3 Mining Petroleum Production and Extractive Industries	This direction applies when the planning proposal: - Has the effect of prohibiting mining of coal or other minerals, production of petroleum, or winning or obtaining extractive materials; - Restricting the potential of State or regionally significant mineral resources	Not applicable
1.4 Oyster Aquaculture	Not applicable	Not applicable
1.5 Rural Lands	The Planning Proposal must be consistent with the Rural Planning Principles and the Rural Subdivision Principles listed in SEPP (Rural Lands) 2008.	Consistent LZN, MLS, HOB, LRA, APU and HER maps - Item A: minor zone realignment between RU1 and W1 for consistency with recent LPI cadastral update in the location. - Item F: minor zone realignment between RU2/RE1 and W2 for consistency with recent LPI cadastral update in the location. - Item G: land proposed for LRA map in Zone RU1 has been identified in various traffic studies over the last 20 years (refer to Table 2 for detail) - Other sites/items not applicable Heritage items - Not applicable Land Use Table - Not applicable

Ministerial Directions	Requirements	Compliance
2. Environment and Heritage		
2.1 Environment Protection Zones	Must include provisions that facilitate the protection and conservation of environmentally sensitive areas Must not reduce protection standards for environmental protection zones.	Consistent - The planning proposal does not involve environmentally sensitive areas listed in Clause 3.3 of the LEP 2012. - The planning proposal does not reduce environmental protection standards.
2.2 Coastal Protection	Not applicable	Not applicable
2.3 Heritage Conservation	Planning proposal must incorporate provisions for conservation of European and Aboriginal heritage items or places.	Consistent LZN, MLS, HOB, LRA, APU and HER maps - Item K: Minor adjustment of heritage map and update Schedule 5 with new lot and DP. LEP Clause 5.10 Heritage Conservation applies. - Other sites/items not applicable. Heritage items - Discussed above. Land Use Table - Not applicable.
2.4 Recreation Vehicle Areas	Not applicable	Not applicable
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	The planning proposal must: - Broaden the choice of housing types and locations. - Make efficient use of existing infrastructure and services. - Reduce consumption of land. - Housing of good design. - Residential development not permitted until land is adequately serviced. - Not contain provisions that will reduce residential density.	Consistent LZN, MLS, HOB, LRA, APU and HER maps - Item C: These lots are not suitable for residential development and they are part of the Tucki Tucki Creek Reserve. The proposed change from residential zone to public recreation reflects the current use of the Council owned land. - Items B, D & E: Minor realignment of Zone boundaries for consistency with recent subdivisions. - Item I: Proposed application of 5000m² MLS to replace APU mapping. The proposal maintains the status quo of the residential development potential of the site. - Item J: minor realignment of heritage mapping for consistency with recent boundary adjustment - Other sites/items not applicable. Heritage items - Discussed above. Land Use Table - Not applicable.
3.2 Caravan Parks and Manufactured Home Estates	- Retain provisions that permit development of caravan park. - Appropriate zone for existing caravan parks.	Consistent LZN, MLS, HOB, LRA, APU and HER maps - No decrease in potential for the development of caravan parks. Heritage items - Not applicable Land Use Table - Consistent
3.3 Home Occupations	The Planning Proposal must permit home occupations in dwelling houses without development consent.	Consistent LZN, MLS, HOB, LRA, APU and HER maps Consistent

Ministerial Directions	Requirements	Compliance
		Heritage items - Consistent Land Use Table - SEPP (Exempt and Complying Development Codes) 2008 provides for home occupations as Exempt Development. Development. Consent is not required for home occupations under LEP 2012 in rural, residential, business or industrial zones.
3.4 Integrating Land Use and Transport	A Planning Proposal must locate zones for urban purposes and include provisions that give effect to: - Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and - The Right Place for Business and Services – Planning Policy (DUAP 2001)	Consistent LZN, MLS, HOB, LRA, APU and HER maps - The proposed zone changes involve both urban and rural locations. The zones are proposed to update maps and correct anomalies. - All of the proposed urban zone changes are located adjacent to existing transport networks in close proximity to services. - The proposed urban zone changes are of a small scale. Heritage items - Consistent Land Use Table - Consistent
3.5 Development Near Licensed Aerodromes	A planning proposal in the vicinity of a licensed aerodrome is to be: - Referred to Civil Aviation Safety Authority and the lessee of the aerodrome. - Take into consideration the Obstacle Limitation Surface (OLS). - Prepare standards such as height if land is affected by OLS. - Obtain permission from CASA where the planning proposal allows, as permissible with consent, development that encroaches above the OLS. Permission must be obtained prior to public exhibition. - Not rezone land for various listed noise sensitive land uses where the ANEF exceeds specified thresholds.	Not applicable
3.6 Shooting Ranges	Not applicable	Not applicable
4. Hazard and Risk		
4.1 Acid Sulfate Soils	(6) A Council shall not prepare a draft LEP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the Council has considered an acid sulfate	Consistent LZN, MLS, HOB, LRA, APU and HER maps - Item A: some areas of class 5 acid sulfate soils. Minor zone change to realign zone boundaries with LPI updated cadastre in the location. - The change in zone will not allow more intensification of land use.

Ministerial Directions	Requirements	Compliance
	soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.	• LEP 2012 clause 6.1 Acid Sulfate Soils provides relevant controls. • Other items not applicable. Heritage items • Not applicable. Land Use Table • Not applicable
4.2 Mine Subsidence and Unstable Land	• Applies to mine subsidence areas. • Applies to areas identified as unstable.	Consistent LZN, MLS, HOB, LRA, APU and HER maps • The land proposed for rezoning is not within a mine subsidence area. • Council records indicate that the land proposed for rezoning is not constrained by mass movement or known appreciable erosion events. Heritage items • Not applicable Land Use Table • Not applicable
4.3 Flood Prone Land	(5) 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. (6) A draft LEP shall not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (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.	Consistent LZN, LSZ & HOB maps • Item F is the only site located in the flood Planning area. The amendment is proposed to realign the zone boundaries after a recent LPI cadastral update. Zone W2 Recreational Waterways is proposed to change to both Zone RE1 Public recreation and Zone RU2 Rural Landscape. Heritage items • Not applicable. Land Use Table • Consistent
4.4 Planning for Bushfire Protection	A Planning Proposal in bush fire prone land: • Is to be referred to the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination prior to community consultation.	Consistent • Council is required under section 117 of the EP&A Act 1979, Ministerial Direction 4.4 to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and take into account any comments made. • Bush fire hazard reduction authorised under the Rural Fires Act 1997 can be carried out on any land without development consent.

Ministerial Directions	Requirements	Compliance
	- Have regard to 'Planning for Bush Fire Protection 2006'. - Restrict inappropriate development from hazardous areas. - Ensure bush fire hazard reduction is not prohibited within the APZ.	LZN, LSZ & HOB maps - Several proposed rezoning sites are bush fire prone, however, the proposed amendments are minor in nature and do not increase the development potential. Heritage items - Not applicable Land Use Table - Not applicable
5. Regional Planning		
5.1 Regional Strategies	The Planning Proposal must be consistent with the Far North Coast Regional Strategy.	Consistent The Planning Proposal is consistent with the North Coast Regional Plan (refer to Appendix 1).
5.2 Sydney Drinking Water Catchments	Not applicable	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	The Planning Proposal must not re-zone land mapped as State or regionally significant farmland for urban or rural residential purposes.	Justified inconsistency LZN maps - Item D is the only site identified as regionally significant farmland. The proposed zone boundary realignment is required for consistency with a recent LPI cadastral update. The zone change involves minor area of Zone RE1 changing to Zone R1; and Zone W1 changing to Zone RE1. The proposed zone change is insignificant. Moreover the land involved is identified as urban growth area in the North Coast Regional Plan 2036 (Figure 16, p 67). Heritage items - Not applicable Land Use Table - Not applicable
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
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	Consistent There are no referral or concurrence requirements in the planning proposal. The proposal does not identify development as designated development.

Ministerial Directions	Requirements	Compliance
	General of the Department of Planning & Environment. Not identify development as designated development unless justified.	
6.2 Reserving Land for Public Purposes	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DP&E.	Consistent LZN, LSZ, HOB, LRA, APU and HER maps - Items B, C, D, E & F involves Zone RE1 mapping amendments. - Items B, D and F involves correction of minor mapping anomalies - Item C involves the creation of additional Zone RE1 to more accurately reflect the use of the land. The land is Council owned. - Item E involves the reconfiguration of Zone RE1 after recent Council acquisition of land in this location. The reconfiguration of Zone RE1 reflects the land use. Zone RE1 is only proposed for Council owned land. - Approval of the Director General is sought Heritage items - Not applicable Land Use Table - Not applicable
6.3 Site Specific Provisions	A planning proposal to allow a particular land use (residential development) must rezone the site to an existing zone already applying to the LEP that allows the land use, without additional development standards to those already in use in that zone.	Not applicable
7. Metropolitan Planning		
7.1 Metropolitan Strategy	Not applicable	Not applicable